



# BILLET D'ÉTAT

WEDNESDAY, 30th OCTOBER 2013

XX  
2013

## Volume 1

1. Home Department - The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013<sup>a</sup>, p. 1681
2. Commerce and Employment Department - Maritime Labour Convention Legislation<sup>b</sup>, p. 1689
3. The Prison (Guernsey) Ordinance, 2013, p. 1715
4. The Electronic Census (Guernsey) Ordinance, 2013, p. 1715
5. The Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2013, p. 1715
6. The Housing (Control of Occupation) (Extension) Ordinance, 2013, p. 1715
7. The Copyright and Performers' Rights (Bailiwick of Guernsey) (Amendment) Ordinance, 2013, p. 1715
8. Policy Council - States Support for the Concept of a Guernsey Based University of the Channel Islands, p. 1716
9. Policy Council - European Communities Law - Definition of Community Treaties, p. 1738
10. Education Department - Transforming Primary Education, p. 1742

<sup>a</sup>Accompanying Projet de Loi entitled "The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013"

<sup>b</sup>Accompanying Ordinance "The Seafarer Recruitment and Placement Services (Maritime Labour Convention 2006) (Guernsey and Alderney) Ordinance, 2013"

# BILLET D'ÉTAT

---

## TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

---

I hereby give notice that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **30th OCTOBER, 2013** at **9.30 a.m.**, to consider the items contained in this Billet d'État which have been submitted for debate.

R. J. COLLAS  
Bailiff and Presiding Officer

The Royal Court House  
Guernsey

20<sup>th</sup> September 2013

## HOME DEPARTMENT

### THE CRIMINAL JUSTICE (SEX OFFENDERS AND MISCELLANEOUS PROVISIONS) (BAILIWICK OF GUERNSEY) LAW, 2013

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

15<sup>th</sup> July 2013

Dear Sir

#### **Executive Summary**

1. This supplementary States Report requests policy approval for further proposals made by the Department and for the amendments made to the original proposals set out in the Department's States Report of 10<sup>th</sup> May 2011, entitled 'Sexual Offences Legislation', which was approved by the States on 27<sup>th</sup> July 2011 (Billet D'Etat XIII).

The further proposals and amendments are in relation to:

- (a) The application of a minimum notification period for those convicted or cautioned for a relevant sexual offence;
- (b) The role of a statutory office holder to determine whether a person subject to the notification requirements (a "notifier") should continue to be subject to them after the expiry of the minimum period;
- (c) Additional powers of the Police to enter premises in order to verify if the address given by a notifier is in fact the notifier's home address, to ascertain if there is a person at the notifier's home address who is at risk of harm from the notifier and to ascertain if there is an object which the notifier is not permitted to possess at an address notified by that person;
- (d) The inclusion of notifiers in the Multi Agency Public Protection Arrangements to be established on a statutory footing;
- (e) The ability of a court to direct that the right to anonymity of complainants would not apply in specified circumstances; and

- (f) Additional measures to protect complainants and other witnesses when giving evidence in criminal proceedings.

The further proposals and amendments are reflected in the accompanying Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 ("the draft Law").

### **Background**

2. The 2011 States Report identified the need to modernise and reform the sexual offences legislation and sought to achieve this by introducing:
  - New substantive legislation to criminalise inappropriate sexual behaviour which should be sanctioned by the courts;
  - Measures to assist and protect complainants or witnesses when attending court; and
  - Measures to protect the public and reduce the risk posed to vulnerable members of the community, such as a system of registration for sex offenders and a range of preventative civil orders.

The States approved the preparation of legislation to give effect to these proposals on 27 July 2011.

### **Additional Proposals**

3. The Sex Offenders Working Group, a cross Departmental Group whose responsibilities will be impacted by the proposals, continued to consider their practical application as drafting of the legislation progressed. In doing so, a number of minor amendments to the original proposals were identified which it was considered would assist in achieving the objectives set out in paragraph 2. The following sets out these additional recommendations.

### **Notification Period**

4. In its States Report of 10<sup>th</sup> May 2011, the Department proposed at paragraph 57 that:

*“a court which convicts a person of a relevant offence will specify the period of notification required of that offender. Unless the court is satisfied that there is an exceptional reason why a shorter period would be appropriate, the period of notification will be at least 5 years. The period of required notification will take into account the likelihood of the person reoffending, and the seriousness of any relevant sexual offence committed. Where a person has been cautioned for a relevant sexual offence, the period or required notification will be 2 years.”*

During the drafting of the legislation this proposal was revisited as it was acknowledged that the level of risk that an individual represents will normally

change over time. It may therefore be extremely difficult for a sentencing court accurately to assess how long a person should be subject to notification requirements in order to mitigate the level of risk presented.

The draft Law therefore proposes that –

- (a) where a court sentences a person for a relevant offence, or
- (b) where the court certifies an offence was sexually aggravated,

unless it is satisfied that there is a reason why a shorter period would be appropriate, the minimum period for which that person will be subject to the notification requirements must be at least 5 years. Where a person becomes subject to the notification requirements by being cautioned, the minimum period during which that person is subject to notification requirements shall be 2 years.

### **Removal from the Requirement to Register**

5. The 2011 States Report stated at paragraph 64 that:

*“Removal from the register will be an executive decision after the period specified has expired. Responsibility for registering, monitoring, and deregistering offenders will fall to the Police and Probation Service.”*

The implication of the proposal set out in paragraph 4 of this States Report is that, after the expiry of the minimum notification period determined by the court, the notifier will remain subject to the requirements until it is no longer necessary for the purpose of protecting the public from sexual harm that the notifier should remain subject to them.

The Department’s initial proposals recommended that the final decision about continued notification would be made collectively by the Police and Probation Service. It is recognised that clearly defined responsibilities should be established to ensure that this process is clear and robust. It is now considered that the most effective way of doing this is to give the statutory responsibility to determine reviews to a single office holder, the Chief Officer of Police, which is best practice in England and Wales.

It is therefore proposed that, on expiry of the minimum term, a notifier may apply to the Chief Officer of Police for the obligation to notify to be removed. The Chief Officer of Police will be informed in his decision making by the provision of any relevant information held by the Probation Service and the Prison, in addition to any information already held by the Police.

The Chief Officer of Police will then determine whether the notifier should continue to be subject to notification requirements. If this application is unsuccessful, the notifier may thereafter apply on an annual basis. This process

is in line with the proposals contained within the 2011 States Report in that the decision remains with the executive; however, it is proposed that the Probation Service and the Prison will provide both the relevant information in relation to the notifier and a professional opinion to the final decision maker, the Chief Officer of Police.

### **Police powers of entry**

6. Paragraph 60 of the 2011 States Report proposed that the Police should have the power to verify information provided by the notifier by comparing it against information held by other States Departments. It was identified that it may not be possible adequately to verify a notifier's home address through the sharing of information in this way. While it was acknowledged that the Police may enter a property under the provisions provided for by PPACE, it is considered that specific powers of entry and search should be created due to the limitations on the basis for entry in PPACE.

To address this matter, the draft Law permits the Bailiff to issue a warrant authorizing a police officer to enter a property where there are reasonable grounds to believe –

- (a) that the home address provided by the notifier is false and searching the property in question is the only practical means of establishing the notifier's correct home address;
- (b) that at the home address provided by the notifier there is a person who is at risk of harm from the notifier; or
- (c) that at the home address or any other address provided by the notifier there is an object which the notifier is not permitted to possess.

### **Monitoring and Management of Relevant Offenders**

7. Multi Agency Public Protection Arrangements (MAPPA) have been in place in Guernsey for over 10 years. Agencies share information about high-risk offenders and devise robust defensible plans to manage the level of risk posed by each individual. The MAPPA process is not limited to managing the risk presented by sexual offenders, but also extends to high risk violent and other offenders who are assessed as having the potential to cause significant harm to the public.

The significance of the MAPPA process to the draft Law is that it provides the process by which all relevant offenders are monitored.

It was implied in the 2011 States Report that those subject to notification requirements should also be subject to the MAPPA process, with the level of

monitoring dependent upon the assessed risk. The current proposal clarifies the intention to include notifiers in the MAPPA process on a statutory basis.

### **Anonymity of Complainants**

8. Paragraph 47 of the 2011 States Report recommended that complainants be afforded anonymity to encourage them to come forward and report sexual allegations to the Police. This would prohibit the disclosure of any information which could be used to identify the complainant.

It is further proposed that a court should have the power to direct that this right to anonymity should be displaced where such a direction is necessary to encourage witnesses to come forward and the defendant's defence at the trial would be substantially prejudiced if the direction is not given.

It is also recommended that where a complainant requests that the right to anonymity is waived, the court should be able to direct that it no longer applies to the complainant. This proposal has been included to accommodate circumstances for example where a complainant wishes to speak to the media as part of a campaign to help other victims of sexual offences. Under the proposals contained in the earlier States Report, any person reporting such a story, even with the victim's consent, would technically be committing an offence.

### **Cross-examination of and evidence in relation to complainants**

9. As noted above one of the objectives set out in the 2011 States Report was the introduction of measures to assist and protect complainants or other witnesses when giving evidence and it set out a number of proposals that would assist in achieving this aim.

During the drafting of the legislation, it was identified that there was the potential for an unrepresented defendant to cross-examine a complainant or other witness to a relevant sexual offence. Consequently, it was acknowledged that this may adversely influence the decision of a complainant to pursue a complaint or adversely influence the quality of the evidence given by that person or another witness. It is therefore proposed to prohibit an unrepresented defendant in a prosecution for a relevant sexual offence from cross-examining a complainant or other witness. In order to allow the evidence of complainants or other witnesses to be tested, the defendant would be invited to instruct an Advocate to carry out the cross-examination or, where that was refused, the court would appointed one to represent the interests of the defendant.

It is further recommended that evidence or questions in relation to the previous sexual experience or activity, or lack of such experience or activity, should only be permitted where the court has given leave for it to be tendered or asked. The court could only give leave where it was satisfied that –

- (a) the evidence or question has significant probative value to a fact in issue or to credit;
- (b) the evidence is of, or the question is in relation to, specific instances of sexual experience or activity;
- (c) the evidence or question has significant probative value that is not substantially outweighed by the danger of prejudice to the proper administration of justice (taking into account factors such as the interests of justice and whether there is a reasonable prospect that the evidence or question will assist in arriving at a just determination in the case); and
- (d) the appropriate procedural requirements had been satisfied.

This would allow the court to permit evidence or a question where it was both significant and relevant, and where it would not be outweighed by other important factors in the administration of justice.

Further provisions would prohibit a general attack on the complainant's sexual activity or experience with the inference that, given that activity or experience, the complainant is more likely to have consented or is less likely of belief would also be prohibited.

### **Resources**

- 10. The Department does not anticipate that these proposals will result in any additional expenditure from that outlined in its original Report of 2011.

### **Consultation**

- 11. This States Report has been prepared in close consultation with HM Procureur and relevant States Departments and other relevant and interested parties including; the Social Policy Group, Members of the Child Protection Committee, the States of Alderney and Sark Chief Pleas who were supportive of the recommendations.

The Law Officers have been consulted and their comments have been incorporated in this Report.

### **Principles of Good Governance**

- 12. The Proposals made in this States Report are in accordance with the Principles of Good Governance as outlined in Billet D'État IV of 2011, particularly Principle 1 "focusing on the organisation's purpose and on outcomes for citizens and service users" and Principle 4 "taking informed, transparent decisions and managing risk."

### **Recommendation**

13. The Home Department recommends that the States approve The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 which accompanies this States Report and includes the following proposals:
- (a) The application of a minimum notification period for those convicted or cautioned for a relevant sexual offence;
  - (b) The role of a statutory office holder to determine whether a person subject to the notification requirements (a "notifier") should continue to be subject to them after the expiry of the minimum period;
  - (c) Additional powers of the Police to enter premises in order to verify if the address given by a notifier is in fact the notifier's home address, to ascertain if there is a person at the notifier's home address who is at risk of harm from the notifier and to ascertain if there is an object which the notifier is not permitted to possess at an address notified by that person;
  - (d) The inclusion of notifiers in the Multi Agency Public Protection Arrangements to be established on a statutory footing;
  - (e) The ability of a court to direct that the right to anonymity of complainants would not apply in specified circumstances; and
  - (f) Additional measures to protect complainants and other witnesses when giving evidence in criminal proceedings.

These are in addition to those recommendations contained within the Department's Report dated 10<sup>th</sup> May 2011, entitled "Sexual Offences Legislation" which was approved by the States on 27<sup>th</sup> July 2011.

Yours faithfully

J P Le Tocq  
Minister  
Home Department

F W Quin (Deputy Minister)  
M K Le Clerc  
M M Lowe  
A M Wilkie

Mr A Ozanne, non-States Member

**(NB As there are no resource implications in this Report, the Treasury and Resources Department has no comments to make.)**

**(NB The Policy Council supports the Report.)**

The States are asked to decide:-

I.- Whether, after consideration of the Report dated 15<sup>th</sup> July, 2013, of the Home Department, they are of the opinion:-

1. To agree the proposals set out in that Report as follows:
  - (a) the application of a minimum notification period for those convicted or cautioned for a relevant sexual offence;
  - (b) the role of a statutory office holder to determine whether a person subject to the notification requirements (a "notifier") should continue to be subject to them after the expiry of the minimum period;
  - (c) additional powers of the Police to enter premises in order to verify if the address given by a notifier is in fact the notifier's home address, to ascertain if there is a person at the notifier's home address who is at risk of harm from the notifier and to ascertain if there is an object which the notifier is not permitted to possess at an address notified by that person;
  - (d) the inclusion of notifiers in the Multi Agency Public Protection Arrangements to be established on a statutory footing;
  - (e) the ability of a court to direct that the right to anonymity of complainants would not apply in specified circumstances; and
  - (f) additional measures to protect complainants and other witnesses when giving evidence in criminal proceedings.
2. To approve the draft Projet de Loi entitled "The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013" and to authorise the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

## COMMERCE AND EMPLOYMENT DEPARTMENT

### MARITIME LABOUR CONVENTION LEGISLATION

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

16<sup>th</sup> July 2013

Dear Sir

#### 1. Executive Summary

1.1 This Report recommends that the States approve the making of an Ordinance in the attached form under the Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012 ("the enabling Law"), to give domestic effect to the requirements of Regulation 1.4 of the Maritime Labour Convention, 2006 ("the Convention") in Guernsey and Alderney. Regulation 1.4 is concerned with the regulation of seafarer recruitment and placement services (or "manning agencies"). Background information on the Convention, the reasons why Guernsey does not currently intend to seek its extension to the Bailiwick, and a broad explanation of why an Ordinance of this type is considered necessary, have been put before the States already, being set out in the States Report from this Department recommending the making of the enabling Law. A copy of that Report, which the States approved in November 2012, is appended to this Report for ease of reference.

1.2 As explained therein:

*"Regulation 1.4 of the Convention is particularly important for Guernsey, as it provides, inter alia, that contracting States must ensure that, in respect of seafarers who work on ships that fly their flag, shipowners who use manning agencies based in other, non-contracting states must ensure that those services conform to the Regulation's requirements. There are several large manning agencies based in Guernsey, employing sizeable numbers of local people, which place seafarers on other states' ships. If Guernsey does not have in place, when the Convention comes into force or shortly thereafter, provision that conforms to the requirements of Regulation 1.4, it is possible that those agencies would risk losing a significant chunk of that business."*

The Convention comes into force on 20 August 2013.

- 1.3 As such, the purpose of the Ordinance is to ensure that local manning agencies do not lose business as a result of the Convention coming into force. The content of the legislation has been the subject of a thorough consultation exercise with local industry and the trade union Nautilus conducted in May and June, which included a constructive meeting with representatives of interested parties.
- 1.4 The permission of the Policy Council and the Presiding Officer have, exceptionally, been sought and obtained for the Ordinance (the Seafarer Recruitment and Placement Services (Maritime Labour Convention 2006) (Guernsey and Alderney) Ordinance, 2013) to be submitted together with this Report, for the reasons set out in paragraph 2.1 below, and the Department is grateful to them in this regard.

## 2. Background

### *Urgency*

- 2.1 If it is approved, by the time the Ordinance comes into force – the Department intends to commence it immediately - the Convention will have been in force for several months. The first few months after the Convention comes into force are expected to be a "bedding-in" period for the Convention, with lee-way expected regarding enforcement, and a year-long period of grace as regards some aspects of the Convention (though not Regulation 1.4) has been agreed between contracting states. Affected local businesses are, as the Department has recommended, undergoing voluntary audits for Regulation 1.4 compliance purposes, so that they are in a position to provide any ship-owners or other interested parties with documentation, should the question of compliance be raised in this initial period, and the Department understands that they are confident that this will be sufficient in the short term. Nevertheless, the prudent course is clearly to get robust domestic legislation in place as soon as possible, which is why the Department has sought permission for the Ordinance and this Report to be submitted before the States together.

### *The Department's approach to giving domestic effect to the Regulation*

- 2.2 The broad approach of the Department to the preparation of this legislation has been that it should ensure that the requirements of Regulation 1.4 are met, but no more than that. There is no wish to "goldplate" its requirements, nor to impose unnecessary burdens or costs on industry. The Ordinance provides for the charging of fees, so that the Department can recover its costs in administering the proposed scheme; but it is hoped and expected that these can be relatively modest, and there is no desire to see this as a money-making opportunity for the Department or the States as a whole.

### 3. The Ordinance

3.1 Following consideration by the Department of the feedback from the consultation, and after having consulted the Law Officers, the Ordinance has been prepared to provide in particular for the following:

- a mandatory system of registration and inspection for employment agencies and employment businesses that recruit and place seafarers on ships that fall within the scope of the Convention, including powers for the Department to charge fees, and to suspend and revoke registration in certain defined circumstances;
- the placing of restrictions and obligations on employment agencies and employment businesses, including (but not limited to):
  - a prohibition on the use of lists and other mechanisms intended to prevent or deter seafarers from gaining employment for which they are qualified ("blacklists"),
  - provisions relating to the keeping of records, responding to complaints, and the repatriation of seafarers, and
  - a duty to ensure a system of protection is in place (by way of insurance or otherwise) to compensate seafarers for monetary loss incurred as a result of failures on the part of the agency, business or ship-owner to meet their obligations to seafarers;
- an appropriate regime for appeals against certain decisions of the Department;
- a proportionate system of enforcement and, where appropriate and proportionate, associated criminal penalties; and
- appropriate incidental and transitional provisions, including provisions aimed at ensuring that businesses operating through legitimate multi-company structures do not incur unnecessary costs and burdens.

3.2 The Department recognises that most relevant employment agencies and employment businesses have existing relationships with organisations with the expertise to conduct the required inspections, and freely acknowledges that currently it lacks significant capacity itself in this area. Accordingly, the Ordinance provides for persons approved by the Department for this purpose to be permitted to conduct inspections, in addition to Departmental officers.

3.3 The Ordinance also reflects the fact that, as described above, the Department expects and understands that the majority of affected agencies and businesses have already undergone voluntary inspection by Certifying Authorities and other suitable persons for the purposes of certifying compliance with the requirements of Regulation 1.4; and it would expect all of them to have done so by the time the Convention comes into force on 20 August. Where such an inspection has recently been carried out by an approved person, the Department has no wish to

make the agency or business incur unnecessary expense by undergoing another inspection on the coming into force of the Ordinance, and the Ordinance contains suitable provision in this respect.

#### **4. Costs/Resources**

- 4.1 Resources will be required to review and consider applications and to issue certificates of compliance. There will be a charge for this service which would be based on the cost of providing the service. Therefore the impact on States' finances is expected to be minimal.
- 4.2 It is envisaged that the work could be carried out with the existing staff resources.
- 4.3 Should the Department be called upon to carry out audits of manning agencies directly (i.e. the agency has not been audited by a recognised certifying authority), this would incur a charge, again based on cost recovery, ensuring no additional financial implications for the States of Guernsey.

#### **5. Consultation**

- 5.1 The Department has consulted the relevant authorities in Alderney on the Ordinance, and they have confirmed that they are content.
- 5.2 The relevant authorities in Sark were consulted during the preparation of the enabling Law. That Law has not yet been commenced in Sark. As such, and because it is the Department's understanding that there are currently no manning agencies on Sark that stand to be affected by Regulation 1.4 in any event, the decision has been taken to push ahead with getting the substantive Ordinance in place in Guernsey and Alderney. Working with the relevant authorities on Sark, the Department will be seeking for the Law to be commenced there in the near future and an Ordinance, in essentially identical terms under the enabling Law, to be introduced, so that appropriate domestic legislation extends to the whole Bailiwick.
- 5.3 As mentioned above, the Department conducted a detailed consultation with industry, organizations representing seafarers and other interested parties in May and June 2013.
- 5.4 In view of the specialist nature of this subject it was not expected that there would be a significant number of respondents. Eight responses were received: six were from the major service providers on the Island, one from the Nautilus trade union (one of the largest unions representing seafarers), and one from a States Deputy.
- 5.5 A follow up meeting was held on Tuesday, 25 June at which all but one respondent were in attendance. The discussions at that meeting were

constructive and usefully supplemented the written responses. Full consideration has been given to all responses, and adjustments to the detailed policy underpinning the Ordinance will be made where appropriate.

- 5.6 The Law Officers have been closely involved in the formulation of the proposals set out in this Report.
- 5.7 The Department believes that it has fully complied with the six principles of good governance in the public services in the preparation of this Report (set out in Billet D'État IV, 2011 and approved by the States).

### **Recommendations**

6. The Department recommends that the States:
- a) Approves the proposals set out in section 3 of this Report; and
  - b) Approves the Ordinance entitled "The Seafarer Recruitment and Placement Services (Maritime Labour Convention 2006) (Guernsey and Alderney) Ordinance, 2013".

Yours faithfully

K A Stewart  
Minister

A Brouard  
Deputy Minister

L Queripel  
D De Lisle  
M Hadley  
States Members

Advocate T Carey  
Non States Member

## APPENDIX

**COMMERCE AND EMPLOYMENT DEPARTMENT****MARITIME LABOUR CONVENTION – ENABLING LEGISLATION**

The Chief Minister  
 Policy Council  
 Sir Charles Frossard House  
 La Charroterie  
 St Peter Port

11<sup>th</sup> September 2012

Dear Sir

**1. Executive Summary**

- 1.1 This Report proposes that the States approve a Bailiwick-wide Projet de Loi in the form of an enabling Law to give the States the power to make Ordinances to regulate employment agencies in the Bailiwick generally, and in particular to give domestic effect to Regulation 1.4 of the Maritime Labour Convention, 2006 ("the Convention"). This provision requires contracting states to regulate seafarer recruitment and placement services - commonly known as manning agencies - in their territory.
- 1.2 The Convention will come into force on 20<sup>th</sup> August 2013. All maritime administrations with significant tonnages of shipping on their Registers are signatories to it or are expected to have it extended to them, including the United Kingdom. Guernsey has a comparatively small shipping Register, albeit one with a proud tradition, and the Public Services Department and the Law Officers are currently considering, in consultation with the UK's Maritime and Coastguard Agency, whether to seek the extension of the Convention to the Bailiwick, or whether our shipping and other commercial interests, the rights of our seafarers, and our reputation, can properly be protected by taking practical steps that fall short of formal extension.
- 1.3 While it is hoped that most of the Convention's provisions can be addressed without the need for further legislation the Law Officers have advised that legislation will be required to implement Regulation 1.4, and have recommended that the legislation take the form of an enabling Law. Such legislation would allow an Ordinance to be made in the normal way in due course giving substantive effect to the provisions of that Regulation, and also to address wider problems that the Commerce and Employment Department ("the Department") has experienced with a small minority of manning agencies based in Guernsey (discussed further in paragraph 3.1.3). It would also give the States

the power to regulate employment agencies with no link to shipping in the future by Ordinance should they so decide, without the need for further primary legislation, though the Department has no intention to propose such wider regulation at the present time.

- 1.4 Regulation 1.4 of the Convention provides, *inter alia*, that contracting states must ensure, in respect of seafarers who work on ships that fly their flag, that shipowners using the services of manning agencies based in other, non-contracting states, must ensure that those services conform to the Regulation's requirements. The importance of this for the Island is that there are several large maritime manning agencies based in Guernsey, employing sizeable numbers of local people, which place many thousands of seafarers on other states' ships. If Guernsey does not have, when the Convention comes into force or shortly thereafter, provisions in place that conform to the requirements of Regulation 1.4, it is possible that those agencies could lose a significant part of that business putting at risk employment, income and the Island's reputation as a reputable and properly regulated service provider.
- 1.5 To enable the relevant domestic legislation to be in place when the Convention comes into force in August 2012, the Law Officers recommend that it be made as soon as possible, and the Department accepts and supports that recommendation.
- 1.6 Policy regarding the Convention is within the mandate of the Public Services Department and Guernsey Harbours; however, policy in relation to employment agencies is within the Department's mandate, which is why it is sponsoring this legislation, in consultation and co-operation with the Public Services Department, Guernsey Harbours and the Law Officers.

## **2. The Convention**

- 2.1 The Convention is intended to provide comprehensive rights and protection at work for the world's more than 1.2 million seafarers. It sets out seafarers' rights to decent conditions of work on a wide range of subjects, and aims to be globally applicable, easily understandable, readily updatable and uniformly enforced. It has been designed to become a global instrument known as the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO).
- 2.2 Many of the Convention's provisions are relevant only to ships that are bigger than those allowed on the Guernsey Register. The Department is advised by Guernsey Harbours and the Law Officers that, in their view, the majority of the Convention provisions relevant to a Category 2 shipping administration such as Guernsey may be given effect by adoption in Bailiwick legislation of relevant provisions within a new composite small ships code that is currently being developed by the UK's Maritime and Coastguard Agency (MCA), with

concomitant expanded ship inspections, avoiding the need to draft significant amounts of new legislation. The only exception that has been identified at present is Regulation 1.4, which deals with recruitment and placement.

- 2.3 Regulation 1.4 states that its purpose is "*To ensure that seafarers have access to an efficient and well-regulated seafarer recruitment and placement system*". It goes on to provide that such a system "*shall be operated only in conformity with a standardized system of licensing or certification or other form of regulation*." Lawyers from the United Kingdom's Department for Transport have advised that a voluntary system of regulation would not meet the requirements of the Convention, as had been hoped, and that legislation is required to ensure compliance. As a result, Red Ensign Group administrations, including Guernsey, are now considering how best to give legislative effect to the Regulation's provisions, the economic importance of which to the Bailiwick is explained in paragraph 1.4 above. The text of the Regulation is set out in the Annex to this Report.

### **3. Addressing the issue by enabling legislation**

- 3.1 The Department's proposal is for the approval of enabling legislation, rather than a narrower provision addressing only the Convention requirements, for several reasons.
- 3.1.1 The Law Officers advise that to make enabling primary legislation now, and to prepare a substantive Ordinance thereunder afterwards, affords the greatest chance of having the necessary provisions in place in our domestic legislation when the Convention comes into force. This is because such legislation need not address policy detail and so can be drafted relatively quickly - in this case it has been drafted already - allowing it to be transmitted to London for scrutiny and Royal Sanction much faster than would be the case if the primary legislation had to address the implementation of the specific requirements of Regulation 1.4. In the meantime, the substantive Ordinance to be made under it, which will address that detail, can be drafted and considered in slower time, and be the subject of appropriate industry consultation. When the Law is then registered on the records of the Island and commenced, the Ordinance can be made and come into force effectively simultaneously.
- 3.1.2 An enabling Law would give the States the power in the future to regulate employment agencies generally, or other areas within that sector, by Ordinance, without the need to approve further primary legislation to do so, which would enable legislation to put in place significantly more quickly if the need arose. The Department, as stated in the Executive Summary, has no current intention to propose the regulation of employment agencies generally; but as primary legislation is required to address the narrow issue of compliance with the Convention, it seems sensible to take the opportunity to give the States the power to legislate in this area by Ordinance in the future.

- 3.1.3 Moreover, while the majority of manning agencies based in the Bailiwick are reputable businesses operating to high standards, there have in recent years been cases of bad practice by a small number of agencies, at least one of which has resulted in litigation. The Department thinks it appropriate to take this opportunity to address this issue - to reduce reputational risk to the Bailiwick, to ensure that only the highest standards apply in respect of Bailiwick businesses in this sector, and to reduce the risk of seafarers suffering unacceptable loss and prejudice. The type of requirements set out in Regulation 1.4 and to be addressed in an Ordinance made under the enabling Law would be of direct relevance for that purpose, but the flexibility afforded by an enabling Law would allow provisions that go beyond the strict requirements of Regulation 1.4 if policy analysis shows that to be necessary.

#### **4. Costs/Resources**

- 4.1 Subject to what is said in paragraph 4.2 below, the making of an enabling Law as proposed in this Report will have no implications for costs or resources.
- 4.2 The making of an Ordinance under that Law, including an Ordinance regulating manning agencies to ensure compliance with the Convention as discussed in this Report, could have such implications, though the Department would expect them to be minor. That would be addressed in the relevant Report in the normal way.

#### **5. Consultation**

- 5.1 The Department is advised that the Public Services Department and Guernsey Harbours have consulted with the relevant authorities in Alderney and Sark, who are aware of the need to ensure that the Convention is given domestic effect and support the making of a Projet de Loi in the terms attached.
- 5.2 The Department is advised that the Public Services Department and Guernsey Harbours are satisfied that the majority of manning agencies based in the Bailiwick are aware of the Convention and support measures being taken to give appropriate effect to Regulation 1.4. A more detailed consultation with industry will be conducted in the course of the preparation of the relevant subordinate legislation.
- 5.3 The Law Officers have been closely involved in the formulation of the proposals set out in this Report and support the legislation proposed.
- 5.4 The United Kingdom Department for Transport and the Ministry of Justice are fully conversant with the Bailiwick's proposals for the implementation of the Convention generally and this proposed legislation in particular.
- 5.5 The Department believes that it has complied fully with the six principles of corporate governance in the preparation of this States Report.

## **6. Legislation**

- 6.1 Due to the need to have enabling legislation in place as soon as possible, for the reasons set out in paragraph 3.1.1, the Department has sought the approval of the Policy Council and the Presiding Officer for this Report and the Projet de Loi to appear in the same Billet d'État. The Department is grateful to the Policy Council and the Presiding Officer for their consent in this regard.

## **7. Recommendations**

- 7.1 The Department recommends that the States:
1. Approves the proposals set out in Section 3 of this Report, and
  2. Approves the Projet de Loi entitled the Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012.

Yours faithfully

K A Stewart  
Minister

A Brouard  
Deputy Minister

L Queripel  
D De Lisle  
M Hadley  
States Members

## Annex

### REGULATION 1.4 OF THE MARITIME LABOUR CONVENTION, 2006

#### ***Regulation 1.4 – Recruitment and placement***

*Purpose: To ensure that seafarers have access to an efficient and well-regulated seafarer recruitment and placement system*

1. All seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer.

2. Seafarer recruitment and placement services operating in a Member's territory shall conform to the standards set out in the Code.

3. Each Member shall require, in respect of seafarers who work on ships that fly its flag, that shipowners who use seafarer recruitment and placement services that are based in countries or territories in which this Convention does not apply, ensure that those services conform to the requirements set out in the Code.

#### *Standard A1.4 – Recruitment and placement*

1. Each Member that operates a public seafarer recruitment and placement service shall ensure that the service is operated in an orderly manner that protects and promotes seafarers' employment rights as provided in this Convention.

2. Where a Member has private seafarer recruitment and placement services operating in its territory whose primary purpose is the recruitment and placement of seafarers or which recruit and place a significant number of seafarers, they shall be operated only in conformity with a standardized system of licensing or certification or other form of regulation. This system shall be established, modified or changed only after consultation with the shipowners' and seafarers' organizations concerned. In the event of doubt as to whether this Convention applies to a private recruitment and placement service, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned. Undue proliferation of private seafarer recruitment and placement services shall not be encouraged.

3. The provisions of paragraph 2 of this Standard shall also apply – to the extent that they are determined by the competent authority, in consultation with the shipowners' and seafarers' organizations concerned, to be appropriate – in the context of recruitment and placement services operated by a seafarers' organization in the territory of the Member for the supply of seafarers who are nationals of that Member to

ships which fly its flag. The services covered by this paragraph are those fulfilling the following conditions:

- (a) the recruitment and placement service is operated pursuant to a collective bargaining agreement between that organization and a shipowner;
- (b) both the seafarers' organization and the shipowner are based in the territory of the Member;
- (c) the Member has national laws or regulations or a procedure to authorize or register the collective bargaining agreement permitting the operation of the recruitment and placement service; and
- (d) the recruitment and placement service is operated in an orderly manner and measures are in place to protect and promote seafarers' employment rights comparable to those provided in paragraph 5 of this Standard.

4. Nothing in this Standard or Regulation 1.4 shall be deemed to:

- (a) prevent a Member from maintaining a free public seafarer recruitment and placement service for seafarers in the framework of a policy to meet the needs of seafarers and ship owners, whether the service forms part of or is coordinated with a public employment service for all workers and employers; or
- (b) impose on a Member the obligation to establish a system for the operation of private seafarer recruitment or placement services in its territory.

5. A Member adopting a system referred to in paragraph 2 of this Standard shall, in its laws and regulations or other measures, at a minimum:

- (a) prohibit seafarer recruitment and placement services from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified;
- (b) require that no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner; and

(c) ensure that seafarer recruitment and placement services operating in its territory:

- (i) maintain an up-to-date register of all seafarers recruited or placed through them, to be available for inspection by the competent authority;
- (ii) make sure that seafarers are informed of their rights and duties under their employment agreements prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;
- (iii) verify that seafarers recruited or placed by them are qualified and hold the documents necessary for the job concerned, and that the seafarers' employment agreements are in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;
- (iv) make sure, as far as practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port;
- (v) examine and respond to any complaint concerning their activities and advise the competent authority of any unresolved complaint;
- (vi) establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.

6. The competent authority shall closely supervise and control all seafarer recruitment and placement services operating in the territory of the Member concerned. Any licences or certificates or similar authorizations for the operation of private services in the territory are granted or renewed only after verification that the seafarer recruitment and placement service concerned meets the requirements of national laws and regulations.

7. The competent authority shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of seafarer recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers.

8. Each Member which has ratified this Convention shall, in so far as practicable, advise its nationals on the possible problems of signing on a ship that flies the flag of a State which has not ratified the Convention, until it is satisfied that

standards equivalent to those fixed by this Convention are being applied. Measures taken to this effect by the Member that has ratified this Convention shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the two States concerned may be parties.

9. Each Member which has ratified this Convention shall require that shipowners of ships that fly its flag, who use seafarer recruitment and placement services based in countries or territories in which this Convention does not apply, ensure, as far as practicable, that those services meet the requirements of this Standard.

10. Nothing in this Standard shall be understood as diminishing the obligations and responsibilities of shipowners or of a Member with respect to ships that fly its flag.

#### *Guideline B1.4 – Recruitment and placement*

##### Guideline B1.4.1 – Organizational and operational guidelines

1. When fulfilling its obligations under Standard A1.4, paragraph 1, the competent authority should consider:

- (a) taking the necessary measures to promote effective cooperation among seafarer recruitment and placement services, whether public or private;
- (b) the needs of the maritime industry at both the national and international levels, when developing training programmes for seafarers that form the part of the ship's crew that is responsible for the ship's safe navigation and pollution prevention operations, with the participation of shipowners, seafarers and the relevant training institutions;
- (c) making suitable arrangements for the cooperation of representative shipowners' and seafarers' organizations in the organization and operation of the public seafarer recruitment and placement services, where they exist;
- (d) determining, with due regard to the right to privacy and the need to protect confidentiality, the conditions under which seafarers' personal data may be processed by seafarer recruitment and placement services, including the collection, storage, combination and communication of such data to third parties;
- (e) maintaining an arrangement for the collection and analysis of all relevant information on the maritime labour market, including the current and prospective supply of seafarers that work as crew classified by age, sex, rank and qualifications, and the industry's requirements, the collection of data on age or sex being admissible only for statistical purposes or if

used in the framework of a programme to prevent discrimination based on age or sex;

- (f) ensuring that the staff responsible for the supervision of public and private seafarer recruitment and placement services for ship's crew with responsibility for the ship's safe navigation and pollution prevention operations have had adequate training including approved sea-service experience, and have relevant knowledge of the maritime industry, including the relevant maritime international instruments on training, certification and labour standards;
- (g) prescribing operational standards and adopting codes of conduct and ethical practices for seafarer recruitment and placement services; and
- (h) exercising supervision of the licensing or certification system on the basis of a system of quality standards.

2. In establishing the system referred to in Standard A1.4, paragraph 2, each Member should consider requiring seafarer recruitment and placement services, established in its territory, to develop and maintain verifiable operational practices. These operational practices for private seafarer recruitment and placement services and, to the extent that they are applicable, for public seafarer recruitment and placement services should address the following matters:

- (a) medical examinations, seafarers' identity documents and such other items as may be required for the seafarer to gain employment;
- (b) maintaining, with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by their recruitment and placement system, which should include but not be limited to:
  - (i) the seafarers' qualifications;
  - (ii) record of employment;
  - (iii) personal data relevant to employment; and
  - (iv) medical data relevant to employment;
- (c) maintaining up-to-date lists of the ships for which the seafarer recruitment and placement services provide seafarers and ensuring that there is a means by which the services can be contacted in an emergency at all hours;
- (d) procedures to ensure that seafarers are not subject to exploitation by the seafarer recruitment and placement services or their personnel with regard to the offer of engagement on particular ships or by particular companies;

- (e) procedures to prevent the opportunities for exploitation of seafarers arising from the issue of joining advances or any other financial transaction between the ship owner and the seafarers which are handled by the seafarer recruitment and placement services;
- (f) clearly publicizing costs, if any, which the seafarer will be expected to bear in the recruitment process;
- (g) ensuring that seafarers are advised of any particular conditions applicable to the job for which they are to be engaged and of the particular shipowner's policies relating to their employment;
- (h) procedures which are in accordance with the principles of natural justice for dealing with cases of incompetence or indiscipline consistent with national laws and practice and, where applicable, with collective agreements;
- (i) procedures to ensure, as far as practicable, that all mandatory certificates and documents submitted for employment are up to date and have not been fraudulently obtained and that employment references are verified;
- (j) procedures to ensure that requests for information or advice by families of seafarers while the seafarers are at sea are dealt with promptly and sympathetically and at no cost; and
- (k) verifying that labour conditions on ships where seafarers are placed are in conformity with applicable collective bargaining agreements concluded between a Ship owner and a representative seafarers' organization and, as a matter of policy, supplying seafarers only to shipowners that offer terms and conditions of employment to seafarers which comply with applicable laws or regulations or collective agreements.

3. Consideration should be given to encouraging international cooperation between Members and relevant organizations, such as:

- (a) the systematic exchange of information on the maritime industry and labour market on a bilateral, regional and multilateral basis;
- (b) the exchange of information on maritime labour legislation;
- (c) the harmonization of policies, working methods and legislation governing recruitment and placement of seafarers;
- (d) the improvement of procedures and conditions for the international recruitment and placement of seafarers; and

- (e) workforce planning, taking account of the supply of and demand for seafarers and the requirements of the maritime industry.

## PROJET DE LOI

## ENTITLED

**The Employment Agencies  
(Enabling Provisions) (Bailiwick of Guernsey) Law, 2012**

**THE STATES**, in pursuance of their Resolution of the \* day of \*, 2012<sup>1</sup>, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

**General power to make Ordinances regulating employment agencies.**

1. The States may by Ordinance make such provision as they think fit -
  - (a) to secure the proper conduct of employment agencies and employment businesses, and
  - (b) to protect the interests of persons availing themselves of the services of such agencies and businesses.

**Specific matters for which Ordinances may make provision.**

2. (1) An Ordinance under section 1 may, without limitation, make provision in relation to the following matters –
  - (a) requiring persons carrying on such agencies and businesses to keep records,
  - (b) prescribing the form of such records and the entries to be made in them,

---

<sup>1</sup> Article \* of Billet d'État No. \* of 2012.

- (c) prescribing qualifications appropriate for persons carrying on such agencies and businesses,
- (d) regulating advertising by persons carrying on such agencies and businesses,
- (e) safeguarding clients' money deposited with or otherwise received by persons carrying on such agencies and businesses,
- (f) restricting the services which may be provided by persons carrying on such agencies and businesses,
- (g) regulating the way in which and the terms on which services may be provided by persons carrying on such agencies and businesses, and
- (h) restricting or regulating the charging of fees by persons carrying on such agencies and businesses.

(2) An Ordinance under section 1 may implement the provisions, or any provision, of any relevant convention, treaty or agreement.

**General provisions as to Ordinances.**

3. (1) An Ordinance under this Law -
- (a) may be amended or repealed by a subsequent Ordinance hereunder, and
  - (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient (including, without

limitation, provision making consequential amendments to this Law and any other enactment).

(2) Any power to make an Ordinance under this Law may be exercised -

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised -

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions.

(3) Without prejudice to the generality of the foregoing provisions of this Law, an Ordinance under this Law -

(a) may, subject to subsection (4), make provision in relation to the creation, trial (summarily or on indictment) and punishment of offences and may (for the avoidance of

doubt) specify penalties which may be imposed by the courts,

- (b) may empower the Department, any other department, and any other body, to make or issue orders, rules, regulations, codes or guidance, for the purposes of this Law or any Ordinance made under it,
  - (c) may provide that no liability shall be incurred by any specified person or body in respect of anything done or omitted to be done in the discharge or purported discharge of any of their functions under the Ordinance unless the thing is done or omitted to be done in bad faith,
  - (d) may make provision under the powers conferred by this Law notwithstanding the provisions of any enactment for the time being in force,
  - (e) may make provision for the purpose of dealing with matters arising out of or related to matters set out in section 1,
  - (f) may repeal, replace, amend, extend, adapt, modify or disapply any rule of custom or law, and
  - (g) without prejudice to the generality of the foregoing, may make any such provision of any such extent as might be made by Projet de Loi, but may not provide that a person is to be guilty of an offence as a result of any retrospective effect of the Ordinance.
- (4) The power conferred by subsection (3)(a) to create offences and

specify penalties does not include power -

- (a) to provide for offences to be triable only on indictment,
  - (b) to authorise the imposition, on summary conviction of an offence, of a term of imprisonment or a fine exceeding the limits of jurisdiction for the time being imposed on the Magistrate's Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008<sup>2</sup>, or
  - (c) to authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding five years.
- (5) The power to make an Ordinance under this Law shall –
- (a) where it is exercised in respect of Alderney, be exercised following consultation with the Policy and Finance Committee of the States of Alderney, and
  - (b) where it is exercised in respect of Sark, be exercised following consultation with the Finance and Commerce Committee of the Chief Pleas of Sark,

but a failure to comply with this subsection shall not invalidate any Ordinance made under this Law.

#### **Interpretation.**

4. (1) In this Law, unless the context otherwise requires –

a "**department**" means any department, council or committee of the

States of Guernsey, States of Alderney or Chief Pleas of Sark, however styled,

**"the Department"** means the States of Guernsey Commerce and Employment Department,

**"employment agency"** means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of providing services (whether by the provision of information or otherwise) for the purpose of finding workers employment with employers or of supplying employers with workers for employment by them,

**"employment business"** means the business (whether or not carried on with a view to profit and whether or not carried on in conjunction with any other business) of supplying persons in the employment of the person carrying on the business, to act for, and under the control of, other persons in any capacity,

**"enactment"** means any Law, Ordinance or **subordinate legislation**,

**"implement"** includes the enforcement or enactment, and the securing of the administration, execution, recognition, exercise or enjoyment, in or under domestic law -

- (a) of the provision or provisions of the convention, treaty or agreement in question, and
- (b) of any right, power, liability, obligation, prohibition or restriction created or arising, or any remedy or procedure provided for, by or under the same,

**"relevant convention, treaty or agreement"** means any convention, treaty or agreement having as its object the proper regulation of employment agencies and employment businesses or the protection of the interests of persons

availing themselves of the services of such agencies and businesses; and, for the avoidance of doubt, includes any convention, treaty or agreement adopted by the General Conference of the International Labour Organisation and whether or not directly applicable in or binding upon the Bailiwick, and

**"subordinate legislation"** means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

(3) The Interpretation (Guernsey) Law, 1948<sup>3</sup> applies to the interpretation of this Law throughout the Bailiwick of Guernsey.

#### **Citation.**

5. This Law may be cited as the Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012.

#### **Commencement.**

6. (1) This Law shall come into force -

- (a) in respect of Guernsey and Alderney, on the day appointed by Ordinance of the States, and
- (b) in respect of Sark, on the day appointed by Ordinance of the Chief Pleas.

(2) An Ordinance under subsection (1) may appoint different dates for different provisions and for different purposes.

---

<sup>3</sup> Ordres en Conseil Vol. XIII, p. 355.

**(NB As there are no resource implications identified in this report, the Treasury and Resources Department has no comments to make.)**

**(NB The Policy Council supports the Report.)**

The States are asked to decide:-

I.- Whether, after consideration of the Report dated 11<sup>th</sup> September, 2012, of the Commerce and Employment Department, they are of the opinion:

1. To approve the proposals set out in Section 3 of this Report.
2. To approve the Projet de Loi entitled “The Employment Agencies (Enabling Provisions) (Bailiwick of Guernsey) Law, 2012” and to authorize the Bailiff to present a most humble petition to Her Majesty in Council praying for Her Royal Sanction thereto.

**(NB The Treasury and Resources Department notes that there are no additional resource implications arising from this States Report as any costs associated with administering the requirements of the Ordinance will be met by charges made.)**

**(NB The Policy Council supports the Report.)**

The States are asked to decide:-

II.- Whether, after consideration of the Report dated 16<sup>th</sup> July, 2013, of the Commerce and Employment Department, they are of the opinion:-

1. To approve the proposals set out in section 3 of that Report.
2. To approve the draft Ordinance entitled "The Seafarer Recruitment and Placement Services (Maritime Labour Convention 2006) (Guernsey and Alderney) Ordinance, 2013" and to direct that the same shall have effect as an Ordinance of the States.

### **THE PRISON (GUERNSEY) ORDINANCE, 2013**

The States are asked to decide:-

III.- Whether they are of the opinion to approve the draft Ordinance entitled “The Prison (Guernsey) Ordinance, 2013”, and to direct that the same shall have effect as an Ordinance of the States.

### **THE ELECTRONIC CENSUS (GUERNSEY) ORDINANCE, 2013**

The States are asked to decide:-

IV.- Whether they are of the opinion to approve the draft Ordinance entitled “The Electronic Census (Guernsey) Ordinance, 2013”, and to direct that the same shall have effect as an Ordinance of the States.

### **THE COMPANIES (GUERNSEY) LAW, 2008 (AMENDMENT) ORDINANCE, 2013**

The States are asked to decide:-

V.- Whether they are of the opinion to approve the draft Ordinance entitled “The Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2013”, and to direct that the same shall have effect as an Ordinance of the States.

### **THE HOUSING (CONTROL OF OCCUPATION) (EXTENSION) ORDINANCE, 2013**

The States are asked to decide:-

VI.- Whether they are of the opinion to approve the draft Ordinance entitled “The Housing (Control of Occupation) (Extension) Ordinance, 2013”, and to direct that the same shall have effect as an Ordinance of the States.

### **THE COPYRIGHT AND PERFORMERS’ RIGHTS (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2013**

The States are asked to decide:-

VII.- Whether they are of the opinion to approve the draft Ordinance entitled “The Copyright and Performers’ Rights (Bailiwick of Guernsey) (Amendment) Ordinance, 2013”, and to direct that the same shall have effect as an Ordinance of the States.

## POLICY COUNCIL

### STATES SUPPORT FOR THE CONCEPT OF A GUERNSEY BASED UNIVERSITY OF THE CHANNEL ISLANDS

#### 1. Executive Summary

- 1.1 The purpose of this Report is to introduce the concept of a University of the Channel Islands, based in Guernsey, along the lines proposed by a private sector group that has approached the States and to establish whether the principles behind the current proposals attract sufficient support from the States to justify the organisers proceeding with detailed planning.
- 1.2 The broad approach would envisage the development of a University in phases over five years, which would include accommodating approximately 1,000 students by the fifth year, rising eventually to a maximum of approximately 2,000 students drawn from the Bailiwick, Jersey, the UK, Europe and globally. The report provides examples of potential benefits to the economy and the community that such a project will have and also explores the challenges that an institution of this scale could bring with it, particularly in terms of accommodation and impact on the population.
- 1.3 Given that there is no intention for States funding or other direct involvement this Report does not present a detailed business case. Rather it seeks States reaction to the broad concept along the lines envisaged by the proposers. It should also be noted that although the Education Department has discussed details with the group currently expressing interest the business case on which the proposals are built is a commercially sensitive and confidential document which must remain out of the public domain. Nevertheless, the summary of the proposals set out in this Report are drawn from that business case. The Report also proposes the setting up of a small Ministerial Liaison Group which, assuming States support for the concept, will engage with the project organisers or any others that may come forward in future and, in particular, explore in practical terms the impact of such proposals on the community.
- 1.4 The States is being asked whether it will embrace the concept of creating an internationally recognised and respected small, boutique university in Guernsey. The prime question for the States is whether such an institution is a desirable asset and whether the benefits outweigh the issues that the project may create. While it is for any private sector group to make a success of such a venture if, for whatever reason the current organisers are unable to proceed with their plans States support for the **principle** of such a concept will provide an important starting point for discussions with other potential providers in future.

## 2. Background

- 2.1 During the course of the past six months the Education Department has been in discussion with an organisation which is planning to develop a Guernsey based University of the Channel Islands. The proposal is to be delivered as a private sector initiative and the organisation is neither seeking funding from the States nor do they wish to involve the States in the governance structure of the institution.
- 2.2 The project is an ambitious one planning to develop the University, in phases over five years, to a point where it will initially serve some 1,000 students, rising eventually to 2,000 students drawn from the Channel Islands, the UK, Europe and globally. Such an enterprise will create significant change to the economy and its impact will be far reaching throughout the community. A more detailed impact assessment is set out in Sections 9 and 10 of this Report.
- 2.3 Mindful of the potential impact on the Island economically, socially and in terms of reputation the organisation concluded that it would be unwise to attempt to develop their plans to maturity without first establishing whether a project of this nature will be welcomed by the States. In this respect they fully appreciate that success will depend to varying degrees on decisions made by, or co-operation offered through, a number of key States Departments including:
- Commerce and Employment - in respect of developing a new business locally.
  - Education – in terms of the interface within existing institutions and support for the sector generally.
  - Housing - in respect of housing licences for students and temporary and permanent staff.
  - Home - in relation to any immigration issues connected with overseas students and
  - Treasury and Resources – given the potential that in time the organisation may wish to rent or acquire one or more States properties that may become available as a result of the rationalisation identified by the Strategic Asset Management Programme.
- 2.4 It is against this background that the Education Department, with whom the initial contact had been made, widened its discussions to embrace these Departments. The Policy Council has also considered the proposals and recognising that an initiative of this nature will impact on the mandates of a number of Departments has agreed to exercise its role of co-ordinating cross departmental strategic matters to approach the States of Deliberation after first arranging for the organiser to present their proposal to Members.

2.5 The purpose of this Report, therefore, is to:

- Inform States Members, and through them the public at large, of the proposals to create a Channel Islands University based in Guernsey.
- Invite the States to signal its support for the concept and to confirm that a development along the lines proposed will be welcomed – regardless of whether the current organisers proceed or succeed.
- Encourage Departments with whom the organisation (or any subsequent developers) will need to engage to discharge their statutory duties or mandated responsibilities against the background of clear States support for this initiative.

### **3. The concept of a Guernsey based University of the Channel Islands**

#### **Proposers**

3.1 The approach has been made by a small group of associates made up of leading international educationalists with experience in setting up new educational establishments. Principal engagement has been with a Project Steering Group comprising two highly qualified educationalists,

- the Vice Chancellor Designate who is a Professor and former Dean of Gonville and Caius College, and Proctor at the University of Cambridge currently based at the University of Louvain and
- the Director of the Project a respected and globally experienced educationalist who has directed multi-million pound projects internationally and for the British Government and who has been engaged in setting up successful educational organisations for numerous blue chip companies including British Aerospace, Dupont, The Worshipful Company of Drapers and the Church of England.

3.2 For reasons of commercial confidentiality it has been agreed with the organisation to provide limited details of this private initiative publicly at this stage. It has also established from independent specialist sources that the concept of a University of the Channel Islands is entirely feasible and will add value.

3.3 The organisation has developed a comprehensive business case which has been the subject of detailed discussions with the Education Department. While the summary of the project set out in this report is drawn from that case as this is a private commercial venture the details are not available for public scrutiny nor indeed for the information of States Members.

- 3.4 **In this respect it is important to stress that the purpose of bringing this matter to the States is not to enter into any detailed agreement or contract with the providers or to discuss the merits or otherwise of the detail of their business case, rather it is simply to establish whether the overall concept is something that the States of Guernsey believes it should seek to encourage or conversely would find incompatible with any future vision for the Island.**

**Furthermore, regardless of whether this particular venture proceeds, States support for the concept will provide an important starting point for discussions with other potential providers in future.**

### **The concept**

- 3.5 The organisers of the proposed University of the Channel Islands in Guernsey have stated that it

*“aims to offer the highest possible academic experience to undergraduates and post graduates from Guernsey, other Channel Islands, the UK, the EU and the rest of the world.*

*The University will be intimate in size and characterised in every way by excellence. It will possess an inclusive and thoroughly modern outlook, but will also espouse traditional Islander values of independence and diligence”.*

- 3.6 Its Vice Chancellor Designate has said *“The proposed University of the Channel Islands in Guernsey will admit the best students, appoint the best Professors, Lecturers and Researchers, establish links with the best academic partners, sponsor the best and most useful research, foster an inquisitive and dynamic learning community, and provide the best possible academic and pastoral support for its students”.*

*As a not-for-profit organisation the proposed University of the Channel Islands in Guernsey will use all income and benefactions it receives for the good of its educational mission which will be to make the University a front runner in British and global University rankings”.*

### **Key features of the proposed University of the Channel Islands**

- 3.7 It is envisaged that this will be the first ever comprehensive free-standing University offering under graduate and post-graduate degree courses in Guernsey or indeed within the Channel Islands.
- 3.8 Amongst other things it is intended that it will be:
- a select, pastorally focused University with a low staff to student ratio (1: 11.7 = the same ratio as the University of Cambridge).

- digital age in outlook offering courses that are entirely original alongside those that reflect the strength of Guernsey, the Bailiwick and its people.
  - pursuing academic standards which are world class in quality.
- 3.9 The key feature of the University will be partnerships forged with the most eminent academic establishments in the UK, Europe and globally. In this respect the University aims in due course to become a member of the UK's most prestigious group of Universities known as the Russell Group. The Russell Group represents twenty four leading UK Universities committed to maintaining the very best research, and outstanding teaching and learning experience and unrivalled links with business and the public sector. The Russell Group includes the most prestigious Universities such as Cambridge, Oxford, London School of Economics, Imperial University College London, Edinburgh, Bristol, Leeds, Durham and Kings College London.
- 3.10 It is intended that, in the initial phase, degrees would be awarded by the Russell Group Universities or their European or International equivalent but one of its earliest objectives will be to obtain the ability to confer its own University of the Channel Islands degrees via an Application to the Privy Council.
- 3.11 Whilst the details of the business case cannot be disclosed, the business model conceptually is to rely upon leveraging the practice of leading academics to provide visiting lecture programmes on both a permanent and temporary basis to a series of institutions as well as their location of tenure. In addition, it is not uncommon for leading academics to be 'attached' to more than one institution through creation of specific Professorships. This 'model' derives from the economics of academic remuneration structures which are low relative to other parts of the teaching profession. Thus the intent would be to provide high pastoral, low ratio full time tuition and tutoring supplemented by such permanent and temporary visiting and guest lecturing arrangements.
- 3.12 The organisers propose that the University of the Channel Islands would have charitable status and the company running the institution will be registered in Guernsey.

### **Phased development**

- 3.13 It is recognised that an ambitious start up of this nature will need to be developed in phases over a period of five years. With this in mind in the initial academic year only post graduate courses will be offered to a relatively small number of students.
- 3.14 In its first phase, planned for October 2014, the proposed University of the Channel Islands will initially be organised into three schools – Humanities, Sciences and Education - covering a wide academic curriculum;

### **School of Humanities**

- Modern Languages;
- Economics
- Politics
- Arts

### **School of Sciences**

- Biology Science;
- Post-Registration Medical Studies;
- Sports Science;
- Marine Engineering;
- Computer Sciences

### **School of Education**

- Special Educational Needs;
- International Education;
- English as Additional Language

3.15 Of particular note is the organisation's intention to explore the possibility of locating its Department of Marine Sciences on Alderney where both under graduate and post graduate courses in marine biology, marine conservation studies and marine engineering could be undertaken. The Policy Council considers this potentially an important boost to that Island's economy.

3.16 The degree courses above will be delivered in the first phase and supplemented as the proposed University of the Channel Islands grows in size and stature.

## **4. Why Guernsey as a location?**

4.1 The organisers have identified Guernsey as an ideal location for such a venture for a number of reasons including our geographic position in relation to Europe and the United Kingdom with good transport links enabling students from further afield to reach the Island. A key consideration is the fact that Guernsey is an English speaking location but not part of the UK. However, in addition, the unusually safe and stable environment which Guernsey represents, makes it particularly attractive to students (and their families back home) who seek assurance that their studies can be pursued in a place free of the stress and safety issues often present elsewhere. This is particularly attractive for overseas students. Furthermore, Guernsey offers further possibilities in terms of the following disciplines:

#### 4.2 **Post- Registration Medical Studies**

Considerable potential is identified with working closely with the Princess Elizabeth Hospital and the Institute of Health and Social Case Studies. In particular, Guernsey's genetically stable population provides a basis for future specialist studies.

#### 4.3 **Theology and philosophy**

The organisers believe Guernsey's position as a peaceful Island lacking religious tensions makes it an ideal location in which to organise conferences where religious conflict can be safely discussed.

#### 4.4 **Modern languages, translation and international relations**

Guernsey's historic and economic links to English and French cultures provides an excellent environment for the study of languages and international relations. It is also recognised that no professional training in "conference interpretation" exists in the South of England and a Guernsey based University could fill this gap.

#### 4.5 **Mathematics, economics and finance**

This focus is likely to reflect and enhance Guernsey's global position as a leading centre for the provision of financial services and banking.

#### 4.6 **Marine biology and conservation studies**

There is a strong fit between Guernsey's aspirations for this discipline and green, environmentally conscious, economically viable, ocean using technologies and the surrounding marine environment. In this respect, the potential for working with Alderney given that Island's marine environment and interests, provides a unique opportunity to benefit both the community and the University.

#### 4.7 **Sports science**

It is seen that Guernsey's sporting and recreational facilities make the inclusion of sports science, a popular degree course across the UK, an obvious choice.

#### 4.8 **Computer science**

There are strong links to the Guernsey digital strategy as part of the wider economic development strategy to be published later this year.

#### 4.9 **Education**

A niche focusing on training of teachers specifically for employment in international schools is identified as this is an education sector growing at an exponential rate. Similarly a growing demand for teachers specialising in special educational needs (SEN) in the UK and elsewhere is proposed to take advantage of Guernsey's high quality facilities at Le Rondin and Le Murier.

#### 4.10 **Politics**

Guernsey's special status as a Crown Dependency which is neither a member of the United Kingdom or the European Union is seen as a positive environment for developing courses in politics and modern Government and philosophy.

#### 4.11 **Communication**

Communication extends across all the degree courses but in particular it is proposed that the University will fully embrace approaches demanded by the digital age and will engage with "*the sixth continent of the world wide web*".

### 5. **Student Origins and Fees**

5.1 It is projected that ultimately students will be made up as follows:

- UK and Europe – 60%
- Worldwide (in particular China, India and the Gulf) – 20%
- Channel Islands – 20%

5.2 The organisers have said it is their aim to offer reduced fees to Channel Island under graduates and post graduate students compared to the typical UK University charges for equivalent courses.

5.3 The organisation has shared detailed information with the Education Department over fee structures, salaries, running costs and other financial information as part of its business case but this remains commercially confidential. Research by the Company which has been shared with the Education Department has demonstrated a significant demand for the type of University on offer in the Guernsey location.

5.4 In order to benefit from the worldwide growth in student numbers the proposed University of the Channel Islands intends to conduct a targeted and powerful marketing campaign, details of which have also been shared with the Education Department.

## **6. Staffing**

- 6.1 It is proposed that within five years a University of some 1,000 students will be served by some one hundred academic appointments and sixty administrative staff. It is envisaged that all of the administrative support will be drawn from existing Guernsey residents. Of the one hundred academic appointments the vast majority (80%) are staff who are currently teaching at some of the worlds finest Universities and the intention is that they will be flown to Guernsey on a regular basis to fulfil lecturing and teaching commitments.
- 6.2 The organisers have pointed out that the notion of peripatetic academics is not new and has been implemented with success elsewhere and in particular by the University of Reykjavik. Academics fly into Iceland from distances five times as great as those from St Peter Port to London. The remaining 20% of academic staff would be permanently based in Guernsey which potentially would require the acquisition of some twenty housing licences.

## **7. Organisational Structure and Governance**

- 7.1 The proposed University will be governed by a Board of Governors consisting of top industry and academic advisers which will provide vision and strategic guidance to the University. The Board will appoint the Vice Chancellor and an Academic Board of eight members all of which will be senior academics.
- 7.2 The Academic Board will be chaired by the Vice Chancellor and will be responsible for the entire academic life of the University. The Vice Chancellor will act as the Chief Executive Officer receiving delegated powers from the Board of Governors for the daily operation of the University and will manage the Senior Management Team which will include a Registrar, a Treasurer, Personnel Officer and the Deans of the Schools.
- 7.3 While there is potential for appropriate Island residents to serve on the Board of Governors it is not planned that the States of Guernsey should participate in the governance structure.

## **8. Financial model**

- 8.1 **It should be reiterated that no States funding is proposed to this independent private venture.**
- 8.2 While the detailed financial information has been shared in confidence by the organisation as part of the business plan and will not be in the public domain they are happy to advise that they will seek £10m working capital for the first five years and are confident that, when the University reaches 1,000 students, it will be a viable going concern. Funds will be raised in a number of ways including, potentially, direct investment on behalf of high net worth individuals based in Guernsey with whom the organisers are currently in discussion.

## 9. Anticipated socio economic benefits for Guernsey

- 9.1 There is ample evidence from the UK and elsewhere that Universities have a wide ranging and positive benefit to the communities in which they are based. Indeed, a policy report on the UK wide impact of Universities published in 2012 showed overwhelmingly that the sector tops almost all others in terms of impact. Its key findings include:

*“For every 100 full time jobs within the universities themselves, more than 100 other full time equivalent jobs were generated through knock-on effects.*

*For every £1 million of university output a further £1.38 million of output was generated in other sectors of the economy.*

*International student experience (excluding tuition fees) generated £3.3 billion output across the economy and over 27,800 jobs in the UK.*

*The typical university staff profile is as follows: 50% academic professionals, 15% library and administration services, 35% ancillary services (student services, maintenance staff etc). In Guernsey, a new university will provide employment for local people, particularly in ancillary services.*

*To inform the debate of how a university impacts a region economically compared to other industries, a UK study in July 2012 analysed the total economic impact per £1 million expenditure (“impact efficiency”) by universities compared to that generated by a number of other UK industry sectors. The study found that universities had the second highest impact efficiency ranking, after computer services. By contrast, health services, public administration, and construction were ranked 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> respectively.<sup>1</sup>*

- 9.2 Beyond conferring considerable international and academic status on Guernsey, such a University potentially will through the economic “multiplier” effect bring significant advantage to the local economy in terms of employment, investment, construction, trade and commerce.

- 9.3 The States Economist has advised that:

*“Conservative numbers would imply a boost to domestic spending in the region of £25m annually from students and staff, ignoring any boost to construction from the creation, at some future point if determined, of premises and accommodation. The annual spend would feed into areas of economy, bars, shops and restaurants that would structurally benefit from additional expenditure. This ignores the boost to spending from conference attendance*

---

<sup>1</sup> Source: “The impact of universities on the UK economy – 4<sup>th</sup> Report”, Universities UK, 2009  
<http://www.universitiesuk.ac.uk/highereducation/Pages/EconomicImpact4Full.aspx> ”

*and summer schools. Without reference to detail of the business case a conservative number would only be required for the boost to be in the region of a multiple many times more than the total cruise liner visitors per annum”.*

- 9.4 While contra cyclical to the tourist industry, as a mainly nine month non summer industry (the University academic year runs from October to June), the University nevertheless intends to promote business tourism, summer conferences, conventions and academic seminars and programmes. Beyond increasing the University’s revenues it will also potentially make Guernsey a summer conference destination.
- 9.5 The organisers argue that to some extent universities are “*shielded from economic vagaries of industry and commerce and the employment that a University generates could provide an insurance against the Island’s current dependence on finance and banking*”.
- 9.6 According to the organisation’s business case, when running at full capacity of 2,000 students, the University, through its academic operation activity will generate something in the region of £120m to the Guernsey GDP which could involve capital investment in Guernsey in the region of £127m with clear benefit to the construction industry.
- 9.7 Set out in Appendix 1 is a list of posts and services that are typically generated by the presence of a University.
- 9.8 The retention of some Guernsey school leavers who might otherwise study at University off the Island will retain money within the Guernsey economy and may well encourage graduate retention on the Island and increase the pool of talent vital to the Island’s future economic development. It is also anticipated that further income will be acquired through research grants.
- 9.9 There is also a long association between Universities and business opportunities developed in the immediate proximity. One of the best examples is the establishment of the Cambridge Science Park, Europe’s longest serving and largest centre for commercial research and development which exists due to the close links with the scientific excellence of Cambridge University and ensures a large pool of high quality workforce for companies to benefit from.
- 9.10 By way of summary, the potential socio economic benefits of the project identified by the proposers include:
  - Significant impact on the economy;
  - Diversification, based on the knowledge economy;
  - Economic Multiplier Benefits throughout the community;
  - On Island expenditure;
  - Increased demand for air and travel links;
  - Educational Tourism through the use of summer conferences etc;

- Enhancing Guernsey's international status;
- Potential to revitalise Alderney's economy;
- Education benefits – affordable Higher Education, more choice and technical excellence.

## **10. Challenges for Guernsey**

- 10.1 Having identified the potential benefits it is clear that there are nonetheless a number of complex obstacles that will have to be addressed. These are considered briefly below.

### **Population implications**

- 10.2 Notwithstanding the point made earlier that at any one time during the academic year there are some 800 Guernsey students living off the Island, nevertheless in due course the addition of potentially 1,800 students will be visibly felt in the community and will draw on public services, use facilities and so on. Such students of course will be temporary, living here during the academic term for the duration of their degree and as such will not acquire long term residency. Nevertheless, the impact on the community should not be underestimated.
- 10.3 In particular, the potential impact such a large body of students might have on housing accommodation and the question of how the increased employment opportunities might be delivered are a particular challenge.

### **Accommodation**

- 10.4 In the event that the University was able to establish itself on a single campus with purpose built accommodation for **all** students then this would create less of a challenge in terms of impact on the Island's limited housing stock. On the other hand if the University seeks to take a traditional UK University approach to student accommodation whereby there are limited units on campus and the expectation that students will take lodgings with local residents or occupy houses or flats within the community then, given the pressures on the stock of Local Market houses, this area requires further exploration as a matter of priority.
- 10.5 The option of creating purpose built units within the community has been discussed with the organisers but clearly if sites are developed for this purpose it may be at the expense of additional units for local residents.

### **Employment**

- 10.6 In respect of the employment opportunities that the venture will offer, while these are largely welcomed it will be seen from the list in Appendix I that some of the extra jobs to be created are in sectors such as catering and cleaning where

currently such activity is undertaken predominantly by staff on short term housing licences.

- 10.7 The Policy Council believes that it is these areas in particular that will need to be explored further with the organisers in consultation with the Housing Department and that ultimately it may be that as the States develops the detail of its new Population Management Regime, consideration may have to be given to creating a special category of temporary residence relating to students. In this connection, while it is possible, subject to States agreement, to create a new category of permit within the Temporary Residents category set out in the Population Management Regime proposals approved by the States, the need to provide permits for University students on this scale was never envisaged when the Population proposals were formulated.
- 10.8 The Policy Council intends that the proposed Liaison Group should lead these discussions with the organisers as a matter of priority, subject to States support in principle for this proposal.
- 10.9 There will also be need for housing licences for permanent staff and as set out in Section 6 it is envisaged that by 2018 or 2019 when the University plans to be operating with a capacity of 1,000 students some 20 licences may be required.

### **Immigration**

- 10.10 If the assumed 20% of students are from overseas, principally from China, India or the Gulf, then visas will be required and steps taken to ensure that some of the abuses seen in the UK where overseas students attempt to use attendance at a University as a platform for gaining entry into the UK are not abused. The United Kingdom admits about 300,000 students from outside the European Economic Area each year. These contribute significant revenue in tuition fees. However, in recent years substantial numbers have been shown to be economic migrants seeking a back door into the UK. They come to find jobs; not to study and do not intend to leave. The UK also has experience of bogus students entering into sham marriages with British citizens or other EEA nationals to be able to remain in the UK.
- 10.11 It is also the case that UK students are able to bring in their spouse and children provided certain requirements are met. Should such a University be established in Guernsey it is highly likely that students from the Far East would look to be accompanied by family members. The implications in respect of funding healthcare and risks linked to security of overseas students from families with a high political profile will need to be considered.
- 10.12 Students at degree level or above in the UK are also able to take part-time employment during their term time and full-time employment during their vacations. The Bailiwick is not obliged to follow the UK as far as the treatment of students are concerned and could lay down whatever restrictions are

considered to be appropriate. There are, however, Common Travel Area implications of allowing non-EEA students to enter the Bailiwick. One of the most significant concerns would be allowing access to the UK mainland for non-EEA students as a result of acceptance on a course of study in a Guernsey based University, for those who were seeking to use the student route to enter the UK for employment or criminal reasons. The reputational risk to the Bailiwick would need to be considered should this occur.

- 10.13 Overseas students from the more unsettled parts of the world could claim Political asylum in Guernsey in the event of a change in the political climate in their country during the duration of their course or, indeed, it could be their prime reason for coming to Guernsey in the first place. The Bailiwick is a signatory to the 1959 Convention on the Status of Refugees and the 1969 Protocol and, consequently, would have to consider any asylum applications made by non-EEA students in our jurisdiction. The implications of this would need to be considered should such applications be forthcoming. Guernsey would also need to consider what legal infrastructure was necessary to ensure that any Guernsey based University bringing over non-EEA nationals was operating appropriately and what sanctions would be taken in the event of a failure to comply.

## **11. Funding and Premises**

- 11.1 The organisers plan to generate funds in part from contributions from high net worth individuals and there is always the risk that those funds cannot be raised but this is purely a matter for the proposers.
- 11.2 In the short term it is planned to rent existing office premises to provide a small administrative base and to explore using existing premises designated for training purposes for the small cadre of post graduate students that represent the first phase of the plans commencing October 2014. Thereafter, moving into larger accommodation whether on a phased basis prior to developing one or more larger sites, is likely to require change from existing use classes. This of course will have to be dealt with under the planning legislation. Whether sufficient premises can be found which would attract a potential change of use compliant with planning policies is again a matter that the organisers will need to address.
- 11.3 In this respect it should be noted that the States has adopted, through the Strategic Land Use Plan 2011 a policy – LP12 which provides as follows:

### ***“Policy LP12: Making the best use of sites offering strategic opportunities***

*Notwithstanding the spatial strategy set out within Section 4 of this Plan, the Development Plans will identify and make individual provision for the planning of sites where potential exists to meet the corporate economic, social and environmental objectives of the States through the adoption of a more flexible*

*land use policy approach. The Development Plan will include an appropriate mechanism for full public consultation in establishing site-specific planning framework documents”.*

- 11.4 In the long term there are some sites that the States may choose to vacate as part of its rationalisation of property plan under the Strategic Asset Management Programme such as the current Police station that could, subject to planning considerations, lend itself to such use and therefore a relationship with the States in that regard should not be overlooked.

## **12. A question of risk**

- 12.1 Over the decades the States of Guernsey has recognised the need for government to demonstrate support for emerging industries and initiatives which offer potential improvements to the Island whether in terms of new jobs, economic activity, improved services and so on. Sometimes that intervention has been intensive and direct, at other times more subtle and at arms length as the following examples illustrate.

### Horticulture

- 12.2 In the past the States favoured direct support for the industry by funding and operating a Horticultural Experimental Station, an Advisory Service, making substantial grants to growers, running marketing and promotion on behalf of the industry etc.

### Finance

- 12.3 The States policy has been to step back and minimise intervention in the finance sector other than ensuring that appropriate regulation is in place and creating the right environment for a world class finance industry through appropriate legislation and by grants to Guernsey Finance and the GTA both of which co-fund promotion and learning.

### Export Sector

- 12.4 In the case of successful exporting companies such as Specsavers, Healthspan and others, the States has encouraged their establishment in Guernsey and, on occasions, assisted in dialogue with HM Government on technical export issues but beyond that has provided neither funding nor legislation.
- 12.5 None of these ventures have been without risk and some of those supported sectors flourish for a while and then, for a variety of reasons, decline or withdraw from Guernsey. The most recent and best known example is the Fulfilment Sector which took advantage of the existence of Low Value Consignment Relief. Sometimes the States will invest in trying to develop a new venture without any tangible return on investment. In this respect, the

efforts made by the former Board of Industry to encourage the Island as a centre of excellence for e-commerce in the opening years of the twenty first century is a good example where, it may well be, as a consequence of specialist appointments that were made at that time and a related marketing campaign, Guernsey business now established in this field owes its origins to that era - but it is difficult to say with certainty.

- 12.6 Against this background, the Policy Council believes that the initiative to develop a Channel Islands University in Guernsey represents a venture with real potential to add value to the Island in the ways described in this Report without the need for expenditure on behalf of the States, changes to legislation or direct involvement with the venture. However, the Policy Council fully recognise that there is no guarantee that this initiative will come to fruition or if it does that it will do so on the scale envisaged but that uncertainty is no reason for not supporting the proposals.
- 12.7 One of the issues explored during the course of the presentation to States Members on the 4<sup>th</sup> September 2013 was the potential impact on the reputation of the Island if, once established with substantial numbers of students, the University was to fail financially. Members expressed concerns, shared by the Policy Council, that in the absence of any plans or mechanism to address such circumstances, the States might find itself under pressure to intervene to maintain the enterprise at a significant cost.
- 12.8 The organisers, while confident of their ability to establish a successful enterprise, nevertheless accepted this concern. They acknowledged that mechanisms which exist in the UK, whereby another University can step in and take over an enterprise in such circumstances – such arrangements do not extend to Guernsey. Nevertheless, the organisers were confident that once established there will be a considerable incentive for the leading Universities which will partner the University of the Channel Islands to protect their own reputation and interests. Likewise, those who are funding the venture will be in a similar situation such that they will wish to ensure suitable mitigating actions are in place to protect their investment. Against this background, the Policy Council has identified this issue as one which it would wish to explore further with the organisation in order to satisfy itself that the continuity of the enterprise and the reputation of the Island can be assured in a variety of changing circumstances in future without the need for States intervention.
- 12.9 Indeed, for these reasons the Policy Council believes that if the States signals its clear support in principle for the establishment of a University of the Channel Islands along these lines then;
  - (i) a small Liaison Group chaired by the Chief Minister and comprising the Ministers of C&E, T&R, Education and Housing should be formed to act as an interface between the developers of the concept and the States; and

- (ii) as a matter of priority the Liaison Group should explore the practical and policy implications of the proposals on the population, with particular regard to accommodation, employment and also the issue of contingency arrangements.

### 13. Consultation and Good Governance

- 13.1 Detailed discussions have been held principally between the organisers and the Education Department. Subsequently briefings took place led by the Education Department with the Chief Minister, Ministers of the Home Department, Commerce and Employment, Housing and Treasury and Resources Departments. Subsequently briefings took place at the Policy Council and a presentation was made by the organisers on 4<sup>th</sup> September 2013 attended by some twenty five States Members.
- 13.2 The Law Officers have also been consulted.
- 13.3 There are no obvious resourcing requirements arising from this project given that by nature it is a private sector venture but there is potential for considerable positive economic impact to the States revenues in due course as a result of the proposed investment. It is also possible, as described, that the proposers will have an interest in acquiring one or more properties in States ownership which may no longer be required for government purposes in order to develop their proposals.
- 13.4 The principles of good governance seek clarity of purpose through access to appropriate information. However, in this case for reasons of commercial confidentiality the Policy Council has not been in a position to provide public access to a private sector business case. Nonetheless, the Policy Council is satisfied that the proposals as set out in this report satisfy the six principles.

### 14. Conclusion

- 14.1 At a time when the States is seeking to diversify the economy, develop new sustainable opportunities for business and employment, to increase revenue and enhance Guernsey's reputation globally, the prospect of establishing a University of the Channel Islands in Guernsey is an attractive proposition. The detailed case made initially to the Education Department, and explored further in consultation with key Departments whose mandates bear on this proposal and the outline case set out in this report indicate that such an initiative when it comes to fruition over the next five years is likely to produce significant, lasting benefit to the community in a number of ways. **While the States is neither asked to contribute to the funding or management and governance of the institution,** nevertheless the organisers are understandably reluctant to proceed on the long and costly path of creating a University of the Channel Islands unless they have a clear signal that in broad terms the States is willing to

embrace such a concept. This Report seeks to establish whether the States is so minded.

- 14.2 The Policy Council is mindful of the impact of the proposals on the Island and accepts that further discussions particularly around population, accommodation, immigration and employment issues are essential. It also acknowledges that although the project will not be funded by the States if, for whatever reason, the University was to fail at some point in future then given the potential reputational damage to the Island the States might find itself under pressure to participate in finding a solution. With this in mind, the Policy Council intends to explore with the organisers how they, their investors and the Universities that will partner them, will provide a successful outcome in such circumstances without the need to call on public funds.
- 14.3 The Policy Council is recommending the States to signal its support in principle to the concept while recognising the need for detailed discussions on a number of key issues through the small liaison group chaired by the Chief Minister. The Report also raises the possibility that it may be in the mutual interests of both the University and States of Guernsey to explore with them the use of one or more States properties which may be surplus to requirements as a base for their operations.
- 14.4 Finally, regardless of whether this particular venture proceeds, States support for the concept will provide an important starting point for discussions with other potential providers in future.

## **15. Recommendations**

The Policy Council by a majority recommends the States:

1. To agree in principle to support and encourage the development of a University of the Channel Islands based in Guernsey along the lines of the concept set out in this Report.
2. To direct the Policy Council and any Departments that may be affected by the concept set out in this Report to report back to the States should they have reason to consider that any significant policy changes are required in order for a Guernsey based University of the Channel Islands to develop along the lines described in this Report.

P A Harwood  
Chief Minister

5<sup>th</sup> August 2013

J P Le Tocq  
Deputy Chief Minister

G A St Pier  
R Domaille  
D B Jones  
R W Sillars  
M G O'Hara

K A Stewart  
A H Langlois  
M H Dorey  
P A Luxon

## **APPENDIX I**

### **Economic Impact of a University of the Channel Islands**

Jobs in the following spheres will be created both directly and indirectly in addition to academic professionals:

- cleaners
- catering assistants
- chefs
- restaurant managers
- residential wardens
- maintenance
- security guards
- drivers
- firemen
- caretakers
- construction trades
  - electricians
  - plumbers
  - carpenters
  - builders
  - crane/machine operators
- gardening
- secretaries/typists/receptionists
- librarians
- technicians
- careers advisers
- student welfare
- media
- design and PR
- marketing
- retailers
- sports instructors
- local services
- book-keeping
- accountancy
- IT managers and technicians

The University's expenditure and that of its staff and students can be anticipated to have an immediate positive economic impact on the following existing Guernsey businesses:

- coffee shops
- public houses
- food outlets

- buses
- bicycle shops
- restaurants
- taxis
- gyms
- bookshops
- hotels
- banks
- estate agents
- legal services
- hairdressing
- airlines/ferry operators
- airport

**(NB The Treasury and Resources Department notes that there are no direct resource implications arising from this States Report as there is no intention for States funding, whether through subsidy or provision of resources or other direct involvement, in respect of the concept of a Guernsey based university of the Channel Islands.**

**However, the Report explains that the organisation may wish to rent or acquire States properties in due course. In this regard, it is worth highlighting that all States land and property has capital value and income generating potential. Any decisions with regard to the future use of States assets need to bear in mind their real commercial value and due consideration should be given to robust cost benefit analysis of any proposals to use States properties.)**

The States are asked to decide:-

VIII.- Whether, after consideration of the Report dated 5<sup>th</sup> August, 2013, of the Policy Council, they are of the opinion:-

1. To agree in principle to support and encourage the development of a University of the Channel Islands based in Guernsey along the lines of the concept set out in that Report.
2. To direct the Policy Council and any Departments that may be affected by the concept set out in that Report to report back to the States should they have reason to consider that any significant policy changes are required in order for a Guernsey based University of the Channel Islands to develop along the lines described in that Report.

## POLICY COUNCIL

### EUROPEAN COMMUNITIES LAW – DEFINITION OF COMMUNITY TREATIES

#### 1. Executive Summary

- 1.1. In 2007, the Lisbon Treaty was signed and came into force in 2009. In 2011, the Treaty of Accession of the Republic of Croatia was signed and came into force in 2013. These treaties need to be recognised in Bailiwick legislation. This will ensure that the Bailiwick continues to be able to fully implement any necessary or expedient European Union measures.
- 1.2. This Report sets out proposals to make the necessary amendments to update the definition of treaties or community treaties in the relevant Laws, which implement the Bailiwick relationship with the European Union, allow the adoption of any necessary or expedient European Union measures and make any required consequential amendments.

#### 2. Proposals from Her Majesty's Comptroller

- 2.1. Her Majesty's Comptroller has written to the Policy Council in the following terms:

##### 2.2. *Background*

- 2.2.1. *Protocol 3 to the treaty relating to the accession of the United Kingdom to the European Economic Community and to the European Atomic Energy Community of 1972 ("the Treaty of Accession") requires the implementation within the Channel Islands of certain measures concerning the free movement of goods and related matters ("Protocol 3 matters"). This has been implemented by the European Communities (Bailiwick of Guernsey) Law, 1973 ("the Law"), under which direct legal effect within the Bailiwick is given to such measures in respect of Protocol 3 matters as may from time to time be created or arise by or under various instruments, such instruments being listed within the Law in the definition of "the treaties" or "the community treaties".*

##### 2.3. *Definition of Treaties*

- 2.3.1. *At the time of the Law's enactment in 1973, the instruments within the definition of treaties or community treaties comprised the pre-accession treaties, (that is, the various treaties that had been signed before the accession to the European Community of the United Kingdom such as the Treaty of Rome which established the European Economic Community in 1957), the Treaty of Accession, the decision*

*of the Council of the European Communities relating to the accession of the United Kingdom to the European Coal and Steel Community, and any other treaties entered into by the Communities or by the United Kingdom ancillary to the other treaties. This reflected the structure and organisation of the European Communities at that time.*

- 2.3.2. *Since 1973, that structure and organisation have undergone a number of changes that have been set out in various subsequent instruments, most notably the Single European Act which established the internal market and the Treaty of Maastricht which established the European Union. Corresponding amendments to the definition of treaties or community treaties in the Law have been made over the years to reflect this and to ensure that the Bailiwick complies with its obligations in respect of Protocol 3 matters. The most recent example of this occurred in 2007 when the treaty concerning the accession of Bulgaria and Romania was added to the list of treaties and decisions covered by the definitions by the European Communities (Bailiwick of Guernsey) (Amendment) Ordinance, 2007.*
- 2.3.3. *In 2009 the Lisbon Treaty came into force. Among other things it made various changes to the structure of the European Union, as well as renaming and amending the Treaty of Rome and the Treaty of Maastricht.*
- 2.3.4. *In 2011, the Treaty of Accession of the Republic of Croatia was signed which entered into force on 1st July, 2013, meaning that Croatia is now the 28th member of the European Union.*

## **2.4. Amendments to the Law**

- 2.4.1. *In order to ensure that the Bailiwick continues to comply with its obligations in respect of Protocol 3 matters, the Law therefore requires amendment both to add the Lisbon Treaty to the definition of treaties or community treaties, to note the accession of Croatia to the European Union and to make some consequential amendments relating to the renaming of earlier treaties and other technical matters. This will also ensure that the Bailiwick continues to be able fully to implement any other provisions promulgated by the European Union that the States of Guernsey, the States of Alderney or the Chief Pleas of Sark as the case may be consider to be necessary or expedient under the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994 ("the Implementation Law"). The definitions of treaties and community treaties may be amended by Ordinance under section 2 of the Implementation Law. Accordingly, I recommend that an appropriate Ordinance amending the Law as indicated above be drafted as soon as possible.*

### **3. Resources, Law Officers and Governance**

- 3.1. There are no additional resource requirements arising from the proposals contained in this Report.
- 3.2. The Law Officers have advised on the implementation of this legislation.
- 3.3. The proposals conform to the six core principles of good governance particularly in relation to the continued ability to implement certain EU legislation on a robust basis.

### **4. Consultation**

- 4.1. The States of Alderney and Chief Pleas of Sark have been consulted on these amendments.

### **5. Recommendation**

- 5.1 The Policy Council endorse the recommendations of Her Majesty's Comptroller in paragraph 2.4.1. and recommend that the States direct the preparation of the necessary legislation to amend the European Communities (Bailiwick of Guernsey) Law, 1973 to take into account the Treaty of Lisbon, Treaty of Accession of the Republic of Croatia and any other consequential or technical changes.

P A Harwood  
Chief Minister

5<sup>th</sup> August 2013

J P Le Tocq  
Chief Minister

G A St Pier  
R Domaille  
D B Jones  
R W Sillars  
M G O'Hara

K A Stewart  
A H Langlois  
M H Dorey  
P A Luxon

**(NB As there are no resource implications in this Report, the Treasury and Resources Department has no comments to make.)**

The States are asked to decide:-

IX.- Whether, after consideration of the Report dated 5<sup>th</sup> August, 2013, of the Policy Council, they are of the opinion to direct the preparation of such legislation as may be necessary to amend the European Communities (Bailiwick of Guernsey) Law, 1973 to take into account the Treaty of Lisbon, Treaty of Accession of the Republic of Croatia and any other consequential or technical changes.

**EDUCATION DEPARTMENT****TRANSFORMING PRIMARY EDUCATION**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

12<sup>th</sup> August 2013

Dear Sir

**1. Executive summary**

- 1.1 As outlined in the Education Department's Vision, primary education provides the foundations for success in secondary school and critically the foundations for success in life and is pivotal to an individual's future personal achievement, health and wellbeing. The current data indicates that, at its best, primary education in Guernsey is excellent but we need to address the consistency of provision, and importantly its effectiveness, efficiency and value for money. The Education Department needs to identify where provision is at its best, where people are making the best use of available resources and make that commonplace.
- 1.2 The Education Department has embarked on a process of transformational change across the whole Education Service. At primary, secondary, tertiary and across the wider service, the Department is looking at ways to continue to improve educational outcomes significantly for all the Bailiwick's young people. A secondary benefit of some of these changes is that the Education Department is aiming to deliver its services more efficiently which, in the current financial climate, is also important. The Department has therefore commenced a process of transformation and rationalisation in the primary sector. The aim of this process is to develop a model for primary education that will continue to improve educational outcomes while delivering and optimising highly efficient and cost effective provision through matching the supply of places to meet demand for years to come. In February 2013, a multi-criteria analysis exercise was undertaken to look at a number of options for reducing the number of pupil places within the primary sector in Guernsey to match projected school rolls. Each option was assessed against a number of criteria which could broadly be divided into five categories:-
  - Effect on educational outcomes;
  - Capacity and access issues;

- Catchment issues;
- Land and building issues (including the strategic fit with the Strategic Land Use Plan and draft Strategic Asset Management Plan); and
- Funding issues.

This analysis has been subject to independent external scrutiny by a UK education expert.

- 1.3 Research shows that developing leadership and teaching are key elements in securing outstanding primary provision for Guernsey. The research clearly demonstrates that school reforms rarely succeed without strong and effective leadership, both at the level of the system and more importantly at the level of the individual school. Monitoring and effective intervention is essential in ensuring that excellent teaching is delivered consistently across schools and across the system.
- 1.4 The best school systems do four things well:-
  - They appoint outstanding headteachers;
  - They get the right people to become teachers since the quality of any education service cannot exceed the quality of its teachers;
  - They develop these people into highly effective educators since the only way to improve outcomes is to improve teaching and learning;
  - They put in place systems and targeted support to ensure that every child benefits from excellent teaching and learning since the only way to reach the highest levels of performance is to raise the standards for every child.
- 1.5 The research also clearly demonstrates that the size of a school matters because each child brings with them an allocation of resources. It is only when these small allocations are brought powerfully together under strong and highly effective leadership which is driving strong and effective teaching, can they amount to sufficient resource to enrich and enhance the provision to challenge the most able and support those with additional needs.
- 1.6 We know from the evidence that at its best primary provision is outstanding but we also know that outcomes are variable across Guernsey in terms of end of Key Stage 2 (children aged 7-11)<sup>1</sup> results and progress. We also know that reviews consistently identify the need to stretch and challenge the most able while at the same time maintaining a rich and balanced curriculum. The challenge therefore facing primary schools requires the powerful and systematic use of available resources to improve the quality of teaching and learning and to improve

---

<sup>1</sup> Foundation stage is provided during the reception year (children aged 4-5); Key Stage 1 is year 1 and year 2 (children aged 5-7); Key Stage 2 includes years 3 to 6 (children aged 7-11)

outcomes generally but particularly for those children with additional needs and the more able.

- 1.7 We also know that class size has significant implications for the efficient and effective use of resources. The Education Department currently has a policy that class sizes in the primary sector should not exceed 28 pupils in general and should not exceed 25 pupils in the three social priority schools (Amherst Primary School, La Mare de Carteret Primary School, and Vauvert Primary School). In exceptional circumstances class sizes may be up to 30. However, average primary class size in Guernsey as at November 2012 is 22.5 pupils (NB excludes Alderney). Recently there have been class sizes as low as 13 pupils and as high as 30 pupils (February 2012) and there are currently class sizes as low as 15 pupils and as high as 29 pupils (June 2013). Class size variation is also greater in the smaller schools.
- 1.8 The most informed analyses from the UK Audit Commission and Estyn, the Welsh Inspection Agency, suggest that, in the primary sector in 2011-2012, the average cost of a surplus place is between £250 and £350 and the data shows that there are currently at least 70 surplus places per year group in the primary sector (more at Foundation/Key Stage 1). Extrapolating this analysis to Guernsey's current pupil numbers, would suggest that we have around 500 surplus places across the primary schools in Guernsey costing between £125,000 and £175,000; resources that could be spent on improving and developing provision. Although school population numbers are predicted to increase slightly before declining again, there is still sufficient spare capacity to remove one class per year at Key Stage 2 (children aged 7-11) and one or two classes per year at Foundation and Key Stage 1 (children aged 4-7).
- 1.9 The research shows that the efficient and effective use of resources is one of the keys to building outstanding primary schools where children achieve to their potential and provision is targeted to meet the needs of the more able and those children with additional needs. **The current mainstream primary funding per child per year is hugely variable across Guernsey ranging from £3694 per child to £6212 per child.** The average funding per child is £4263 and generally, the larger schools are the most cost effective and the smallest school is the most expensive.
- 1.10 While small is, in many circumstances, considered beautiful, in an educational context, small schools present a range of challenges. There are many examples of successful small schools but small primary schools are complex and challenging in terms of their leadership and management and it can be more difficult to achieve excellent outcomes.
- 1.11 The research conclusively demonstrates that the challenges facing Guernsey primary schools are easier to address in larger primary schools, with greater resources, significantly increased strength in leadership at all levels and a broader range of expertise amongst the larger teaching team. Larger primary schools:-
  - Have greater flexibility in their provision of the curriculum;

- Are able to teach different ability groups separately;
- Provide more peer support and mentoring for teachers in each year group;
- Can have a strong place in their communities; and
- Should have greater staff continuity and be less vulnerable to the influences of weak teaching.

1.12 The Department therefore believes that in order to develop a primary school system where every child on the island has access to a rich, stimulating curriculum that develops and challenges them to achieve their personal, social and intellectual potential, schools need to be two or three-forms of entry.

1.13 From an educational and economic perspective and for the reasons outlined in the States Report and Annex 1, it is not preferable to close two-form entry schools and leave multiple one-form entry schools open. The Board did consider the case for rebuilding La Mare de Carteret Primary in considerably more detail due to the Department's capital prioritisation bid but analysis of the number of spare places and analysis of the strengths of two and three form entry primary schools ruled out the closure of La Houquette Primary and La Mare de Carteret Primary. Merging, closing and reorganising primary provision is always challenging and the easiest option would be to do nothing but this has significant implications for the future. The Education Department believes that this option would be a dereliction of its duty and not in the interests of Guernsey's young people. The evidence clearly shows that the current organisation of primary provision across the island is inconsistent, patchy, inefficient and fails to make best use of available resources. A delay in tackling these issues will create further problems in terms of admissions and compromise the delivery of an appropriate, relevant and challenging curriculum to meet the needs of the most able children on the island and to support those children with additional needs. It will also mean that efficiency savings will need to be found elsewhere rather than addressing the issues that will secure both increased effectiveness and deliver better value for money.

1.14 The timing of the report has been deliberately considered to create the least uncertainty and upset for parents, carers, children and staff affected while providing the longest possible lead in time for consultation with parents and carers and for any changes to admissions, transport and provision to be planned and implemented. The consequences of missing this window of opportunity are that the changes will not be able to be implemented for September 2014 and there will be an increased period of uncertainty for parents and carers, children and staff.

**1.15 The Education Department therefore proposes to move towards a policy of two and three-form entry States primary schools as far as possible in order to improve educational outcomes, increase efficiency and ensure greater consistency in performance.**

1.16 The Department is recommending:-

- **That St Sampson's Infant School should merge with the new Vale Primary in September 2014 and that St Sampson's Infant should close;**
- **That St Andrew's Primary should close in August 2015.**

1.17 The Board also considered whether Forest Primary should close, either as well as, or instead of, St Andrew's Primary. After St Sampson's Infant School and St Andrew's Primary, closing Forest Primary scored the next highest in the multi criteria analysis review. However, it had already been concluded that it would be too big a risk to close a two-form entry school; at this stage the same argument applies to closing two one-form entry schools. There are also multiple reasons why St Andrew's Primary should close ahead of Forest Primary which are considered in detail in the report.

1.18 The Board recognises that the merger of St Sampson's Infant School with Vale Primary and the closure of St Andrew's Primary will only go part way to achieving its policy of two and three-form entry States primary schools. Forest Primary, St Mary and St Michael Primary and Notre Dame du Rosaire Primary would all remain below two-form entry. It is also worth noting that La Houquette Primary has been one-form entry for the September 2012 and September 2013 intakes. However, if the States decides to close St Andrew's Primary, it is likely that La Houquette Primary will become two-form entry again, at least for the next few years. This is discussed further under the sections of this report on "implementation" and "risks and benefits of the proposals."

1.19 This has led to two further longer-term recommendations, as follows:-

- **Discussions should take place with the Diocesan Authorities to consider how Catholic primary provision is provided in future, with a view to determining whether it would be possible to move towards two or three-form entry in line with the Department's other primary schools, for example through federation or merger of Notre Dame du Rosaire and St Mary and St Michael Primary Schools.**
- **Over the next 5-10 years efficient and effective primary provision in the area served by Forest Primary School and La Houquette Primary School should be revisited by a future Education Board.**

## **2. Introduction**

2.1 As set out in the Education Department's Vision Statement (Billet d'état XV, 2013), the Department's aim is to create an education system for the Bailiwick of Guernsey which will meet the challenges and demands of the 21<sup>st</sup> Century and provide our greatest asset, our people, with the knowledge, skills and tools to face a complex and challenging future with enthusiasm and confidence.

2.2 The values that the Department has adopted include: both the provision of an inclusive system that puts learners of any age at the centre, establishes equality of opportunity for all to realise their potential and ensures that each learner develops the knowledge, understanding and skills they need to pursue a happy and fulfilling life; and a commitment to deliver all its services in the most efficient, effective and sustainable way.

2.3 In its Vision Statement, the Department has also committed to bringing a States Report to the Assembly in Q4, 2013 seeking to improve outcomes and opportunities in the primary sector. The Vision Statement says: -

*‘Primary education provides the foundations for success in secondary school and critically the foundations for success in life. Primary education is pivotal to an individual’s future personal achievement, health and wellbeing. The current data indicates that, at its best, primary education in Guernsey is well developed but we need to address the consistency of its provision, and importantly its effectiveness, efficiency and value for money. The Education Department needs to identify where provision is at its best, where people are making the best use of available resources and make that commonplace.’*

2.4 The aim of this States report is to explore how provision in the primary sector can be transformed in order to meet the following objectives: -

- To provide the optimal primary education structure for maximising educational outcomes both in the short and long term;
- To facilitate equal opportunities for all primary age pupils in the future;
- To ensure that the Department’s resources are used as efficiently as possible and in a fair and equitable manner.

### **3. Background and approach**

#### *Rationale*

The Education Department has embarked on a process of transformational change across the whole Education Service.

- Most importantly, at primary, secondary, tertiary and across the wider service, the Department is looking at ways to continue to improve educational outcomes for all the Bailiwick’s young people;
- Secondly, the Department, in the current financial climate, is aiming to deliver services more efficiently in order to meet its targets under the States’ Financial Transformation Programme (FTP);

- The Department is also continuing to face demographic challenges; for example the September 2013 year 7 intake (age 11, the first year of secondary education) is particularly small and at primary level in Guernsey Island-wide there is overcapacity in primary schools. The picture at primary level is further complicated by increasing numbers of children in some parts of Guernsey (e.g. St Peter Port) and lower than expected numbers elsewhere (broadly speaking in the south and west of the Island).
- These issues facing the Department make it difficult to offer equal opportunities and an equally diverse curriculum to all pupils in a cost effective manner and provide the opportunity to undertake a fundamental review of the structure of primary education within the Island.

- 3.1 The Department has therefore commenced a process of transformation and rationalisation in the primary sector to develop a future model for primary education based on both optimising cost effective delivery through matching the supply of places to meet demand and creating a structure that has the best long-term potential for improving educational outcomes.
- 3.2 Such a transformation process inevitably involves change. The process of change is often difficult, more so when that change involves our children and young people, so this is not a decision that the Education Department Board has taken lightly.

#### *Approach*

- 3.3 In 2012, the Department, using the Policy Council Policy and Research Unit's population projections, developed a forecasting model of potential future school rolls. The results of the model were presented to the Education Board in January 2013. They are shown in Annex 2 and clearly show an oversupply of places within the primary sector.

**The analysis shows that there is sufficient capacity to remove one class per year at Key Stage 2 (children aged 7-11) and one or two classes at Foundation and Key Stage 1 (children aged 4-7).**

- 3.4 In February 2013, a multi-criteria analysis exercise was undertaken to look at a number of options for reducing the number of pupil places within the primary sector in Guernsey. Each option was assessed against a number of criteria which could broadly be divided into five categories; effect on educational outcomes; capacity and access issues; catchment issues; land and building issues (including the strategic fit with the Strategic Land Use Plan and draft Strategic Asset Management Plan) and funding issues.
- 3.5 The Department was also keen that this analysis should be subject to external scrutiny and in March 2013, engaged the assistance of Mr Chris Edwards. Until December 2010, Mr Edwards was Chief Executive of Education Leeds, a

company established by the UK Government to take over the failing education system in Leeds in 2001. Mr Edwards has worked with the Department to prepare the attached research report (Annex 1). A first draft was prepared in April 2013; further work was carried out in May and June 2013 and a revised draft was presented to the Education Board in July 2013.

#### **4. Summary of the research and proposals**

##### *Policy*

4.1 The report attached as Annex 1 argues that in order to develop a primary school system where every child on the island has access to a rich, stimulating curriculum that develops and challenges them to achieve their personal, social and intellectual potential, schools need to secure:-

- Highly effective headteachers with the time and commitment to develop strong and focused leadership and management;
- Opportunities for children to interact and learn with their peers;
- Increased opportunities for children through the pursuit of a wide range of curricular activities and extra-curricular enrichment;
- Enhanced opportunities for children to forge relationships and celebrate diversity;
- A maximum class size of 28 (or 25 in the social priority schools), except in exceptional circumstances when classes may be up to 30;
- Mixed aged classes only where there are educational benefits and, preferably, not out of practical necessity;
- Increased options for more effective classroom organisation including grouping, targeting and setting;
- Increased staff expertise with teachers allowed to lead a single subject across the school, thereby gaining more focus on and depth in the delivery of their subject;
- Increased opportunities for professional development among staff, providing the opportunity to develop strengths and expertise in core subjects and wider curriculum and enrichment areas;
- Opportunities for access to excellent facilities;
- Economies of scale to support the efficient and effective use and deployment of teaching assistants and administrative staff;

- Fair and sufficient funding per child to enable all children to reach their full potential, developing provision for the most able and supporting children with additional needs, while making the best use of resources.

4.2 Guernsey already has many of these factors within its education system but there is room for further improvement, in particular ensuring consistency and equality of opportunity across the primary education system.

4.3 States primary schools in Guernsey range in size from one-form entry to three-form entry per year group<sup>2</sup>, as follows:-

One-form entry	One and a half-form entry	Two-form entry	Three-form entry
Forest Primary	Notre Dame du Rosaire Primary	La Mare de Carteret Primary	Vale Primary (years 3-6)
St Andrew's Primary		Castel Primary	Hautes Capelles Primary
St Mary and St Michael Primary		Vauvert Primary (three-form in one year group)	St Martin's Primary
St Sampson's Infant		Amherst Primary (three-form in some year groups)	
		Vale Primary (reception-year 2)	
		La Houquette Primary (has capacity to be two-form entry, but only has one form in some year groups)	

4.4 From an educational perspective, as demonstrated in Annex 1, two or three-form entry schools are preferable. Developing leadership, teaching and teamwork are key elements since these are the factors that produce the best outcomes. These are easier to secure in larger primary schools, with greater resources, significantly increased strength in leadership at all levels and a broader range of expertise amongst the larger teaching team. A two or three-form entry school has greater flexibility in its provision of the curriculum, is able to teach different ability groups separately, has more peer support and mentoring for teachers in each year

---

<sup>2</sup> One class per year = one-form, 25-28 pupils

group and will have greater staff continuity and be less vulnerable to the influences of weak teaching. Larger schools are also more cost effective. Practical examples of the benefits of larger schools include: -

- Excellent practice is more easily shared across year group teams. The staff work as teams when planning for parallel classes - teachers can pool ideas and support each other, and year group colleagues can advise and support on a day by day, hour by hour basis;
- There is more effective ongoing support for newly qualified teachers (NQTs) or returning teachers, through working in year group teams;
- There is a greater potential for staff to share expertise and experience;
- The school has greater capacity to support each area of the curriculum and develop new initiatives and implement change;
- Classes can be grouped and set across the year group to meet the needs of different ability groups and the planning can be shared across classrooms or key stages;
- The school has greater resources, including staffing and budget to implement developments; with single form entry, schools can have more difficulty;
- There is greater flexibility to employ teachers in highly specialist areas e.g. Music, P.E., French;
- Larger schools are less dependent on outside agencies to deliver curriculum enhancement;
- There are more opportunities for career development for teachers within their own school and more opportunities for teachers to become 'experts' in their chosen subject/area of responsibility;
- There is a more varied curriculum, including extra-curricular opportunities and opportunities for greater diversity in larger schools; and
- There are opportunities for learners to have a 'broader' friendship group and move between classes.

4.5 There are many examples of successful small schools and small schools have traditionally been popular for their family atmosphere and their importance in the local community. However, small primary schools are complex and challenging in terms of their leadership and management and it can be more difficult to achieve excellent outcomes. This is because:-

- Staff often have to cover several curriculum and pastoral areas at the same time;
- Staff sometimes have to teach mixed age classes which can be educationally beneficial but occasionally has to happen out of practical necessity if numbers are low;
- The limited size of peer groups and sufficiency of challenge;
- There are limited opportunities for social interaction;
- There can be excessive burdens on headteachers and staff;
- Increased expertise is required to support pupils with special educational needs;
- Continuity/support is lower if a member of staff is ill or requires support so the overall effect on the school is disproportionately larger;
- The movement of one child or family in or out of the school can have a significant impact on standards and behaviour; and
- A significant proportion of the Education Department's budget for schools is spent on unavoidable fixed costs including school management and premises costs.

4.6 Statistical analysis has uncovered a range of inconsistencies across Guernsey's primary schools.<sup>3</sup> For example class size can vary widely both between and within schools, with class size variation within a school often greater in the smaller schools (Forest, St Sampson's Infant School, and Notre Dame du Rosaire have the greatest variation - see Map 2 in Annex 1). The cost of running a school per child is also highly variable. In 2012 in many cases the smaller schools, the social priority schools and those with significant vacancies (greater than 20%) were more expensive to run per pupil. This is a similar picture to that presented to the States by the former Education Department in January, 2009 (Billet d'Etat, II, 2009) which showed that the stand alone infant schools, the social priority schools and the one-form entry schools were more expensive per capita than average. In both the 2009 report and the 2012 data it can be seen that the cost per pupil of maintaining the one-form infant school is nearly £2,000 per pupil per year higher than the average per pupil cost in the primary sector. It can also be more difficult to manage admission numbers at smaller schools, particularly if the number of registrations is too many for one class and too few for two classes.

---

<sup>3</sup> St Anne's School in Alderney and Herm School have been excluded from this analysis as it is important to maintain provision in Alderney and Herm and there are insufficient pupil numbers for two or three form entry.

**4.7 The Education Department therefore proposes to move towards a policy of two and three-form entry States primary schools as far as possible in order to improve educational outcomes, increase efficiency and ensure greater consistency in performance.**

*Immediate recommendations*

4.8 This analysis and the surplus capacity within the primary sector led the Department to carry out a multi-criteria analysis review of its smaller schools (the one and one and a half-form entry schools), plus the two-form schools that are likely to require significant capital investment in the short or medium term (La Mare de Carteret Primary and La Houquette Primary).

**4.9 The main conclusions from the multi-criteria analysis were:-**

- **That St Sampson's Infant School should merge with the new Vale Primary and that St Sampson's Infant should close;**
- **That St Andrew's Primary should close.**

4.10 The detailed analysis is included in Annex 1. The key reasons behind these recommendations are:-

- i. As already explained, there are compelling educational and economic arguments to move towards primary schools catering for children from age 4 to 11 of two and three-form entry.
- ii. There is overcapacity within the primary sector, which means that the Education Department is not utilising its resources as effectively and efficiently as it could be. As with all Departments, the Education Department's mandate includes the requirement to be accountable to the States for the management and safeguarding of public funds and other resources entrusted to the Department.
- iii. Whilst there is overcapacity of one class per year group at Key Stage 2 (age 7 to 11) and potential overcapacity of two class per year group at Foundation and Key Stage 1 (age 4 to 7), it is too great a risk to lose a two-form primary school across all these age groups at the current time. At Key Stage 2 (based on class sizes of 28, or 25 in the three social priority schools) there are currently 640 places per year group, which can be stretched to 665 places per year group if Amherst and/or Vauvert have some years with three forms. Losing one class per year group would take the number of available places to 612 ideally per year group (or 637 per year group with an additional class at Amherst or Vauvert). It is necessary to maintain some surplus capacity in the system to take account of families moving in and out of catchment, or in and out of the Island, and to take account of variations in the number of births and the number of children opting for private education from year to year. School population projections are not an exact science. Currently the largest year group of States primary pupils is about 570 children, but this is projected to rise to around 611 or 612 in the next couple of years before declining to just

below 600. Primary population numbers across all primary year groups are projected to peak in 2019/20 before declining again (see Annex 2).

- iv. From an educational perspective, for the reasons outlined in the attached report, it is not preferable to close a two-form entry school and leave multiple one-form entry schools open. The desired educational model and the numbers support merging Infant and Junior Schools and closing a one-form entry school but not a two-form entry one. This factor rules out the closure of La Houquette Primary and La Mare de Carteret Primary. (The Board did consider the case for rebuilding La Mare de Carteret Primary in considerably more detail due to the Department's capital prioritisation bid – see paragraph 4.11).
- v. Given current States planning and transport policies, in the majority of cases it would not be desirable to close a full primary school located in the urban area. For September 2013, the Department received more registrations than it was anticipating for Amherst and Vauvert Primary Schools and the number of children living in the urban area is projected to rise further in future years, due to planning policies. Analysis of pupils at the Catholic (Voluntary) schools in January 2013 showed that over 60% of Notre Dame du Rosaire pupils were from the Amherst or Vauvert catchment areas and 73% of pupils at St Mary and St Michael Primary were in the Vale, St Sampson's, Amherst or Hautes Capelles catchments. Whilst accepting that the number of family allowance claims by parish is not a direct proxy for future school rolls and that the urban area and parish boundaries do not directly coincide (and that the address data for family allowance claimants may be out of date if families move house but do not keep the Social Security Department informed), the following are the best projections that the Education Department currently has available to it to assist with future planning in this area.

Number of family allowance claims by parish for St Peter Port and St Sampson's provided by the Social Security Department (June 2013)

	Reception (age 4) September 2013	Reception September 2014	Reception September 2015	Reception September 2016
St Peter Port	207	210	217	228
St Sampson's	88	83	96	94
<b>Total</b>	<b>295</b>	<b>293</b>	<b>313</b>	<b>322</b>

(Some of the above children may attend private schools.)

- vi. Whilst St Sampson's Infant School is in the urban area, there were other factors in the multi-criteria analysis in favour of merging it with Vale Primary that outweighed this particular criterion. For example:-

- It will soon be the only stand alone Infant School so these pupils will soon be the only States pupils who have to transfer schools at age 7;
  - For educational reasons, the Department has a long history of combining Infant and Junior schools into Primary Schools and merging St Sampson's Infant into Vale would complete this process;
  - St Sampson's Infant School is the most expensive mainstream primary school to run per capita by a considerable amount (2012 figures show that the average per pupil cost per year of providing primary education on Guernsey is £4,263. The per pupil per year cost at St Sampson's Infant School is £6,212 which is almost £2,000 per pupil per year more than the average and more than £800 per pupil per year higher than the next most expensive school);
  - The school only has three classes so is even more vulnerable to the educational challenges of small schools than a one-form entry primary school with seven classes;
  - The current Vale Infant School has capacity to become three-form entry with minor modifications to make the new primary school three-form throughout (indeed it has operated with three forms in reception to year 2 in the past);
  - Pupils in the St Sampson's Infant School catchment are already within the Vale Junior (soon to be Vale Primary) catchment from age 7;
  - Moving to Vale Primary would be a relatively smooth transition for existing St Sampson's Infant pupils (and one that existing pupils will have to do anyway);
  - Merging the two schools will mean that future cohorts will not need to move schools at all at age 7.
- vii. Whilst pupil numbers are projected to increase in the urban area, pupil numbers have been lower than expected in other parts of the Island. For September 2013, registrations were initially low compared to the number of available places for Castel, St Martin's, La Houquette and La Mare de Carteret Primaries, although numbers at Castel and St Martin's Primaries have increased due to Out of Catchment Area School (OCAS) requests and the Department's decision to move pupils out of Vauvert (which was oversubscribed) and La Houquette (which had too many initial registrations for one-form entry but too few for two-form entry). This trend is expected to continue and supports losing one class per year from the south (or centre) and west of the Island. As already explained, for both educational and economic reasons it would be preferable to close a one-form entry school rather than to reduce a two-form entry school to one-form entry.
- viii. Due to St Andrew's central location, existing pupils at St Andrew's Primary can be accommodated within current classes in neighbouring schools. In

future years only small changes to other catchment boundaries would be required. Relocating all existing pupils to neighbouring schools without adding additional classes elsewhere or substantial additional temporary accommodation would be more difficult if other schools were to close, (especially those that are currently more than one-form entry such as La Houquette and La Mare de Carteret Primaries).

*Other options considered in more detail but rejected*

*Not rebuilding La Mare de Carteret Primary*

4.11 The Education Board gave much thought to other options. In particular, it gave very careful consideration as to whether La Mare de Carteret Primary school should be rebuilt, as it was conscious that it would be asking the States to close one school at the same time as seeking substantial capital investment in another. The Board decided that rebuilding La Mare de Carteret Primary is necessary for the following reasons:-

- i. The redevelopment of La Mare de Carteret Primary alongside the secondary High School, whether as a through school or as two separate schools, aligns well with the States overarching strategic objectives, particularly of providing a range of community facilities in local centres of population, maximising redevelopment of existing facilities and allowing for multiple and diverse uses of the sites. The intention is to work collaboratively on social policy provision, both with other government departments and the “third sector.” The Education Board approved a Capital Prioritisation submission, which envisages provision on the site for community facilities for families and the elderly. The submission also proposes accommodation for some nursery age children, enhanced sports facilities to provide an Island centre for basketball and volleyball and other indoor sports and the establishment of an educational unit for young people from 4 to 16 with autism and other communication disorders. A local primary school is an excellent location to co-locate community facilities. For example St Martin’s Primary and Hautes Capelles Primary are examples of where such a model has worked well elsewhere on the Island. Both schools have new community facilities close by, which can be used by pre-schools, by parents of young children whilst their older children are in school, by school age children after school, and by other community groups in the evenings.
- ii. The La Mare de Carteret site is an excellent site for a school compared with the other schools under consideration for closure. It is in an area of relatively high population density in a local centre as identified by the Rural Area Plan and adjacent to social housing containing a high proportion of families with young children. The site has the level ground area for rebuilding a two-form primary school sharing and benefiting from the facilities of the adjacent high school and enhanced internal and external sports facilities. It has the space to provide accommodation for a pre-school group of children. Two pupil cohorts on one site means that the facilities provided for the larger numbers

will allow more flexibility in the uses of the space by the community. The infrastructure provided to support the schools - parking, road access, disabled access - will also benefit community users and will maximise the use of the site outside of school hours.

- iii. The La Mare High School is in urgent need of renovation and there are economies of scale to be achieved by rebuilding both schools at the same time. Whilst closing La Mare de Carteret Primary School will save the States capital expenditure in the short term, in the longer term it will result in the continuation of more expensive one-form entry schools with higher revenue costs, significant ongoing maintenance expenditure, and education being provided in increasingly inadequate and unsatisfactory buildings, with fewer opportunities for specialist teaching and flexible groupings. La Mare de Carteret Primary will have greater opportunities for rebuilding without disruption to learning because the phasing of the new facilities for the two schools' redevelopment on a much larger site will create greater flexibility to manage the site while maintaining educational services.
- iv. La Mare de Carteret Primary is one of the Board's social priority schools and there is a need for enhanced community facilities in this area, which are open to all. From an education welfare perspective, it is easier for children to attend school in their local area, especially if they are from lower income households, who may have fewer transport options available to them.
- v. From a traffic perspective it is sensible to locate schools in areas of higher population density so more pupils have the opportunity to walk to school. The Education Department currently provides transport to school for pupils living beyond a walking distance. Walking distance is defined as "in relation to a child who has not attained the age of eight years one mile and in the case of any other child two and a half miles, measured by the nearest available route." The more pupils who are able to walk to school, the less the Department needs to spend on transport costs, and this proximity is again consistent with the intentions of the infrastructure plans within the States Strategic Plan. Although from an educational perspective, this factor should not outweigh the educational reasons for moving to two or three-form primary schools.
- vi. La Mare de Carteret Primary is a two-form school. To close a two-form school, whilst retaining multiple one-form schools, is not educationally or economically desirable. The larger reduction in the number of school places would also be too great a risk at the current time.

All of the above factors provide strong arguments in favour of rebuilding La Mare de Carteret Primary.

*Closing Forest Primary instead of St Andrews Primary*

4.12 The Board also considered whether Forest Primary should close either as well as, or instead of, St Andrew's Primary. After St Sampson's Infant School and St Andrew's Primary, closing Forest Primary scored the next highest in the multi-criteria analysis review. However, it had already been concluded that it would be too big a risk to close a two-form entry school; the same argument applies to two one-form entry schools. There are also multiple reasons why St Andrew's Primary should close ahead of Forest Primary.

The table overleaf compares the cases for closing St Andrew's and Forest Primary Schools.

	St Andrew's Primary	Forest Primary
Condition of building (immediate work required) (Education Dept data)	Significant immediate repairs required	Few immediate repairs required
<p>Condition of building over next 10 years – maintenance costs provided by States Property Services.</p> <p>NOTE:</p> <p>(a) The Category 1 Costs are the 'Poor' category – an estimate of immediate maintenance repair work required.</p> <p>(b) The Category 1 to 4 costs are the Costs for all Categories ('poor' to 'good') – as some category 4 costs would become category 1 within this 10 year period.</p> <p>The figures exclude cyclical maintenance costs such as boiler servicing, fire alarm and electrical testing.</p>	<p>(a) Category 1 costs approximately £270k</p> <p>(b) Category 1 to 4 costs approximately £1,100k</p> <p>More immediate repairs required</p> <p>The building is poorly provided in terms of its condition and fitness for purpose against all the criteria detailed in the Forest column to the right.</p>	<p>(a) Category 1 costs approximately £1.4k</p> <p>(b) Category 1 to 4 costs approximately £855k</p> <p>Less immediate repairs required</p> <p>The fit-for-purpose quality of the building is immensely better in terms of its heating, lighting, ventilation, acoustics, flexibility of spaces, room sizes, adjacencies, hireable facilities, disability access compliance, wayfinding, external teaching areas, hall size, security, adjacency of parking, health and safety features, staff accommodation and condition of its fabric . It is a modern school, specifically designed to meet the needs of modern teaching and learning.</p>

	St Andrew's Primary	Forest Primary
Strategic Land Use Plan - Rural/Village Centre and community facilities	Currently not a rural centre, so not preferable to keep from a Strategic Land Planning perspective	Currently in a rural centre, so preferable to keep from a Strategic Land Planning perspective
Room to expand one- form to two-form and nature of site	Difficult to expand, and not currently in a rural centre. In rural area, with poor parking/access and on a hill.	Might be room to expand if existing Forest school became the Infants and additional land was used on the Le Rondin side of the road for parking/a Junior Department (of the same Primary school). Is in a rural centre and new Strategic Land Use Plan means that further development in this area may be possible.
Co-location with special needs school	No	<p>Yes. The States report concerning the building of Le Rondin School said:-</p> <p>“Constructing the new buildings in proximity to mainstream schools will give more flexibility and opportunity for developing courses for these young people to meet the whole range of their special educational needs.... Those primary children who would currently be educated at Mont Varouf School, The Longfield Centre or at Oakvale School will transfer to this new Primary Special School. The children will spend most of their time at the Special School, which will have its own headteacher, staff and curriculum and grounds but, where appropriate, they will be able to be included in lessons in the mainstream school. This new special school will provide accommodation for up to 150 pre-11 children.” (April 2002 Billet d’Etat VI).</p> <p>The retention of Forest Primary School in co-existence with Le Rondin is fundamental to the Board’s stated policy intention to “provide an <u>inclusive</u> system that puts learners of any age at the centre, establishes equality of opportunity for all to realise their potential and ensures that each learner develops the knowledge, understanding and skills they need to pursue a happy and fulfilling life.”</p> <p>The aim is to allow pupils from both co-located schools to share more extensively teaching and resources when it was appropriate for their learning</p>

	St Andrew's Primary	Forest Primary
		<p>to do so and, in the case of the primary school, would mitigate some of the risks of Forest Primary being a one-form entry school.</p> <p>That process has been strengthened at primary level with the appointment of the Le Rondin Headteacher as overall Headteacher of both Le Rondin and Forest Schools.</p> <p>In the longer term sharing one of the two playing fields between the two schools at Le Rondin and Forest means the land of the other playing field might be available for development to add buildings, should the decision be taken to increase the mainstream school cohort to two-forms.</p>
Swimming pool / community facilities	Swimming pool in poor condition within a basic non-insulated enclosure and not in rural centre	Integrated indoor pool in good condition and currently used by community groups and Le Rondin pupils. Community use of Le Rondin/Forest sites could be expanded as in a rural centre.
Parking	Minimal dedicated parking – parents use church car park	Plenty of parking between the Forest and Le Rondin sites
Re-distributing pupils to other schools	Pupils could be redistributed to 3 or 4 neighbouring schools within existing classes. There are more neighbouring/adjacent schools than there are at Forest Primary which gives more flexibility with the implementation of the decision.	Pupils could be redistributed to neighbouring schools but there is less flexibility. 3 additional classes could be required elsewhere at St Martin's or La Houquette (e.g. where La Houquette Primary is currently one-form entry, it would need to become two-form entry again if pupils at Forest Primary were to be offered a place at a neighbouring school).
Distance to alternative school and transport	Transport could be re-routed. There are several neighbouring schools.	Children at this school already potentially travel further than children in any other catchment (measured as the distance between the school and the furthest point of the catchment as the crow flies). Transport could be relatively easily re-routed.

	St Andrew's Primary	Forest Primary
Financial savings of closure (revenue savings only )	£593k-£653k per annum	£599k-£690k per annum
Future strategic planning of the Education estate	Limited options for merging other schools onto this site in future.	Could be an important site for the future strategic planning of the education service. Retaining this site provides more future strategic options.
<b>Conclusion</b>	<b>Given the capital investment required at St Andrew's Primary, it would be prudent not to delay a decision on the future of this school</b>	<b>The possibility of utilising the Forest/Le Rondin sites combined in the future for a two-form school means that Forest school should not be closed prematurely.</b>

*Additional longer-term recommendations*

4.13 The Board recognises that the merger of St Sampson's Infant School with Vale Primary and the closure of St Andrew's Primary will only go part way to achieving its policy of two and three-form entry States primary schools. Forest Primary, St Mary and St Michael Primary and Notre Dame du Rosaire Primary would all remain below two-form entry. It is also worth noting that La Houquette Primary has been one-form entry for the September 2012 and September 2013 intakes. However, if the States decides to close St Andrew's Primary, it is likely that La Houquette Primary will become two-form entry again, at least for the next few years. This is discussed further under the sections of this report on "implementation" and "risks and benefits of the proposals." This has led to two further longer-term recommendations, as follows: -

- **Discussions should take place with the Diocesan Authorities to consider how Catholic primary provision is provided in future, with a view to determining whether it would be possible to move towards two or three-form entry in line with the Department's other primary schools, for example through federation or merger of Notre Dame du Rosaire and St Mary and St Michael Primary Schools.**
- **Over the next 5-10 years efficient and effective primary provision in the area served by Forest Primary School and La Houquette Primary School should be revisited by a future Education Board.**

4.14 It is important to stress that the Education Department is not wishing the Catholic School provision in the Island to be reduced in any way, as it recognises the valuable contribution it makes and the choice it offers to parents. The two Catholic Schools also currently provide important additional provision in the urban area. However, as the Education Department feels that there are educational benefits to two and three-form primary schools, it would wish the Catholic Schools to be included in such a strategy. In addition, the Department does have some concerns over the fitness of purpose of the buildings at Notre Dame du Rosaire in the long term. As highlighted in the Mulkerrin Primary review, the two Catholic schools buildings are owned by the Catholic Church and they have to find their own finance for building repairs and maintenance. The Education Department pays staff salaries and provides a school supplies budget. The Department restricts admission to these schools to baptised Catholics. Mr Mulkerrin noted that 'in England, church schools of all denominations receive 90% funding for capital works' and argued that Guernsey should provide financial provision for capital funding, repairs and maintenance of the Island's Catholic Schools, similar to the arrangement in England. The Education Department has previously committed to considering the issue of funding for Guernsey's Catholic Schools within the current review of the Education Law. It would be logical for the issue of funding and the issue of two or three-form entry to be discussed alongside one another. At this stage the Education Department is only saying that

it would like discussion of these issues to commence with the Diocesan Authorities. The Department does not wish to cause undue concern amongst parents as it is not making any firm recommendations for change for the time being.

- 4.15 Similarly the Education Department is not asking the States to make any decisions now regarding Forest Primary or La Houquette Primary. However, the Department has a duty to highlight the fact that primary school buildings that are least fit for purpose in the long term are (in no particular order) La Mare de Carteret Primary, St Andrew's Primary, Notre Dame Primary and La Houquette Primary. The board is recommending the rebuild of La Mare de Carteret Primary, the closure of St Andrew's Primary and that further discussions should take place regarding buildings and funding for the Catholic Schools. That leaves La Houquette Primary.
- 4.16 La Houquette Primary is of similar age and construction to La Mare de Carteret Primary but has fared better over time. It is anticipated that substantial works will be required in 10-15 years' time. However, the building is fit for purpose in the medium term and, indeed, has been the subject of investment by the Education Department in recent years. For example within the last 8-10 years the school has had a replacement roof covering and insulation upgrade, replacement heat pumps, cloakroom and toilet refurbishment, replacement doors and windows and playground resurfacing. It is also anticipated that if the States accepts the recommendation to close St Andrew's Primary, then La Houquette Primary School will return to two-form entry again in reception from September 2014.<sup>4</sup> La Houquette Primary was included in the Department's multi-criteria analysis, but it was concluded that it was too great a risk to close a two-form entry school, that it would be difficult to find alternative places at neighbouring schools for existing La Houquette pupils and that La Houquette Primary school is on a good site (unlike St Andrew's Primary, which is on a hill with parking the other side of the road etc). In addition, with minor catchment area changes, La Houquette Primary has the potential to become two-form entry again for future reception intakes in line with the Department's policy for two and three-form entry schools.
- 4.17 In the longer term the picture is less clear. As already explained, primary population numbers across all primary year groups are projected to peak in 2019/20 before declining again (see Annex 2). The current projections show that by 2030 it might be possible to lose another class of places per primary year group. If the current trend of declining numbers of children in the south and west of the Island continues, then it is likely that any further reductions in places would need to be made in this area. This is too far into the future to predict with any certainty and it would be foolish to make firm decisions now. For example, this trend could be halted by increased pockets of development of affordable family housing near rural centres in the south and west of the Island. However, in 7-8

---

<sup>4</sup> (The September 2012 and September 2013 intakes are one-form entry. These year groups will continue with one form as they move through the school, but it is anticipated that the September 2014 and September 2015 reception intakes will have two forms if St Andrew's Primary closes).

years' time, school population projections in this area should be revisited as planning will need to commence regarding future provision in the area served by Forest and La Houquette Primary Schools. Decisions will need to be taken regarding the future of La Houquette Primary in approximately 10 years' time as major capital investment is likely to be needed in the school within the next 15 years according to data held by States Property Services. Options (which have not yet been properly evaluated) would include retaining two separate schools at Forest and La Houquette, federating the two schools, or combining the two schools by either rebuilding at La Houquette (or an alternative site) or expanding at Forest. This would also be an opportunity to look at how two or three-form entry provision (depending on the number of places required) might be provided in this area. Again the Department is not making any firm recommendations, but is highlighting that these discussions will need to take place in the medium term and will be matter for a future Education Board to report to the States on.

- 4.18 In the interim, the Department would like to encourage closer working between Forest Primary and La Houquette Primary schools to mitigate some of the risks or disadvantages of Forest Primary remaining one-form entry.

*Other measures that the Education Department is taking to transform the primary sector and improve outcomes*

- 4.19 Moving to two and three-form entry schools provides the landscape within which educational outcomes can be improved. Teaching and leadership quality are vital for improving educational outcomes and opportunities for staff development, peer mentoring and sharing of good practice and expertise can be easier within larger schools. The Education Department has a number of other initiatives underway aimed at improving educational outcomes in the primary sector, including: -

- Continued quality assurance developments and improvements such as standardisation and moderation of assessment;
- Enhanced Continuing Professional Development aligned to school development plans;
- Continued curriculum development such as improving teacher subject knowledge, focusing specifically on core subject areas and sustaining the profile and ongoing skills development of subject leaders;
- Continuing the drive to raising standards and accelerating progress through, at primary level: -
  - Implementing and further developing the School Improvement Strategy;
  - Implement new challenging and aspirational Key Performance Indicators;
  - Challenging underachievement and working to 'narrow the gaps' to ensure that all learners meet their full potential;

- Increasing the number of children attaining age related expectations at the end of all Key Stages;
- Increasing consistency in performance by similar pupils in all schools;
- Increasing the standard of attainment in core subjects for all pupils at the end of Key Stages 1 and 2;
- Developing and ensuring effective use of data;
- Developing school leadership and management and ensuring that competency is addressed by senior leadership;
- Improving attendance across all phases and implementing a new attendance strategy;
- Ensuring transition processes across all key stages are successful;
- Continuing raising literacy levels and outcomes for primary age learners through reading recovery, the better reading partnership, volunteer readers;
- Initiating maths interventions across primary schools;
- Instigating and implementing initiatives to increase parental input into learning to maximise outcomes.

**Ongoing and future work to further improve outcomes for learners is an integral part of the transforming primary education agenda.**

## **5. Risks, costs and benefits of the proposals**

5.1 There are risks associated with the attached proposals. One of the first concerns that the Community will have is whether there will be sufficient school places to meet demand in the future. If these recommendations are accepted, the Education Department has deliberately left spare places within the primary education system to cope with year to year fluctuations in pupil numbers. Also some schools either have additional classrooms that could be used to house extra classes or could be relatively easily expanded in future should school population projections be higher than anticipated. The additional classrooms have been factored into the school population projection modelling shown in Annex 2, together with scenarios whereby school roles are 2% and 5% higher than anticipated (see Annex 2). The Department has also modelled moving existing pupils from St Andrew's Primary to ensure that there are sufficient places for all pupils at neighbouring schools and that siblings can be moved to the same school.

5.2 Some children will have to travel further to school and use other means of transport when at the moment they are able to walk to school. The Education Board recognises that in order to have schools of two and three-form entry, some

pupils will inevitably have to travel further to school than if multiple one-form entry schools are retained. From an education perspective, the educational and economic advantages of having two and three-form entry schools outweigh this disadvantage.

- 5.3 Future housing developments could mean an increased demand for school places or, more likely (as the population projections only show a small increase in the future demand for school places before a further decline), a change in the geographical distribution of children across the Island. The Housing Department hopes to bring forward one or more of the privately owned Housing Target Areas (HTAs) for development and is negotiating with landowners at present. However, it may be that they are used to build small units of accommodation for older people rather than the family housing that will affect school roles. (The sites are Pointues Rocques, Franc Fief, La Vrangue and the Saltpans – all in the urban area.) The Strategic Asset Management report also identifies sites in which the Housing Department has an interest, although again they might be used for older people's housing rather than families. As part of the review of the Island Development Plans, there could also be further development permitted near rural centres as well as the urban area. The key factor for the Education Department is whether there are sufficient school places in the Island as a whole, as some further catchment boundary changes could be made in future to accommodate any further future changes in the geographical distribution of families across the Island. However, it is easier from a transport and convenience perspective if the locality of available school places and the distribution of family housing in the Island match, therefore the principle of further family housing near rural centres in the south and west of the Island would be welcomed by the Education Department.
- 5.4 The Education Department also appreciates that to revisit primary rationalisation, and potentially school closures, a few years after the January 2009 debate is unsettling for pupils, parents and staff. However, if primary provision can be delivered more effectively, to a higher standard suited to future developments in education (future-proofing), and in a more cost effective way, then the Department has a duty to ask the States of Deliberation to reconsider this issue.
- 5.5 There is also a risk that these proposals will not be accepted. The rationalisation of primary schools has previously been considered by the States of Deliberation on a number of occasions. For example, La Houquette School was opened in November 1976 and built to replace the existing parish schools of St Pierre du Bois and St Saviour. In 1985 the States debated whether to close Forest Primary School, in response to a review by the Advisory and Finance Committee. The proposition to close the school was negated and in the late 1990s Forest Primary School was rebuilt. More recently, the former Education Department submitted a report to the States for debate early in 2009 recommending the closure of St Sampson's Infant School as part of the Department's Education Development Plan – Programme 2. At that time the States narrowly decided against the Department's recommendation to close the Infant School.

- 5.6 There are risks and disadvantages associated with maintaining the status quo, which can also be perceived as opportunities for, or advantages of, change. It has already been explained that there is surplus capacity in the primary education system across the Island as a whole and that, although numbers of children in the urban area are increasing, numbers in the south and west of the Island are declining. The Education Department has run La Houquette Primary with one reception class for September 2012 and September 2013 and numbers of pupils in this part of the Island are projected to fall further over the next few years.

Number of family allowance claims by parish for St Peter's, St Saviour's, Forest and Torteval provided by the Social Security Department (June 2013)

	Reception (age 4) September 2013	Reception September 2014	Reception September 2015	Reception September 2016
St Peter's/St Saviour's	48	45	42	33
Forest	18	16	13	12
Torteval	11	8	14	7
<b>Total</b>	<b>77</b>	<b>69</b>	<b>69</b>	<b>52</b>

(Some of the above children may attend private schools.)

- 5.7 This means that unless a nearby one-form entry primary school is closed (the Education Department's recommendation is that St Andrew's Primary should close), La Houquette Primary School is likely to have insufficient numbers for two-form entry for the foreseeable future in new year groups. This means that over time there could be three one-form entry primary schools in the south and west of the Island (La Houquette Primary, Forest Primary and St Andrew's Primary), which the Education Department would argue is the least educationally desirable and least cost effective option for the future delivery model of primary school provision in this part of the Island.
- 5.8 In addition, there are substantial financial benefits to closing St Sampson's Infant School and, in particular, St Andrew's Primary. The financial benefits of closing St Andrew's Primary are much greater because pupils would be accommodated within existing classes elsewhere, thus making the primary education system more efficient and cost effective. Detailed financial analysis is included in this report at the end of the implementation section. The Department hopes that in the longer term (after any initial one-off expenditure) to save approximately £681k-£801k per year from closing these two schools. Although some increased revenue expenditure is likely to be required in the town schools to take account of rising pupil numbers in this area, the net savings would make a significant contribution to the Education Department's FTP savings target of

£4.8million for 2013 and 2014. If a process of primary transformation and rationalisation is not progressed, the Department is unclear how it would meet its savings target, without making significant and detrimental cuts to its services elsewhere.

- 5.9 Parents may be concerned about how the changes will be implemented. In its Vision, the Education Board outlined its commitment to work with interested parties and communications on this subject will be critical. One of the Department's priorities is to allay these concerns. A detailed implementation plan is included in the next section of this report.

## **6. Implementation**

- 6.1 Whilst the Education Department appreciates that there is no good time within the school year to bring a report recommending school closures, the Department has tried to time the submission of this States Report to give the minimum period of uncertainty to staff and pupils, to fit with the September 2014 admissions process and to give sufficient time to prepare for the changes that it is recommending take place from September 2014.
- 6.2 This States Report is being submitted for debate by the States at the October 2013 States meeting. This gives time for key communications to take place in September after the schools have gone back after the summer holidays, but enables a States decision to be made as early in the school year as possible to allow for planning for the following September.

### *September 2014 admissions*

- 6.3 Parents of reception children for the September 2014 reception intake will be asked to register between 6<sup>th</sup> November 2013 and 17<sup>th</sup> January 2014. Any registrations after that date will be placed where there is available space after registrations received by the deadline have been processed. This is a shorter registration window than in previous years for two reasons. First, the registration process for September 2014 is planned to commence after the States of Deliberation has debated this report (it is anticipated that a decision will be reached on either 30<sup>th</sup> or 31<sup>st</sup> October 2013 or 1<sup>st</sup> November 2013.) This means that parents will not be applying to schools that might close. Second, whichever way the voting on this report falls, there will be some changes to primary school catchment boundaries, which fall within the mandate of the Education Department to determine. These will be publicised in late September or October 2013, prior to the admissions process for September 2014 commencing.

### *Timetable*

- 6.4 If the Department's recommendations are accepted, further liaison would take place with the affected schools, staff, pupils and parents in November or December 2013 and early January 2014.
- 6.5 Between January and April 2014, the Department would work with headteachers to allocate places to all reception children for September 2014 and, if the Department's recommendations are accepted by the States, to all children who would be displaced by any school closures for either September 2014 or September 2015, as appropriate. Parents would be informed of their child's new school place by Easter 2014. In order to avoid the delay to confirming places that was experienced this year, the registration deadline has been brought forward by a month.
- 6.6 If the Education Department's recommendations are accepted by the States of Deliberation, St Sampson's Infant School would close in August 2014 and all pupils would transfer to Vale Primary from September 2014. The 2013/14 year 2 St Sampson's Infant pupils would transfer to Vale Primary at this time anyway even if St Sampson's Infant School remained open. The Reception and year 1 pupils will be transferring earlier than they would have otherwise done. In effect, this means that St Sampson's Infant would merge with the new Vale Primary in September 2014.
- 6.7 If the recommendation to close is accepted, St Andrew's Primary would continue in 2014/15 without a reception class and without a year 5 class (the 2013/14 year 4 class would move to new schools in September 2014). Siblings of pupils in these year groups would also be offered the choice to move schools at this time. St Andrew's would close with effect from August 2015 and all pupils would move to new schools in September 2015.

### *Detailed implementation plan for St Andrew's pupils*

#### *a) Pupils currently attending St Andrew's Primary*

- 6.8 The Board was presented with a range of options for implementing the closure of St Andrew's Primary. A phased closure over two years is recommended to try to ensure that no pupil at the school is forced to move schools and change friendship groups twice in two years. The September 2013 reception intake would be able to continue at St Andrew's until the summer of 2015. Those pupils in years 5 or 6 at St Andrew's as at September 2013 would complete their primary education at the school. Those pupils in year 4 in September 2013 would leave St Andrew's in the summer of 2014, a year before it closes, so that they are not forced to move primary schools at the start of year 6 and then to move again the following year to their new secondary schools.

6.9 For the academic year 2014/15 St Andrew's Primary would run without a reception class and without a year 5 class. Other classes would continue as normal for this academic year. Pupils in the St Andrew's catchment and either a) not in reception or year 5 or b) without siblings in these year groups, would be expected to remain at St Andrew's Primary for the 2014/15 academic year to ensure that the school has sufficient numbers of pupils and teachers overall to ensure that the quality of educational delivery is maintained (unless there are exceptional circumstances under which a place at another school would have been offered anyway). Siblings of children who would have been in reception or year 5 at St Andrew's Primary in 2014/15 would be given the choice of whether to stay at St Andrew's in 2014/15 or whether to move to their new schools in September 2014.

6.10 The following table shows the proposed timetable for each year group at St Andrew's Primary: -

Academic year 2013/14	Academic year 2014/15	Academic year 2015/16
Reception	Continue at St Andrew's in Year 1 (unless sibling in reception or year 5 in 2014/15 when would have the choice to stay or move)	Move to new schools for Year 2 in 2015/16
Year 1	Continue at St Andrew's in Year 2 (unless sibling in reception or year 5 in 2014/15 when would have the choice to stay or move)	Move to new schools for Year 3
Year 2	Continue at St Andrew's in Year 3 (unless sibling in reception or year 5 in 2014/15 when would have the choice to stay or move)	Move to new schools for Year 4
Year 3	Continue at St Andrew's in Year 4 (unless sibling in reception or year 5 in 2014/15 when would have the choice to stay or move)	Move to new schools for Year 5
Year 4	Move to new schools for Year 5	Have a second year at their new schools during which they take the 11 plus
Year 5	Continue at St Andrew's in Year 6	Move to secondary schools

Year 6	Move to secondary schools	
--------	---------------------------	--

- 6.11 The majority of existing pupils at St Andrew's Primary would be offered places at Castel or St Martin's Primaries, with a few offered places at Forest, La Houquette or Vauvert Primary Schools. At the time of writing there are five pupils at St Andrew's Primary who currently live in the La Mare de Carteret Primary catchment, so they would be offered places at La Mare de Carteret Primary.
- 6.12 Parents of existing pupils at St Andrew's Primary would also be given the option to express a preference for any other school (excluding the voluntary schools unless they are baptised Catholic) at which the Department has space, provided that they make their own transport arrangements.
- 6.13 Where more parents express a preference for a particular school than there is space, places would be allocated according to distance from the school and keeping siblings together. Younger pupils would be allocated places first, followed by their siblings, followed by others in the older age groups as the younger pupils will have a greater period of time at their new school.
- 6.14 It is inevitable that class sizes at the receiving schools would increase but based on school population figures at February 2013 and June 2013, class sizes should remain at no more than 30, as now. This conclusion has been reached by analysis of where existing St Andrew's pupils live, and their siblings, analysing space at neighbouring schools, and through initial consideration of how bus routes might be altered in order to be able to offer transport options to St Andrew's pupils. A reduction of one class per year group would increase class sizes across the Island on average by one pupil per class based on current pupil numbers.
- b) Transition arrangements for pupils currently living in the St Andrew's Primary catchment who are expecting to start school in September 2014 or September 2015*
- 6.15 If the recommendation to close St Andrew's Primary is accepted by the States, pupils currently living in the St Andrew's catchment who are due to start school in September 2014 will be asked to apply to the Education Department office from 6<sup>th</sup> November 2013 and the Department will work with these families to allocate places at neighbouring schools. (A similar arrangement is anticipated the following year). The Department will also contact parents of all existing pupils at St Andrew's Primary to determine which pupils have siblings due to start at the school in either September 2014 or September 2015. This is to ensure that when existing pupils leave St Andrew's Primary and move to new schools in either September 2014 or September 2015, their siblings can also be offered places at the same schools. By 2015, the Department anticipates that the Policy Council's electronic census project will be ready in order to help the re-drawing of catchment boundaries for St Andrew's pupils in future years. It is anticipated that in future years new pupils, who would until now have been in the St Andrew's

catchment, will live within re-drawn school catchments for Castel, St Martin's, Forest or La Houquette Primaries. The parents of those pupils with siblings continuing at a primary school elsewhere would be able to make an Out of Catchment Area School request for their younger child to attend the same school as their elder sibling. Further discussion on potential changes to primary school catchment boundaries is included in the next section of this report.

*Catchment boundary changes*

- 6.16 If the States decides to close St Sampson's Infant School, pupils currently at that school will transfer to Vale Primary. Otherwise catchment boundaries for Vale Primary (and St Sampson's Infant School) are likely to remain unchanged.
- 6.17 Regardless of whether the States of Deliberation decides to close St Andrew's Primary, it is likely that catchment boundaries will need to change elsewhere in the Island. This section details examples of the changes that **might** need to take place. School catchment boundaries fall within the mandate of the Education Department, so the Department intends to review them annually over the next few years, with a major review in 2015/16 after statistics from the Policy Council's electronic census project become available. There is already no guarantee that because a family lives within a particular school catchment, their child will be allocated a place at the catchment school, as this depends on the balance of supply and demand, which can vary from year to year. The Education Department's admissions policy makes it clear that just because a parent lives in a particular catchment and registers a child for that school, this is no guarantee of a place until a formal acceptance/confirmation is sent in writing. As the distribution of children across the Island appears to be changing, it is likely that in future years the Education Department will need to review catchment boundaries. If parents find that as a result they have moved catchments but already have an elder child at their original catchment school, then they will be able to make an Out of Catchment Area School request for their younger child to attend the same school. It is anticipated that for September 2014 the main area of change will be that the Department intends to remove the choice currently offered to two small parts of the Island (see Annex 3), as it feels that it is unfair that some parents currently have a choice whilst others do not. A small change is also likely to be made to the boundary between the Castel Primary School and La Mare de Carteret Primary School catchments.
- 6.18 **Anticipated** registration issues and changes for new pupils from September 2014 include the following:-
- Vauvert and Amherst Primaries are likely to be oversubscribed. It may be possible to run an additional class for at least one of these schools, but some pupils may be offered places at Hautes Capelles or St Martin's Primaries instead.
  - St Martin's Primary is likely to be undersubscribed initially and, it is anticipated that La Houquette Primary will have similar difficulties to this

year with too many registrations for one-form entry and insufficient numbers to run two reception classes, unless the action detailed in this report is taken.

- Those parents who currently have a choice of La Mare de Carteret Primary or Hautes Capelles Primary will be required to register their children for La Mare de Carteret Primary.
- A small area of Castel Primary catchment near Saumarez Park is likely to be changed to La Mare de Carteret Primary catchment (see Annex 3).

(The above changes are expected regardless of the outcome of the debate on this States report.)

And:-

*If St Andrew's Primary closes*

- Those parents who currently have a choice of Forest Primary or La Houquette Primary will be required to register their children for La Houquette Primary.
- Parents of pupils who would have registered for St Andrew's Primary from September 2014 will be asked to apply to the Education Department and are likely to be offered places at Castel or Forest or St Martin's or possibly La Houquette Primaries.
- It is unlikely that any new admissions will be agreed to St Andrew's Primary after September 2013.
- Applications to move into Forest, Castel, St Martin's, Vauvert or La Houquette Primaries after September 2013 until September 2014 (other than for the reception year group in September 2014) will need to be sent direct to, and considered by, the Education Department, which will take into consideration how much space there is likely to be at these schools in each year group after St Andrew's Primary pupils have moved.

*If St Andrew's Primary does not close*

- La Houquette Primary is likely to operate as a one-form entry school in future years with some parents asked to move to Castel or St Martin's Primaries if La Houquette Primary is oversubscribed for one-form entry. (This would apply to new pupils starting at the school after September 2013).
- Those parents who currently have a choice of Forest Primary or La Houquette Primary will be required to register their children for Forest Primary.

*Modifications at Vale Primary to improve accommodation*

- 6.19 There is sufficient space at the Vale Primary site to accommodate the St Sampson's Infant pupils. The Education Department's estates team has prepared a

number of options. It is anticipated that any necessary modifications to replace the St Sampson's Infant School classroom on the Vale site would cost less than £450k, and disruptive work would take place outside of school hours. The States are asked to give delegated authority to the Treasury and Resources Department to agree a capital vote to fund the associated modifications at Vale Primary School from the Fundamental Spending Review Fund.

### *Staffing*

- 6.20 Prior to the publication of the States report, the Department will have already commenced a communications process with affected staff and their unions. If the States of Deliberation supports the Education Department's recommendations, then the Education Department would hope to avoid any compulsory redundancies through natural turnover and will take further steps to reduce the need for compulsory redundancies. Human Resources staff will continue to liaise closely with all affected staff and, whilst there is a risk of redundancies, the Education Department is committed to redeploying employees where possible and appropriate and it aims to take whatever steps needed to avoid compulsory redundancies wherever it can. The Department is committed to providing as much information as possible to assist staff in this transition process.

### *Transport*

- 6.21 The Education Law 1970 section 20 subsection 3 defines "walking distance" for pupils "*in relation to a child who has not attained the age of eight years one mile and in the case of any other child two and one half miles, measured by the nearest available route*". In practice, this has meant that the Environment Department Traffic Section has provided school buses free of charge or bus tickets for regular service buses for those children who live outside the statutory walking distance. Buses currently transport children to and from the following primary schools:-

- Castel Primary School
- Forest Primary School
- Hautes Capelles Primary School
- La Houquette Primary School
- La Mare de Carteret Primary School
- St. Andrew's Primary School
- Vale Infant and Junior (soon to be Vale Primary) School(s)
- Vauvert Primary School

- 6.22 A consideration in the primary transformation project has been the impact on school transport routes, should St Sampson's Infant School and St Andrew's Primary close and should catchment areas be redefined.

- 6.23 The buses which currently serve the Vale (Junior) pupils would be available for use by the additional pupils from St Sampson's Infant School as the buses cover the same area as that currently defined as the St Sampson's Infant catchment area.

The Education Department believes the current bus allocation for the morning run would provide sufficient capacity to accommodate the extra pupils at Vale Primary School, although an extra minibus may be necessary for the afternoon run.

- 6.24 It is the Education Department's intention that transport options should be available to pupils currently in the St Andrew's catchment who would move to other schools and who would then be living outside the statutory walking distance. The provision of buses for the school runs is always assessed annually by the Environment Department, and the Education Department will work over the next two years with the Environment Department to evaluate different arrangements. New transport route arrangements cannot be finalised until parental preferences are known and new places have been allocated to all displaced pupils. An initial estimate suggests that an additional minibus for the Vale/St Sampson's area could cost approximately £7.6k per annum (range £0-15k) and additional buses for St Andrew's pupils could cost approximately £50k per year (range £42k-67k) for additional bus routes. However, it might be possible to re-route some additional buses or use spare capacity on existing routes (for example at the moment the Castel Primary and St Andrew's Primary bus routes partially cover the same area).
- 6.25 If the States accepts the recommendations contained in this report, then it may be necessary to return to the States of Deliberation with a further report on the future of the St Andrew's Primary School site after discussions with the Parish Officials of St Andrew's. The Education Department would have no further use for the St Andrew's Primary School building and any States share in the ownership of this site would return to the stewardship of the Treasury and Resources Department. The Education Department anticipates that it would have other educational uses for the St Sampson's Infant building, if there was the opportunity for it to continue to be used by the Education Department. For example, it is adjacent to the College of Further Education (CFE) Delancey campus, which means it would be ideal for additional CFE accommodation when the CFE consolidates onto the Delancey and Les Ozouets sites. However, ownership of both the St Andrew's site and the whole St Sampson's and Delancey site is complex as it is understood that historically they have both been part States and part parish owned. Discussions over the future of both sites will therefore need to take place with the parishes concerned. Whether or not the Education Department could continue to use the St Sampson's Infant site for other purposes would not affect the Department's recommendation that the school should close.

### *Financials*

- 6.26 While the main drivers for change are educational, there are positive financial benefits as well. It is not possible to provide full details of the savings that will be made as a result of closing these two schools as there are still a number of factors to be determined, such as transport requirements once all affected children have been offered a place at alternative schools and future use of the sites and buildings after liaison with the parishes concerned. However it is possible to give a broad

brush estimate of the potential financial savings based on some general assumptions. Due to the high levels of uncertainty, the estimates have been provided as a range. Although some increased revenue expenditure is likely to be required in the town schools to take account of rising pupil numbers in this area, the net savings would make a significant contribution to the Education Department's FTP savings target.

6.27 2012 actual costs for each school have been taken as the baseline and with costs disaggregated into staff and non-staff cost headings. Two scenarios have been derived:

- a "Least Favourable Scenario" representing a worst case scenario of what costs would remain within the Education system should the school close; and
- a "Most Favourable Scenario" takes a more optimistic view and assumes a higher level of financial savings.

#### ESTIMATED ST SAMPSONS INFANT FINANCIAL SAVINGS PER ANNUM

	2012 costs	Least favourable scenario costs	Most favourable scenario costs
Staff costs	£396k	£308k	£ 271k
Non staff costs	£ 36k	£21k	£13k
<b>Total</b>	<b>£432k</b>	<b>£329k</b>	<b>£ 284k</b>
Additional ongoing costs (transport)		£15k	£0
<b>Maximum Annual Savings</b>		<b>£148k</b>	
<b>Minimum Annual Savings</b>		<b>£88k</b>	

#### ESTIMATED ST ANDREWS FINANCIAL SAVINGS PER ANNUM

	2012 costs	Least favourable scenario costs	Most favourable scenario costs
Staff costs	£630k	£ -	£ -
Non staff costs	£71k	£41k	£6k
<b>Total</b>	<b>£701k</b>	<b>£41k</b>	<b>£6k</b>
Additional ongoing costs (transport)		£67k	£42k
<b>Maximum Annual Savings</b>		<b>£ 653k</b>	
<b>Minimum Annual Savings</b>		<b>£593k</b>	
<b>Total combined savings from both schools per annum</b>			
<b>Maximum Annual Savings</b>	<b>£ 801k</b>		
<b>Minimum Annual Savings</b>	<b>£ 681k</b>		

- 6.28 Savings of approximately £88k-£148k per year at St Sampson's Infant School would come from savings on a headteacher's salary, administration and support staff costs and some supplies, property and utility costs. This is a saving of over £1,000 per pupil per year. In the least favourable scenario, 75% of property costs and 30% of utilities have been retained in case the property remains the responsibility of the States of Guernsey but is vacant for a temporary period. The remainder of the school's budget would transfer to Vale Primary along with the St Sampson's Infant pupils. The St Sampson's Infant pupils would be moved into **additional** classes at Vale Primary so there would be additional staffing and resource requirements at Vale Primary School in addition to the individual educational supplies for each pupil, which have been factored into the above costings. Approximately one third of the annual saving would be achieved in 2014 (minus the decant<sup>5</sup> cost below), as the school would close in 2014, with the full amount being achieved each calendar year from 2015.
- 6.29 Savings at St Andrew's Primary are projected to be considerably higher (£593k-653k per year) as St Andrew's Primary pupils would be moved to vacancies within **existing** classes at other schools. Educational supplies costs for each pupil and additional transport costs would be incurred, but there would be significant savings on all types of staff costs, property and utilities costs and school-wide educational supplies and resources. Again in the least favourable scenario, 75% of property costs and 30% of utilities are assumed to be retained until the future of the site is agreed. By moving pupils into existing classes at other schools, the whole education system becomes more efficient and the cost per pupil of running those other schools will decrease as their vacancies are filled. The Department would achieve very little saving in the academic year 2014/15 as although St Andrew's Primary would operate without two classes during this academic year, it would need to run buses through St Andrew's to both the existing school and for pupils who had already moved to new schools. One third of the saving is anticipated to be made in 2015 (minus the decant cost below), with the full savings realised from 2016.
- 6.30 In addition to the above ongoing revenue projections, there will be some capital and one-off revenue costs. In particular costs associated with the modifications at Vale Primary and decanting from both the St Sampson's and the St Andrew's sites. Up to £450k is thought to be required for the Vale Primary modifications, depending on which option is favoured after further discussions with the school and £50k has been estimated for decanting and vacating both sites. There is a possibility that there might be some redundancy costs. However, the Department is anticipating that compulsory redundancies will be avoided due to natural turnover and redeployment of staff. Redundancy costs have not been included in the above financial tables; any costs would reduce the financial benefits in 2014/15 and 2015/16.

---

<sup>5</sup> The one-off cost associated with moving equipment to other schools and vacating the site.

## 7. Compliance with States procedures and strategic objectives

- 7.1 The contents of this States Report are in accordance with the objectives in the States Strategic Plan, in particular the objectives on equality of opportunity and sustainable long term finances.
- 7.2 The report is also compliant with the Principles of Good Governance as outlined in Billet d'État IV, 2011, particularly Principles 1 and 4 and the Department has a detailed communications plan going forwards to meet principle 6:-

**Principle 1:** focusing on the organisation's purpose and on outcomes for citizens and service users

**Principle 4:** taking informed, transparent decisions and managing risk, and

**Principle 6:** engaging stakeholders and making accountability real.

- 7.3 When undertaking its multi-criteria analysis, the Education Department sought advice from Policy Council Staff with respect to how strongly each option considered would agree with the States strategic approach to land and asset management planning.
- 7.4 The Law Officers have been consulted in connection with the issues raised in this report. They confirm that, in their view, the recommendations are consistent with the legal duties of the Department to secure the availability of schools and provision of primary education. There is no legislative drafting resource requirement arising from these recommendations.

## 8. Recommendations to the States

The Education Department recommends the States to agree: -

- 1) To move towards a policy of two and three-form entry States primary schools as far as possible in order to improve educational outcomes, increase efficiency and ensure greater consistency in performance;
- 2) That St Sampson's Infant School should merge with Vale Primary in September 2014 and St Sampson's Infant School should close;
- 3) That St Andrew's Primary should close in August 2015;
- 4) That discussions should take place with the Diocesan Authorities to consider how Catholic primary provision is provided in future, with a view to determining whether it would be possible to move towards two or three-form entry in line with the Department's other primary schools, for example through federation or merger of Notre Dame du Rosaire and St Mary and St Michael Primary Schools;

- 5) That over the next 5-10 years efficient and effective primary provision in the area served by Forest Primary School and La Houquette Primary School should be revisited by a future Education Department;
- 6) To give delegated authority to the Treasury and Resources Department to agree a capital vote to fund the associated modifications at Vale Primary School from the Fundamental Spending Review Fund.

Yours faithfully

R W Sillars  
Minister

A R Le Lievre (Deputy Minister)  
R Conder  
C Green  
P A Sherbourne

D Mulkerrin CBE (Non-States Member)

## **ANNEX 1: Transforming Primary Education**

### **“TRANSFORMING EDUCATION, DEVELOPING POTENTIAL, ACHIEVING EXCELLENCE”**

#### **1. INTRODUCTION**

In March 2013 Guernsey’s Education Department published a vision for Education which focuses on learners, teachers and leaders and commits to an ambitious programme of work including an entitlement to pre-school education, re-structuring secondary and post-16 education, a new model for higher education funding, and improving opportunities and outcomes at primary level. This report focuses on the rationalisation and transformation of the primary sector.

It is increasingly important to take a long-term view and consider what the island community will require from its education system over the next 20 years. To be successful, learners need higher levels of knowledge, understanding and skills and education must keep pace. It is no longer enough just to look at near neighbours in the United Kingdom, Guernsey must compete increasingly on a global stage and must prepare its young people for jobs and careers that do not even exist and must use all its resources efficiently, effectively and sustainably... and that means doing things differently.

There is a powerful and, some would argue, unique opportunity to enhance and build upon Guernsey’s education successes, on what works best on the island and to use research and examples of educational excellence from across the world to drive the changes necessary to be successful in the future. This is an exciting and challenging opportunity and everyone – Board members, head teachers and principals, school, college and central staff, learners and parents and the community as a whole – must work together to address the issues facing education and learning and to create excellent schools for all the children and young people on the island.

#### **2. WHAT WORKS AND WHAT MATTERS**

In 2007 McKinsey & Company published ‘How the world’s best performing school systems come out on top’, which examined the common characteristics of high-performing school systems. The report identified the elements needed to achieve real gains in student outcomes. In 2010 they followed this report up with ‘How the world’s most improved school systems keep getting better’ which analysed twenty systems from around the world and examined how each has achieved significant, sustained and widespread gains in student outcomes. The Organisation for Economic Co-operation and Development (OECD) through its Programme for International Student Assessment (PISA) monitors educational standards across the world and provides comparative data, which countries can use to learn from and develop their provision and practice. All this research clearly shows that educational standards are rising across the world but it also

provides the keys to achieving brilliant outcomes; strong leadership, great teaching and high standards of literacy and numeracy, coupled with the powerful and targeted use of resources, need to be at the heart of primary provision.

### ***THE ‘CLASS SIZE’ MYTH***

**“Class size reduction facilitated by lower student-teacher ratios, has probably been the most widely supported and most extensively funded policy aimed at improving schools.”** (McKinsey)

The available evidence suggests that, except at the very early stages, class size reduction does not have much impact on student outcomes. Of 112 studies that looked at the impact of class sizes on student outcomes, only nine found any positive relationship while 103 found no significant relationship or a significant negative relationship. Even when a significant relationship was found, the effect was not substantial. **More importantly, every single one of the studies showed that teacher quality issues dominate any effect of reduced class size. Moreover reducing class sizes has significant implications for the efficient and effective use of resources.**

### ***TEACHING MATTERS***

**“Many reforms fail to deliver improvement in outcomes because they have little effect on what happens in the classroom.”** (McKinsey)

What is obvious from all the research is that teaching makes the difference and the key to success is developing teacher quality. The best school systems do three things well:

- They get the right people to become teachers since the quality of any education service cannot exceed the quality of its teachers;
- They develop these people into highly effective educators since the only way to improve outcomes is to improve teaching and learning;
- They put in place systems and targeted support to ensure that every child benefits from excellent teaching and learning since the only way to reach the highest levels of performance is to raise the standards for every student.

The best performing education systems are relentless in their focus on improving the quality of teaching and learning in their classrooms. This requires school systems to develop and change fundamentally what happens in the classroom. This means three things need to happen:

- Individual teachers need to have feedback on their teaching to become aware of the strengths and weaknesses in their own practice;
- Individual teachers need to gain understanding of what works and to see best practice;
- Individual teachers need to be motivated and challenged to make the necessary improvements to their practice.

### ***LEADERSHIP MATTERS***

**“There is not a single case of a school turning around its student achievement in the absence of talented, committed and passionate leadership.”** (McKinsey)

The research also clearly demonstrates that school reforms rarely succeed without strong and effective leadership, both at the level of the system and more importantly at the level of the individual school. Monitoring and effective intervention is essential in

ensuring that excellent teaching is delivered consistently across schools and across the system. High performing school systems enable schools to monitor their performance through data and reviews with these processes located within schools where headteachers can constantly evaluate student performance and develop interventions to help individual teachers and students to make progress.

The best performing systems recognise what constitutes strong and effective school leadership and develop their school leaders into drivers of improvement by doing three things:

- Getting the right teachers to become headteachers;
- Developing learning leadership skills throughout the system;
- Focusing the headteacher's time on developing excellent teaching.

### ***RESOURCES MATTER***

**“Systems which do not use their funding in the most efficient and effective ways to target more able and underachieving groups have little chance of performing well.” (McKinsey)**

High performing systems ensure that every student receives the teaching they need to meet their individual needs, to stretch and challenge the most able and to compensate for their social background where necessary. They set clear and high expectations for what students should know, understand and be able to do and they ensure that, through the most efficient and effective use of resources, funding is targeted at those students that need it most; particularly those who are more able and those children with additional needs.

### **3. UNDERSTANDING EDUCATION IN GUERNSEY**

Guernsey is a place with unique opportunities to create an educational landscape where excellence is the norm and where children and young people achieve high standards and outstanding outcomes. The available data indicates that Guernsey has some highly effective provision but faces issues in some primary schools regarding the consistency of leadership, management, teaching and learning, curriculum, effectiveness, efficiency and value for money. It is important to identify and learn from where provision is at its best, where best use is being made of available resources and what is working well. And importantly, the Education Department needs to continue to work on what needs to be improved and what structural, organisational and cultural issues need to be addressed. While staff can learn from what is happening in Finland, Singapore and Ontario, it is vitally important, when looking for the answers to the challenges facing schools on the island, that everyone recognises that many of the answers are right here on Guernsey.

Clearly, significant progress has been made over the last two years and the Education Department needs to continue to focus on further developing strategies that will improve the quality of teaching and learning and support the development of reflective practitioners and reflective learners. It needs to develop highly focused and targeted approaches and ensure that there is a commitment from everyone to drive out inefficiencies and use all available resources powerfully and effectively focusing on

what works and importantly an understanding of what doesn't! This requires the further development of three important elements:

- strong, dynamic and creative learning leadership supporting reflective schools;
- systems that constantly and consistently reinforce and support the culture and values and support the most efficient and effective use of resources;
- intelligent accountability systems based on openness, trust, empowerment and self-review.

#### **4. THE VISION FOR EDUCATION IN GUERNSEY**

##### ***AIMS AND VALUES***

High quality education is central to the future of Guernsey, both economically and socially, and is essential for the wellbeing of the community. Guernsey wants to create an education and learning system which will meet the challenges and demands of the future and provide its greatest asset, the people and in particular its children and young people, with the knowledge, skills and tools to face an increasingly complex and challenging future with passion, enthusiasm and confidence.

##### ***VISION***

As part of the Education Department's vision, it wants to develop a primary school system where every child on the island has access to a rich, stimulating curriculum that develops and challenges them to achieve their personal, social and intellectual potential. To achieve this, schools need to secure:

- Highly effective headteachers with the time and commitment to develop strong and focused leadership and management;
- Opportunities for children to interact and learn with their peers and with other children;
- Increased opportunities for children through the pursuit of a wide range of curricular activities and extra-curricular enrichment;
- Enhanced opportunities for children to forge relationships and celebrate diversity;
- A maximum class size of 28, or 25 in the social priority schools, except in exceptional circumstances when they may be up to 30;
- Mixed aged classes only where there is educational benefits and not out of practical necessity;
- Increased options for more effective classroom organisation including grouping, targeting and setting;
- Increased staff expertise with teachers allowed to lead a single subject across the school, thereby gaining more focus on and depth in the delivery of their subject;
- Increased opportunities for professional development among staff, providing the opportunity to develop strengths and expertise in core subjects and wider curriculum and enrichment areas;
- Opportunities for access to excellent facilities;
- Economies of scale to support the efficient and effective use and deployment of teaching assistants and administrative staff;

- Fair and sufficient funding per child to enable all children to reach their full potential, developing provision for the most able and supporting children with additional needs, while making the best use of resources.

## **5. PRIMARY SCHOOL ORGANISATION IN GUERNSEY**

**Primary education provides the foundations for success in secondary school and critically the foundations for success in life. It is no exaggeration to claim that primary education is pivotal to an individual's future health, wealth and well-being.** At its best it provides opportunities for children to reach their personal, social and intellectual potential; so that they leave primary school a successful learner, a confident individual, a responsible citizen, an effective contributor and communicator, an enthusiastic reader, a creative writer and a developing mathematician with a good command of number.

The structure of primary education in Guernsey is currently as follows:

- Excluding Alderney, Sark, Herm and the junior/lower school sections of the three Colleges, the Bailiwick of Guernsey currently (March 2013) has nine States primary schools, one States junior school, two States infant schools, plus two Catholic primary schools (voluntary schools) and one special needs primary school;
- The primary schools cater for children age 4 to 11 during foundation stage and Key Stages 1 (KS1) and 2 (KS2)<sup>1</sup>, whilst the two infant schools educate children during foundation stage and key stage 1 from age 4 to age 7 and the children from both infant schools (Vale Infant School and St Sampson's Infant School) transfer to the junior school (Vale Junior School) at the end of year 2, aged 7, for Key Stage 2;
- The Education Department has maintained a policy of merging infant and junior schools to create primary schools as the opportunity arises when headteachers reach retirement. St Martin's was merged in 1983, Vauvert in 1997, Amherst in 2004 and Hautes Capelles in 2006. Vale Infant and Vale Junior Schools are due to merge in September 2013 to create a new Vale Primary School.

## **6. THE CHALLENGES FACING PRIMARY EDUCATION IN GUERNSEY**

The available data from validated self-reviews (VSSEs), monitoring, tests and continuous assessment indicates that at its best primary education in Guernsey is well developed but the Education Department needs to address the consistency of its provision, and importantly its effectiveness, efficiency and value for money. The Education Department needs to identify where provision is at its best, where people are making the best use of available resources and make that commonplace. To continue to drive improvement and improve outcomes in its primary schools it needs to ensure that

---

<sup>1</sup> Foundation stage is provided during the reception year; Key Stage 1 is year 1 and year 2; Key Stage 2 includes years 3 to 6.

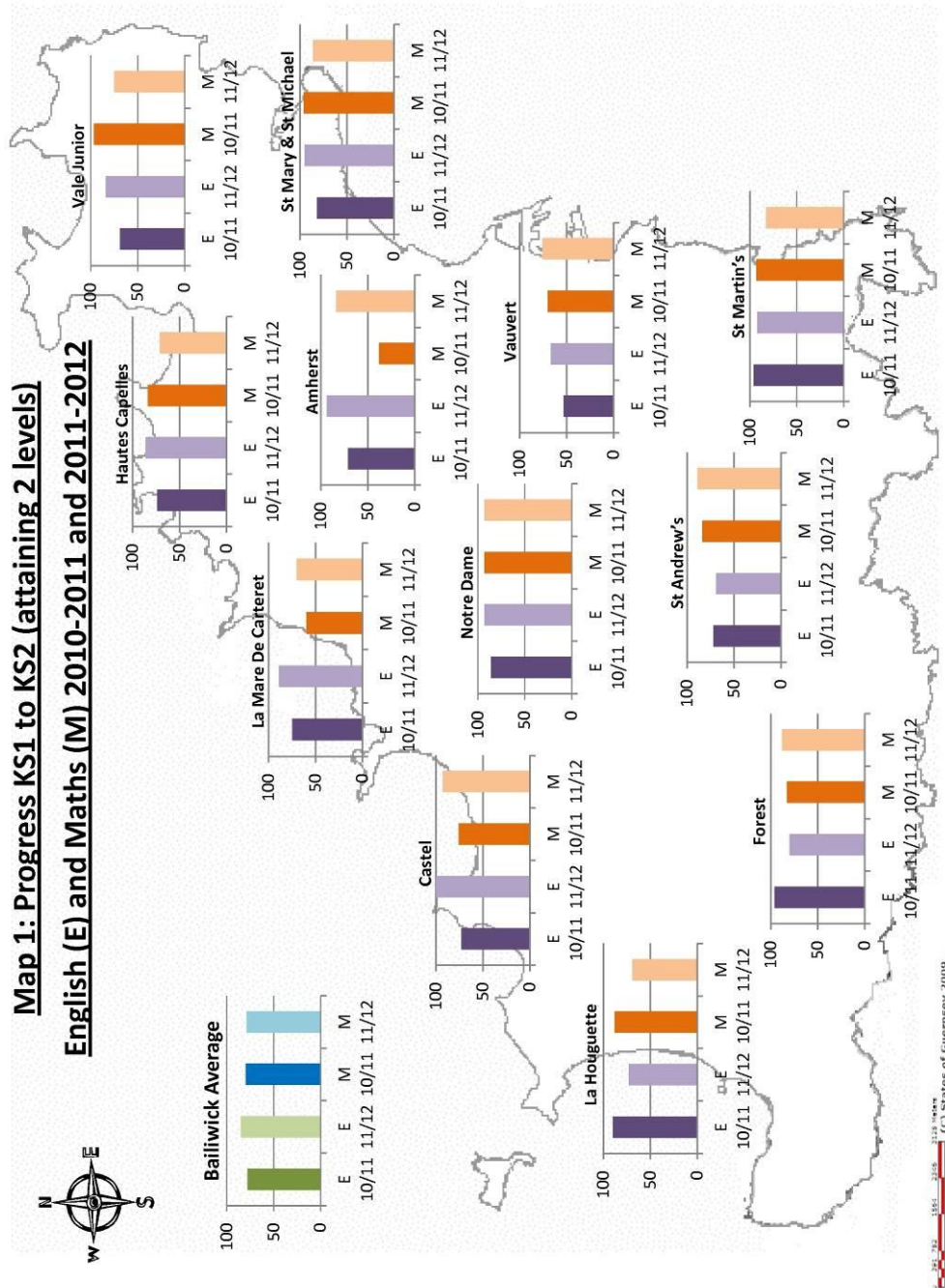
all available resources are used equitable and fairly and to best effect. This requires it to carefully address:

- Standards and outcomes;
- Class size;
- Surplus places;
- Cost per child.

### ***STANDARDS AND OUTCOMES***

Outcomes are variable across Guernsey in terms of end of Key Stage 2 results and progress (progress for the last 2 years is shown in Map 1). However, reviews consistently identify the need to stretch and challenge the most able while at the same time maintaining a rich and balanced curriculum. The challenge facing primary schools requires the powerful and systematic use of available resources to improve the quality of teaching and learning and to improve outcomes generally but particularly for the more able and those children with additional needs.

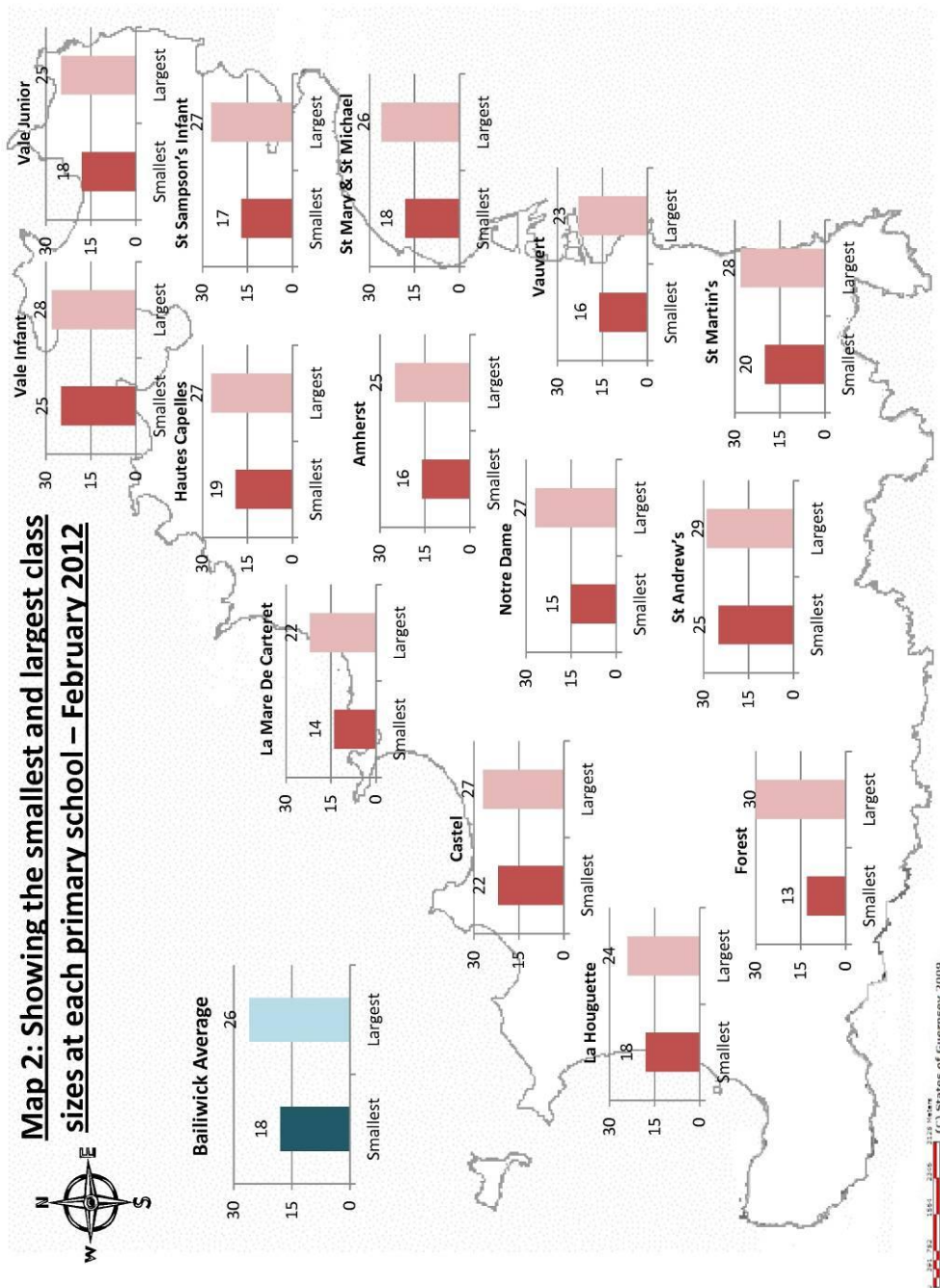
**See Map 1: Progress KS1 to KS2 (attaining 2 levels) – English and Maths 2010-2011 and 2011-2012**



***CLASS SIZE***

We know that class size has significant implications for the efficient and effective use of resources. The Education Department currently has a policy that class sizes in the primary sector should not exceed 28 pupils in general and should not exceed 25 pupils in the three social priority schools (Amherst Primary School, La Mare de Carteret Primary School, and Vauvert Primary School). In exceptional circumstances class sizes may be up to 30. However, average primary class size in Guernsey as at November 2012 is 22.5 pupils (NB excludes Alderney) and there are class sizes as low as only 13 pupils and as high as 30 pupils (February 2012) as shown in Map 2, which is inconsistent across the island. Class size variation is also greater in the smaller schools.

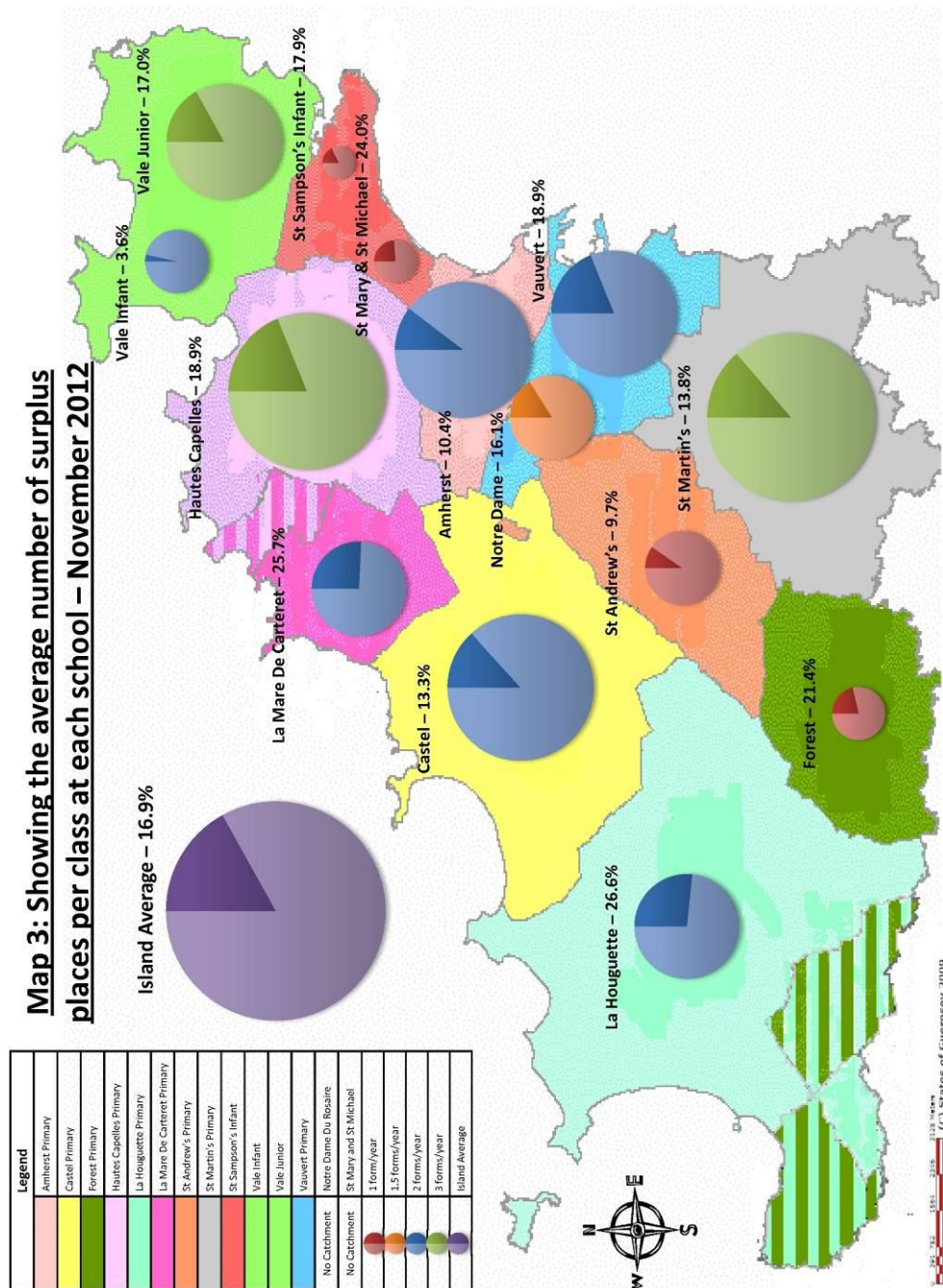
**See Map 2: Map to show the smallest and largest class sizes at each primary school – February 2012**



### ***SURPLUS PLACES***

Building Bulletin 82 (BB82) produced by the UK Government states that the recurrent cost for cleaning, maintenance, heating, lighting, insurance and rates will be “equivalent to at least £50 per square metre (m<sup>2</sup>)”. The most informed analyses from the UK Audit Commission and Estyn, the Welsh Inspection Agency, suggest that, in the primary sector in 2011-2012, the average cost of a surplus place is between £250 and £350 and the data shows that there are currently at least 70 surplus places per year group in the primary sector (more at foundation/key stage 1). Extrapolating this analysis to Guernsey’s current pupil numbers, would suggest that we have around 500 surplus places across the primary schools in Guernsey costing between £125,000 and £175,000. Although school population numbers are predicted to increase slightly before declining again, there is still sufficient spare capacity to lose/move one class per year at KS2 and one or two classes per year at Foundation/KS1. Losing a whole school of one class per year would generate additional savings.

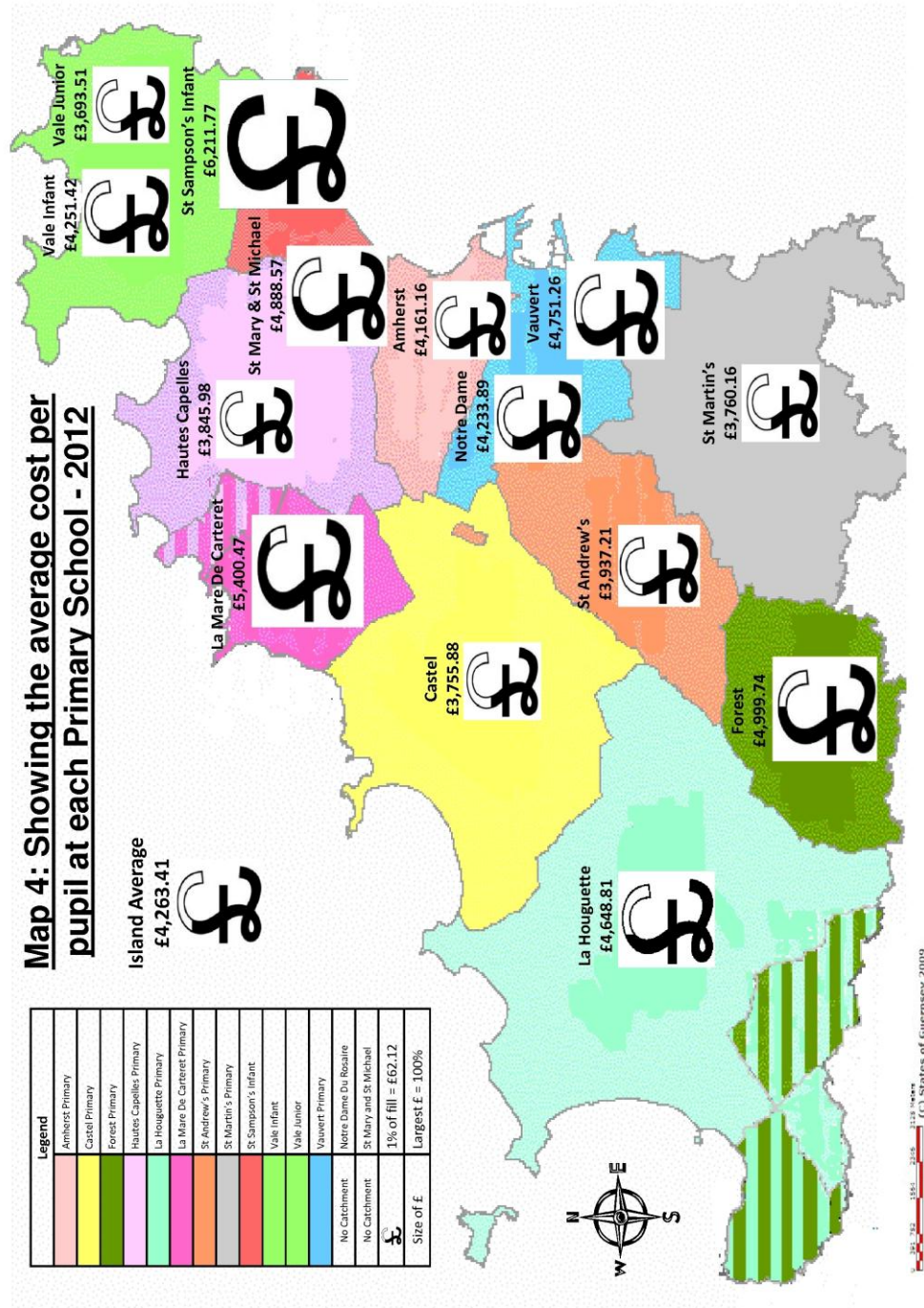
**See Map 3: Showing the average number of surplus places per class at each school – November 2012**



***COST PER CHILD***

The research suggests that the use of resources is one of the keys to building outstanding primary schools where children achieve to their potential and provision is targeted to meet the needs of the more able and those children with additional needs. The diagram below shows that at present primary funding per child per year is hugely variable across Guernsey ranging from £3694 per child to £6212 per child. The average funding per child is £4263 and any rationalisation of provision should attempt to provide more equitable use of resources across the island. Generally, the larger schools are the most cost effective and the smallest school is the most expensive.

**See Map 4: Showing the average cost per pupil at each Primary School – 2012**



## 7. THE RESEARCH EVIDENCE

The Department of Children Schools and Families (DCSF) (now Department for Education) published an article ‘Size Matters’ (12 June, 2009) which argued against small primary schools of fewer than 210 children on the grounds of the ability to deliver a broad curriculum, opportunities for professional development, provision of enrichment activities and the efficient and effective use of resources. Craig (2001) conducted a thorough review of the research available on school size and performance and concluded that for primary schools most studies suggest that the optimum size is somewhere between 200 and 500 children. However, Craig stresses that the optimal size of a primary school is not just about the number of children attending and claims that many other factors affect the quality of education in schools. **Importantly, the most compelling evidence about school effectiveness does not relate to size but is directly related to school leadership, curriculum management, school ethos and the quality of teaching and learning all of which are easier to develop and support in larger, more efficient schools.**

### ***THE CHALLENGES OF SMALL PRIMARY SCHOOLS***

There are many examples of successful small schools. However, small primary schools are complex and challenging in terms of their leadership and management and it can be more difficult to achieve excellent outcomes. This is because:

- staff often have to cover several curriculum and pastoral areas at the same time;
- staff sometimes have to teach mixed age classes which can be educationally beneficial but occasionally has to happen out of practical necessity if numbers are low;
- the limited size of peer groups and sufficiency of challenge;
- there are limited opportunities for social interaction;
- there can be excessive burdens on headteachers and staff;
- increased expertise is required to support pupils with special educational needs;
- continuity/support is lower if a member of staff is weak/ill so the overall effect on the school is disproportionately larger;
- the movement of one child or family in or out of the school can have a significant impact on standards and behaviour;
- a large proportion of the Education Department’s budget for schools is spent on fixed costs including management and premises costs.

### ***THE BENEFITS OF LARGER PRIMARY SCHOOLS***

The research suggests that larger and ‘all through’ primary schools significantly reduce these challenges. The available research suggests that larger primary schools, of wherever possible two or three forms of entry, provide the most efficient educational model in terms of leadership, management, teaching and learning, curriculum, effectiveness, efficiency and value for money. In summary this is because schools with larger intakes can:

- attract more experienced headteachers better able to drive the standards and outcomes agenda;

- develop consistently good curriculum delivery and curriculum expertise across the larger staff team to ensure delivery of a broad, balanced, challenging and relevant curriculum;
- better target available resources to meet the needs of more able and gifted and talented children;
- better target available resources to meet the needs of children with special educational needs and additional difficulties;
- ensure the efficient and effective use of all available resources and address the issue of financial inequality;
- provide strategic leadership and management succession opportunities with more senior posts being available due to the size of schools.

## **8. THE OPTIONS FOR CHANGE**

The available evidence, research and analysis indicates that there is a compelling and powerful case for rationalising primary provision across Guernsey. This requires strong and determined leadership focused on what is best for all children on the island and how available resources can be most effectively and efficiently deployed.

### ***OPTION ONE:*** Do nothing

The option of doing nothing would maintain the status quo. However, this does not address the inconsistencies around outcomes, leadership, management, teaching and learning, curriculum, effectiveness, efficiency and value for money. It also fails to address the need to ensure that resources are targeted on improving teaching and learning, supporting more able students and students with additional needs. It also fails to address the issues around admissions which, with large numbers of surplus places, makes school place planning difficult, time consuming and overly expensive. It would also fail to address the challenges facing the Education Department with balancing its budget.

### ***OPTION TWO:*** Close smaller schools

Closing any school is always a difficult and challenging task since schools, and particularly primary schools, are highly valued and fiercely protected in communities. The only reason why anyone would close a primary school is that it would create more effective and more efficient provision for children and enable them to achieve better outcomes. Research shows that closing small schools can produce larger, more efficient and effective provision where leadership, management, teaching and learning, curriculum, effectiveness, efficiency and value for money can be more easily addressed and where resources can be better targeted on improving teaching and learning and better meeting the individual needs of all the children including the more able and those with additional needs. It would also help to address the challenges facing the Education Department with balancing its budget.

### ***OPTION THREE:*** Merge smaller schools

Merging schools, wherever possible, avoids closure and the sense of loss communities feel when their school disappears. It provides a way of safeguarding the best provision in each school involved and supporting those aspects and areas where improvements are

needed. It produces larger more efficient and effective provision where leadership, management, teaching and learning, curriculum, effectiveness, efficiency and value for money can be more easily addressed and where resources can be better targeted on improving teaching and learning and better meeting the individual needs of all the children including the more able and those with additional needs. It would also help address the challenges facing the Education Department with balancing its budget.

## **9. DETAILED OPTIONS AND MULTI-CRITERIA ANALYSIS (MCA)**

The available research suggests that primary schools, of wherever possible, two or three forms of entry, provide the most efficient educational model in terms of leadership, management, teaching and learning, curriculum, effectiveness, efficiency and value for money. The challenge facing the Education Department is to remove sufficient surplus spaces to ensure the remaining schools are more efficient and effective while at the same time maintaining sufficient capacity to meet future needs. The Department's options appraisal therefore focuses on the smaller schools (the one and one and a half form schools plus the two smaller two form entry schools that both require significant capital investment i.e. La Mare de Carteret Primary and La Houquette Primary). The three-form entry schools plus two-form entry schools, which have the potential to become three-form in some year groups, have been excluded from the review as, given a projected rise in pupil numbers before a further fall, they are too large for places to be found for all pupils and the spare classrooms in the latter are the contingency plan in case future pupil numbers are higher than expected.

Schools included in the options appraisal for possible closure/merger are therefore:

- Forest Primary
- La Houquette Primary
- La Mare de Carteret Primary
- Notre Dame Du Rosaire Primary
- St Andrew's Primary
- St Mary and St Michael Primary
- St Sampson's Infant

### ***MULTI-CRITERIA ANALYSIS (MCA)***

The Department has developed a multi-criteria analysis (MCA) tool to provide a clear framework to assist the Board in making a decision on which schools should be closed/merged. The objectives of the multi-criteria analysis are to identify which option(s) best meet(s) the following objectives:

- The best possible educational outcomes, assisted by a broad curriculum, flexibility amongst staff/classes, maximisation of expertise, the most suitable accommodation and consideration of social and special educational needs;
- Sufficient space for all pupils at a school that is not too far away and with transport options where the new school is not within walking distance;
- Efficient alignment of school places to demand in order to maximise savings

- opportunities and fit with States strategic planning and equality of opportunity;
- Minimal disruption to pupils by phasing implementation and reducing the effect on other primary and secondary catchment areas as far as possible.

## **10. OPTION APPRAISAL**

### **Option of Closure of Notre Dame du Rosaire Catholic Primary**

At January 2013 Notre Dame du Rosaire Catholic Primary had 236 pupils. 143 of these pupils were from the Amherst or Vauvert catchments and 93 pupils were from other catchments.

If Notre Dame du Rosaire Catholic Primary were to close, there would be room for the pupils at their catchment schools with some exceptions at Amherst Primary, St Sampson's Infant and Vale Infant, although there is sufficient space if some existing pupils in these catchments went to Hautes Capelles Primary or St Mary and St Michael Primary instead. In addition, class size policy would need to increase and Vauvert Primary would need to become three-form entry from reception to year 2. Notre Dame du Rosaire Catholic Primary is a 1.5 form entry school, so this would only lose 0.5 classes per year for these year groups.

However, as pupil numbers are projected to increase, it is anticipated that Vauvert Primary might need to become three-form anyway in some year groups (even if Notre Dame du Rosaire Primary remains open). So there may not be sufficient capacity in this part of the Island if Notre Dame du Rosaire Primary were to close. An alternative would be to change catchment boundaries significantly, but to move children who live in town to schools outside of the town area is likely to increase traffic congestion and lead to an increased demand for school transport. In addition, Notre Dame du Rosaire Catholic Primary is in the urban area, where development is currently concentrated so to lose a school in this area would not fit well with strategic land planning. There would be no disruption to secondary catchments.

Catholic provision on Guernsey does need to be carefully reviewed and it is recommended that discussions take place with the Diocesan Authorities to consider how Catholic primary provision is provided in future.

## **NOT RECOMMENDED**

### **Option of Closure of St Mary and St Michael Catholic Primary**

At January 2013 St Mary and St Michael Catholic Primary had 150 pupils. 110 were from the Vale, St Sampson's Infant, Amherst Primary or Hautes Capelles Primary catchments. 40 pupils were from other catchment areas.

If St Mary and St Michael Catholic Primary were to close, there would be room for the pupils at their catchment schools with the following exceptions:

- Amherst year 2 would have 1 additional pupil so class size policy would need to increase.
- Vale and St Sampson's Infant would not have room in reception or year 1 for the pupils in their catchment area. In reception there would still not be room even if the boundary between Hautes Capelles Primary and Vale Primary were to change.
- The catchment boundary between Hautes Capelles Primary and La Mare de Carteret Primary would also have to change and Vale Infant would remain with class sizes of 29 and there would be no spare capacity at Vale Primary or Hautes Capelles Primary or La Mare de Carteret Primary for this year group unless Vale Infant became three form entry and St Sampson's Infant remained open.

This option would reduce the number of one form entry schools. However, as pupil projections are expected to rise, then class sizes would be likely to need to increase at this end of the Island. This is very tight when all the housing target areas are in these catchments plus Amherst Primary, and this has not been factored in. The only alternative would be to significantly change catchment boundaries across the Island. There would be no disruption to secondary catchments.

Catholic provision on Guernsey does need to be carefully reviewed and it is recommended that discussions take place with the Diocesan Authorities to consider how Catholic primary provision is provided in future.

## **NOT RECOMMENDED**

### **Option of closure of La Mare de Carteret Primary**

At January 2013 La Mare de Carteret Primary had 260 pupils. 46 of these pupils were from other catchments.

If La Mare de Carteret Primary were to close there is insufficient space for current pupils at Castel Primary and Amherst Primary and Hautes Capelles Primary without changing other catchment areas or having a third class per year group at either Castel Primary or Amherst Primary. There would be sufficient space for La Mare de Carteret Primary pupils at these three schools if there were a change of boundary between Castel Primary and La Houquette Primary catchments or if La Mare de Carteret Primary pupils went to la Houquette Primary and if some larger classes were permitted. However, in the former case there would be disruption to Castel Primary pupils as well as La Mare de Carteret Primary pupils and in the latter case an increased demand for school transport.

In addition, closure of La Mare de Carteret Primary would have a detrimental impact on the surrounding community. Not only is it in a high density area for family housing and it is a social priority school, but the Education Department has plans to re-build both the La Mare de Carteret Secondary and La Mare de Carteret Primary on the La Mare de Carteret Schools site and to include community facilities such as family centres and sports facilities and a base for professionals to work with families in the area. These

facilities would be of benefit to the whole community and the La Mare de Carteret Schools site has good potential for re-development and to house a 4-16 school. If La Mare de Carteret Primary were to close, additional buses would be required as the school is in an area of high population density and it would be necessary to transport pupils, many of whom can currently walk to school, to Castel Primary and possibly to La Houquette Primary. If the catchment boundary between La Houquette Primary and Castel Primary were to move then one of La Houquette Primary's buses might also need to be re-routed or additional transport could be required.

Also this analysis does not take into consideration the fact that pupil numbers are expected to rise again in the future before they decline. The future projections suggest that there is not room to lose a two form entry school, so if La Mare de Carteret Primary were closed and not rebuilt, the Department may need to undertake substantial capital development at Castel Primary in order to return it to a three form entry school. There would also potentially be a significant impact on which primary schools feed into which High Schools.

### **NOT RECOMMENDED**

#### **Option of closure of La Houquette Primary**

At January 2013 La Houquette Primary had 267 pupils. 37 of these pupils were from other catchments.

If La Houquette Primary were to close there is insufficient space in current classes for the pupils at the neighbouring schools of Forest Primary, St Andrew's Primary and Castel Primary. There is still insufficient space when St Martin's Primary is also considered. If La Houquette Primary were to close an additional class would be required at Castel Primary and some pupils would have to travel to Castel Primary (which is to the north within the Castel catchment) and some to St Martin's Primary. Children at Forest Primary and La Houquette Primary already have to travel further to school than pupils in other catchment areas. There would again be a significant impact on which primary schools feed into which High Schools. Also modelling suggests that there is insufficient capacity to lose a two form school and La Houquette Primary is a two form entry school in 2012/13 in all but reception and has the capacity to be two form entry throughout. One substantial advantage of closing La Houquette would be to reduce the requirement to redevelop the school in approximately 15 years' time. However, because it is a two form entry school, development may be required at Castel Primary, at least for the short to medium term, in order to accommodate all pupils.

It would be possible to consider making La Houquette Primary one form entry, if Torteval pupils were all sent to Forest Primary and pupils to the north and east of La Houquette Primary catchment were sent to St Martin's Primary, St Andrew's Primary and/or Castel Primary. However, the Department is keen to develop more two and three form entry schools and to reduce the number of one form entry schools, for the reasons already explained, and such a move would be in opposition to this policy as it would be educationally less effective and financially inefficient.

## **NOT RECOMMENDED**

### **Option of closure of Forest Primary**

At January 2013 Forest Primary had 152 pupils. 46 of these pupils were from other catchments.

If Forest Primary were to close, with the exception of the Reception, Year 1 and Year 3 pupils in 2013, there would be sufficient places at La Houquette Primary, St Martin's Primary and St Andrew's Primary for the pupils. (In fact there would be sufficient spare places at St Martin's Primary and La Houquette Primary.) An additional year 3 class would be required at La Houquette Primary (St Martin's Primary is already 3 form and the St Andrew's Primary site is restricted). La Houquette Primary would require an additional class where in 2012/13 only one reception class was admitted and where in 2013/14 only one class is due to be admitted. When pupil numbers increase in the future, it is possible that there would be a need to change a number of other primary catchment boundaries in future, as these three schools alone may not have sufficient capacity. There would be relatively little impact on High School Catchments. This option would reduce the number of one form entry schools.

However, the current Forest Primary has recently been rebuilt in the late 1990s and has well laid out internal space and resource areas, plus a modern swimming pool. In addition, Le Rondin School has been built across the road from Forest School so that there is the opportunity for closer working between the special school and a mainstream school where appropriate. The Education Board has agreed that on the retirement of the current Head of the Forest, the current Head of Le Rondin should be appointed as Headteacher of both schools for a two year period. This provides an excellent opportunity to build a closer working relationship between the two schools.

## **POSSIBLE OPTION**

### **Option of closure of St Andrew's Primary**

At January 2013 St Andrew's Primary had 178 pupils. 48 of these pupils were from other catchments.

If St Andrew's Primary were to close the pupils could all be accommodated at neighbouring schools, and if La Houquette becomes two form entry throughout, with spare places remaining at all these schools in future years with some minor catchment changes. The Castel/La Mare de Carteret Primary boundary could also be changed, if necessary, in order to ensure sufficient space across the Island. As this would only affect future school years, it would not disrupt any pupils other than those already in the St Andrew's catchment area. Under this option, there is likely to be sufficient capacity both now and in the future. There would be minimal effect on high school catchment areas. This option would reduce the number of one form entry schools. Also the site is

an elevated one with limited potential for development/expansion and the projected maintenance costs for the site are high.

### **POSSIBLE OPTION**

#### ***Merger of the new Vale Primary and St Sampson's Infant School***

At January 2013 St Sampson's Infant had 69 pupils. 6 of these pupils were from other catchments.

With fewer than 90 pupils capacity, St Sampson's Infant is the smallest of the States' schools and the most expensive per pupil to run (see Map 4). The Education Department has a long standing policy of merging infant and junior schools to become primary schools for age 4 to 11. The only separate infant and junior school left to merge are Vale Infant and Vale Junior and that merger is due to take place imminently. At the moment St Sampson's Infant pupils also transfer to Vale Junior at age 7. Vale Junior School is currently a three form school and Vale Infant is a two form school but would have the capacity to become three form, either using the huts or with internal modifications from routine capital in order to provide a better standard of facilities. There is therefore the capacity on the Vale site for all three schools (Vale Junior, Vale Infant and St Sampson's Infant) to merge to become one primary school. Providing that some upgrading of facilities is undertaken, this three-way merger would mean that St Sampson's Infant pupils would not be the only pupils at States Schools in the Island who would have to move school at age 7. Also when Vale Infant and Vale Junior merge in September 2013 to become one primary school, the St Sampson's Infant pupils would be joining their Vale counterparts part way through their primary school years. Such a merger would mean that St Sampson's Infant pupils enter their primary school at the same time as all other pupils on the Island. It would also offer pupils the benefits of a two or three form entry school which have already been identified and provide greater flexibility for teaching and learning, greater staff expertise as well as achieving the greatest cost savings per pupil. There would be minimal disruption to catchment areas and school transport because St Sampson's pupils already go to the Vale Site at age 7.

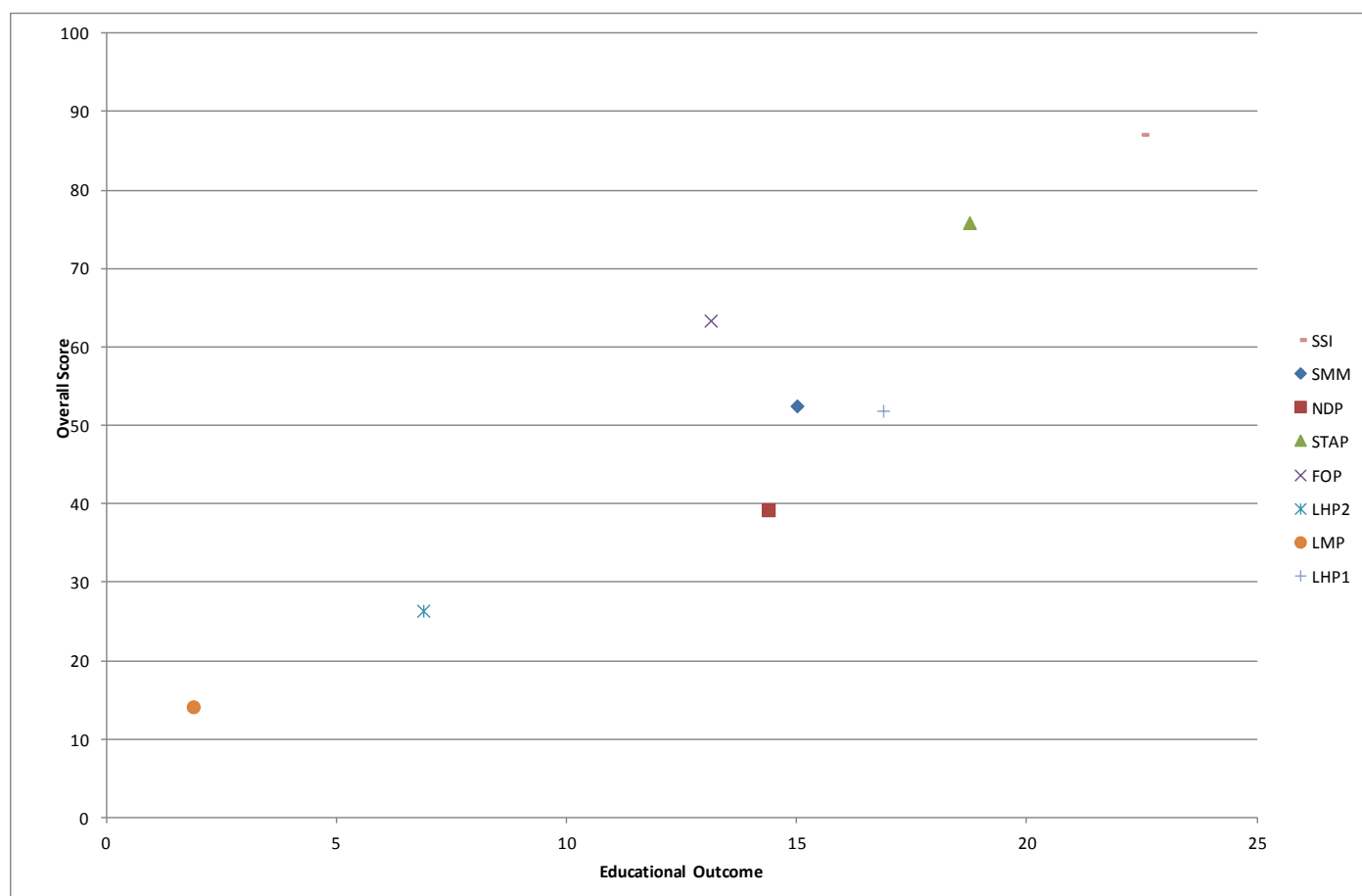
### **POSSIBLE OPTION**

#### **11. RESULTS OF THE MULTI-CRITERIA ANALYSIS (MCA)**

The results of the initial review and analysis clearly identify that La Houquette Primary, La Mare de Carteret and Notre Dame du Rosaire Catholic Primary should not be closed. Forest Primary, St Andrew's Primary, St Sampson's Infant and St Mary and St Michael Primary all required further careful consideration. The results of the Multi-Criteria Analysis for these schools are shown below. For each criterion the school where closure would be most beneficial or least negative has been given a score of 100 and the school where closure would be most negative has been given a score of zero. Other schools have then been marked relative to the extremes. The weightings for each criteria have then been applied, so that the overall total scores are out of 100. A higher score means a less negative/more positive impact of closure. Sensitivity analysis was carried out by

varying the weightings for each criteria. This did not have a material effect on the overall result.

	Criteria Weighting	SSI	SMM	NDP	STAP	FOP	LHP2	LMP	LHP1
1. Educational outcomes	25%	22.5	15	14.375	18.75	13.125	6.875	1.875	16.875
2. Capacity & access issues	25%	24.375	15	5.625	20.625	20	2.5	0	20
3. Catchment issues	15%	15	8.25	9	9	9	0	0.75	6.75
4. Land and building issues	15%	5.25	2.25	2.25	13.5	5.25	15	7.5	8.25
5. Funding issues	20%	20	12	8	14	16	2	4	0
<b>TOTAL SCORE</b>		<b>87.125</b>	<b>52.5</b>	<b>39.25</b>	<b>75.875</b>	<b>63.375</b>	<b>26.375</b>	<b>14.125</b>	<b>51.875</b>



### Key

SSI – St Sampson’s Infant

SMM – St Mary and St Michael Primary

NDP-Notre Dame du Rosaire Primary

STAP-St Andrew’s Primary

FOP – Forest Primary

LHP2-La Houquette Primary (2 form entry school)

LMP-La Mare de Carteret Primary

LHP1-La Houquette Primary (if 1 form entry school)

The analysis shows that the schools scoring highest on the MCA were St Sampson's Infant and St Andrew's Primary. Forest Primary scored next highest. The better standard of accommodation and smaller cost of repairs at Forest Primary, the potential for community use, rural centre, co-location with Le Rondin and distance to alternative schools were factors that differentiated Forest Primary from St Andrew's Primary. In addition, this paper argues for larger primary schools, of two or three form entry, wherever possible in Guernsey, which would suggest closing or merging one form entry schools. Merging St Sampson's Infant with the proposed new Vale Primary is a logical next step, which would both reduce the number of one form schools in the Island, would mean that St Sampson's Infant pupils are not the only States pupils in future to transfer schools at age 7 and would mean that resources could be used more efficiently and effectively. However, this would not address the issue of overcapacity within Guernsey primary schools as the St Sampson's Infant pupils would move to additional classes at Vale. There is also scope to lose at least one class per year group based on the pupil projections going forward, so the opportunity should be taken to close another one form entry school to achieve both the objectives of increasing efficiency and improving educational outcomes. The results of the options appraisal and MCA suggest that St Andrew's Primary should also be closed. These options will achieve the best alignment of school places with projected demand as well as having the most potential for improving educational outcomes in the future.

## **12. SUMMARY**

The educational landscape is changing across the world and there is a unique opportunity to draw on what works to continue to transform primary provision and outcomes across Guernsey and to build brilliant provision consistently for children and young people. The keys to success critically focus on developing highly effective teaching, coached and supported by strong and determined leadership and facilitated by the powerful use of all available resources. The educational community recognises that it must use the available resources to enable every child and young person to reach their potential, to develop rich and stimulating provision for the most able, to provide support and challenge for those with additional needs and to secure fair and equitable provision across the island.

The available evidence and analysis indicates that there is a compelling and powerful case for rationalising primary provision across Guernsey. Looking at what works the available research suggests that primary schools, of wherever possible, two or three forms of entry, provide the most efficient educational model in terms of leadership, management, teaching and learning, curriculum, effectiveness, efficiency and value for money. Currently, there are too many surplus places in schools, class sizes are variable both in schools and across schools and funding is not fairly and equitably distributed across the island. To continue to develop brilliant learning in brilliant primary schools the Education Department, working closely with schools, parents and carers and other stakeholders, must remove sufficient surplus spaces to ensure the remaining schools are more efficient and effective while at the same time maintaining sufficient capacity to meet future needs.

### **13. CONCLUSIONS AND RECOMMENDATIONS**

The evidence, data and research support the following recommended proposals for change, that:

- St Andrew's Primary School is closed;
- St Sampson's Infant School is merged with Vale Infant School and Vale Junior School after the Vale schools have become a new primary school;
- It is also recommended that discussions take place with the Diocesan Authorities to consider how Catholic primary provision is provided in future; and
- Discussions should take place about efficient and effective provision in the area currently served by Forest Primary School and La Houquette Primary School.

## **REFERENCES**

1. McKinsey & Company (2007) How the Best Performing School Systems Come Out On Top.
2. McKinsey & Company (2010) How the World's Most Improved School Systems Keep Getting Better.
3. OECD (2012) Education at a Glance Highlights
4. OECD (2005) Attracting, developing and retaining effective teachers
5. PISA 2009 Results: What makes a School Successful?
6. PISA 2009: What Students Know and Can Do: Student Performance in English, Mathematics and Science.
7. UK Department of Education and Science (1967) Plowden Report
8. UK Audit Commission (1996) Trading Places
9. UK Audit Commission (1990) Rationalising Primary School Provision
10. UK Communities and Local Government: Multi Criteria Analysis Manual (2009)
11. The Primary Review: The Structure of Primary Education: England and Other Countries (2008)
12. UK Department of Education and Science (1992) Curriculum Organisation and Classroom Practice in Primary Schools: A Discussion Paper
13. Estyn: How do surplus places affect the resources available for expenditure on improving outcomes for pupils? (2012)
14. Local Government Association: The Impact of School Size and Single-Sex Education on Performance (2002)
15. Hanusheck (2003) The Evidence on Class Size
16. Shapson (2003) An experimental study on the effects of class size
17. Akerhlem (2003) Does class size matter?
18. Dunning G. (1993) Managing the Small Primary School: The problem role of the teaching head
19. Blatchford, P., Bassett, P., Goldstein, H., and Martin. C. (2003) Are class size differences related to pupils' educational progress and classroom processes? Findings from the Institute of Education Class Size Study of children aged 5-7 Years. *British Educational Research Journal*, 29, 5, 709-730.
20. Blatchford, P., Moriarty, V., Edmonds, S., & Martin, C. (2002). Relationships between class size and teaching: a multi-method analysis of English infant schools. *American Educational Research Journal*. Spring 2002 Vol. 39, No. 1, pp 101-132.
21. Cooper, H. M. (1989). Does reducing student-to-teacher ratios affect achievement? *Educational Psychologist*, 24 (1), 79-98.
22. Cotton, K. (1996) School size, school climate and student performance in US. Available at: <http://www.nwrel.org/archive/sirs/10/c020.html>
23. Craig, I. (2001) Primary school size and its relationship to school effectiveness: an exploration of optimal size for primary schools. Ph.D., Kent, 51-12924.
24. DfES (2005) Effect of class size on primary school attainment.
25. Galton M. (1993) Managing Education in Small Primary Schools
26. Hansen, A. (2005) Research Brief: 'Class Size and School Size,' Northern Arizona University for The Principals' Partnership
27. Hattie, J. (2005) The paradox of reducing class size and improving learning outcomes. *International Journal of Educational Research*, 43, 387-425

28. Phillips E. (1997) A critique of the existing research into small primary schools
29. Smith P. and Hudson B. An investigative study of small schools in County Durham
30. Estyn. Small Primary Schools in Wales (2006)
31. Denbighshire: Models for Primary School organization
32. Independent Policy Commission on Primary School Organisation in Shropshire (2009)
33. Small Schools: The Challenge in Durham
34. Schools Size and Effectiveness in Kingston
35. States of Guernsey Education Department: Education for the 21<sup>st</sup> Century: The Education Board's Vision (2013)
36. Mulkerrin D. Review of Education Services in Guernsey (2011)
37. States of Guernsey Education Department: Implementing the Mulkerrin Recommendations (2012)
38. States of Guernsey Education Department: Implementing the Mulkerrin Primary Review Recommendations (2012)
39. Education Matters 2011-12: the Annual Report of the Education Department
40. Castel Primary School Validation Report (2012)
41. Notre Dame Du Rosaire Catholic Primary School Validation Report (2011)
42. La Mare de Carteret Primary School Validation Report (2012)
43. Hautes Capelles Primary School Validation Report (2012)
44. La Houquette Primary School Validation Report (2011)
45. St Andrew's Primary School Validation Report (2011)
46. St Sampson's Infant School Validation Report (2011)

Chris Edwards (Brilliant Learning) Limited

## **ANNEX 2: Modelling of Pupil Numbers**

### **Declining Numbers of Primary Age Pupils**

In 2000 schools were not overcrowded but numbers in the States primary sector fell by 462 between 2000 and 2008. Numbers have remained at a similar level between 2009 and 2012 (Tables 1 and 2).

**Table 1: Total Number of Primary School Pupils in Guernsey 2000-2008**

	Nov 2000	Nov 2001	Nov 2002	Nov 2003	Nov 2004	Nov 2005	Nov 2006	Nov 2007	Nov 2008
Primary pupil numbers	4,260	4,188	4,107	3,983	3,943	3,883	3,855	3,845	3,798

**Table 2: Total Number of Primary School Pupils in Guernsey and The Size of the Largest Year Group 2008-2012**

Primary Pupil Numbers	Nov 2008	Nov 2009	Nov 2010	Nov 2011	Nov 2012
Total	3,798	3,745	3,735	3,721	3,726
Largest year	576	576	569	554	570

As pupil numbers have fallen, provision and admissions have become more complicated as schools have reduced the number of classes in each year group e.g. in 2000 Castel Primary and La Mare de Carteret Primary were three-form entry schools. These schools have reduced to typically two classes per year group.

### **Model and Assumptions**

The Education Department, with assistance from Capita Consulting, has created a school places analysis model. This model uses current school numbers and the Policy Council Policy and Research Unit's population projections of numbers (which include consideration of inward migration of 200 a year in line with current trends) of 0-4 year olds in the future. To calculate the number of pupils educated in States/voluntary schools the model then assumes a 9% reduction between the Policy Council projections on 3 years olds for those in private/special education based on historical trends.

The model also explores the capacity of the primary sector based on different class sizes; 28 pupils per class and 25 per class in the three social priority schools have been used here, as this is the current Education Department policy on maximum class sizes except in exceptional circumstances when class sizes may be up to 30.

### **Model Results**

The model suggests a peak of primary school numbers (excluding private and special schools) of 4,190 in 2019. The maximum number in any one school year in the States sector (excluding private and special schools) is predicted to be 611 (or 623 with a 2% margin of error added.) In the longer term the number of pupils in the schools per school year is projected to decrease below 600 pupils per school year again. In 10 years time it is estimated that there will again be less than 600 pupils per primary school year (excluding private and special schools). In 2011 the maximum number of pupils in any one year group was about 560 (excluding the private and special schools). In 2012 it is 570.

In the primary sector schools have/can accommodate the following number of classes:-

School	Current number of classes per year	Can accommodate
Amherst Primary	2 (3 in reception)	2 plus
Castel Primary	2	2 (could be 3 with substantial additional accommodation provided)
Forest Primary	1	1
Hautes Capelles Primary	3	3
La Houquette Primary	2 (1 in reception)	2
La Mare de Carteret Primary	2 average, one 1, one 3	2 (used to be 3 - new school being planned on 2)
Notre Dame du Rosaire Primary	1 or 2 (some mixed age classes)	1.5
St Andrew's Primary	1	1
St Martin's Primary	3	3
St Mary and St Michael Primary	1	1
Vauvert Primary	2 (3 in year 1)	2 plus
St Sampson's Infant	1	1
Vale Junior	3	3
Vale Infant	2	3

The maximum number of school places available (based on 28 pupils per class and 25 in the three social priority schools) therefore would be:-

School	Number of possible classes x no. of years x class size	Number of places
Amherst Primary	2x7x25	350 NB some flexibility
Castel Primary	2x7x28	392 NB some flexibility
Forest Primary	1x7x28	196
Hautes Capelles Primary	3x7x28	588
La Houquette Primary	2 x7x28	392
La Mare de Carteret Primary	2 x7x25	350
Notre Dame du Rosaire Primary	1.5x7x28	294
St Andrew's Primary	1x7x28	196
St Martin's Primary	3x7x28	588
St Mary and St Michael Primary	1x7x28	196
Vauvert Primary	2 x7x25	350 NB some flexibility
St Sampson's Infant	1x3x28	84
Vale Junior	3x4x28	336
Vale Infant	3x3x28	252
Total	4564 at foundation/KS1 or 4480 at KS2 equals 640 per year group at KS2	

Therefore Guernsey currently has 640 places per year group in the primary sector (more at foundation/key stage 1), but is currently only using 570 of these, and is only predicted to need a maximum of 611 places per year group in the future. There is also additional flexibility at some schools, such as Amherst and Vauvert should a year group be larger than expected and require an additional class over and above the predicted population numbers, which would mean that the number of available places in some year groups could be 665.

### **Surplus places in primary schools**

Figure 1 illustrates the surplus capacity in the primary sector, with the current number of classes<sup>1</sup> and with additional/extra<sup>2</sup> classrooms, either one currently two-form, but

<sup>1</sup> La Houquette and La Mare Primary have been modelled to be two form for all year groups, although La Houquette currently has one year group that is one form entry and La Mare Primary has a different number of classes in some year groups. Amherst and Vauvert have also been taken to be two form at present, although both schools have one year group with three classes. Notre Dame is modelled as 1.5 form entry as there are some additional mixed age classes.

<sup>2</sup> Additional/extra classrooms refers to rooms that may be spare or may be currently being used for an alternative purpose but could have a change of use.

previously three-form school (e.g. Amherst or Castel), reverting to three-form entry or some additional classes in some years at Amherst, Vauvert, Castel or Vale.

Figure 1: Surplus capacity in the primary sector based on the latest population projections

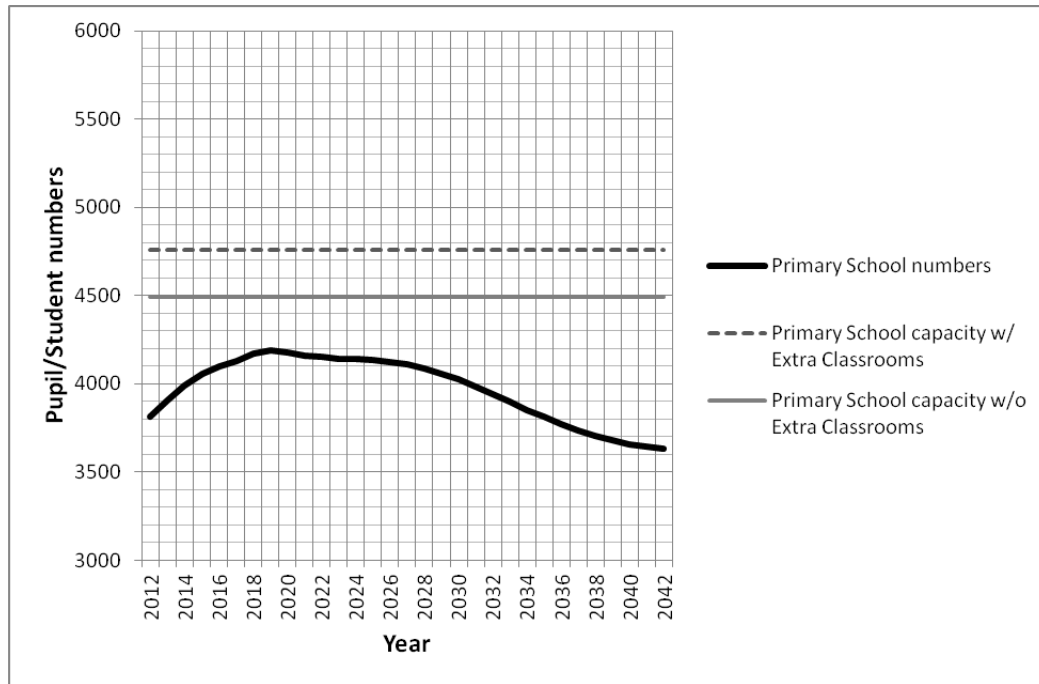
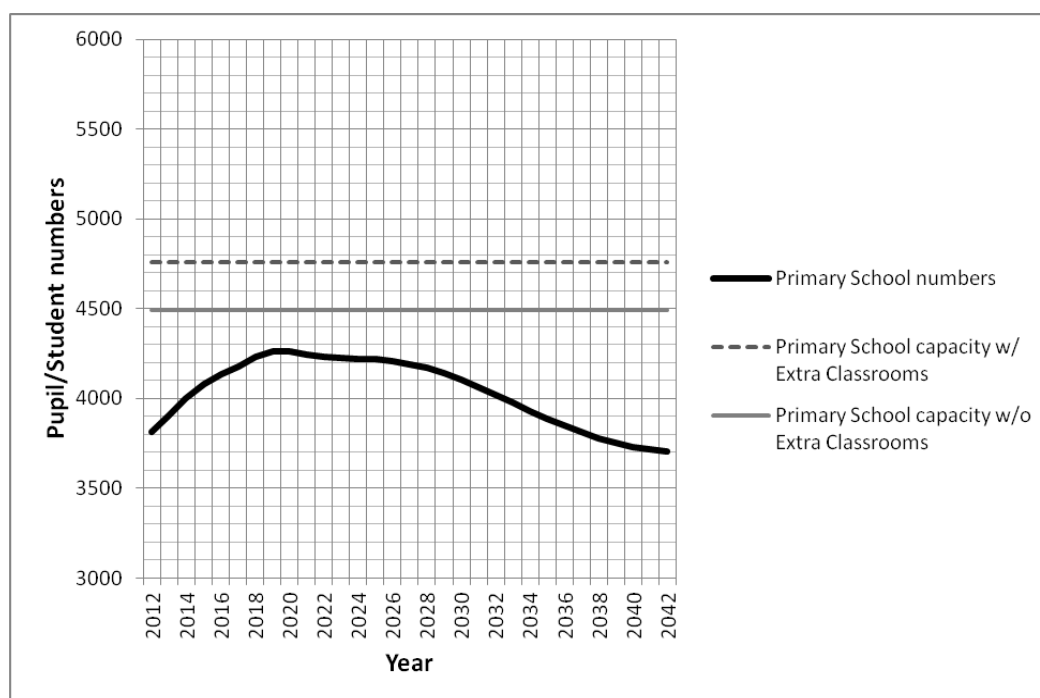


Figure 2 is similar to figure 1, except that an additional 2% has been added onto the projected pupil numbers.

Figure 2: Surplus capacity in the primary sector based on the latest population projections plus 2%



The above analysis suggests that there is sufficient spare capacity to lose/move one class per year at KS2 and one or two classes per year at foundation/KS1 (figures 3-5). Based on current school population figures there would still be surplus capacity of at least 294 places (42 per year group) without any two-form primary schools that were previously three-form entry reverting to three-form. These spare places are projected to be required as 2020 approaches, before the school population is projected to decline again. There is additional flexibility at some of the two-form primary schools, e.g. Amherst, Vauvert and Castel. This is necessary as the population figures are just projections and the actual numbers could be higher than projected or the States could decide to increase the population. Some flexibility within the Island is required as children often transfer schools part way through a key stage when their parents move to the Island or move house. Figures 4 and 5 show that there would still be some spare capacity if population projections increased by 2 or 5%, if some of these additional classrooms were used (Amherst and Vauvert each have an additional class in 2012, although for modelling purposes the capacity of these schools have been modelled as two-form entry with the capacity for additional classes, if required. Vale and Castel have been modelled in a similar way).

Figure 3: The effect of losing one class at key stage 2 and two classes at key stage 1 on the number of spare places within the primary sector using the latest population projections

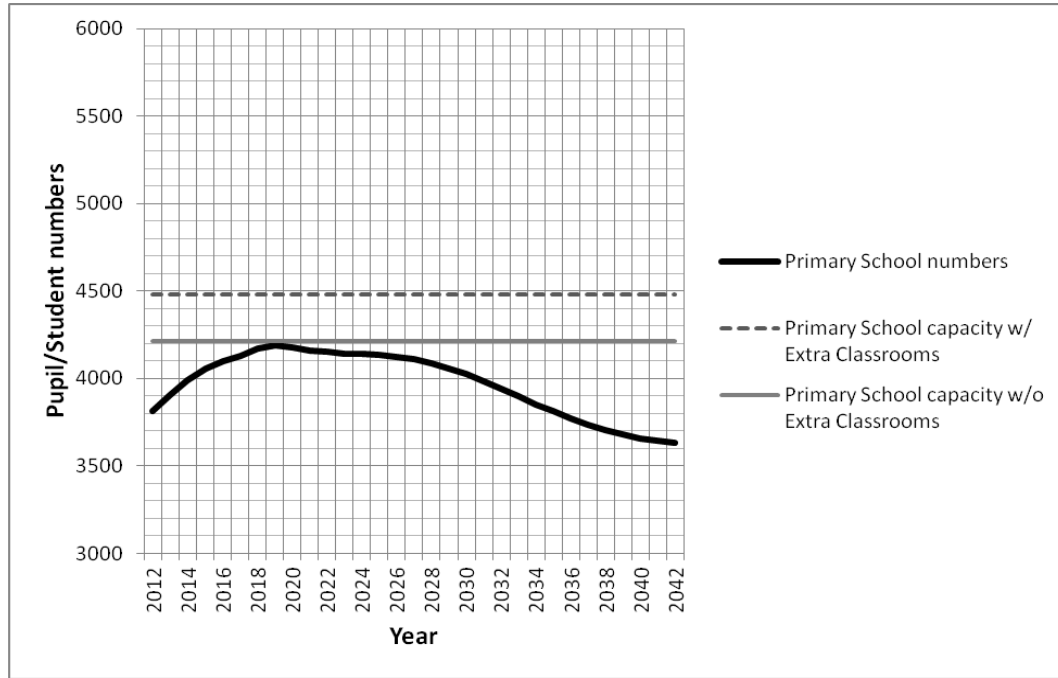


Figure 4: The effect of losing one class at key stage 2 and two classes at key stage 1 on the number of spare places within the primary sector using the latest population projections plus 2%

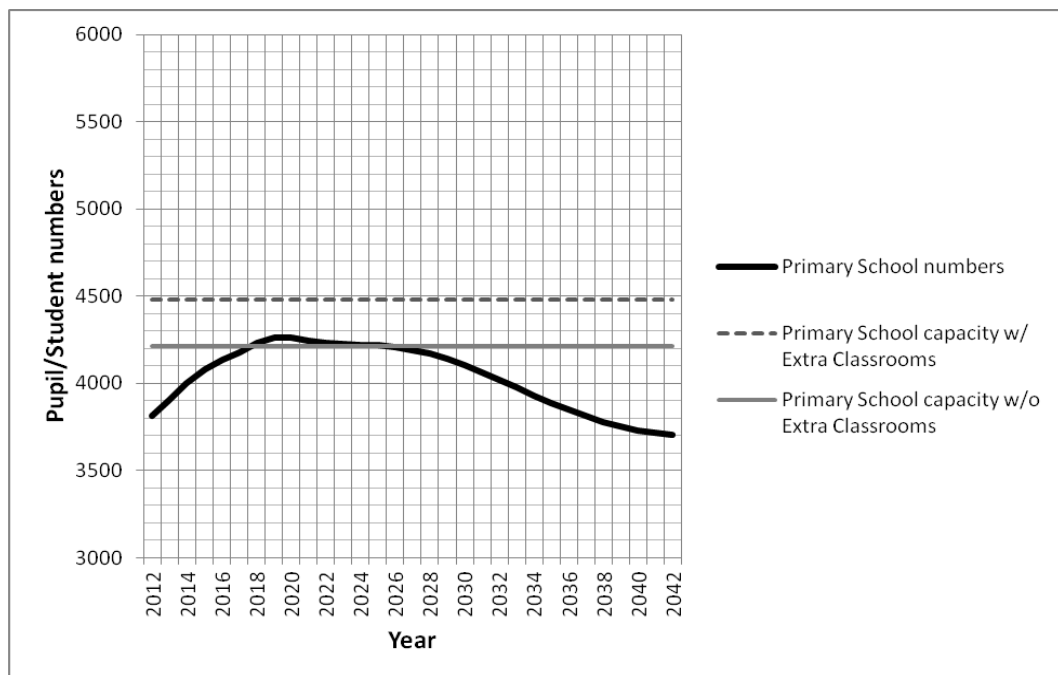
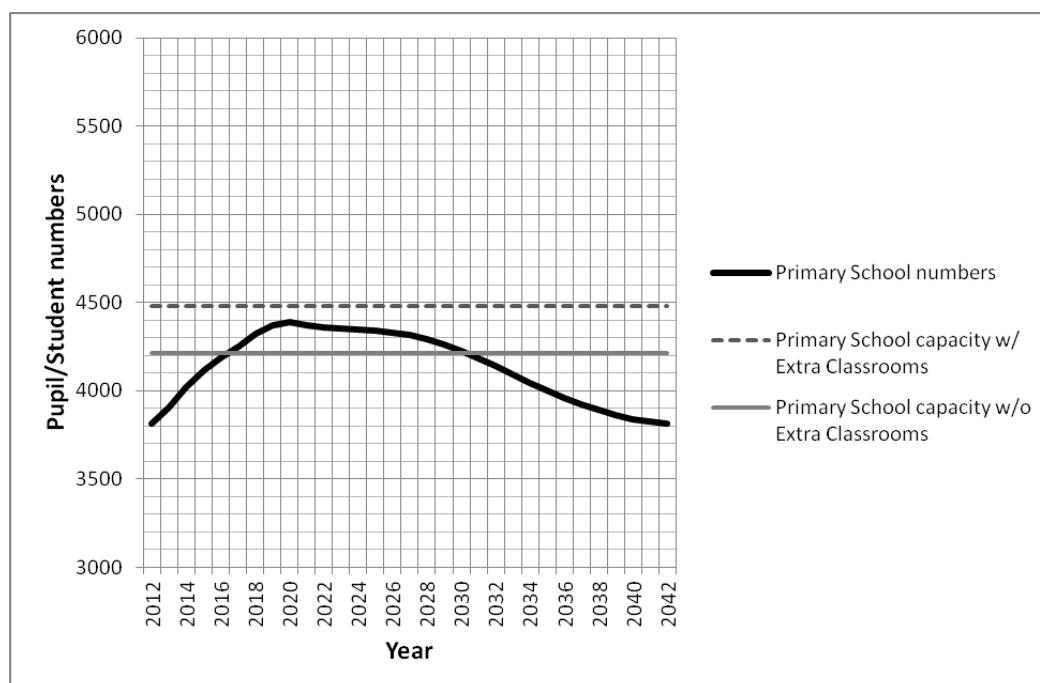


Figure 5: The effect of losing one class at key stage 2 and two classes at key stage 1 on the number of spare places within the primary sector using the latest population projections plus 5%



Losing two classes at key stage 2 (instead of one) would be tight and there is a risk that this may not leave sufficient capacity (Figures 6, 7 and 8). It might be possible if an existing school, such as Amherst, Vauvert or Castel reverted to 3-form entry throughout and if the remaining two schools also had capacity for additional classes. The following graph assumes 7 additional classes between these three schools are possible using additional classrooms (the with additional classrooms line in the graph). It should also be noted that these figures do not consider spare capacity per year group which also needs to be taken into consideration and that some spare capacity is necessary.

Figure 6 Losing two classes at Key stage 2 – population projections

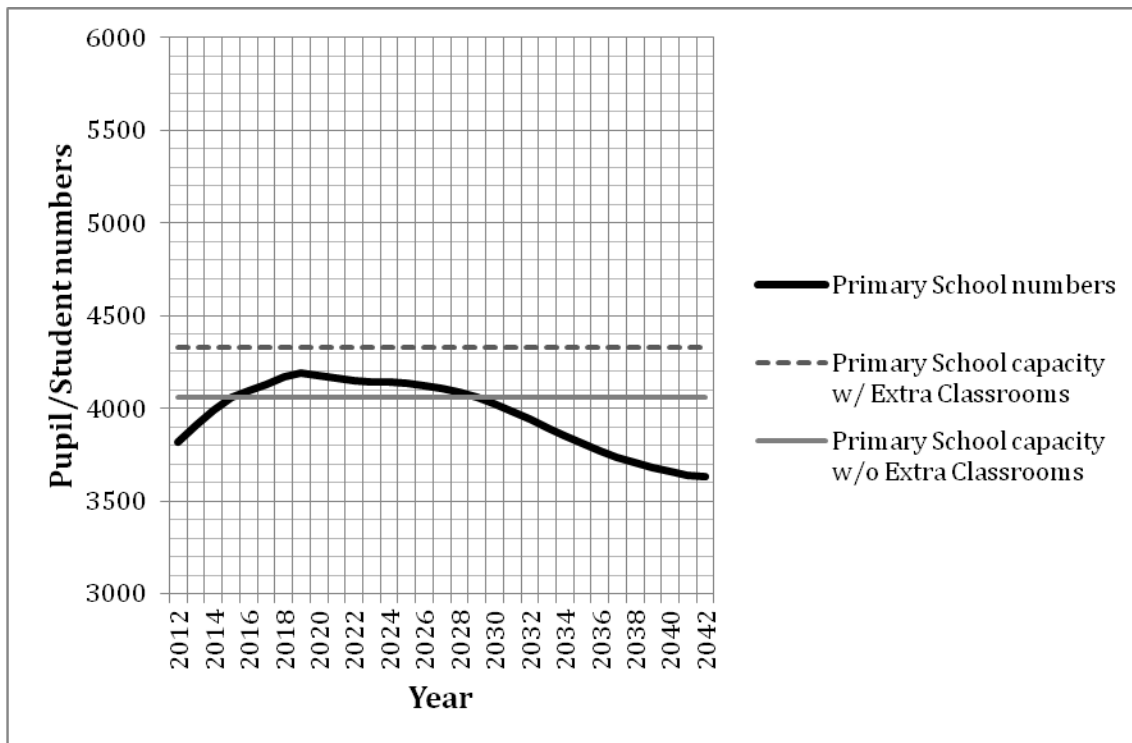


Figure 7 Losing two classes at Key stage 2 – population projections plus 2%

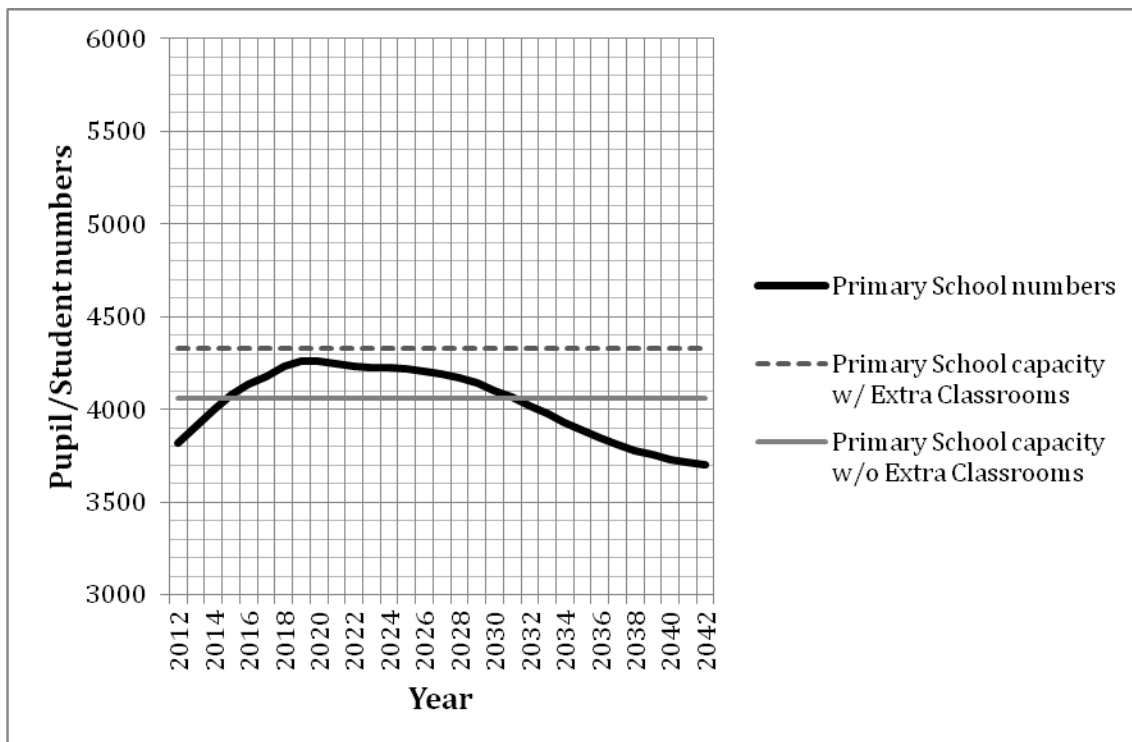
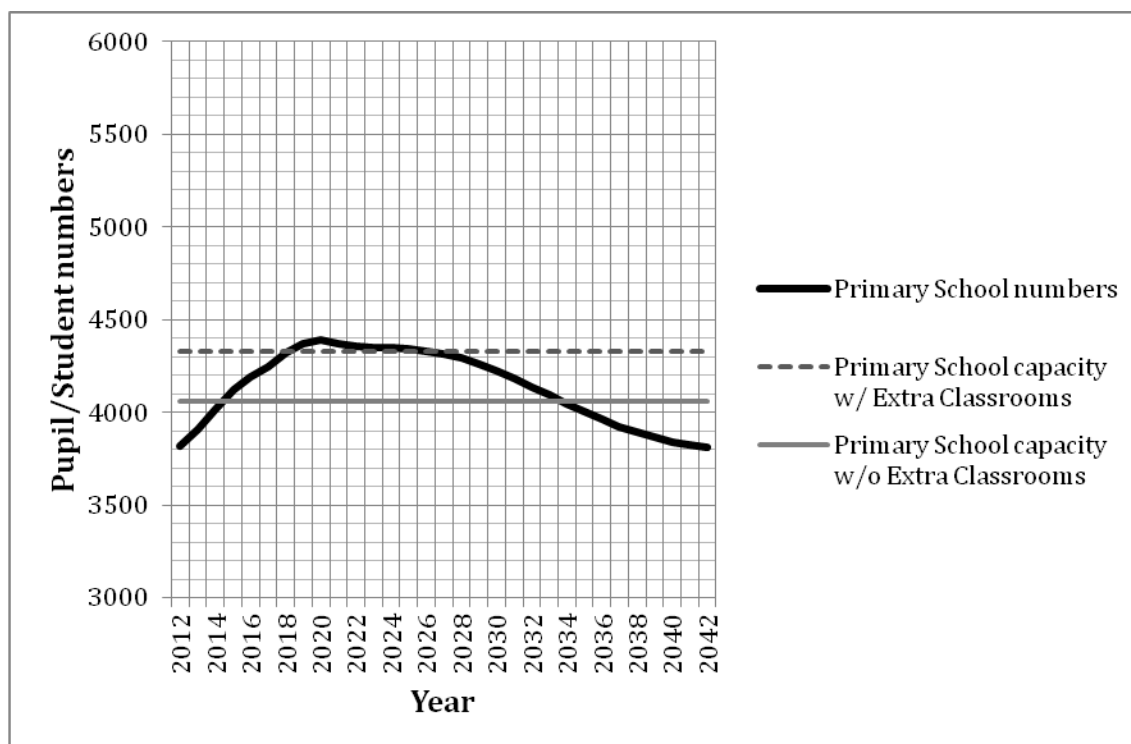


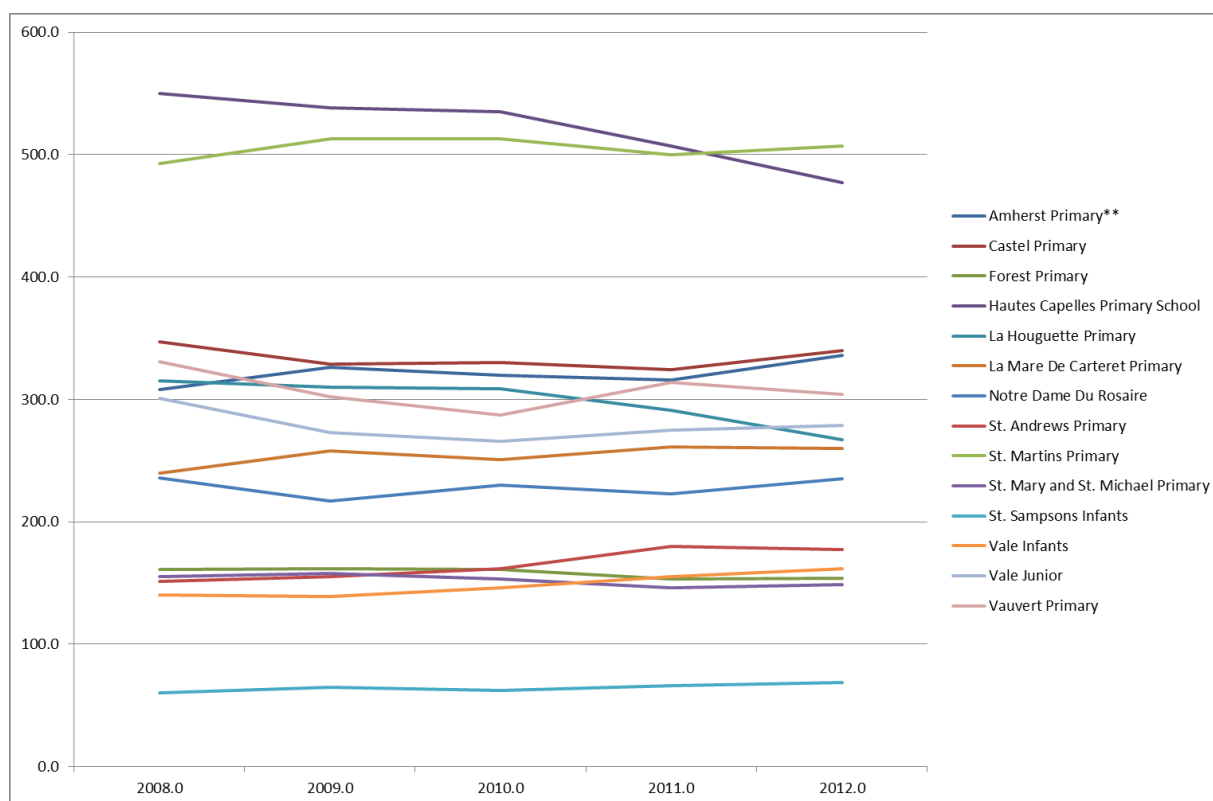
Figure 8 Losing two classes at Key stage 2 – population projections plus 5%



### **Future modelling of demand for individual schools**

The above education places model shows the projected demand for, and supply of, school places within Guernsey as a whole. It would be useful to have an idea of the projected demand by school catchment area. Unfortunately this data is not currently available. When the electronic census data becomes available it should be possible to see the number of 0-4 year olds in each catchment area. However, this data is unlikely to be available until end of 2014 or early 2015 to assist a review of catchment areas in 2015/16.

November primary school population statistics have been examined. The graph below shows school population trends for the last five years. (\*\*Amherst Primary excludes the pre-school nurture group.)



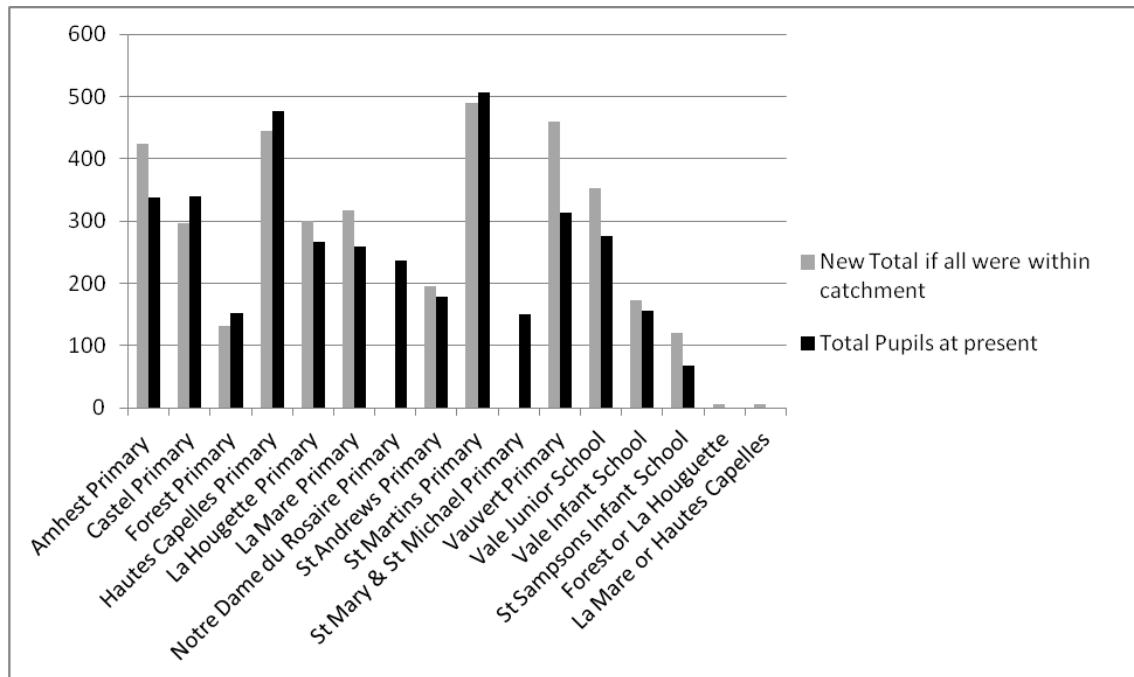
The numbers of surplus places in primary schools across the island makes planning provision and admissions more complicated. Numbers at La Houquette Primary have declined from 309 pupils in 2010 to 267 pupils in 2012; there is only one reception class in 2012 and number of applications for 2013 fall between those ideal for one or two classes. In 2012 there are a similar number of pupils overall to 2011 (3711 in 2011 and 3716 in 2012) but there is an additional class at Amherst Primary in reception instead of a second reception classes at La Houquette Primary. Numbers at Hautes Capelles Primary have also declined, from 550 in 2008 to 477 in 2012. From this data alone it is difficult to know whether the 2012 anomalies at La Houquette Primary and Amherst Primary are an indication that the number of school age pupils are declining in the southern/western parishes and increasing in town. Although a trend cannot be inferred from just one or two years of data, applications for 2013 have shown a similar pattern. Indeed, initially, La Mare de Carteret Primary, Castel Primary and La Houquette Primary all received barely sufficient numbers of applications for two reception classes in September 2013.

An attempt has been made to estimate future school populations by catchment area, assuming the overall distribution of pupils across the Island remains unchanged. This has been achieved by weighting the projected overall school population data using the average number of pupils per class per school over the last 5 years compared to the average class size across the Island (NB Amherst Primary and La Houquette Primary have been assumed to be two form entry schools). This is only a rough estimate but generally shows that most school populations are likely to increase for the next seven years as the projected overall school population increases again. However, there is still some spare capacity (although probably not at Amherst Primary which is likely to be

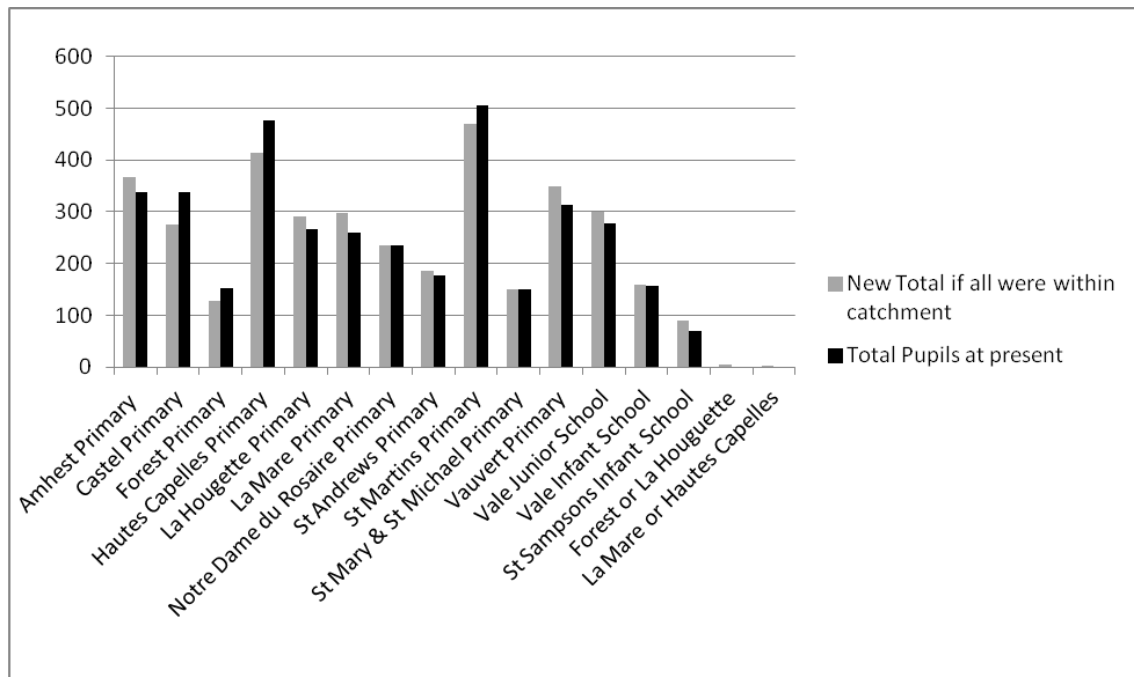
oversubscribed as a two form entry school). If the increase in pupil numbers was uniform across the Island, then the greatest number of spare places (without any changes to catchment areas or the number of schools in the Island) would be at La Houquette Primary and La Mare de Carteret Primary with the greatest number of spare places per class at La Houquette Primary and St Mary and St Michael Primary followed by La Mare de Carteret Primary, similar to now. In addition to the above, Social Security data included in the main report suggests that the number of children in St Peter Port and St Sampson's is indeed increasing, whilst the number of children in the south-west of the Island is decreasing.

The school population at January 2013 has also been examined to compare actual school population figures with school population figures if all pupils attended the catchment schools where they currently live. (NB Some pupils may have been within catchment when they started at the school, but may have since moved but continued at their original school and so are now living outside the catchment). This analysis has been undertaken both including and excluding the two Catholic Schools of Notre Dame du Rosaire and St Mary and St Michael Primary.

If Catholic Schools are excluded from the analysis and pupils attend their catchment school instead:

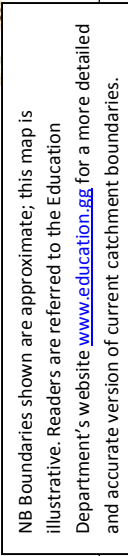


If Catholic Schools are included:



If all pupils attended the catchment school where they currently live then Forest Primary, St Martin's Primary, Castel Primary and Hautes Capelles Primary would have a lower number of pupils than their current numbers. Castel Primary, Forest Primary and St Andrew's Primary schools have less than 75% of their pupils from within their catchment area whilst Hautes Capelles Primary, Castel Primary and St Martin's Primary have the greatest absolute numbers of pupils attending from out of catchment.

Pupils attending the Catholic Schools are predominantly in the catchment area for Vauvert Primary or Amherst Primary (in the case of Notre Dame du Rosaire) or the catchment area of schools in the North of the Island, such as St Sampson's Infant, Vale Junior, Vale Infant and Hautes Capelles Primary (in the case of St Mary and St Michael Primary). More than 100 pupils living in the Vauvert Primary catchment area currently attend Notre Dame du Rosaire.



**(NB In accordance with its mandate, the Treasury and Resources Department has considered the resource implications of this States Report. The Department notes that the Education Department's proposals seek to improve educational outcomes as well as achieve efficiencies and significant financial benefits. Therefore, the Treasury and Resources Department commends the Education Department for bringing forward these proposals and supports this States Report.)**

**(NB The Policy Council supports the Report, with one Minister dissenting.)**

The States are asked to decide:-

X.- Whether, after consideration of the Report dated 12<sup>th</sup> August, 2013, of the Education Department, they are of the opinion:-

1. To agree to move towards a policy of two and three-form entry States primary schools as far as possible in order to improve educational outcomes, increase efficiency and ensure greater consistency in performance.
2. To agree that St Sampson's Infant School should merge with Vale Primary in September 2014 and St Sampson's Infant School shall close.
3. To agree that St Andrew's Primary shall close in August 2015.
4. To agree that discussions shall take place with the Diocesan Authorities to consider how Catholic primary provision is provided in future, with a view to determining whether it would be possible to move towards two or three-form entry in line with the Department's other primary schools, for example through federation or merger of Notre Dame du Rosaire and St Mary and St Michael Primary Schools.
5. To agree that over the next 5-10 years efficient and effective primary provision in the area served by Forest Primary School and La Houquette Primary School shall be revisited by a future Education Department.
6. To agree to give delegated authority to the Treasury and Resources Department to agree a capital vote to fund the associated modifications at Vale Primary School from the Fundamental Spending Review Fund.