



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 30th October 2013

*All published Official Reports can be found on the
official States of Guernsey website www.gov.gg*

Volume 2, No. 23

ISSN 2049-8284

*Published by Her Majesty's Greffier, The Royal Court House,
St Peter Port, GY1 2PB. © States of Guernsey, 2013*

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Law Officers

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R. Domaille, A. H. Langlois, R. A. Jones

St Peter Port North

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R. Conder, E. G. Bebb, L. C. Queripel

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Deputies G. A. St Pier, K. A. Stewart, P. L. Gillson,
P. R. Le Pelley, S. J. Ogier, L. S. Trott

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A. R. Le Lièvre, A. Spruce, G. M. Collins

The Castel

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B. J. E. Paint, J. P. Le Tocq, S. A. James, M.B.E., A. H. Adam

The West

Deputies R. A. Perrot, A. H. Brouard, A. M. Wilkie
D. de G. De Lisle, Y. Burford, D. A. Inglis

The South-East

Deputies H. J. R. Soulsby, R. W. Sillars, P. A. Luxon,
M. G. O'Hara, F. W. Quin, M. P. J. Hadley

Representatives of the Island of Alderney

Alderney Representatives L. E. Jean, E. P. Arditti

The Clerk to the States of Deliberation

J. Torode, Esq. (H.M. Greffier)

Absent at the Evocation

H.E. Roberts, Q.C., (H.M. Procureur);
Deputy M. J. Storey (*indisposé*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS
The Greffier

EVOCATION

CONVOCATION

The Greffier: 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, 30th October 2013 at 9.30 a.m. to consider the items contained in Billets d'État XX and XXIII which have been submitted for debate.

IN MEMORIAM

Tribute to former Conseiller, Nigel Jee

The Bailiff: Members of the States of Deliberation, earlier this month we were saddened to learn of the death of former Conseiller Nigel Jee.

Nigel was born in Plymouth in 1930, but the greater part of his adult life was spent in Guernsey. He came to the Island in 1952 as a Biology Master at Elizabeth College, where he remained for 20 years, and many of us in this Chamber will remember him in that role.

His political career commenced in the 1960's, when he served as a non-States Member on the Ancient Monuments Committee. Nigel was first elected to the States in 1979 as a People's Deputy for the Castel, and from 1985 until he retired from politics in 1991, he served as a Conseiller.

In the course of those 12 years, as a very active Member of the States, he was Chairman of the Ladies' College Board of Directors, President of the Committee for Agriculture and President of the Committee to Review the Constitution of All States Committees.

He will however, be best remembered as President of the Island Development Committee, which office he took up on 31st July 2005, in succession to former Conseiller Patricia Lihou – Pat Lihou – whom he also succeeded as Conseiller the following month.

In addition, he served on the Education Council, the Sea Fisheries Committee, the Arts Committee, the Rules of Procedure Committee, the Legislation Committee, the Population and Migration Committee, the Guille-Allès Library Committee and the Guernsey Flag Investigation Committee.

As President of the IDC, it was inevitable that he would be faced with difficult decisions, but he always acted impartially and with kindness. Former Chief Minister, Mike Torode summed up Nigel's character as 'a gentleman of old charm style who never spoke badly of anybody' and another former Member referred to him as 'fair but firm'.

Throughout his time in Guernsey, Nigel maintained an absolute passion, both for the Island's natural environment and its built heritage. In retirement, he pursued his interest in dairy farming, establishing a small herd at his home at the Houquette in the Castel.

He was a founder member of the National Trust of Guernsey and served as the President of La Société Guernesiaise in 1972-1973 and also held office as Vice-President of the Friends of St James. His knowledge of and interest in, the natural wildlife and habitats was, without equal and his meticulous detailed recording of flowering dates is acknowledged as being the premier data set

40 in the British Isles. Until very recently, he continued to write the regular 'Country' column in the *Guernsey Press*.

Nigel regularly attended St Stephen's Church where he had served as a church warden for a number of years.

45 In conclusion, Nigel Jee lived in this Island for over 60 years and throughout that time, he devoted himself to public service and to educating others as to the richness of the Island's wildlife and natural habitats. He will be long remembered for his passionate commitment in the cause of conserving our natural environment, for the benefit of future generations.

He leaves behind a widow, Jennifer and their two children, Sue and Nick, to whom we offer our sincere condolences and which we extend to his grandchildren including, especially, the Rev. James Herring, who is present in the Public Gallery this morning.

50 Will you please rise to honour the memory of Nigel Jee.

Members stood in silence.

The Bailiff: Thank you, Members.

55

STATEMENT

Channel Islands Stock Exchange Statement by the Deputy Chief Minister

60 **The Bailiff:** We move on now to a Statement to be delivered by the Deputy Chief Minister, Deputy Le Tocq in relation to the Channel Island's Stock Exchange.
Deputy Le Tocq.

The Deputy Chief Minister (Deputy Le Tocq): Thank you, Mr Bailiff.

65 Sir, I am grateful for the opportunity to give an update on behalf of the Policy Council to Members of this Assembly on recent issues relating to the Channel Island's Stock Exchange (CISX).

At this point, I would like to make clear that the Chief Minister has been consistent in ensuring that he has not been any part of any Policy Council discussion on this matter.

70 I would like to begin by emphasising two important points: first, that the CISX is a commercial entity, not a Government entity and, as such, is subject to the independent regulation of the Guernsey Financial Services Commission (GFSC); second, that, as the Chairman of the CISX announced in a public statement on 14th October, some of the Exchange's historic activities are currently under investigation by the GFSC.

75 The details of a regulatory investigation, which has not yet been completed are, and must be, solely matters between the regulator and the entity subject to that investigation. Those details are not a matter for Government and it therefore follows that in the case of the CISX, the Policy Council is rightly not privy to them. All of this means that not only would it be inappropriate for the Policy Council to speculate or comment on those investigations, but it is also incumbent on States Deputies to choose their words with their usual care, should they feel the need to make a comment.

80 The CISX is a regulated investments exchange. It has been recognised by HM Revenue and Customs in the UK, as well as by the US Securities and Exchange Commission and the Australian Securities Exchange. The CISX is also an affiliate member of IOSCO, the International Organisation of Securities Commissions, and an associate member of ICMSA, the International Capital Market Services Association.

85 In November 1997, the GFSC recommended to the then Advisory and Finance Committee to place before the States proposals to amend the Protection of Investors (Bailiwick of Guernsey) Law, 1987 (POI Law). In order to enable the GFSC to regulate a stock exchange to be established in Guernsey, the States approved the proposals in June 1998. This was at a time when the GFSC had duties for the promotion and development of the finance sector.

90 In that States Report, the rationale for establishing the CISX was set out by both the Advisory and Finance Committee and the GFSC. Several benefits were identified, which would secure Guernsey's longer term position as a leading off-shore finance centre, namely: increased profile internationally for Guernsey; prestige; increased competitiveness with the ability to offer one-stop

shopping for listed entities and thereby cost savings; and economic benefit through new and increased business activity.

100 By autumn 1998, the CISX was up and running. During its formation the GFSC approached the Advisory and Finance Committee to seek assistance in ensuring that an appropriate person or authority in Guernsey had the ability, and the obligation, to protect the Island's wider interests in the CISX, should a future Board seek to change the company's main objectives to merge, to consolidate or amalgamate, to change its name or to change its place of incorporation or principal place of business. The Advisory and Finance Committee agreed to carry out that function.

105 The mechanism to achieve that objective was the issue of a single non-participating share, with its purpose enshrined in the founding documents of the company, the function transferred to the Policy Council with the governmental changes that took place in May 2004. The Policy Council's overriding interest in the CISX is one of reputation. The Policy Council, like the CISX's Chairman and Board, is fully cognisant of the fact that CISX must reinforce, not undermine, Guernsey's hard won reputation as a good and stable place to do business. A CISX that clearly and consistently
110 meets the highest standards is good for Guernsey, for its businesses and for its reputation as a good place to do business.

The Policy Council has, since the public statement made on 14th October, supported the work that the CISX's Chairman and Board are doing to establish, in their words, a better structured and regulated new corporate vehicle. The Policy Council and, in particular, the Commerce and
115 Employment Minister, supported by the States Chief Executive, has been in frequent contact with the Chairman of the CISX and the GFSC since the announcement on 14th October.

As well as referring to the fact of the regulatory investigation, the announcement also included notice that the CISX was temporarily closing to new members and was not, at that time, commencing any new listings.

120 Members will be aware that on 24th October, the *Guernsey Press* published what purported to be extracts from a report commissioned by and for the CISX. It is therefore not something that the Policy Council can or should comment on, just as it would be totally inappropriate to comment on the ongoing GFSC investigation.

The Policy Council welcomes, as others have, the CISX's announcement of 25th October, which confirms it is now in a position to consider listing applications in the usual course of
125 business – effectively, that it has reopened for business as usual.

Lessons need to be learned for the future from these events. One opportunity for us as a Government will be to factor any such lessons into the finalisation of the Strategy for the 21st
130 Century Financial Services Regulation that the Commerce and Employment Department is currently working on.

It is vital that the GFSC and others have the tools and structures that they need, to be able to continue to play their part in protecting and promoting Guernsey's reputation as a good place to do business.

Thank you.

135

The Bailiff: Well, Members, there is now a period of 15 minutes, during which anyone can ask questions if they wish to do so.

Deputy Gollop.

140 **Deputy Gollop:** Yes sir, I think perhaps some of the comments in the media from both States Members and practitioners in the industry have hinted that there could, but not necessarily will, be reputational damage to the Island. I think that recent events suggest that everything is well under appropriate supervision.

145 But would it be possible for the Policy Council to suggest that the Board of the Channel Island's Stock Exchange give a presentation to States Members, outlining (a) any issues and (b) the complexities of an appropriate internal and external regulatory model? Because with the exception of perhaps of four or five of us, I do not think 40 of us are particularly expert on the world of off-shore stock exchanges and the way in which they list loans, funds, new entities and so on and this can give rise to confusion.

150

The Bailiff: Deputy Le Tocq.

155 **The Deputy Chief Minister:** Yes, in terms of media comment, I do not think any of us here are responsible, or wish to be responsible, for how the media interprets what is commented by us. I understand that some things may have been misconstrued, but I would only reiterate what I made in a statement in terms of taking caution before commenting.

160 In terms of a presentation, I think there is certainly a need for us as Members and particularly those of us who were not around and do not remember the events that I referred to in the 1990's that saw the setting up of the CISX, I will ensure that Members have a copy of the policy letter that was sent to the States at the time by A&F as soon as possible and that helps to understand it. A presentation from my point of view, at some point in the future would seem like a sensible thing to do, but just at this current juncture, I think it probably would not be appropriate.

165 **The Bailiff:** I see no-one else rising, so we will move on to Question Time.

Questions for Oral Answer

CHIEF MINISTER

New Population Management Regime Development of details and wide consultation

170 **The Bailiff:** The first Question is to be placed by Deputy Gollop and it is a Question to the Minister for the Commerce and Employment. Deputy Gollop. Would you like us to come back to that Question, Deputy Gollop? We will take the next Question and then come back to yours, if you like.

175 The next Question is Deputy De Lisle's Question to the Chief Minister – three Questions in fact. Deputy De Lisle.

Deputy De Lisle: Thank you.

These Questions to the Chief Minister are three Questions concerning the new Population Management Regime.

180 While Deputies approved the principles of the new Population Management Regime in June, much work still needs to be achieved to finalise the details and enact the changes following the debate. Given the complex and contentious nature of the task ahead, does the Policy Council intend to enlarge the membership of the sub-group of Ministers to engage other Members of the Assembly to gain a broader perspective in the next phase of development?

185 **The Bailiff:** Chief Minister.

The Chief Minister (Deputy Harwood): Sir, I am grateful to Deputy De Lisle for his Questions, for the first and the following Questions.

190 The answer: firstly, I would like to stress the Policy Council fully intends to continue engagement with all States Members as work progresses. In answer to Deputy De Lisle's Question, the Policy Council had a similar objective in mind when it decided last year, to dispense with the idea of a sub-group of Ministers having responsibility for such a broad subject area and the Policy Council itself, adopted full responsibility.

195 This gives us a team of 11 Ministers clearly with a broad spectrum of experience and perspective, to ensure that nothing is overlooked. Deputy Luxon, Deputy Jones and myself, are tasked with driving the activity required in this area, but not with taking any policy decisions. Any policy decisions rest with the full Policy Council.

200 Sir, I am not therefore sure if the answer to Deputy De Lisle's question is no or yes. No, there is no intention to enlarge the sub-group; but yes, we did that some time ago by the Policy Council accepting responsibility.

The Bailiff: Deputy De Lisle, do you have any supplementaries?

205 **Deputy De Lisle:** Well, I thank the Minister for that clarification sir. If I can lead on to my second Question, thank you.

The Bailiff: Yes, please do. Oh sorry, Deputy Fallaize has a supplementary question.

210 **Deputy Fallaize:** Yes, the key issue as far as engagement is concerned, is the period between the resolutions being approved and any drafting work being done by the Law Officers. I just

wonder whether the Chief Minister might be able to give an undertaking to Members, that the Policy Council would be prepared to share with Members any drafting instructions that they provide to the Law Officers, in order to, as it were, put some flesh on the bones of the resolutions that were decided by the States in June, please?

Deputy Harwood: Deputy Fallaize is pre-empting Question Number 2 from Deputy De Lisle. May I suggest I respond in relation to Question Number 2?

Deputy De Lisle: Does the Policy Council intend to come back to the Assembly with material on transitional arrangements, to matters such as long-term residency and employment permits, and to the social and economic effects of the proposed permits regime, and the resources required – areas of detail and engagement not dealt with in the June meeting?

The Bailiff: Chief Minister.

Deputy Harwood: The Policy Council made it clear in its June States Report, that it would be necessary to bring further reports to the States. The detailed proposals, transitional arrangements and legislation, demands any resource implications will all be subject to further debate in this Assembly and will therefore be made public before any decisions are made.

As for the social and economic effects of the proposed residence and employment permits, I would like to remind Deputy De Lisle of two things, again made clear in the June States Report. Firstly, the proposals for the new Population Management Regime are designed to be effective, whether the States strategic policy at any time in the future is for population to rise, to fall or to remain static. Secondly, one of the main benefits of the new regime is that it is designed to be sufficiently flexible to allow the States to respond wisely and when necessary, quickly, to economic, social and environmental changes, without the need for changes to primary legislation.

It is therefore up to this and any future Assembly to decide what social and economic effects the new regime should have on our Island.

The Bailiff: Any supplementaries?

Deputy De Lisle: Can I ask a supplementary, sir, just to add some clarification there.

The Bailiff: Yes.

Deputy De Lisle: Will these reports be brought in advance to bringing the final report and legislation to the Assembly or at the same time?

Deputy Harwood: I am happy to respond. They will be brought in advance.

Deputy De Lisle: Thank you for that clarification.

The Bailiff: Deputy Lowe, you have a supplementary question?

Deputy Lowe: I have, sir. Would the Chief Minister assure this Assembly that public presentations will take place before the report is debated in this Chamber?

Deputy Harwood: Deputy Lowe, I will take a note of the suggestion and refer that back to Policy Council.

The Bailiff: Deputy Gollop.

Deputy Gollop: I would like a supplementary too, please.

Bearing in mind two of our former colleagues, including a Deputy Minister, have recently been putting forward a particular point of view, will the Policy Council effectively bear in mind consultation in relation to any feedback they receive from professional people, or indeed, the general public, including Guernsey people who are currently not resident in the Island?

The Bailiff: Chief Minister.

Deputy Harwood: Again, I thank Deputy Gollop for the question, but in fact again, he is preempting the third Question that Deputy De Lisle will be putting forward.

275 **The Bailiff:** Deputy De Lisle, your third Question.

Deputy De Lisle: Yes sir, thank you.

In order to give assurances to Members and the general public at large, that their concerns as expressed in the June debate will be fully considered, will the Policy Council review the concerns of Members in their amendments to the new Population Management Regime, not only in the case of amendments won in debate, but also those that in reality, more or less split the Assembly?

280 **Deputy Harwood:** Yes, clearly our democratic process requires Policy Council to act according to wishes of this Assembly and those wishes will be reflected in the future reports mentioned above. Throughout the development of the new Population Management Regime, the Policy Council has given due consideration to all the feedback that has been received and that will continue, including concerns expressed during the period of the June debate this year and subsequent comments that have been made publicly.

290 **The Bailiff:** I see no-one rising for any further supplementary questions.

COMMERCE AND EMPLOYMENT DEPARTMENT

Unofficial sales and importation taxes Government policies to discourage

295 **The Bailiff:** Deputy Gollop are you now ready to ask your question of the Minister of the Commerce and Employment Department?

Deputy Gollop: Sorry, a technical there... A copy was on my g-mails, but not on the system as such. But I have a paper copy too, so the problem is resolved.

300 It is a Question to Deputy Stewart as Minister of the Commerce and Employment Department.

Some time ago, the *Financial Times* introduced a Channel Island price supplement, as did the *Sunday Sport* and *Daily Sport (Laughter)* – alright, they may not be newspapers in the truest sense – recently followed by *The Guardian* and *Observer* titles.

305 What policies and aims does your Department have for discouraging unofficial sales and importation taxes which undermine our collective cost controls, consumer budgets and competitive positions?

The Bailiff: The Minister of the Commerce and Employment Department, Deputy Stewart will reply.

310 **Deputy Stewart:** Mr Bailiff, Deputy Gollop, my staff did implore me to stick to the script, (*Laughter*) so that is what I am going to do.

We live in an Island and we are aware of the tremendous benefits that that brings us. The simple reality is, however, that goods we import require a more complex distribution network and this can result in additional freight costs.

315 Inevitably, there are instances where companies deem it appropriate to make small additional charges as part of a commercial decision, in order to get goods to us at a reasonable cost to them. I, for one, do not expect that this could always be done at no additional cost, but remember for many items, we actually do benefit from lower prices. The newspaper price supplements that you are concerned about are not, as you suggest, taxes in any sense; they are simply price differentials due to the additional cost of providing goods to our market. It is therefore up to consumers to decide whether they accept these higher prices and purchase the newspapers.

320 Furthermore, many newspapers now offer consumers the option of purchasing an on-line subscription as an alternative to a print subscription. Not only are the on-line subscriptions often significantly cheaper than print subscriptions, but their prices tend to be the same for Guernsey based subscribers as they are for UK ones.

Against this background, I can confirm that the Commerce and Employment Department does not have a policy regarding price differences between goods sold in the UK and Guernsey. Thank you.

330

The Bailiff: Deputy Gollop.

Deputy Gollop: My supplementary is: bearing in mind some delivery costs will inevitably be greater in the UK to far flung parts like the Scilly Isles, rural Wales, Orkney and Shetland and wherever, does the Minister not concede that this is weakening Guernsey's low costs and competitive position, because if UK suppliers generally put on a Channel Islands supplement, that weakens our consumer interests?

335

Therefore, will you be looking at this more generically, not just applied to newspapers and magazines, but to other goods supplied through the internet, for example, or by post?

340

The Bailiff: Deputy Stewart.

Deputy Stewart: As I said, it is not something that we can really engage with, where these are strictly commercial decisions, and if you look at newspapers, for example, I know when I purchased the *Sunday Sport* – sorry, the *Financial Times* (*Laughter*) – in Spain, there is a supplement for that as well.

345

It is always difficult. People assume that the VAT, for example, in high street shops is left on. There is no VAT there. That is a purely commercial decision, and without very, very strict price controls – which Governments have tried in the past, they have been very ineffective – without bringing in very complex regulation and price controls, I do not think that there is an easy solution to this. With the work streams that we have at the moment, I do not think that much can be gained, though, obviously, we are happy to receive any enquiries from people about areas where they do feel they are being unfairly charged.

350

The Bailiff: Deputy Dave Jones.

355

Deputy David Jones: Sir, I was brought to my feet by the mention of VAT. Would the Minister of Commerce and Employment not agree with me that it is a fine coincidence, that freight charges in Guernsey happen to correspond exactly with the 20% VAT charge in the UK?

360

The Bailiff: Deputy Stewart.

Deputy Stewart: It is a funny old thing that, isn't it? (*Laughter*)

365

I think consumers in Guernsey are smart and I think that they now... For example, I know people that will buy things where you see UK high street shops in our high street, where those people have an on-line facility, they actually buy it on-line, where they can get the goods from the same company in the UK, and not pay the VAT.

370

That is certainly what I would do. There are several UK retailers in our high street, who charge a full UK price which actually includes the VAT. They are the same price labels, but actually if you go on line to that UK retailer, a lot of them will deduct the VAT.

So it is for consumers to be smart about what they do. For the Government to start interfering in bringing in price controls is an incredibly complex and difficult road to go down.

375

The Bailiff: Deputy Bebb.

Deputy Bebb: Would the Minister agree with me that the readers and consumers of some of the titles referred to are generally in favour of higher taxation, and therefore this is probably a very popular move with them?

380

Deputy Stewart: And I for one... certainly now, again, most of my newspapers are on-line, which actually saves all the carbon and everything else which we have to use in bringing the newspapers here, so perhaps I would encourage particularly all the Members here with their iPads to look at on-line subscriptions for their newspapers.

PUBLIC SERVICES DEPARTMENT

385

**Use of Airport runway 27
Noise abatement procedures and potential abuse**

The Bailiff: Well, I see no-one else rising, so we will move on to Deputy Inglis' Question to the Minister of the Public Services Department.

390

Deputy Inglis: Thank you, sir.

I would like to ask a Question of the Minister of the Public Services Department, and I am guided from many concerned constituents in the western parishes, in that why, in 2008, was a dispensation given by the Department to commercial airlines and private pilots regarding exiting runway 27 when routing south?

395

The Bailiff: Deputy Luxon, the Minister, will reply.

Deputy Luxon: Thank you to Deputy Inglis for his Question.

400

I am afraid these answers are going to be slightly technical, so for those of us that are non-aviators, I hope you will bear with me.

For the purpose of clarity, aircraft departing runway 27 take off to the west and therefore begin their ascent over St Peter's before continuing their climb above Torteval. They then turn either to the north for services to the UK or south for Jersey or France.

405

The point at which the turn is permitted is covered by noise abatement procedures, put in place by Guernsey Airport. These are designed to limit noise impacts from departing aircraft. Ordinarily, pilots are required to fly along a line extending from the centre of the runway, until they are over the sea, before making their turn to the north or south.

410

However, in 2007 the Public Services Department received representations from numerous aircraft operators, requesting the variation to the existing procedures to permit limited early turns on westerly departures, by aircrafts specifically heading south to France or Jersey.

The dispensation was therefore granted in 2008, initially on a trial basis, to permit aircraft to turn after they reached an altitude of 850 feet.

415

The Bailiff: Deputy Luxon, do you want to place your next Question? Sorry – Deputy Inglis. It is going to be a long day! Sorry, Deputy Inglis.

420

Deputy Inglis: Would the Minister confirm whether or not this is being abused by whether it be the pilots or Air Traffic Control, because they clearly are not following the guidelines that you have indicated?

The Bailiff: Deputy Luxon.

425

Deputy Luxon: Certainly, nobody is abusing anything that I am aware of, and certainly Air Traffic Control complies with the procedures that I have just described. It is fair to say that the Guernsey Airport Director has received some complaints and observations from neighbours and has investigated those, as they have been given them. Any breaches, unintentional or otherwise, have been followed up.

430

But the number of enquiries into the Airport Director, and indeed the number of specific issues, have been minimal in comparison to the number of take-offs and landings at Guernsey Airport.

The Bailiff: Deputy Inglis.

435

Deputy Inglis: Thank you, the second part to the question is what the rationale to the decision is, and is it permanent?

The Bailiff: Deputy Luxon.

440

Deputy Luxon: Thank you, sir.

The rationale for the request from operators was to reduce direct and indirect to costs from unnecessary track files and fuel burn by aircraft that otherwise would have had to head west out to

Pleinmont Point, only to then route back east along the south coast of Guernsey before heading towards Jersey or France.

445 It was also argued the change would reduce the noise footprint of aircraft, which until then, were required to fly from the end of the runway, out to the south west corner of the Island and back along the south coast. The original changes were subject to a temporary trial period, after which the procedure was made permanent in 2008.

450 The arrangement has also had a positive impact on airport operations, as there has been a marginal improvement in the efficiency of handling air traffic. During peak time, slower moving aircraft are clearing the extended centre line on departure much more quickly, enabling other aircraft to be released earlier than would have been possible. This was never a motivating factor behind the change, but it has been a positive subsequent consequence of it.

455 **The Bailiff:** Deputy Inglis.

Deputy Inglis: Following on as part 3 of my Question, you have mentioned that this has allowed a reduction in noise impact. What was the nature of the impact assessment carried out, to determine the agreement?

460 **The Bailiff:** Deputy Luxon.

Deputy Luxon: Thank you.

465 Noise monitoring at specific key locations was carried out before and after the trial. Initially the trial was limited to Trislander aircraft only, but was later extended to provide a more representative seasonal variation both in terms of weather and schedules.

470 At that point, private aircraft and other commercial aircraft were also permitted to participate. An assessment was made at the end of the extended trial, before the policy was made permanent. Limitations did apply, and continue to apply, in respect of the minimum altitude of 850 feet before turns can be executed.

The Bailiff: Deputy Inglis.

Deputy Inglis: Thank you, Minister.

475 Finally, did the Department seek public consultation regarding this dispensation? You have talked about, there were a few people making comment, but my experience with media coverage recently, indicates there are a lot of people concerned.

The Bailiff: Deputy Luxon.

480 **Deputy Luxon:** Sir, obviously I referred to the engagement we have had subsequently, but in terms of the consultation question, the Department debated this point at the time, but concluded that to announce a change in the procedure, the impact, which was expected to be minimal, would potentially have invalidated the trial. The decision was taken therefore, to monitor noise levels and complaints, during that limited trial. Only two complaints associated with the specific change were
485 logged during the time, and very few have been received during the five years that the revised procedure has been in operation.

490 Guernsey Airport will, however, routinely follow up any complaints to ascertain whether pilots have complied with the procedures, and any instances where it is found that they have not been followed will be raised with the airline or the pilot. This is an effective course of action, as such complaints are generally acted upon by the airlines in reminding pilots of the agreed procedures.

It is also worth noting that following the success of the westerly departure changes, a similar arrangement was also subsequently introduced for easterly departures.

495 **The Bailiff:** Deputy Inglis, do you have any other supplementary questions? No? Does anybody else have any supplementaries?

HEALTH AND SOCIAL SERVICES DEPARTMENT

**Bowel cancer screening
Reduction in numbers of patients screened**

The Bailiff: In that case, we will move on to the final set of Questions, which should be asked by Deputy Hadley, of the Health and Social Services Minister.

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Deputy Hadley: Mr Bailiff, before asking the Questions, the Minister has asked me to declare an interest, a financial interest, in that my wife is a partner in the Medical Specialist Group which provides the screening services. I did ask my wife to find out if this was a significant financial interest, but they will not tell me. So I *may* have a financial benefit to this (*Laughter*) and perhaps somebody with more influence in the Medical Specialist Group might find out for me whether I have a significant interest. (*Laughter*)

505

Mr Bailiff, I would like to ask the Minister why the number of patients screened for bowel cancer has been reduced.

510

The Bailiff: Deputy Dorey, the Minister will reply.

Deputy Dorey: Thank you, Mr Bailiff.

We aim to screen one age cohort – that is, Islanders who turn 60 in a given year – every year. We reduced the number of weekly screening sessions from two to one earlier in 2013, as they increased the capacity of those sessions.

515

The service started in October 2011. According to the records kept by the bowel screening team, 182 attended appointments for a rectal sigmoidoscopy in 2011; 575 people in 2012; and 394 people so far in 2013. There is a significant variation in the number of people who attend the service from month to month.

520

The Bailiff: Deputy Adam, you have a supplementary question?

Deputy Adam: Sir, through you, can I ask the Minister, is the answer to that question yes or no? Why has the number of patients being screened for bowel cancer been reduced? I am not too sure whether he was indicating it has been or has not been reduced. The number of sessions has been reduced; therefore I assume the number of people going for bowel cancer screening has been reduced.

525

Deputy Dorey: It was not a yes or no question; it was a why. But I can assure you, as I said, the principle of it is to see people who have turned 60. We have worked through those born in 1952 and 1953 and we are now inviting people born in 1954 who are approaching their 60th birthday. So the number we see is according to the number in that age group and the percentage who attend.

530

Deputy Hadley: As a supplementary, I would like to ask the Minister, if he is not aware that the original proposals when this scheme was brought in was to do a second and third cohort? For the benefit of Members, this means that if you are just 61 when the scheme starts, you will be missed and not screened. So the idea originally was that one or two other cohorts would be screened and that is why it is significant that the numbers have reduced. They should have actually not reduced.

535

540

The Bailiff: Deputy Dorey, are you able to answer that? I do not think it arises directly out of the earlier answer.

Deputy Dorey: I cannot give a full answer; I can give an indication that as I understood it, it was for those who turned 60 that was the way the system was designed. I could say more but it is covered in further answers to Question number 3.

545

The Bailiff: Deputy Fallaize.

550

Deputy Fallaize: Can the Minister advise the States whether the Department's expenditure on the bowel cancer screening service has been reduced this year or last, please, as a consequence of the change in arrangements that he just laid out?

555 **The Bailiff:** Are you able to answer that without having had notice of the question, Deputy Dorey?

Deputy Dorey: We have not made a change, we have kept the same policy of the Islanders who turned 60, so there has been no change in policy, as it has been explained to me. But the other part of his question is answered by number 2.

560 **The Bailiff:** Deputy Hadley, do you wish to move on with your second Question?

Deputy Hadley: Mr Bailiff, is the Department spending all of the money that was allocated for bowel cancer screening?

565 **The Bailiff:** Deputy Dorey.

Deputy Dorey: The Department is spending all the money that was allocated. An annual sum of £328,000 was allocated as part of the States Vision Plan in 2011 to set up and run the bowel screening services. This covers the cost of service which is delivered by MSG, as well as HSSD staffing, facilities and administrative costs.

The Bailiff: Deputy Hadley.

575 **Deputy Hadley:** Well sir, as a supplementary, I would like to ask the Minister if he would supply the detailed costings for this service, because, as I said beforehand, the expectation was that a second and third cohort would be screened and the worry of a number of people is the fact that the number of people that were planned to be screened has been reduced to make cost savings.

580 So I ask the Minister, if he will actually supply all costings for this service.

The Bailiff: Deputy Dorey.

Deputy Dorey: That is not part of the question, but when we get to Question number 3, we are doing a review of the service as part of the ongoing process and that will be included. I have seen some information that we are spending the full amount of money that has been allocated and we are covering the age cohort that we said.

The Bailiff: Deputy Adam.

590 **Deputy Adam:** In the costings, the sums, that included the training of what was called an extended scope practitioner to do the sigmoidoscopy or the minor investigation, and then the consultant to do the all the way round scope. Has that person been trained, because that would increase the numbers and the cost of running this service?

595 **The Bailiff:** Deputy Dorey.

Deputy Dorey: I do not think that question arises out of my answer to the question.

The Bailiff: Deputy Hadley, do you wish to place your third and final Question?

600 **Deputy Hadley:** Yes, Mr Bailiff.
Has the Department fully evaluated the results of the programme so far?

The Bailiff: Deputy Dorey.

605 **Deputy Dorey:** This question is timely, as HSSD and MSG have recently agreed that a joint review of the service will be completed by the end of 2013. The two organisations are agreeing the terms of reference at present.

610 **The Bailiff:** Deputy Hadley – you have just switched your microphone off.

Deputy Hadley: Sorry, thank you sir.
Mr Bailiff, Members that were in the previous Assembly will know that bowel cancer screening is something that a number of Members feel passionately about. So I would ask the

615 Minister, if he remembers that when I spoke in favour of bowel cancer screening at the time, I predicted that some seven or eight lives a year would be saved, and that HSSD would save large sums of money in future costs, not only in the case of surgery and also the use of drugs.

Does he now not understand that the delay in evaluating the expansion of the service, as it was originally envisaged, means that a failure to screen a second or third cohort means that more people could have been saved and they will face premature death and there will be more costs to the Department as a result of not doing the second and third cohort?

The Bailiff: Deputy Dorey.

625 **Deputy Dorey:** The amount of money that was allocated in the new service bid, as I understood, is to last for four years. So we are doing a review of the service with MSG at the end of this year and no doubt those points will be part of the review.

630 **Deputy Hadley:** Has he been made aware that, in fact, the benefits of the service are in fact greater than were being envisaged and that preliminary results do seem to indicate, it has been a huge success both in saving lives and saving money?

The Bailiff: Deputy Dorey.

635 **Deputy Dorey:** I think the right time to reach a conclusion is when the review has been done.

The Bailiff: Well, Members, that concludes Question Time.

640

Billet d'État XX

PROJETS DE LOI

HOME DEPARTMENT

The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 Propositions carried

Article I.

The States are asked to decide:

645 *Whether, after consideration of the Report dated 15th 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;*

650 (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;*

655 (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;*

660 (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.*

665 *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.*

The Bailiff: We will move on, Greffier, to legislation.

670 **The Greffier:** Billet d'État XX, Article 1. Home Department – The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013.

The Bailiff: Members, this Projet is at page 1 of the brochure, but there is an amendment to be proposed by Her Majesty's Comptroller, seconded by Deputy Le Tocq Madam Comptroller.

675

Amendment:

In the Projet de Loi entitled 'The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013', in section 53, printed at page 92 of the brochure, immediately before 'Part', insert 'Section 3 and' and for 'is', substitute 'are'.

680

The Comptroller: Thank you, sir.

This is a proposed technical amendment, and in proposing it, I am grateful to Deputy Le Tocq for agreeing to second it.

685 Sir, in the Projet de Loi entitled 'The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law', in section 53 which is printed at page 92 of the brochure, the amendment is that immediately before the word 'Part', the words 'Section 3' are to be inserted and then a grammatical consequential amendment, that for the word 'is' afterwards, there will be substituted the word 'are'.

690 Section 53 amends the Sexual Offences (Incitement, Jurisdiction and Protected Material) (Bailiwick of Guernsey) Law, 2009 by repealing Part II of that Law. This amendment would further amend the 2009 Law by adding section 3 to the provisions to be repealed.

Sir, this is necessary in order to avoid any potential contradiction or inconsistency with section 25 of the more newly drafted 2013 Law, as both sections are concerned with the criminalisation of acts committed outside the Bailiwick in similar but not identical terms.

695 So it is a technical amendment to avoid any potential inconsistency.

Thank you, sir.

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

700 **Deputy Le Tocq:** I do, sir.

The Bailiff: Is there any debate? No, in that case, we will go to the vote on the amendment. Those in favour; those against.

705 *Members voted Pour.*

The Bailiff: I declare the amendment carried, and unless there is any...
Yes, Deputy Le Tocq, you wish to speak generally.

710 **Deputy Le Tocq:** I would just like to signal what this legislation does bring about for the benefit of the whole of our Island community.

It is noted in the Report that this relates to a resolution of the States that pre-dates some Members' time in this Assembly and so I would particularly just draw attention to the significance of this Law coming into force.

715 The Department's States Report of 10th May 2011 detailed proposals we sought to modernise and reform the sexual offences legislation in the Bailiwick. As Members will note, some of that legislation related to a time when it was still written in French, so this is a major step forward. This has also been prepared in consultation with the Sex Offenders Working Group and as part of that drafting process, additional proposals were considered, alongside some amendments, to add clarification to the original proposals.

720

So I welcome this Law coming into force, and encourage the Assembly to vote for it.

The Bailiff: Any further debate? Deputy Lester Queripel.

725 **Deputy Lester Queripel:** Thank you, sir.

I am sure my colleagues will recall, soon after we were all elected, I tried to amend the conditions in the Common Travel Area Law, which allowed a convicted sex offender to travel within the area for seven days without having to inform the relevant authorities.

730 I was trying to amend the condition to, first of all, the offender having to inform the relevant authorities of their intention to travel, and also that the offender had to, by law, carry documentation containing their history and that this documentation had to be produced at every port of travel.

735 Unfortunately, my intentions were misunderstood and misinterpreted, and this misunderstanding was relayed as my proposing everyone travelling into or out of Guernsey, carried a passport, when I was not proposing anything of the sort. But what I was proposing was that every convicted habitual sex offender carried documentation, because the way I see that is the politicians have a duty to provide our fellow Islanders, children and adults alike, with as much protection from convicted sex offenders as we possibly can.

740 Personally, I think an offender who has been convicted of two or more sexual crimes should automatically forfeit their right to travel but, sadly, this is not going to happen. But I did take great comfort from the Home Department's proposals laid before us today. In fact, I want to credit the Department wholeheartedly for all the effort they have put into these amended sex offenders provisions. But I am in need of clarification on three fundamental points.

745 So my first question to the Minister is, if these provisions are passed by the Assembly today, will it relay in a convicted sex offender having to inform all relevant authorities of their intention to travel?

Second question: will a convicted sex offender have to, by law, carry documentation which must be produced at every port of call?

750 And before I ask my third and final question, sir, to avoid the possibility of any misunderstanding on this occasion, I want to emphasise that I understand completely that we have our own convicted sex offenders here in Guernsey and that the questions I am asking relate to offenders travelling out of, as well into, the Island.

755 My final question relates to proposition (c) which seeks additional police powers to enter premises to verify whether or not the address supplied by an offender is in fact their home address. While I fully endorse the Police having more powers, I apologise to the Minister if the answer to my final question should be obvious to me, but does the term 'home address' include hotels, guest houses and Open Market lodging houses?

Thank you.

760 **The Bailiff:** Deputy Bebb and then Deputy Gollop.

Deputy Bebb: Thank you, *Monsieur le Bailli*.

765 Briefly, I welcome the proposals here in this Department Report. I think that the work that has been done with the multi-agency approach towards the sex offenders and in general, has been incredibly successful and I commend the Department for pursuing that.

The one question that I would actually like to ask of the Minister is whether there is a proposition within the Department, to review the current system and its efficacy, so that we have some form of measure as to how well it is working and in order to address any perceived weaknesses that is inherent in any situation, so that at least we can identify those.

770 And at what point does he feel that it would be appropriate to conduct such a review and to make those findings available?

Thank you.

775 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Sir, this is indeed a sensitive subject – and it will be seen, I am sure, in other Islands not so far from us – because it is important to identify a system that protects people, but at the same time is not disproportionate in its use of police or other agency resources. To a degree, it has to even-handedly reflect the human rights of victims, potential victims, their friends and families and indeed, dare I suggest on occasion, rehabilitated individuals.

I suppose the balance is a hard one. Deputy Queripel, though, has raised some valid points in a way, because we are not just talking about the potential of locally based sex offenders. This can be true of people from the United Kingdom, from Ireland, from other European Union States, or indeed from outside the EU stretching across Asia or North America.

785 And the difficulty, therefore, is how robust will the system be in identifying, through the Police or similar intelligence, the arrival on Isle of individuals who could be perceived as representing a

potential danger? Because it has to be borne in mind that the criminal records of some nations are not as robust as our own, and people can and do change identities. And how far will the reporting requirements go when people are on Island and will police officers have special training to deal with this kind of situation?

790

But I do respect the new rules.

The Bailiff: Chief Minister, Deputy Harwood.

795 **The Chief Minister (Deputy Harwood):** Thank you.

As stated within the Billet, Policy Council fully supports this Report and the recommendations that it sets out. The Policy Council firmly believes the proposed framework of sexual offences, along with a robust system for the registration of sex offenders are invaluable steps in helping to protect the public, reducing the risk proposed by those offenders and assisting prevention of further sexual offences.

800

Notwithstanding the support, as a consequence of these proposals, however, it is important that we are aware there is likely to be a financial implication on the legal aid budget, for which the Policy Council is responsible. I feel it is only appropriate that I bring this to the Assembly's attention.

805

Until further details are provided under any relevant Ordinance or Rules of Court, and advice sought from the Law Officers, it is difficult to accurately assess where legal aid may be necessary or to what extent. However, it is anticipated that both the criminal and civil legal aid budgets could be affected.

810

The legislation creates new criminal offences which will, subject to clarification from the Law Officers, fall under Legal Aid's remit due to their potential to incur a custodial penalty. However, we cannot foretell how many prosecutions will be instituted under the new legislation, or how many applicants will be eligible for funding under the scheme. Any application received for legal aid will be subjected to the same rigorous means and merits test applied to all applications and the associated expenditure will be closely monitored.

815

Additionally, it is possible that some individuals may wish to challenge various methods under the legislation, including civil orders, which again, subject to further clarification from the Law Officers, may fall under the legal aid scheme.

820

Now, I am conscious, sir, that some Members may be uncomfortable with the concept of individuals accused of such crimes receiving legal services at the expense of the taxpayer and I acknowledge that concern. However, I ask Members to remember that the provision of legal aid is vital in ensuring access to justice for both the accused, and I believe it is important to remember, the alleged victim. In order for any of us to have faith in the criminal justice system, the system needs to be fair and part of this is making sure that an accused party has access to legal counsel, however unsavoury we may find the alleged crime.

825

Where applicants fulfil the means and merits test, the provision of legal aid is a pre-requisite in any modern society seeking to be compliant in human rights standards.

Thank you, sir.

The Bailiff: Deputy Laurie Queripel.

830

Deputy Laurie Queripel: Thank you.

I note and support Deputy Bebb's comments in regard to reviews. I always get concerned when I see so much authority vested in the position of a single statutory official. And this is not to doubt the ability or the suitability of that person, but it is a lot of responsibility to place upon an individual.

835

So I would just like to ask the Minister, will this arrangement be reviewed periodically to assess whether it is the most suitable and appropriate model?

Thank you, sir.

840

The Bailiff: Deputy Green.

Deputy Green: Sir, thank you.

First of all, I should declare an interest, bearing in mind what the Chief Minister just said. I continue to practice criminal law in this jurisdiction and I do legal aid cases. So I declare that interest.

845

Can I ask the Minister for Home Affairs, I note from the report that some consultation did take place with the various agencies, including the Law Officers. Bearing in mind that one of the

850 innovations that flows from this is the new procedure whereby the unrepresented defendant will be appointed an advocate by the court, if he or she refuses to instruct one himself, to get away from the unrepresented defendant being able to cross-examine the victim or complainant themselves, was any consultation done with the Guernsey Bar, specifically with the Criminal Bar Group?

The Bailiff: Deputy Le Clerc.

855 **Deputy Le Clerc:** Sir, I would just like to respond to one of the questions that Deputy Lester Queripel spoke about earlier, because we have actually, as the Home Department, responded to some Rule 6 questions to Deputy Queripel, but I would just like to read out an answer, and that is regarding the monitoring of overseas criminals:

860 ‘Where an individual is subject to notification requirements in another jurisdiction, the local authorities are reliant on those jurisdictions and the legislations that guide them to inform those locally of travel plans that impact on the Bailiwick so that they may take appropriate action.’

865 So I just want to emphasise that we are reliant upon those other jurisdictions, and just again, to draw attention that Deputy Queripel did ask if there was an international register of convicted criminals and our response was:

870 ‘There is not an international register of convicted criminals. However, work is currently being undertaken to improve inter-border co-operation within the European Union. Locally, where the authorities are aware that an offender who may pose a risk of harm to others intends to leave the Island, they will inform the receiving jurisdictions. If another jurisdiction is aware that a similar offender is travelling to Guernsey, then the relevant local authorities are usually informed.’

875 So I do think that we take every care that we can to prevent people coming onto the Island.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you.

880 May I ask that the Minister in his summing up, just gives us the perspective on this, because very quickly we have lapsed into – and I understand, for quite good reason – this ‘stranger danger’ when the reality is young people on this Island and others will be abused by people known to them and that they have close associations with; that that trust has been exploited. Rather than exaggerate – though significant it is – the notion that we import, or that people from outside this Island abuse young people and other individuals... that we have a real issue on-Island with people who exploit the trust of young people and others.

885 Thank you.

The Bailiff: Does anyone else wish to speak? No?

Then Deputy Le Tocq will reply to the debate.

890

Deputy Le Tocq: Thank you, sir.

I thank Members for sensible and appropriate questioning, because this particular legislation is a sensitive area, but one which I do believe, through the working party that put this together and indeed our Criminal Justice Strategy, which I will come on to in a moment, is something that the Island can be proud of – indeed, this Assembly can be proud of – in instituting, because we are becoming, as a result, a safer society where everybody does their part. It is not just about legislation; it is about the community working together.

900 If I can take Deputy Lester Queripel’s points first of all, some of it which has been address by Deputy Le Clerc, but I believe that this is the most pragmatic approach, which brings together all the various legislation we have had before and updates it. Also, bearing in mind that we have put in a number of practices, inter-agency working, MARAC, MAPPA, for a number of years now, and this adds teeth to that and makes those particular groups and activities work effectively, so that we do have a safer society.

905 Deputy Lester Queripel asked me three questions, one regarding the provisions and we can, indeed, only work with the information that we have available to us. This is our jurisdiction and we have to work in conjunction with other jurisdictions. But in terms of the convicted offender, it depends on the level of the offence and the legislation notes that, that there are different courses of action depending on that level of offence and, as a result, it works both ways in terms of how other jurisdictions deal with it, and how we would deal with it locally on the Island, in terms of the authorities involved.

910

He asked about documentation and of course, yes, in certain circumstances, that is required, but not in all circumstances. It will depend on the particular offence and the particular individual.

915 Thirdly, he asked about police powers in terms of what home address would be considered and the reason that that particular stipulation is in there is because when someone fills in what their home address is, and it does not really matter what that... it might be a lodging house, it might be a hotel, presumably, but the Police need to check that is true and he or she is actually living there. In order to effectively monitor, that needs to be in the legislation, so that has hopefully answered his three questions.

920 **The Comptroller:** Sir, if I could perhaps interrupt?

The Bailiff: Yes, Madam Comptroller.

925 **The Comptroller:** It may assist just on those particular points, there are actually regulation-making powers for the Department in relation to travel outside the Bailiwick, so the Department can actually put further measures in place there.

As to home address, there is a definition of home address in the legislation, but there is also a provision of any other address which could include a hotel or other place if you are staying there for more than seven days, I think it is, in section 4, just to clarify.

930 **The Bailiff:** Thank you.

Deputy Le Tocq: I thank the Comptroller for that clarification.

935 Deputy Bebb asked questions – and I thank him for his support, first of all – but I would refer him to, I think it was, the very first report that the Home Department brought to this particular Assembly term, and that was on the Criminal Justice Strategy. In fact, the Criminal Justice Working Party which works alongside that is an integral part of reviewing and monitoring this legislation and will be so. It brings together, for the first time actually, key stakeholders – sorry to use that term – in our criminal justice environment in Guernsey, including the victims, so around the table we have the opportunity to monitor how that is going and it is partly why we are where we are today and bringing this legislation forward.

940 There will certainly be reviews of that and there will be regular reports to this Assembly on the Criminal Justice Strategy and, as part of that, sex offender legislation will be part of that and no doubt, further amendments to it. So we are in a strong position to monitor and to amend in the future as we move forward.

945 Deputy Gollop alluded to human rights issues to begin with, which obviously we have to balance what we do. We do not want a police state, but we do want effective policing. He alluded to police officer training, and questioned whether they will be trained in terms of specifically this new legislation. Absolutely, but a lot of this is putting into place existing good practice, which in fact we have already established in Guernsey, so probation officers, for example, are already trained in many of the areas of their responsibility in here.

950 I thank the Chief Minister for his support and the support of Policy Council and for drawing attention to the fact that yes, there could be serious implications with regard to cost and we do need to monitor that. But this illustrates perhaps, particularly why what we feel we have been able to bring forward, is something that has proportionality, but an appropriate balance in terms of the justice that we want to see happen here in Guernsey.

955 Deputy Laurie Queripel drew attention to the fact that we have a statutory official who is effectively known as the Chief of Police. I think his concerns would apply never mind who that statutory official was. We need a statutory official and the Police will need to be involved. Obviously, how that works, in terms of the investigation and in terms of applying the law, will differ from case to case and individual circumstances. But I hope he can understand that we felt that was the best place and, obviously, the Home Department has thought long and hard about that. But a statutory official is necessary, because decisions will need to be made and will need to be made rapidly in line with the new legislation.

960 Deputy Green was next, I believe – again I thank him for his support – he asked the question regarding the Guernsey Bar, whether the Guernsey Bar had been consulted on this. I am afraid I cannot ask that question. What I do know is that in the time it has taken to bring this legislation forward, there has been wide consultation, but because of the Criminal Justice Working Party and the specific working group here, I would be surprised if there had not been some form of consultation in that. But I will certainly find out and inform him.

970

I thank Deputy Le Clerc for her support, particularly as a Member and highlighting matters that we had mentioned before with regard to those who travel, and travel obviously is far more common these days.

975 I would just add before I get into Deputy Brehaut's comments, and these obviously overlap, that I have regularly met with Members of the European Parliament and certainly, when I am in Brussels, I do meet with rapporteurs and others involved with Home Affairs and Justice issues, and this is an issue – whilst we are not members of the EU – that we have a particular interest in, particularly because we are part of the Common Travel Area, including the UK islands who are members of the EU, and so it is a matter that we are petitioning and speaking on, on a regular basis. That is actually the best we can do. We are party to many international organisations that share information; I think our own information is as robust as it can be, so we do our part there as well, but we will seek to continue to monitor and indeed to lobby for better information for those countries that we are closely related to and do business with.

980 To that end, I would emphasise in response to Deputy Brehaut, that the greatest need in terms of the matters that this legislation deal with is for all of us in our society for individuals, for parents, for families, for schools, to do their part in being vigilant, because the greatest threat actually comes from those who are well known to a victim, not from those outside. Whilst we are doing our utmost and this legislation proves to be effective in policing our borders and getting all the information that we need to have, the greatest threat will come from within. So we need to design and affect a community that takes that seriously and is not slow in coming forward with information to protect the vulnerable. This provides for multi-agency working which enables that to come together and that is where the greatest threat I believe, will always remain.

So with that I encourage the Assembly, hopefully, to unanimously vote through this legislation.

995 **The Bailiff:** Members of States, the Propositions are on page 1688 of the Billet. I put Proposition 1 to you first. Those in favour; those against.

Members voted Pour.

1000 **The Bailiff:** I declare it carried.

Proposition 2, to approve the draft Projet which has been amended as a result of the successful amendment: those in favour; those against.

Members voted Pour.

1005 **The Bailiff:** I declare it carried.

ORDINANCES

COMMERCE AND EMPLOYMENT DEPARTMENT

Maritime Labour Convention Legislation

The Seafarer Recruitment and Placement Services (Maritime Labour Convention 2006) (Guernsey and Alderney) Ordinance, 2013 Propositions carried

Article II.

The States are asked to decide:

1010 *Whether, after consideration of the Report dated 16th 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.

1015 **The Greffier:** Article II. Commerce and Employment Department – Maritime Labour Convention Legislation – The Seafarer Recruitment and Placement Services (Maritime Labour Convention 2006) (Guernsey and Alderney) Ordinance, 2013.

1020 **The Bailiff:** Deputy Stewart, the Minister, will open the debate.

Deputy Stewart: Well, Mr Bailiff, Members, first of all, can I thank you, sir, the Presiding Officer and Policy Council for consenting to submission of this Report and the accompanying legislation together.

1025 The reasons for the legislations being put before the House previously, when the enabling Law under which this Ordinance has been made, was submitted for approval. The Ordinance's primary purpose is to ensure that employment agencies and businesses based in Guernsey and Alderney do not lose business as a result of the coming into force of the Maritime Labour Convention 2006. You may remember this came into force when the 30th signatory became party to it, back in
1030 August last year.

We have had considerable consultation, extensive consultation with representatives of affected business, which wholeheartedly support its introduction. We have also met with representatives from the seafarers' trade union and professional association, Nautilus International, and this is not a case of unnecessary regulation being imposed on an unwilling industry; in fact, quite the
1035 contrary.

So the requirements of the Ordinance are affected businesses to be subject to a basic inspection and registration regime, and it does impose certain requirements and restrictions on them, the businesses which took part in the consultation, confirm that they already conducted themselves to these very high international standards. Therefore we do not expect any provisions to require any change of behaviour or practice in the great majority of cases.
1040

Finally, just in terms of reference to Alderney and Sark, the Ordinance does extend to Guernsey and Alderney. As far as Sark is concerned, the Department understands that there are currently no affected businesses on that Island. Nevertheless, the enabling legislation was commenced there earlier this month at the Michaelmas meeting of Chief Pleas, and the
1045 Department will be consulting with the relevant committee of Chief Pleas, with a view to introducing an Ordinance there in similar terms to this Ordinance in the next couple of months, to ensure that appropriate legislation is in place for the whole Bailiwick.

The Bailiff: Any debate? No, no-one is rising.

1050 Well, Members, there are two Propositions on page 1714. The first one is to approve the proposals set out in section 3 of the Report.

Those in favour; those against.

Members voted Pour.

1055 **The Bailiff:** I declare it carried.

The second is to approve the draft Ordinance which is in the brochure at page 100.

Those in favour; those against.

1060 *Members voted Pour.*

The Bailiff: I declare it carried.

1065

HOME DEPARTMENT

The Prison (Guernsey) Ordinance, 2013 Proposition approved

Article III.

The States are asked to decide:

1070 *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 Greffier: Article III. The Home Department – The Prison (Guernsey) Ordinance, 2013.

1075

The Bailiff: There is an amendment here. The Minister, Deputy Le Tocq will propose the amendment.

Amendment:

In the Ordinance entitled 'The Prison (Guernsey) Ordinance, 2013' –

1080 *(a) in the table in section 56, for 'Paragraph 3 of Schedule 4' in each place where it occurs, substitute 'Paragraph 4 of Schedule 4', and (b) for Schedule 4, substitute the attached Schedule.*

1085 **Deputy Le Tocq:** Yes, I would like to propose an amendment. It is really a technical amendment, on the basis that I think it has gone through the legislative process, but we ask the House to approve the amendment.

I am not sure where my Deputy Minister is, but if not, I am sure Deputy Le Clerc will second it.

1090 **The Bailiff:** Yes, Deputy Le Clerc will formally second, then, rather than Deputy Quin.

Deputy Le Clerc: I second.

The Bailiff: Thank you. Is there any debate? No.

1095 Well we will go straight to the vote on the amendment which has been circulated. Those in favour; those against.

Members voted Pour.

1100 **The Bailiff:** I declare it carried.
On the Ordinance itself, those in favour; those against.

Members voted Pour.

1105 **The Bailiff:** I declare it carried as well.

The Electronic Census (Guernsey) Ordinance, 2013 approved

1110 *Article IV.*

The States are asked to decide:

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.

1115

The Greffier: Article IV. The Electronic Census (Guernsey) Ordinance, 2013.

The Bailiff: This is at page 250 to 264 of the brochure. Is there any request for any clarification or debate?

1120 Deputy Gollop.

1125 **Deputy Gollop:** We have looked at the legislation and it was in order in that respect, but I have some misgivings about it all. We were promised that an electronic census would be much better than an old style census, and yet we question statistics all the time about how many people have disabilities or whatever, and this Ordinance calls effectively for Policy Council to give an administrator, a supervisor, significant powers over other Departments, which will have to create an inter-departmental working culture, subject of course to data protection. I wonder about the costs of such an enterprise and whether the electronic census will prove to be a cheap option in the longer term.

1130

The Bailiff: Deputy Bebb.

1135 **Deputy Bebb:** Very briefly, in relation to this particular question on the electronic census, we know from the recent Capital Prioritisation Report, that some of the States computer systems are not particularly up to date. One of the problems that we have at this point in time is anonymising the data, so that when it is sent to the Census Officer, he will not be able to identify exactly whose details he is looking at. I understand that at this point in time, we are simply not able to anonymise

all of the data and that is why the law has provisions in it, in order to allow data to be sent in a non-anonymised way.

1140 But at the same time, if that is happening, then we need to also ensure that the means of
delivery of that data is secure, whether it be electronically and therefore through a secured network
connection, or whether it is on a memory stick or on a disk, that it is encrypted, so that we do not
have any leaked data going out into the public. Because this is people's personal and private
1145 information that really should not be freely available – and I am sure that Departments are not
complacent – however, of course, it is very easy to think that walking from one side of St Peter
Port to other side of St Peter Port, to deliver this information, does not carry any risk with it. But it
does and information can leak out. So therefore I would ask that we all undertake, within our
departmental roles, the responsibility of ensuring that we are very careful.

1150 The other thing that I would ask is in relation to this matter: given that the difficulties that we
have are because the computer systems are currently out of date, and that is what is causing us the
problem and we have undertaken a programme in many Departments to update our systems, could
we have an undertaking that when the systems are able to fully anonymise the data, that we will
amend this law to state that non-anonymised data is simply not permitted to be transmitted?

1155 I recognise that we really have to be pragmatic at this point in time and that such a process is
not possible, but when it does become possible, surely we should remove that provision from the
law.

Thank you.

The Bailiff: Deputy De Lisle.

1160

Deputy De Lisle: Sir, formerly when we took a census, we delegated certain people, I think,
from one Department or another, to carry out the main duties of the census. Here we are
appointing census officers and also a supervisor. I would like to just be clear as to how that
appointment is to be made. I take it that it will be actually a responsibility that will be delegated to
1165 one of the staff already working for the States, and it will not be a new position as such, by
bringing somebody else into the States to carry out that position.

The Bailiff: Anybody else?

Chief Minister, do you wish to reply to the debate?

1170

The Chief Minister (Deputy Harwood): Thank you, sir.

1175 Firstly, clearly I recognise Deputy Gollop's concern about cost. There was a summary
prepared in a Billet which pre-dated this Assembly, where they set out the estimated cost of the
judicial census, and the cost associated with the... estimated for the new rolling census. I have no
reason, at this stage, to suppose that the costs which were projected at that time for the new rolling
electronic census will vary significantly. There was a contingency already built into that.

But clearly, the States have previously approved the direction of travel towards the electronic
census and we need to be conscious that the costs associated with the electronic census do actually
produce the benefits which were originally proposed to the previous Assembly.

1180 I acknowledge also, Deputy Bebb's concerns, and he has expressed those before, concerning
the transmission of non-anonymised data. Deputy Bebb, perhaps more than myself, certainly is
conscious and probably has more information about the difficulties associated with computers.
Clearly, I cannot give an undertaking that if and when we are in a position to totally anonymise
data transmission, that the law will be changed, but certainly we will take a note of his suggestion.

1185 To Deputy De Lisle, I can assure Deputy De Lisle that previously in the 2001 census, there
were three census officers, all of whom were existing staff. The proposal here is in fact that the
supervisor and any census officers will also be drawn, as in the past, from existing staff, primarily
from the staff within the Policy and Research Unit at Sir Charles Frossard House. So I can give
Deputy De Lisle an assurance that this does not involve additional staffing.

1190 Sir, I ask that the Assembly approve the Ordinance. It is another step in the process towards
bringing in the electronic census and it is important that we do have this information, in order that
we can commit those who will have access to the information to a confidentiality obligation,
secrecy obligation, which in fact then if there is any breach, there could be prosecution.

Thank you, sir.

1195

The Bailiff: Members, the Proposition is to approve the draft Ordinance entitled 'The
Electronic Census (Guernsey) Ordinance, 2013'. Those in favour; those against.

Members voted Pour.

1200

The Bailiff: I declare it approved.

The Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2013 approved

1205

Article V.

The States are asked to decide:

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.

1210

The Greffier: Article V. The Companies (Guernsey) Law, 2008 (Amendment) Ordinance, 2013.

1215

The Bailiff: This is at pages 265 to 267 of the brochure. Is there any request for clarification or debate? No? We go straight to the vote then. Those in favour; those against.

Members voted Pour.

1220

The Bailiff: I declare it carried.

The Housing (Control of Occupation) (Extension) Ordinance, 2013 approved

1225

Article VI.

The States are asked to decide:

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.

1230

The Greffier: Article VI. The Housing (Control of Occupation) (Extension) Ordinance, 2013.

1235

The Bailiff: This is at page 268 of the brochure. It is to order that the Housing (Control of Occupation) (Guernsey) Law, 1994 remains in force until 31st December 2018. Any requests for debate or clarification?

We go to the vote. Those in favour; those against.

Members voted Pour.

1240

The Bailiff: It is carried.

The Copyright and Performers' Rights (Bailiwick of Guernsey) (Amendment) Ordinance, 2013 approved

1245

Article VII.

The States are asked to decide:

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.

1250

The Greffier: Article VII. The Copyright and Performers' Rights (Bailiwick of Guernsey) (Amendment) Ordinance, 2013.

1255

The Bailiff: This is page 269 of the brochure. Any requests for debate or clarification? No?

We go to the vote then. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

1260

ORDINANCES LAID BEFORE THE STATES

The Al-Qaida (Restrictive Measures) (Guernsey) Ordinance, 2013

The Greffier: Ordinances laid before the States.

1265 The Al-Qaida (Restrictive Measures) (Guernsey) Ordinance, 2013.

The Bailiff: There has been no request for any debate.

1270

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The Financial Services Commission (Administrative Financial Penalties) (Bailiwick of Guernsey) (Amendment) Regulations, 2013

The Companies (Notice of Change of Director) (Amendment) Regulations, 2013

The Greffier: Statutory Instruments laid before the States.

1275 The Financial Services Commission (Administrative Financial Penalties) (Bailiwick of Guernsey) (Amendment) Regulations, 2013; and The Companies (Notice of Change of Director) (Amendment) Regulations, 2013.

The Bailiff: Again, there have been no requests for debate.

1280

**Procedural
Request to take Articles X and XI as next business
Proposition carried**

1285 **The Bailiff:** Now we move on to Reports, but the Chief Minister wishes, I understand, to ask me to put a procedural motion to consider altering the order of debate.
Chief Minister.

Chief Minister (Deputy Harwood): Thank you, sir.

1290 Given the public interest in the subjects that are due to be debated in this Assembly under this Billet and recognising the immense public interest, could I suggest a request that Policy Council items, Articles VIII and IX be deferred until after consideration of Articles X and XI, which will enable the Education debate to proceed, followed by the debate in respect of the SSD Report, before we come back to the Policy Council Reports in relation to university and EU matters.

1295 **The Bailiff:** Well, Members, the procedural motion I am putting to you is to defer consideration of Articles VIII and IX, that is Policy Council Reports, until after consideration of Articles X and XI. Those are the Education Department's Report on Transforming Primary Education, and the Social Security Department's Report on Benefit and Contribution Rates for 2014 and Modernisation of the Supplementary Benefits Scheme.

1300 So the effect would be that we would debate next the Education Department's Report on Primary Education. Those in favour; those against.

Members voted Pour.

The Bailiff: That is carried.

1305

EDUCATION DEPARTMENT

**Transforming Primary Education
Debate commenced**

Article X.

The States are asked to decide:

1310 *Whether, after consideration of the Report dated 12th 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.

1315 *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.

1320 *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.

1325 *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.*

1330 **The Bailiff:** So we will move on, Greffier, to Article X.

The Greffier: Article X. Education Department – Transforming Primary Education.

The Bailiff: The debate will be opened by the Minister, Deputy Sillars.

1335 **Deputy Sillars:** Mr Bailiff, Members of the Assembly, Guernsey's future success is critically dependent upon the efficiency and effectiveness of its education system. This Report puts into place the policy and a series of recommendations that lay the foundations for outstanding primary provision in Guernsey. It will enable us to respond in a creative evidence and research driven way, to what some of us would argue is the greatest challenge facing administrations and countries across the world today: the way we educate our children and develop in them the world-class skills, character and knowledge they will need to lead fulfilling and successful lives, and contribute positively to the communities they live in.

1340 None of us would ever claim that being a States Member is an easy job. On many occasions, I have heard Ministers say that by the very nature of Government, difficult and complex issues arise, and the community relies upon us, to make the best decisions possible.

1345 The issues involved in determining how primary education is delivered in Guernsey are certainly difficult, but also emotive and personally challenging. The research, evidence and analysis underpinning this Report allows us to take the students today, which will lay the foundations for outstanding primary provision for all our children and their families, whilst delivering the budget savings that we are being challenged to deliver.

1350 I believe that leadership requires courage, conviction and the ability to admit that you were wrong; that it takes courage to challenge the *status quo*, to seek new and better ways of doing things, and to make tough decisions; to listen, rather than speak, to admit your mistakes, to stand up for those not capable of standing up for themselves, and to remain true to your values and beliefs. Leadership requires us to have the strength to do the right thing when it would be far easier to do nothing.

1355 In bringing the States Report to the Assembly today, I needed courage, conviction and the ability to change my mind. This is without doubt the hardest moment in my political career so far – because, as many of you will know, I opposed the closure of St Andrew's School in 2009.

1360 During the election campaign of 2012, I was asked my views on the closure of St Andrew's and I committed to not closing the school. And yet, here I am today, recommending my fellow Deputies

to support the Education Board to drive up standards for all our children and for the future of Guernsey, and I now support the closure of St Sampson's Infant School and St Andrew's School.

1365 It has been an honour to serve as Education Minister for the last 21 months. It has been the most exciting, rewarding and challenging part of my career. It has been a privilege to lead the Education Department and I think I have debunked the myth that you cannot teach an old dog new tricks. I have learned more about education in these last two years than I have in the rest of my life and I have immense respect for those who dedicate their lives to helping our young people thrive, learn and succeed and prepare them for their lives ahead. I am passionate about ensuring our young people continue to receive the best education opportunities and are acquired with the skills, character and knowledge they need to be happy, healthy, safe and successful and play a full and active part in our Island life.

1370 In particular, I have come to understand the critical importance of primary education which provides the foundation for success, both in secondary school and critically, in life. We know that primary education is vital to a child's future personal achievements and their health and well-being. We also know from the current data and evidence, that at its best, primary education in Guernsey is outstanding.

1380 But over the last few months, I have come to understand that we need to address the consistency of our primary provision, and most importantly, its effectiveness, efficiency and value for money. Research, evidence and recent data have convinced me that we can do better. Actually, we must do better, and my colleagues on the Education Board and I believe passionately that this States Report will help us do just that.

1385 My personal challenge I face has been whether to do what I am now convinced is the right thing for all our young people in Guernsey, or whether to stick to what I believed when I was elected in the South East district. Such is the challenge of leadership and the nature of the conflict of being a Minister, a Board member of a Department and a People's Deputy.

1390 The easiest thing for me to do would be to simply oppose the States Report but to do this, I would have to ignore compelling research, powerful evidence and I now believe to be the clear benefits that would come from a long-term strategy of moving, wherever possible, to two and three-form entry primary schools in Guernsey, for the benefit of our Island's children.

1395 Our vision is based on principles of excellence, equity and fairness, and recognises that primary education is a critically important element in terms of world-class learning. The States Report sets out powerful and compelling arguments the change routed in our vision, and evidence and research establish a framework for further developing outstanding primary provision in our Island. That now requires strong, courageous leadership and decisive action from all of us. We need to act now.

1400 Such rationalisation is not new. Over the years, schools have opened and closed in Guernsey. For example in 1976, the Houquette opened, replacing the parish schools of St Peter's and St Saviour's. In 1980, St Martin's merged as infant and junior schools, to become one of our most popular and high achieving primary schools. Frankly, the closure of St Sampson's Infants' is simply a part of a continuing process of rationalisation, which has been happening over the last 20 years or so.

1405 Successive Education Boards, when circumstances have permitted it to easily happen, usually on the retirement of a head teacher, have arranged the merger of separate infant and junior schools to become primary schools. I have already mentioned St Martin's, but the same process has been undergone very successfully with Vauvert, Hautes Capelles and Amherst.

1410 Not only does this process provide cost savings, it also allows for a clearer structure in the schools to enable better continuity and progression for children. They stay with known teachers and in familiar surroundings from the age of four to eleven, instead of having to change schools at seven. Their parents get to know the staff and routine of the school much better over the seven years of their children's time in the school, rather than having to start again after three years, and the staff of the school are helped in the nurturing and developing of the children, because of the greater period of time they have with them in this crucial period of their development.

1415 St Sampson's School, Infants is a fine school, and a superb head teacher and a dedicated and very skilled staff. But structurally, geographically and organisationally it is separated from the junior school to which it sends its children at the age of seven, which makes it much more difficult for those children to integrate seamlessly and to progress without the worry which the move to a new environment can cause, which of course the children in Key Stage 1 at the Vale Primary do not have.

1420 St Sampson's *per capita* cost is the highest in the primary sector. This is, of course, not a reflection of the profligacy of the staff at the school; far from it. But it is a reflection of the profligacy of the structure which can easily be remedied by these Propositions.

1425 Yes, some children will have to travel further to school, but certainly no further than most other primary school children on the Island. And of course, no more than they would anyway, once they reach the age of seven, when they would go to the junior school on the same site – apart from the inconvenience of this for some families, bearing in mind of course that already some families make two journeys with their children, to both St Sampson’s Infants and the Vale Primary.

1430 What do all the children gain from being at Vale Primary? They have larger accommodation in a three-form-entry school, with a consequent gain in the range of professional expertise and knowledge, which a greater number of staff will bring, with more flexibility in how their individual needs can be addressed, and with less disruption at seven when they cross the playground to the junior section.

1435 So let us look at the facts, rather than kowtowing to unsubstantiated and inaccurate assertions. If we close St Andrew’s and St Sampson’s, can we accommodate these children in other schools without increasing class sizes unacceptably? Yes, we can. We have demonstrated where the children may go and we will engage with the parents to try and accommodate their wishes. Will revised transport arrangements cause more disruption? Well, why should they?

1440 Let me point out one very important fact about the Vale Primary School. Back in 2003, Vale Infants had 182 pupils and the Vale Junior 334, so a total of 516. This year – that is, this year – the Vale Primary has 441. So, if the 75 children now at St Sampson’s Infant School were all to transfer to the Vale Primary next September, how many children would that make? I will tell you, it is 516 – yes, 516 pupils, exactly the same number as they had 10 years ago. Did parents say then the school was overcrowded? No. Did they find the drop-off and parking arrangements intolerable and worse than the other schools? No.

1445 For St Andrew’s undoubtedly it would be more inconvenient for parents, but it would be no different for all our children attending primary school.

1450 We will be making suitable transport arrangements and working with parents to understand their needs and to accommodate their needs. Will we save money and do we have the capacity? Yes, we will and yes, we do. The existing capacity in our schools has become a critical issue in the lead-up to this debate, with the campaign group seeking to challenge and undermine the Department’s modelling. We have approximately 830 spare places in primary schools at the current time, based on the latest October census, with over 500 in the future. That is an inconvenient truth and what the reality currently is. This is based on 28 children per class, or 25 in the three social priority schools, but it is also true, that many of our classrooms could easily take more than 28 children.

1460 But let me be clear about this, however, we are not planning to increase our maximum class size beyond our stated policy. Page 1809, in Annexe 1, shows the largest projected year group of 611, against total space across the schools of 665, with a third class at either Amherst or Vauvert, at Key Stage 2 and more at Key Stage 1, if the Vale Primary has three classes as planned.

1465 This means that even with the largest predicted year group, there is space to remove 28 places at St Andrew’s and still have spare capacity of around 25 places per year group or 175 in total classes of 25 and 28. Remember that the extra classes at Vale Primary are additional, which would offset the St Sampson’s Infants’ closing.

1470 The Department has not said it is working to a target class size of 24 in the long term: 24 is what the immediate average class size will be, when and if St Andrew’s closes, but yes, it will rise as 2019 approaches, but *not* beyond the Department’s policy. In an ideal world, we would like to aim for 24. Vauvert and Amherst between them already have three year groups with three classes and a further three or four year groups could have additional classes over the coming years.

1470 The Department met with the head of these two schools in June, and Amherst can take an extra three classes and Vauvert an extra one, if needed. However, future catchment changes by the Department, may prevent the need for this arising.

1475 Yes, they will need teachers, but due to the numbers of pupils projected going forward to the town, this is something the Department will need to do anyway. So the teaching posts from St Andrew’s still represent a saving. The financial savings are based on an incremental analysis and from an economic appraisal perspective; these costs would be considered as not relevant. If the States decided to keep St Andrew’s open then, these costs at the town school would still be incurred.

1480 If St Andrew’s does not close, there may be extra classes in the town schools anyway, but we would have to have one form at the La Houquette and small numbers at, for example, La Mare de Carteret Primary School Primary, which is inefficient.

Also, what is at the core of the States Report is the point based on the facts and evidence. Lots of one-form schools are more expensive and less educationally beneficial. I am saying lots, not all

1485 of them. If St Andrew's does not close, the Department will be taking up the capacity at La Houquette slowly anyway, and putting into town. In some ways, this is what we will be doing with St Andrew's, as this is the Department's preference over a one form entry at La Houquette. In the capacity assessments, it is only St Martin's out of the receiving schools, that could not cater for this number of 28 in every class and there is flexibility elsewhere.

1490 Members are also being told that the Department cannot use surplus capacity in the voluntary schools, as only baptised Catholics can attend Notre Dame, St Mary's and St Michael's schools – again, complete nonsense. The Department does sometimes use the capacity in voluntary schools, and offer parents a choice. Indeed this happened in 2012 when parents were offered places at St Mary's and St Michael's, when Vale Infants, as it was then, was full.

1495 The use of spaces within voluntary schools will be one of the issues we will be discussing with the Portsmouth Diocese and the two head teachers in the coming weeks. I believe that if the Department wishes to make better use of the capacity in the two voluntary schools, then we will be met with a warm embrace, as this is something that the two heads have arrange previously and were positively welcomed.

1500 So despite all the loud shouting noise attempting to discredit the Department's projections and modelling, we are confident that we can accommodate the children into the remaining schools. Do you really think that we would be so stupid as to adopt a short term approach, when at the crux of our vision is the need for long-term strategic planning? The numbers are secure, trust this.

1505 Can savings be made elsewhere in Education? Well of course they can, but this cannot be instead of, it is as well as £7.2 million, I will remind you. We are facing a further reduction as we discussed yesterday, of £4.425 million in our 2014 cash limits, in the Budget that this Assembly approved only yesterday. We are looking at savings that cost the entire services, including the Department's central costs, where we have already identified over £600,000 in savings and confidently expecting that figure to rise. We must not avoid taking the difficult decisions which will help us balance our books, just because of a misplaced reluctance to change the *status quo*.

1510 St Andrew's buildings are old and tired and it would be very difficult on this cramped site to improve access and to increase and enhance the facilities. The school is a one-form entry school and as two very experienced head teachers in the previous States debate stated, there are immense advantages for children being in environments where they can be more flexibly grouped amongst different classes in the same year group, in order to meet their differing needs better.

1515 Children in larger schools also have the benefit of having more teachers who can share their professional expertise, experience and knowledge, to allow a much wider range of specialisms in their teaching. Much emphasis has been given to St Andrew's being at the heart of its community. Has St Saviours lost its heart because it has no parish school? Has Torteval lost its heart? Again it has no parish school. We will providing a unified structure of four to eleven primary schools in well-resourced accommodation, with good facilities, flexibility in how the children are taught, and with a wide range of teaching experience available.

1520 We would not even be considering moving children from St Sampson's and St Andrew's if we thought they would be adversely affected by the move. Despite the scare-mongering, I am sure that the facilities at the schools they will go to, and the care they will receive will be immensely beneficial to them.

1525 In the light of all these factors, I ask you to put aside sentiment and put aside prejudice and the claims of the lobby groups. Having read the reports and the annexes, you will all know that leadership and teaching are the critical issues in driving up standards and outcomes. Teamwork is also very important and everything critically comes down to the simple understanding that size matters. And inevitably and obviously to everyone here in this room, I hope, the efficient and effective use of resources provides the key to our success.

1530 I want to acknowledge that the evidence clearly shows that standards are improving across the Islands but, on average, four or five children in every class, across the Islands, still does not achieve the expected levels in English and Mathematics. Class sizes vary enormously. As a child in Guernsey, you can be in a class of 15 or a class of 29, and these are this October's figures.

1535 There are empty places everywhere, ranging from two or three empty places in every class at its best, to over 10 at its worst, with each empty place costing between £300 and £500 a year. Critically, funding per child varies enormously from £3,694 per child to £6,212 per child with the best funded school receiving around £2,000 per child, per year more than the worse funded.

1540 We have been told small is beautiful, but I can tell you all that small is not beautiful in educational terms. Small is complex and increasingly challenging, because each child attending a school brings with them a small allocation of resource. Imagine the cost of one child at primary such, and understand that it is only when sufficient children and their associated resources, create that critical mass of resources, that we can secure outstanding provision.

1545 Provision, where we focus strong, determined leadership on teaching and school
improvements, enrich and enhance provision for the most able and provide intensive support to
those very special children with additional needs. The research we have commissioned has shown
us that to create outstanding teaching and learning, we need a new model for primary school
provision in Guernsey, where two or three form entry school provides the resources to deliver
1550 great leadership, great teaching and great teamwork.

It is obvious, really, when you think about it, that two-form entry primary schools provide
twice the additional resources, twice the experience, twice the expertise, twice the brain power and
twice the passion; and three-form entry primary schools, triple that advantage and the value added.

1555 Of course, some people will argue that we should leave well alone, that small schools provide
something unique and special. But being brutally honest, maintaining the *status quo* is not an
option. The *status quo* does not address the issues and challenges we face, or take on board the
research and evidence carefully and systematically laid out in the Report. And if we want to
balance the budget, and more importantly, if we want to create outstanding provision for all our
children, these issues must be tackled or things will only get worse. In our view, the *status quo* is
1560 not an acceptable option.

The Education Political Board has wrestled with this its critically important recommendations,
recognising that it is not simplistically just about the Financial Transformation Programme and the
obligations that this Assembly has placed on the Education Board. This Report provides us with an
opportunity to deliver the savings required of the Education Department and at the same time
1565 ensure, the remainder is spent more powerfully and more effectively to deliver an even better
primary provision for all our children.

We were sceptical at first and we have challenged and tested the model. The research and the
evidence that we all can now see is a powerful and compelling argument for change. We know
from bitter experience that closing anything requires courage, conviction and determination
1570 because these decisions are painful, exposing raw emotions and deeply held beliefs.

I can assure Members and the parents of the children that the Department will be working very
hard to ensure that we successfully deliver the benefits we anticipate, if given the approval of our
Propositions. We already have strong head teachers and senior leadership teams within the
schools, to ensure a successful implementation. We will be supporting the schools with the
1575 transition plans for the children and staff and we also expect parents to play a key role in helping
the transition to be as seamless as possible. We also wish to work very closely in partnership with
parents, to try and resolve their concerns in the coming months, should this States approve the
Propositions.

1580 Before concluding, I need to say something about the support the Department has for its
proposals. One could get the impression, judging from the media coverage, that the Education
Department is standing alone without any support from Islanders for its proposals. Such a
perception is indicative of our close Island community and the fear of expressing support in such a
close-knit society. I have, however, been heartened by the support we have received from what I
believe to be, the silent majority (**Several Members:** Hear, hear.) I have received numerous e-
1585 mails and comments and we have all had quite a few in the last day or two, from members of the
public, telling me and us that we are doing the right thing.

To illustrate this, I just offer one example of the support we have received and I quote:

1590 ‘There has been much media coverage concerning the proposals, mostly conveying the views of those against.
However, I believe there are many such as myself who are in favour of your Department’s efforts to improve
efficiency but do not express their opinions so vocally, and indeed visually. Should we be tying red ribbons
everywhere? My siblings two children attended St Andrew’s School, and she is of the view that they would have done
better by attending a larger school.’

1595 As always, it is the vocal minority that get heard, not necessarily the silent majority who are
happy to accept the proposals.

So in summary, we believe that these proposals, based on the States Vision for Education, will
help deliver better outcomes for all our children, fairer, more equitable funding, a primary school
landscape that is sustainable, adaptable, resilient and future-proof, and importantly, in the current
1600 climate, secure the savings we need to help balance the budget. The entire Board unanimously
believe that this is the right decision for Guernsey. I ask you to put emotion aside and focus on the
facts, the research and the evidence, and fully endorse these proposals.

I commend this Report to the States. (*Applause*)

1605 **The Bailiff:** Members, there is an amendment, proposed by Deputy Dorey, seconded by
Deputy James and in accordance with normal convention, we take the amendment next.

Amendment:

To add a new Proposition 3A as follows:

1610 *'3A (1) To note that, in seeking to transform primary education in the manner set out in this Report and as stated in paragraph 6.3, 6.16 - 6.18 of the Report, there will be various changes to primary school catchment boundaries.*

(2) To agree that those families who will be affected by the immediate extension of the La Mare de Carteret Primary School catchment area (as proposed in Annex 3 of the Report) and have children who will be registered to join reception classes in September 2014, will:

1615 *i) in the case of those families living in the catchment extension area close to Saumarez Park, be afforded the choice of registering for either La Mare de Carteret Primary School or Castel Primary School; and*

ii) in the case of those families who currently have a choice (for whatever reason) of registering either for La Mare de Carteret Primary School or Hautes Capelles Primary School, continue to be afforded that choice.

1620 *(3) To agree that those families who have children who will be registered to join reception classes in September 2014 who currently have a choice (for whatever reason) of registering either for Forest Primary School or La Houquette Primary School, will continue to be afforded that choice.'*

1625

Deputy Dorey: Thank you, Mr Bailiff.

This is a very simple amendment and should not be controversial. *(Laughter)*

Deputy David Jones: He said, hopefully...

1630

Deputy Dorey: It affects three catchment areas. Earlier, you should have had a map which has been placed on your desk, which are basically the existing catchment areas for the primary schools. There is of course a map with the amended catchment areas on page 1820, but I wanted to show you the existing catchment areas.

1635 The amendment proposes that the families in the area of Torteval, marked area 3 on the map, will continue for just one more year to have the choice of registering for either Forest or La Houquette, but the families in the area marked 2, which is the north east of La Mare de Carteret catchment area will continue for one year for the choice of registering, as now for Hautes Capelles or La Mare de Carteret Primary School.

1640 And it proposes that families in the area marked 1, which is a small area on the map which is basically the area between L'Aumone, Saumarez Park and the Castel boundary or Le Friquet, and it poses that families in that area, which are currently in the Castel school catchment area, and which the Department is changing to the Mare de Carteret catchment area, from September 2014, they will for one year only, have the choice of registering for either Castel or La Mare de Carteret primary schools.

1645

The amendment only seeks to delay the catchment area changes proposed by the Education Department for one year, nothing more. By one year, I mean the academic year that starts in September 2014 and registration starts on 6th November next week to 17th January 2014.

1650 Some of you may feel that, as the Billet was published in September this year, those affected families would have had one year's notice by the time their child starts school. However, I have listened to the parents' concern, and I agree with them that one year's notice is unfair and insufficient.

1655 Many parents have deliberately sent their child to a pre-school that acts as a feeder to the primary school that they expect their child to attend. Children usually, unless born late in the school year, will normally attend pre-school for two years. For many of the children affected by this catchment area change, are now in their second year of pre-school, and have made friends with other children who they thought they would be going with when they move on to their big school.

1660 The big school move is very significant for a child of four who attends a pre-school with 20 or so children, to start at a school with 300, 400 or even 500 children. It would be so much fairer to give the families sufficient notice of the catchment area change, so they can plan for the future. If the families do get a further year's notice of the catchment area changes, and are allowed to register for either the two schools relevant to that area, I acknowledge, as explained on page 1773 of the Billet, that registration for particular schools does not guarantee a place at the catchment school and that the Education Department has to balance supply and demand and may not confirm their place.

1665

On page 1819 in the Billet, we are told that the Castel School and Forest Primary have less than 75% of the pupils from within their catchment area. If we just look at Castel, which has 355 pupils, that means there are at least there are 89 of them who do not live in the catchment area.
1670 There is something inequitable that the families in the Villocq area are having a catchment area change forced on them while so many children do attend from out of catchment. However despite this, this amendment does not seek to interfere with Education's proposals on a permanent basis; it merely seeks a one-year delay.

I will go on to make further points in relation to the Villocq area. The vast majority of homes in this area are concentrated in the Villocq, and I took a mid-point in that area and measured the walking distance to Castel Primary School. It is 0.75 miles, three quarters of a mile. In contrast, the distance to La Mare is 1.2 miles via Saumarez Lane, Rue des Houmets, Hougue de Pommier, which is the safest route but still requires four main roads to be crossed, none of them with zebra crossings, and part of that route has a pavement that is too narrow in places, even for a single file.
1675

The other route to La Mare from the Villocq is via the Charruée and past Melodonia, which is far too dangerous to walk along with young children, due the main road with no pavement.
1680

Bearing in mind these distances, it is interesting to see Education's policy document outlining the circumstances when the Education Department-instigated out-of-catchment-area placements may be contested. One of the circumstances is when a child lives outside the defined walking distance from a school at which the Department wishes to place the child. This distance is one mile for children under eight. The Villocq area is more than a mile away from La Mare, but of course the policy document has little relevance, once the Villocq area is La Mare de Carteret catchment area. But the walking distances mentioned are interesting to note.
1685

It does seem wrong, however, that children who live within walking distance as defined by the Education Department and the Education Law of a school are made to go further away, in order that there are more places available at that school for children who do not live within walking distance. The Billet refers to Houquette catchment area children going to Castel. These further away children will have to go by bus or car, whether they go to Castel or whether they go to La Mare instead.
1690

Of course, I could mention the health benefits of walking and the education benefits in terms of enhanced concentration, and also the environmental effect of more children being transported by vehicle to school, but I am sure you will hear more about these in the debate today and the negative effect it has on the environment.
1695

What I personally have found so disappointing was the complete lack of consultation or even of publicity of these changes. They were hidden away in the Billet and there was no attempt made to even inform the affected families, let alone consult them beforehand. As a result of the debate on good governance in 2011, all reports are meant to be compliant with the six principles of good governance. It is rather remarkable that paragraph 7.2 on page 1779 says the Report is also compliant with the principles of good governance, when the Department has failed to engage or involve the parents in a decision to change the catchment areas. One of the key points of principle 6 is that it would help the States to demonstrate that services have been designed around the needs of Islanders. There is absolutely no doubt in my mind that this change in catchment area does not meet the principles of good governance.
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1705

My final point is that I wrote to the Education Department to request some data so that I could understand the maths behind the change in catchment area. I asked how many pupils were estimated to start in reception in the academic year 2014-15 at St Andrew's, Castel, La Mare, La Houquette, Forest, Hautes Capelles and Vauvert, with their current catchment areas, with the amended catchment areas and the catchment areas amended when St Andrew's closes. Disappointingly, they have not been able to supply the numbers, which I find rather disturbing, because surely they must have that data in order to make the decision to change the catchment areas.
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1715

Whilst I think there are strong reasons that some of these catchment area changes should not go ahead at all, I have only sought a one-year delay in the Department's proposals. I accept that we as a States should not micro-manage Departments (**Several Members:** Hear, hear.), but Departments have a responsibility to act in a fair and just manner and follow principles of good governance. In my view, they have not.
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I did formally write to request that the Department delayed its proposed change for the Castel school catchment area. As they would not do this, the only way I could help the families and the children who are already at the pre-school that feeds into the primary school, who are badly affected by the unfairness of the relatively short notice, was to place this amendment.
1725

In drafting the amendment, my attention was also drawn to the other catchment area changes to which the same applies. Please support this amendment.

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

1730 **Deputy James:** I do, sir.

The Bailiff: I have acceded to a request that there be a separate debate on this amendment and I would ask Members who wish to speak on it, to confine their speeches solely to the amendment, reserving their right to speak later in general debate if they wish to do so, in order to keep the

1735 issues entirely separate from the broader issues of the general debate.

Deputy Fallaize.

Deputy Fallaize: Thank you.

I do not think I am a particularly heartless person – (*Laughter*) that is a rhetorical point – and I am a parent as well. So I do have some sympathy, and I can understand the inconvenience that can be caused or may be caused to some parents when catchment boundaries are changed. However, I will be opposing this amendment strongly and urging the States to have absolutely nothing to do with it.

1740

It is not often actually that I disagree quite so vehemently with Deputy Dorey, but on this occasion, I really do think he is laying an amendment which is ill-judged and which, frankly, is worthy of just being roundly rejected by the States.

1745

I trust, by the way, that it is only a coincidence that the catchment area out of which the proposer and seconder want most of these parents to be moved is La Mare de Carteret and that they would be doing exactly the same thing if the catchment area involved was only Vale and the Forest or St Martin's. I have not been convinced of that I have to say, in some of the correspondence I have received, but perhaps the proposer and seconder will be able to allay my fears later in this debate.

1750

I came here today, like other Members, to discuss transformation of primary education in respect of the Education Department's Vision that the States debated and approved earlier this year. This is a material set of proposals that the Education Department have put before the States. And here we are, immediately, with an amendment embroiling the States, quite improperly in my view in, Deputy Dorey used the word, micro-management – it is worse than that. This is the administrative minutiae of catchment areas and the allocation of school places, which rest in law with the Education Department.

1755

As well as it being improper, it is highly unusual – indeed I would venture to suggest that today may be unprecedented – for the States of Deliberation to become involved in overturning a decision on catchment areas. This is entirely the wrong place to be determining this sort of matter. Sir, requiring the States to become involved in this sort of issue is not unlike requiring the States to decide precisely on which hospital wards patients should be admitted, or on precisely which estate social housing tenants should reside.

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1765

We have already had Deputy Dorey standing up here and trying, literally, to re-design boundaries and telling us that one school is 1.2 miles away and one school is zero point whatever miles it was away, and the children should not be crossing one area of the road because it is more dangerous on the other side. This is nonsense! This is *abject nonsense* (**A Member:** Hear, hear.) to bring to the States.

1770

Any parent, who is dissatisfied with the school to which their child has been allocated, can submit what is called an OCAS request – an Out of Catchment Area School request – and the Education Department has well established procedures for hearing those requests. Deputy Dorey said the only thing he could do in these circumstances was to bring this matter to the States. I think he is totally wrong. I think what he should have done is or directed the parents to the appropriate processes which they could have used to appeal and to review, and supported them through that process. He could have written letters to the Education Department.

1775

If an OCAS request is not accepted by the Department, a parent who remains dissatisfied could – and in the past, some have – submitted applications under the Administrative Decisions (Review) (Guernsey) Law, 1986 or they could if they wish, seek judicial review. Deputy Dorey and other Castel Deputies could have supported the parents through that process. But they are the processes of application review and challenge that are appropriate to this sort of decision about the drawing of catchment boundaries and the allocation of school places.

1780

Trying to do it this way through this Assembly is unwise and inappropriate. If the States approve this amendment, they will have created privileged and iniquitous protection from catchment changes for a small group of parents only, because all the other parents in Guernsey might have their catchment areas changed next week, or the week after, or this time next year.

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1790 If the States votes for this amendment, another problem I am concerned about is that it might have consequential changes on catchment areas which the Education Department will have to make, particularly if St Andrew's School closes, because some of the slotting in that is going to have to be done in the southern end of the Island is quite tight and there will have to be some parents, or there will be some parents who will not get their first choice school. I fear that if this amendment is successful, other parents will be disadvantaged and will effectively have to have their catchment areas changed, even later than these parents have.

1795 Now, what will happen then? Will such consequential amendments end up before the States? How will we decide which group of parents are important enough to have their conveniences elevated to the States, and which, like the Vauvert parents of last year, who were moved out of their catchment, are ordinary enough to be dealt with at departmental level?

1800 Another consideration is that one of Education's main proposals, the closure of St Sampson's School with effect from next September, means that at the present time, as of today, parents whose children currently fall into St Sampson's Infants' catchment area do not yet know whether their children, entering reception year in September 2014, will attend St Sampson's Infants' or Vale Primary. They may, in effect, have their catchment area changed this week, and yet here is an amendment seeking exemptions for a tiny group of people from such a change that has already been announced.

1805 Sir, I think one year's notice is perfectly sufficient actually. I am a parent with a daughter entering reception next year. I do not expect more than one year's notice. Actually, the Department can give me six weeks' notice if they like, because I accept that in order to arrange primary education efficiently, the Education Department has to be free to have some flexibility with the changing catchment areas. We cannot possibly require of the Department how much notice should they give. Deputy Dorey says he is seeking to delay it by a year, but of course in reality, that means they would have to give two years' notice. But is two years acceptable, five years, ten years? Actually, I have received correspondence from some of the parents who are complaining, saying that they want the catchment change revoked in perpetuity.

1815 On page 1773 of the Billet, the Education Department point out that the parents to whom this amendment relates have a choice at the moment, the choice of school. Now they are in a very, very privileged position, which most of the rest of the Island does not enjoy. The Education Department says that it feels it is unfair that some parents currently have a choice of schools, whilst others do not, and I agree with the Education Department.

1820 That same page makes it clear that the Department is going to have to review and probably amend catchment areas annually for the next few years. What kind of precedent are we setting if we vote for this amendment? Are we going to have annual debates in the Assembly where the States are asked to decide precisely which houses should be included in precisely which catchment areas? In fact, on page 1774, one of the bullet points says, 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 Primary, if La Houquette Primary is over-subscribed for one-form entry. Well, how much notice are we going to give them?

1830 When La Houquette was undersubscribed, because it is supposed to be a two-form entry school, it was undersubscribed last year and some of those parents had to be moved out because the Department, in order to run things efficiently, could only run one form. Those parents had a week's notice.

1835 In the explanatory note, the proposer and seconder claim that they want to provide their parishioners and a handful of others, with 'the same level of choice as those who are currently attending St Andrew's and who will be affected by the closure'. This is a completely spurious argument. Children who are already at a school which may be closed, and whose existing friendships may be dislocated as a result, can hardly be compared to the children to whom this amendment relates, who are not even due to start in reception year until September of next year.

1840 So the reality is that this amendment seeks to protect special privileges for a very, very small number of parents, when doing so involves the States in a matter that should have never have come before them, and which potentially, undermines the flexibility of the Education Department, to organise primary education in the most efficient way possible.

I urge Members to reject this amendment.

1845 **A Member:** Hear, hear.

The Bailiff: Deputy Gollop, and then I think Deputy Duquemin might – Oh, Deputy Bebb, sorry.

1850 **Deputy Bebb:** Sir, I am sorry, could I propose, under section – that is the note saying exactly what I am about to... Could I propose a guillotine under Rule 14 of the Rules of Procedure on this amendment?

1855 **The Bailiff:** Right. What Deputy Bebb is referring to is that, not having spoken in the debate, he may make the request that we go immediately to the vote to close the debate, and if we close the debate, neither the Member making that request, nor any other Member, may address the meeting about this and I must immediately put that request to the vote.

1860 If two thirds or more of the Members vote supporting it, then the debate shall be closed and the matter shall be put to the vote. I am explaining that partly for the benefit of those listening at home, because I am sure that all Members here are well familiar with the Rule.

1860 So the motion that I am putting to Members is that we close the debate. So if you wish to close the debate now, vote *Pour*: if you wish the debate to continue, you vote *Contre*. Because it needs to be a two thirds majority... well, we will go orally, I will just get a feel, but I suspect we will need to have a recorded vote.

1865 So the motion is that we close the debate. Those in favour; those against.

Some Members voted Pours, other voted Contre.

The Bailiff: I cannot say whether that is two thirds, one third – we will need a recorded vote.

1870 *There was recorded vote.*

Not carried – Pour 14, Contre 30, Abstained 0, Not Present 3

| POUR | CONTRE | ABSTAINED | NOT PRESENT |
|------------------------|------------------------|------------------|--------------------|
| Deputy Le Clerc | Deputy Gollop | None | Deputy Storey |
| Deputy Sherbourne | Deputy Le Pelley | | Deputy David Jones |
| Deputy Conder | Deputy Ogier | | Deputy Perrot |
| Deputy Bebb | Deputy Trott | | |
| Deputy Lester Queripel | Deputy Fallaize | | |
| Deputy St Pier | Deputy Laurie Queripel | | |
| Deputy Stewart | Deputy Lowe | | |
| Deputy Gillson | Deputy Le Lièvre | | |
| Deputy Sillars | Deputy Spruce | | |
| Deputy Luxon | Deputy Collins | | |
| Deputy Quin | Deputy Duquemin | | |
| Deputy Hadley | Deputy Green | | |
| Deputy Kuttelwascher | Deputy Dorey | | |
| Deputy Domaille | Deputy Paint | | |
| | Deputy Le Tocq | | |
| | Deputy James | | |
| | Deputy Adam | | |
| | Deputy Brouard | | |
| | Deputy Wilkie | | |
| | Deputy De Lisle | | |
| | Deputy Burford | | |
| | Deputy Inglis | | |
| | Deputy Soulsby | | |
| | Deputy O'Hara | | |
| | Alderney Rep. Jean | | |
| | Alderney Rep. Arditti | | |
| | Deputy Harwood | | |
| | Deputy Brehaut | | |
| | Deputy Langlois | | |
| | Deputy Robert Jones | | |

1875 **The Bailiff:** Well, Members, there were 14 votes in favour and 30 against. The motion did not secure even a bare majority, let alone a two-thirds majority, so the debate will continue.

Deputy Gollop was standing to speak and I think Deputy Duquemin also. So I will call Deputy Gollop, then Deputy Duquemin.

1880 **Deputy Gollop:** Yes, sir. I had to give way before I had even spoken – (*Laughter*)

Looking across at Deputy Lowe there, I recall I have often had similar conversations with her over many years, and I have said to her and perhaps other colleagues, 'I want to show loyalty to my Department Minister/Committee/Civil Service team', and she said to remember who elected you, none of them did, all of us are here, we have a right to speak and vote, we are paid, because

1885 we succeeded in a particular election in our electoral district. And this amendment comes from two successful Members of a Castel electoral parish and district. Therefore, it is not surprising, to go back on what Deputy Fallaize says, that it is predominantly focused on the Castel issues.

But it does not just refer to the Castel; it refers to the rights of parents in the La Houquette and the Forest area, which is well to the west. I am supporting the amendment, not only because it gives a transitional period and wider engagement, but it goes further than that because I think we have heard today from the Minister, a degree of confusion and uncertainty about the whole catchment area issue and where it fits in with the voluntary schools and other perspectives.

1890 And it is an under-debated issue. Deputy Fallaize implied we should not debate issues like hospital wards, or social housing estates in micro-managerial detail, but actually of course, whether wards are open or not might not reach the floor of the House of Commons, but they inevitably will in an area such as Guernsey, where the hospital is not just a health service, but it is part of our political process. We therefore should, as representatives – because we are, in a sense, both parliamentarians and local government councillors – fully debate these matters and develop policies on them, which can, on occasions, supersede those of the Departments.

1895 And indeed, why are we having this Report in the first place? The Education Department are enabled to close schools; they certainly re-opened a new school last year, curiously enough, and indeed they have the mandate for the catchment areas. But, we are nevertheless, debating the issues, so it implies we have a right to say yes or no, or to alter or amend.

1900 I believe that the model that the Education Department have in relation to catchment areas and choices is fundamentally flawed and indeed that will inform the main debate when we come to it. But I think as a transitional measure and as a way of showing solidarity to the parents and children in the Castel and other areas, I will support this amendment.

The Bailiff: Deputy Duquemin.

1910

Deputy Duquemin: Thank you, sir.

Before I start, I should make it clear that I have two daughters who both attend Castel Primary School.

1915 Mr Bailiff, last Wednesday, exactly one week ago, was one of the proudest days in my family's history. My nephew, a product of a Guernsey primary school, was on the stage at a packed Royal Albert Hall in a lavish graduation ceremony receiving his Physics Degree from Imperial College, one of the world's top 10 universities. I will come back to this later.

1920 Sir, I cannot support the Dorey amendment – 'a simple amendment'? Well, it is simply wrong. When reading a lot of the e-mails that have been sent to me on this subject and even hearing Deputy Dorey open the debate this morning, it has left a very sour taste in my mouth. I will read a few extracts from the e-mails that I know have been copied to many Deputies. One says:

1925 'Our concerns are twofold and are closely linked. The first relates to the negative effect on house prices in the area. Our second and greater concern is around the educational impact on our children. Until the States are able to demonstrate significant improvements at La Mare de Carteret, we as parents are not willing to jeopardise our children's education...'

Another says:

1930 'To find out in this report that potentially our investment has just been devalued by £30,000 or more is devastating news indeed. This has been confirmed by several estate agents. If this proposal goes ahead as stated, we will incur a substantial and quantifiable loss on the value of our property, for which we will hold the Education Department directly liable.'

1935 The e-mail continues:

'La Mare has been, and still is, an acknowledged failing school with a very poor reputation.'

In another e-mail, these same parents stated:

1940

'When will this farce end? Can we therefore conclude that this social engineering is a lazy tactic by the Education Department to improve the school's performance?'

1945 Sir, these few extracts just scratch the surface of my in-box. I have been left aghast at some of the comments in the e-mails that have been sent to me on this subject. What message do this amendment and this debate send out to the parents of the 273 children – *the 273 children* – that are currently educated at La Mare de Carteret Primary School, (**Several Members:** Hear, hear), or even to the children themselves?

1950 Well, let me tell the parents and let me tell the children at La Mare de Carteret Primary School – and this is why I am glad that the debate continues – that like all primary schools on Guernsey, La Mare de Carteret Primary School is a good school. Like every school, of course, there is room for improvement and there is a team of teachers that are working hard to make this happen. When I have visited this school, and I have visited on quite a few occasions recently, when I have chatted to the parents and the teachers, I have got a very positive vibe about La Mare de Carteret.

1955 Yes, my children go to Castel School, but I would have had no hesitation, sending them to La Mare de Carteret Primary School, no hesitation whatsoever. When my wife and I bought our home, we did not want to consider the school catchment area. Some may say this is naïve, but my wife was more concerned with where the sun was going to set in the back garden, (*Laughter*) and I was perhaps more concerned with our new property's position in the Crabby Jack's catchment area. (*Laughter*)

1960 Having read and re-read the La Mare de Carteret's validation report produced only last May, I certainly do not get the impression that, to borrow the quote from the e-mail, 'it is an acknowledged failing school with a very poor reputation' – anything but. The recently published results certainly do not give the impression of a failing school either. It is not a failing school; and there is no reason why it should have a poor reputation. But sadly, perception and reality are often two different things.

1970 On the subject of results, I am frustrated that many people, including some Deputies, are seduced into looking at the Key Stage 2 attainment results as the all-important benchmark of a school's performance. They are not. The makeup of each cohort of each year group makes a material difference too. A far better yardstick is the progress that has been achieved between the end of year 2 and the end of year 6.

1975 But even having said that progress is a better benchmark than attainment, the potential variations, the discrepancies up and down in the percentage scores, are dramatic, because each individual child can make up such a large chunk of the overall 100% sample.

The Bailiff: Are you straying into general debate?

Deputy Duquemin: No sir, I am not. (*Laughter*) For example –

1980 **The Bailiff:** Well, if I consider you are, I may deny your right to speak later, but...

1985 **Deputy Duquemin:** I will come back to the results at La Mare de Carteret, immediately, sir. For example, with the latest 2013 results at La Mare de Carteret, one child is equal to 4.76%. The school's progress results for English were already 86% when set against the Bailiwick average of 88%. So if just one child's progress had been one fraction better, La Mare de Carteret's progress results for English, would have been in the 90's and seen as a stellar performance. The La Mare de Carteret's maths progress result was 76%, here if two children's progress had been one fraction better, then that school's maths progress would have been broadly in line with the Bailiwick average.

1990 Mr Bailiff, the sample sizes are just too small to be truly meaningful, and when parents and Deputies make accusations and assumptions that one school is a success and one school is 'failing' based on these results, it is not only unfortunate, it is wrong.

The Bailiff: Deputy Dorey wishes you to give way.

1995 **Deputy Dorey:** I resent that –

The Bailiff: Can you put your microphone on?

2000 **Deputy Dorey:** The Deputy is making accusations about one school, but no, I never mentioned any of that in my speech. He is the only person who has mentioned that, not me.

The Bailiff: Deputy Duquemin.

2005 **Deputy Duquemin:** To Deputy Dorey, I was not referring to him when I am making that accusation, and I will come back to the... well, the subject of that will be hinted at in my speech.

Mr Bailiff, I attended a meeting at the Education Department, organised by Deputy Spruce, in his capacity as a grandparent of a child who is affected by this change to the catchment area. During that meeting I was flabbergasted, appalled by the comments made about La Mare de

2010 Carteret, and specifically the socio-demographics of its students, bearing in mind a large proportion of them come from the Genats estate nearby. Sir, my assumption is that the concerns of some of the parents and grandparents of the children living in le Villocq area have sadly as much to do with the aforementioned socio-demographic makeup of La Mare de Carteret as it does with the performance and results. **(Two Members: Hear, hear.)**

2015 My belief, my understanding, is that your children go to the primary school that the Education Department invite them to attend, and if this is not what you would like and you would wish, to socially engineer the makeup of your children's school friends, then there are a number of options available to you and they include Melrose and Acorn. This is a point that I made during that meeting and it is a point that I make and reiterate in the Assembly today.

2020 Sir, I do not believe that this Assembly should be getting involved in the micro-management of this Department. There needs to be changes made to catchment areas, perhaps they need to be far less restricted and more fluid, if we are going to be able to reduce the number of empty spaces in our primary schools and keep class sizes as low as possible. But these changes should be an operational issue and not a political one, based on the aggressive lobbying and the demands of a small number of families.

2025 Mr Bailiff, I cannot support this amendment and I urge all Members to reject it. In doing so, in rejecting the amendment, they will send out a very positive message to the parents of the 273 children and the children themselves, that there is nothing to be feared by going to La Mare de Carteret Primary School. By contrast, it is a school that the Castel Parish is proud of and it is a school that they, as pupils and parents, should be proud of **(Several Members: Hear, hear.)**

2030 It certainly did not do me any harm. I was a student at La Mare de Carteret Primary School many years ago. And in case you are wondering why I mentioned my nephew at the start of this speech, it certainly did not do him any harm either, in the much more recent past. My sister, a teacher herself at another school, had no hesitation sending her son, my nephew, to La Mare de Carteret and now he has graduated from Imperial College, London, one of the world's top universities

Please, please reject this amendment – a simple amendment, but it is *simply wrong*.

2040 **Several Members:** Hear, hear. *(Applause)*

The Bailiff: Deputy Spruce.

Deputy Spruce: Thank you, sir.

2045 I will speak on the amendment and reserve my right to speak in general debate, and I must declare an interest: as you have heard from Deputy Duquemin, I have a family member affected by the proposed expansion of the La Mare de Carteret catchment area. But I have to say, I take exception to his comments about me personally calling a meeting with the Education Department, which I think is quite reasonable to do, when changes... You cast aspersions on my character in your speech –

2050 **The Bailiff:** Through the Chair.

Deputy Duquemin: Sir, I did not cast any aspersions. All I –

2055 **Deputy Spruce:** Yes, you did –

Deputy Duquemin: All I just said is that meeting was held and there was subject matter at that meeting which did disturb me, and that is the point I made. I did not cast any aspersions on who and why that meeting was held, sir.

2060 **Deputy Spruce:** Well, I take a different view, and what I would like to say is that I called the meeting, because the catchment area changes were made immediately in the Billet and I wanted – or rather initially my daughter queried – what the situation was with regard to the results at La Mare de Carteret versus the Castel. It was a fact that the results for the previous year were that La Mare de Carteret was the lowest performing school and that Castel was the highest performing primary school. I wanted to discuss those issues and that is quite a reasonable thing for any Deputy to do, **(Several Members: Hear, hear.)** without Deputy Duquemin suggesting that I was doing something underhand.

2070 Anyway, I am also here because there are many other families in the Castel area which are covered by the thrust of this amendment and they have also sought some representation. The

Education Department's proposals are, without doubt, in my view, very wide-ranging and if accepted, will have a huge impact on many families in the Island. This amendment seeks only to offer those families not directly affected by the main proposals a small measure of choice and notice. The amendment has no impact on the Department's main proposals, as capacity does exist within the system. The amendment also has no impact on the Department's proposed catchment area changes, and it has no impact on their FTP target savings.

2075 Deputy Fallaize's speech was quite illuminating. You would imagine he was an Education Board member, he spoke so strongly. He advocated a dictatorial approach to all catchment area changes in the future. That seems completely unreasonable to me in today's world. We consult on everything that we ever do in this Chamber, but where catchment area changes are involved, and they do have a large impact on families, apparently no consultation or notice is acceptable. So I think that is a particularly strange view to take because the public of this Island expect notice, and they expect consultation when things impact on their family life.

2080 Now, the La Mare de Carteret catchment area change has been announced without any notice and without any consultation and it has shocked many families in the area. It is well over 20 years since any change has been made to a primary school catchment area. People therefore quite reasonably expected that they would be able to send their children to the primary school most closely located to their home.

2085 Deputy Fallaize will no doubt again, as the Department will tell you, say that they have the power under the 1970 Education Law to change catchment areas, but there is no explicit reference in that law for such a power. There is no explicit reference in the Education Department's mandate either. All the Department has, is a statement saying that they must run an efficient education system, and with that effectively, they can do what they want, no matter what impact it might have on people.

2090 The Department's apparent power to make immediate changes to catchment areas, without notice, has been applied to the Secondary School sector previously, but as I say, no changes have been applied to primary school catchment areas for over 20 years.

2095 In my view, major change without either consultation or notice is not reasonable in today's world. A reasonable notice period of catchment area changes should be the very least one would expect. Such notice is essential to parents who will need to make provision for significant changes to their daily work routines. Child care provision, school delivery, collection arrangement and many other factors. The immediate expansion of the long-established La Mare de Carteret catchment area impacts on the relatively small amount of Castel families.

2100 Also the proposed removal of primary school choice for parents in the Vale and Castel area and the western parishes, will directly impact on all children due to register within a couple of weeks of reception class entry in September 2014. I know of many families who have quite reasonable expectations, who chose to live in a specific area in order to secure a space for their child in a primary school of their choice. In fact many have already sent their children to pre-school in the area. For many, these important life decisions are based on many factors: quality of teaching, results of the primary school of their choice, proximity, after-school childcare, collect and drop-off arrangements by family and friends and some, because the parent and child could walk to school.

2105 These children are being displaced from their own parish primary schools because the Department plans to move the children affected by the schools closure plans into their area. Common decency alone should require the Department to give a reasonable measure of notice, in order that affected parents and children are able to plan alternative arrangements or consider their options if required. The Department has stated publicly that the children from St Andrew's School will not be forced to relocate to any specific receiving school, without due consideration and discussion. In fact, children affected by the St Andrew's School closure will be offered a choice of receiving school.

2110 This amendment does not seek to change the Department's catchment area proposals; it only seeks to offer the families that have been affected by the immediate change in the La Mare de Carteret catchment area, a choice of receiving school for one more year and a one year notice period of change for all other affected families.

2115 Given that the outcome of this debate will have a considerable impact on many families, could the Minister please confirm to me, exactly why the Department feels it necessary to exert their catchment area policy on the small group of families affected by the immediate change of the La Mare de Carteret catchment area, especially when capacity at Castel School exists, and especially as no request is being made to either or amend the catchment area policy. All that is being asked for is the choice between two schools, for one further year, that is exactly the same choice that the Minister is offering the parents of St Andrew's School, should that school close.

This amendment is a reasonable and fair approach to take for the families affected by these boundary changes. Members I ask you to support this amendment. It seeks only to reduce the immediate impact on a few families and it has no impact whatsoever on the Department's proposals or their FTP target.

2135

Thank you.

The Bailiff: Deputy James.

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Deputy James: Thank you, sir.

It was my intention to commence my speech this morning with the following. Both Deputy Dorey and I are fully aware school catchment boundaries fall within the mandate of the Education Department and they have a duty to manage their resources effectively and efficiently.

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However, sir, since receiving a communication from a Mr Fitzgerald last night, it became apparent that this may not necessarily be accurate, and I have his permission to quote from his communication. He states there appears to be no explicit delegated authority to the Education Department in the 1970 Education Law on the location of catchment areas, apart from the generic responsibility to ensure the efficient administration. We also note there is no mention of catchment area authority in the mandate of the Education Department, as per their own website. Perhaps the Minister may be in a position to clarify this to the Assembly.

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Mr Bailiff, I along with many Deputies, attended the presentation by the Education Department on their proposals regarding the school closures. However, no mention was made of potential boundary changes during that event. In fact, one can be forgiven, even after having read the document, not to have picked up on these proposed changes, particularly when one looks at Annex 3, the map attempting to detail boundary changes. This map is so fuzzy and unclear, it would have to be enlarged at least fourfold to read, understand and digest it and, with a certain irony, Deputy Sillars did inform one parent that the map had been included in the document for reasons of transparency. *(Laughter)*

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In this section on catchment boundary changes 6.1, 6.17 and 6.18, words such as it is 'likely' that catchment boundaries will need to change... It goes on to state:

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'This section details examples of the changes that *might*'

– and I repeat *might* –

2165

'need to take place.'

It then goes on to say:

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'... it is likely that in future years the Department will need to review catchment boundaries.'

The Report continues:

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'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.'

Understandably, those parents affected are very unhappy to have discovered, those decisions have already been made and these 'likely/may/might' words were indeed intended changes.

2180

Unfortunately, those parents affected learnt of these changes through the media and only after those parents contacted the Education Department, following a *Guernsey Press* article, did they have it confirmed. I understand that the Education Department have since apologised for the manner in which the parents learned of the changes. The principal issue which led to this amendment is the unacceptable lack of notice to parents and the element of choice for a small number of families affected.

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Deputy Fallaize in his speech talked about parents being given the opportunity for appeals. The problem with that is the lack of notice. You have to know a decision being made will affect you, to have the opportunity of appeals and my understanding, despite looking, is that those explicit details of boundary changes are still not to be uploaded onto the Education Department website until 9th November.

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So as a consequence, we would respectfully ask the Education Board to reconsider its intention to change the Castel catchment boundary and give parents adequate notice of their future intentions.

Thank you, sir.

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The Bailiff: Deputy Conder.

Deputy Conder: Thank you, sir.

I speak of course as a member of the Education Board. I would have to say that I do find this to be one of the most extraordinary debates and amendments I have witnessed in the 18 months I have been in this Assembly, for a number of reasons, which I will elucidate in a moment.

2200 I should say, without wishing to continue the spat between Deputy Duquemin and Deputy Spruce, I was at the meeting that was alluded to and I would say that I was concerned about some of the comments made at that meeting and I will not go into detail here, but I think they were probably inappropriate at that time.

2205 Sir, I really do think it would be most unwise for the States to undermine the Education Department's ability to adjust catchment areas. Catchment areas are adjusted for the efficient administration of education which is our mandate and our responsibility and we are obliged to manage the Education Department under the Education Law in the most efficient way that we can.

2210 Requiring this Assembly to become involved, even in the most minor adjustments of catchment area, would be wholly in conflict with the duty upon the Department to manage the efficient administration of education. It would also be unfair in creating a privileged position for a small group of children, whilst all other parents have to fit in with catchment areas. Should the States be taking decisions at this level? This is within the Education's mandate, and we should avoid tinkering round the edges whilst ignoring if we are not careful, the overall strategic view. Should the requirement of a tiny number of children be placed above the needs of all of the Islands children?

2215 The Department's needs to be able to manage the inconsistencies of class sizes across the Island. Can I remind colleagues that we have inconsistent class sizes varying between 14 and 29, and as Deputy Duquemin and others have said, what are the real reasons why children do not want to move to La Mare de Carteret School? A notice period has been given as Deputy Fallaize said, and finally we have a responsibility to consider the public interest. These amendments to catchment areas are in the public interest. That is our mandate. That is our responsibility.

I urge colleagues to vote against this amendment. Thank you.

The Bailiff: Deputy Le Tocq.

2225

Deputy Le Tocq: Thank you, Mr Bailiff.

2230 I have not got a lot to add to the excellent speech given by my colleague, Deputy Duquemin, who alluded to a lot of the things I was going to mention. Sir, I cannot support this amendment, even as a Castel Deputy, I will say I have got a vested interest in that my house is within La Mare de Carteret catchment area, but I was also on the management committee of La Mare de Carteret, in fact both schools for a certain length of time, as indeed other schools, when I was on the old Education Council.

2235 I learned then, it is totally wrong to take a snapshot view of a school based on the sorts of statistics that we have heard quoted today. That is unfair to those currently at the school. There is use that can be made of such statistics, but it is not to do the sorts of things that certain supporters of this amendment would seek to do.

2240 Sir, I understand and I have sympathy with the views of certain of the parents who have contacted us, because there are inconveniences with catchment areas and there always will be, and it has to be particularly like that in the Island that we live in. When I come to the end of my speech, I will be asking for assurances which I am pretty certain will come, from the Minister for Education, that he will seek to always liaise and have the policies and catchment areas, open to appeal and support people through those sorts of processes where they have got legitimate reasons to do so.

2245 But, first and foremost, I voted not for a guillotine motion, because I did promise to mention and to draw attention to the concerns of parents in the Villocq and the area around there, because they have a right as parents, and we will come onto this in the main debate as well, and in fact I admire parents who are, the ones who are genuinely standing up for their children and feel passionately about the education of their children. I might not agree with their views, but they have a right to do so and I will always say that the children who have parents who feel that passionately and make choices, because education is an extension of parenting in my book, that those children do not have anything to fear, never mind which school they go to, or how they are educated. Because, if parents take it seriously, then they will support their children through education, and that makes a world of difference.

2250 However, I cannot support this for a number of reasons and one reason is, if we support an amendment such as this, not only is there the problem of micro-managing... and this certainly comes into that category and this Assembly needs to decide on what it is going to allow to

delegate, to give proper leadership, or not, for goodness' sake, otherwise we might as well pack up every single other committee and just bring everything to the Assembly. This does smack of that, particularly.

2260 But, sir, also, I think if we support something like this, then we will be duty bound to vote against other Propositions, such as the St Sampson's School merger with the Vale Primary School, because that is, in effect, a catchment area change.

2265 So I cannot see that because in my mind, and again we will come onto this later, that should have been done over 10 years ago. So, without going down that route, (*Laughter*) I cannot support this amendment.

2270 However, there is certainly a need, if I was the Minister for Education or in Education, to look at catchment areas, not just now, but there is going to be, with the changing demographic, a massive need to do that over the forthcoming years, as that demographic changes. It is good to flag up with our community and with parents out there, if they are thinking of using some of the methodologies that a few parents have contacted me – and I must say, I am ashamed of some of the things that I have received from members of my electorate in terms of what they have said, because other members of my electorate have children at La Mare de Carteret School, so I echo the views of Deputy Duquemin on that – but nevertheless, there are some that are seriously affected, because they assumed things. We need to certainly learn how to communicate effectively, the catchment areas are going to need to change quite dramatically, I think, in the forthcoming years, as demographics change.

2275 That is something in terms of the demographics and setting the parameters for policy that the Assembly will need to look at, because it is a demographic issue and certainly that needs to be looked at. But not in this way, this is topsy-turvy completely.

2280 However, I would ask the Education Minister that, because it is anecdotal information out there, that the Castel School, for example, has been used perhaps as a bit of a carrot to certain parents in the St Andrew's debate as a means of sweetening the pill that they have got to swallow. I hope that is not the case, because I do not believe that is a way to use our schools. So I would ask him to confirm that that is not the intention of the Board, but at the same time, I do believe it is not beyond the ken of man, with the numbers concerned – I think six or seven of the intake next year – for the Education officers to sit down and to do the sorts of things that Deputy Fallaize was encouraging to take place. I would certainly support that myself, and I am sure other Castel Deputies, to explain the appeals procedure and where necessary, if they wanted to appeal further, if it does not work to their advantage, then helping them through the an issue of appeals process or judicial appeal, whatever it might be, because that, in my mind, would be a proper route, rather than this sort of proposal before us today.

2295 So in summary, I cannot support the amendment. This is not the way for us to do business. We must not seek to micro-manage, I understand the Education law, it was written back in 1970 and that certainly needs revision, but whilst it does not refer to catchment areas, it does refer to exactly what catchment areas do in a section of the Law. To my mind, if it looks like a duck, it is a duck basically. So that is something that the Education is clearly mandated to do and we have to, as an Assembly, we have to support the mandate of work in operational Departments, such as Education, otherwise that is going to affect everything that they do.

2300 So I would urge the Assembly not to support this amendment and vote against it. Thank you.

The Bailiff: Members, it has just turned 12.30, so we will rise now and resume at 2.30.

*The Assembly adjourned at 12.33 p.m.
and resumed its sitting at 2.30 p.m.*

2305

**Transforming Primary Education
Debate continued**

The Bailiff: Well, Members of the States, we resume debate on Deputy Dorey's amendment. Deputy Adam.

Deputy Adam: Thank you.

2310 First of all, I have to state that I have a slight conflict of interest, as I do have a house in the area of the Castel that has been changed from the catchment area of the Castel School to the

catchment area of La Mare, which will be on the market shortly, unfortunately, (*Laughter*) as I downsize.

2315 I would start off by asking a question. Does this amendment go far enough to help those affected in... and I am talking about the Villocq area mainly and the Castel? I believe the Minister of Education will probably tell me that if it is delayed for a year, maybe four to six children will be affected only. If it was delayed further than that, maybe there is about another 20 in that area that will be affected.

2320 I personally think it would have been better if Education was not... I think what Deputy Conder said, tinkering around with catchment areas within this very important debate that we should be having about closure of schools, and catchment areas are a red herring, you might say, a deviation from it. I believe it would have been better if Education had waited until we had a better idea and more detail concerning projections, for example, in 2014-15, when there might be some form of population assessment.

2325 Also, another concern I have is the wish to build a new La Mare de Carteret Primary School, probably in the next year or two, so why move...? Or four or five years – sorry, sir, Deputy Le Lièvre is signalling it is not going to be a year or two; it is going to be around five or six years. Therefore, is it sensible to move children to a school that is being knocked down? But at the same time, they must know what roughly the population in that area is going to be, so they know whether they should be building a two-form entry or a three-form entry. And a new school might be, I think someone used the term, to ‘sweeten the pill’ – that was with a view to people moving from St Andrew’s to the Castel.

2330 It has already been mentioned by Deputy James that the terminology in paragraphs 6.16 and 6.17, ‘likely’, ‘may’, ‘might’, etc... I think it would have been more respectful if there had been better communication. But Education never have communicated to their population about any changes, not so much in catchment areas, but the way the criteria are decided upon.

2335 Do they educationally need to change catchment areas? Because at the present time Forest has 30% of children outwith the catchment area; St Andrew’s have 30% children outwith the catchment area; Castel have 30%, so obviously there is some laxity concerning making sure people come from the catchment areas and that laxity is there to ensure class sizes in the Forest, St Andrew’s and Castel are not at the level of 10 or 12, but more about 20.

2340 However, having said all that, I do support this amendment because I think it is a tiny step and it does highlight that we should be actually telling people, and giving them notice of changes that may affect what is important to them, and schooling of their children is important to them and suddenly to find this out, hidden in this document which has much more relevant issues to be debated, I think is rather unfortunate.

2345 So I hope that you will support the amendment for that simple reason: simply signalling to Education that it might be reasonable for them to give some warning to people – and notice, I am not saying about standards of schools or anything. I think that is completely the wrong attitude. It is simply their choice – if they want to choose a school, give them some warning.

2350 Thank you.

The Bailiff: Does anyone else wish to speak on the amendment?

Deputy Green.

2355

Deputy Green: Sir, Members of the States, I urge Members to reject this amendment.

2360 I would in fact concede that the way in which this change of catchment was announced was unfortunate. The impression was given that the change was essentially buried in the policy letter before us, when in actual fact, the Department was actually trying to be open and transparent, but the best laid plans of mice and men, things do not always go to plan. However, to accept this amendment would be to set a very bad precedent in my opinion – even notwithstanding the fact that this is basically a delaying motion.

2365 Many of the points have been made, so I am not going to take too much time, but firstly it is entirely true that this amendment is really asking this Assembly to micro-manage and to interfere with the Education Department’s duty to ensure the efficient administration of Education and our ability to alter catchment areas. This amendment is about tinkering and it runs the risk of essentially driving a coach and horses through the strategic overview that the Department has taken and settled upon. So to vote for this amendment, I think, would be to vote for the principle that this Assembly can micro-manage and interfere with Departmental strategy and to upset carefully planned changes on something of a whim, and I think that is rather unsatisfactory.

2370 Secondly, the scope of this amendment is rather too narrow, I think, to really have any real merit. This amendment is all about the alteration of one particular catchment area; it is not

concerned with the generality; it is not concerned with the general change to all catchment areas and this amendment is seeking to make a special case for a certain small set of Islanders, when the whole strategy should be fixed on aligning pupils to spare places over the whole Island.

2375

Now, I want to make a slightly more conciliatory speech than some others have made this morning, because I can to some extent see why the parents affected are upset and disgruntled. They quite rightly want the very best for their children and they thought that they had certainty. That is a perfectly reasonable view that some of them have taken and I can appreciate why they now wish to argue that they should have been subject to more notice and there should have been a proper process of consultation.

2380

But I just want to dwell on consultation for a moment, because I think all of us would accept that consultation generally is a fine idea, but there must be exceptions to any general rule, and I think it is reasonable on this occasion, to say that the value of such consultation can easily be exaggerated. If Education needs to adjust numbers or the social balance of any particular school in furtherance of its statutory or other obligations, it is highly likely that geographical location of the school and the proximity to pupils still at school are going to constrain the freedom of manoeuvre and the options somewhat. But that is the factual reality that we are slightly skating over.

2385

So perhaps in the ideal world we would have consulted, but sometimes the process of consultation is not really going to have much of a practical bearing on the answer. I made that point; frankly, consultation for the sake of it is not necessarily good governance in all circumstances. So yes, of course, I do have sympathy with my parishioners who are caught up in this, but let us not micro-manage our way through this because I think that would be quite wrong.

2390

I think Deputy Fallaize made the very valid point this morning: the better advice to those families concerned would be to seek an OCAS request or to seek to review under the 1986 Administrative Review Law that would be the most practical way of helping those who are affected.

2395

So I would urge Members to vote against Deputy Dorey's amendment.

Thank you.

2400

The Bailiff: Deputy Collins.

Deputy Collins: Thank you, sir.

And thank you, Deputy Green. I think those were some very good comments and personally I know two families affected by this change, very good friends indeed, and I can assure this Assembly of their good character, that their children are very, very young and some of the reasons why they chose to live where they did is because of the school. So for them, they were a little bit upset that they were not given much notice.

2405

Personally, I read through the Report, it talks about a review in 15 or 16 years' time. As we well know, the catchment areas have not really changed much in 25 years, but I think there are some arguments there. Personally, I am going to vote against this, because I think it was not the best amendment laid, but I do again thank the comments made on behalf of the parents, that they are very decent, honest, hardworking parents, so thank you.

2410

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

Well, yesterday we had the Budget debate and there were various initiatives to people who were trying to think how they could stimulate the housing market. *(Laughter)* Well, perhaps I should have posted an amendment to suggest that the north and the north-west of the Island falls into the St Martin's catchment area. That way the house prices would hold our value. Now that would be wrong, it would be totally inappropriate, because that assumes a certain prejudice that there is not universal education on this Island, that it differs, that some children get a better deal than others.

2420

But I do not need to say any more than that, sir, because Deputy Darren Duquemin made a fantastic speech, which said everything I needed and wanted to say. So I hope that we can go to the vote soon sir, and that Members will dispose of this amendment.

2425

Thank you.

2430

The Bailiff: Anyone else? No?

Well, I will call on the Minister, then, to speak immediately before Deputy Dorey replies to the debate. Deputy Sillars.

Deputy Sillars: Thank you, sir.

2435 In no order particularly, but just to pick up from after lunch, so Deputy Hunter Adams: we at Education cannot win, can we? Openness and transparency, we put it in; we are now accused that we have hidden it, which we did not. We put it in there for people to read, it is a one-year notice. La Mare de Carteret hopefully will be rebuilt in 2017 or 2018: it will be down to this Assembly. The new school will be built around the old school so they can continue to educate, so there should be no stopping that, and La Mare of course is in Castel.

2440 Children who go to school where the parents lived, then the parents move to a different area, but the children stay at that school and their siblings also can go to the original school, but as a result it gets turned out of catchment place, so a lot of it is because the parents have moved away from where they originally started from, but because we have a policy for siblings going to school with each other, that is allowed to continue.

2445 Deputy Collins and Deputy Brehaut, thank you very much for your support. This amendment is, in my view, extremely dangerous in terms of micro-managing operational decisions by the Education Department. It is, I believe, wholly unprecedented. At the outset, it is important to recognise that the catchment area policy, although not expressly contained in the mandate, or indeed expressly in legislation, broadly derives from the authority of the Education Board that exercise all powers and duties arising from the Education Law 1970. The Department's mandate states, their Board is responsible for the provision of statutory education training in Guernsey, Alderney and Herm.

2450 The Department needs to make changes to a number of primary catchment areas; some of these will be dependent on the outcome of the forthcoming States debate on the Transformation of Primary Education. Others are required in order to improve the alignment of pupils to spare places. The Department has operated a catchment base admission system for many years. My Board must be able to make adjustments to school catchment areas in order to discharge its responsibility, to organise primary and secondary education, efficiently, without requiring the involvement of the States in this matter.

2455 This amendment is making this Assembly an executive decision making body at a wholly disproportionate level. I would like to thank those Members who have spoken so forcefully against this amendment. It is unbelievable that States Members would require that Education cannot make such judgements without first seeking the approval of the States. And I agree with Deputy Fallaize's excellent speech that requiring the States to become involved at this level of detail seems to be illogical, as it requires the States to decide precisely which ward hospital patients should be admitted to or on which estate social housing tenants could reside or should reside – not as Deputy Gollop about opening or closing wards, but about dealing with individual patients or families.

2460 This amendment, I fear, represents a slippery slide towards an inability to govern and displays a complete lack of trust in our Department. It is also distressing for the staff, parents and pupils of La Mare de Carteret Primary School, also within Deputy Dorey's parish, to hear that there is such concern about attending this school. I would fully support the comments of Deputy Duquemin and Deputy Le Tocq that La Mare de Carteret Primary School is also a good school and pupils who attend there receive a good standard of education. In my view, Castel Deputies have the duty to represent all families equally within their parish.

2475 I would also like to confirm that there are no dedicated feeder pre-schools for any of our primary schools. The three main pre-schools in the Castel Parish feed a range of primary schools, including Castel and yes, La Mare de Carteret. Also of course children attending pre-schools in other parts of the Island will also attend La Mare de Carteret. The Education Department has needed to change catchment areas on several occasions, typically due to the opening or closing of schools. The following list is not comprehensive but it is intended to outline a number of events which has necessitated change: the closure of St Peter Port Secondary; construction of Baubigny schools; and the construction of the replacement of Les Beaucamp's High School.

2480 The definition and use of a catchment-based admission system are not included within the Education (Guernsey) Law, 1970. However, the use of catchment areas as a system of seeking to control schools' intake figures is supported by section 4 of the Law, which states:

2490 'It shall be the duty of the Council [Department] to secure there shall be available sufficient schools –
 (a) for providing primary education [...]; and
 (b) for providing secondary education [...];
 and the school available shall not be deemed to be sufficient unless they are sufficient in number, character and equipment to afford for all pupil opportunities for education offering such variety of instruction and training as may be desirable in view of their different ages, abilities and aptitudes and of the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their respective needs.'

I would just like to ask Her Majesty's Comptroller to confirm that my interpretation of the Law is correct, please.

The Bailiff: Madam Comptroller.

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The Comptroller: Sir, yes, it is absolutely correct. It is part 3 of the 1970 Law that deals with the provision of statutory education in Guernsey and the sections he has read out are entirely accurate. In fact, section 3 also provides that duty of public education... it similarly repeats that there must be efficient education and it has to be available to meet the needs of the population, which dove-tails with that section 4.

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Deputy Sillars: Thank you.

Over the years, there have been countless examples of children educated out of catchment at the discretion of the Education Department, without the need for the States to become involved. Pupils who would normally have fallen into La Houquette or Vauvert catchments this academic year are only the latest examples. This is a similar number of pupils being affected as those affected by this amendment have already had far greater notice, one year.

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If the States approves this amendment, then what do you think the consequences will be? We either have to move catchment areas at the southern end of Castel School catchment with virtually no notice. It has even been suggested to me by Deputy Dorey that children at Richmond could be sent to La Mare de Carteret so that these children benefiting from the amendment can go to Castel Primary. We are simply over-subscribed at Castel Primary and we have to ask parents to consider another school, or more likely we would have to move children to another school against the parent's wishes. La Houquette is also likely to be well short of the two-form entry, whilst there will inevitably be pressure points in other schools.

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The Education Department needs to be able to manage school numbers for the benefit of all Island children. Members need to be aware that no parent has an automatic right to a place in their catchment school. It is only if there is sufficient capacity. This is clearly stated in the admissions guidelines to all parents. This amendment is simply meddling and creating a typical fudge solution which the Department will have to live with the consequences and try and manage the inevitable fallout.

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I also strongly refute the allegations that the Department was introducing these changes via the back door and attempting to slip these changes in. We deliberately gave notice of the changes in the States Report to explain how the proposals would be implemented to reflect the changing demographics. The catchment changes did not, and do not, need to be a specific proposition. So in answer to Deputy Le Tocq's query, the future catchment areas as we have already stated in a States Report, we will be reviewing catchment areas on an annual basis, with a more fundamental review once the electronic census data is available.

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It is understandable that parents who might be affected by a change in catchment areas may feel that they should have the right to be consulted as they may have concerns about particular aspects such as transportation, education provision, or access to facilities. However, whilst such consultation may assist with the identification of areas that the Department may need to consider further, there is arguably little inference that could be brought to bear on the Department's plans. In the case of the Castel proposed catchment change, it was not possible for the Department to consult with parents, before taking the decision, as there is no way of knowing who next year's reception children would be.

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Indeed, following the consultation, the Department now anticipates that there will be four to six children in the Villocq area will be affected by the change. Yes, that is four to six children in September 2014 and as for the other two areas, totalling perhaps 12 to 15 children. That is what we are debating.

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If the Department, in the course of its managing statutory obligations needs to adjust the number and/or social mix within a particular school, it is likely to be constrained by the geographical location of the school and the proximity of pupils to it. With respect to the families living in the Villocq area, the shortest safe walking route is actually within one mile – we tested it – and it is not 1.2 miles, as Deputy Dorey suggested.

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It could be argued that by inclusion of a specific statement and graphics within the States Report on the Transformation of Primary Education, the Department is being as open and transparent as it can be. That is all I would argue. As such, the level of detail is not believed to be included within previous Billets. In terms of communication to stakeholders, all of our significant catchment changes detailed above have affected existing pupils, i.e. those already within the education system, with whom it has been easier to communicate directly with, as the Department

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has had the parent's details. We have given sufficient notice and as much as we have done in the past. The registration period for admission into the reception year does not open until 6th November this year, and parents will be notified of the allocation of places for their children by Easter, which will help them with the successful start to their primary education in September 2014.

2560 The Board is mindful that, as a general principle, the Department should act reasonably in making their decisions and we have, we believe, acted entirely reasonably, and given sufficient notice to changing these catchment areas. Again, in response to Deputy Le Tocq, did we use Castel as a carrot to St Andrew's parents? Absolute balderdash! (*Laughter*) So, no.

2565 From 6th November, assuming the amendment is rejected, parents will know the catchments they are in and they can make an OCAS request at any time. So there is plenty of time. If that request is turned down, there is an appeal process. So for full details of this process, they are available on the Education website and please ring the Department, if you want to talk to officers who are there to help the parents.

2570 So to conclude, this amendment could have a material effect on the Department's proposals, affecting our ability to keep class sizes within policy at the Forest and Castel and also jeopardise La Houquette returning to a two-form entry next year. If this amendment succeeds, it could potentially force us, at a shorter notice, to move some families to a school much further than we are asking parents to move to. I would ask Members to question whether the States should be making decisions at this level: surely the answer is no. This is clearly within the Department's mandate and the States should not interfere with the margins at the expense of a strategic overview. Should the requirements of a very small number of children be placed above the needs of all Island children, and more specifically, treated preferentially against children from other schools? No.

2580 The Department needs to be able to manage the inconsistencies of class sizes across the Island, some of which are 14 and others have 29. This amendment may limit our ability to do that. The Houquette is likely to be unable to operate as a two-form entry school as a result of this amendment. What are the real reasons behind why parents do not want to send their children to La Mare de Carteret Primary? The Department has given a sufficient notice period, one year, the children will not start at reception until September 2014 and I therefore urge Members to reject this amendment.

2590 **The Bailiff:** Deputy Dorey.

Deputy Dorey: Thank you.

I am quite concerned about this debate and I am disappointed. It seems to have been around... Members' speeches seem to be, rather than points made in the debate, they discussed e-mails they have received. Good governance seems to have been forgotten. People have tried to guillotine a perfect valid debate and we have parts of a report that we are not allowed to discuss in debate.

2595 If a Department brings a report to this House, and they include information in it, it is perfectly valid to debate. They cannot stand up and say, 'You can't debate that.' I did not see any watermarks saying 'Not for debate' on those pages. I think that is unbelievable, the stance that some Members have taken and I am really disappointed with this Assembly. I think there have been some speeches made today which give me grave concern about the democratic process of this House.

2600 Deputy Sillars just talked about executive decisions. Well, actually the decision to close the school is an executive decision. They have chosen to bring an executive decision to this Assembly, so please, do not complain when other executive decisions which they include in the debate are discussed. That is not right. They are perfectly able, as he well knows, to close schools if they want to, but they do not; they bring it to this Assembly to make the decision.

2605 He talked about catchment changes, but he listed all 70 school catchment changes. I believe Deputy Spruce contacted them and the only times that they have changed Primary School catchment changes was, I think, in the 1990's and that was particularly one of the areas we talked, concerning which is area two, which was to make it available so parents have the choice between going to La Mare or Hautes Capelles.

2610 I was disappointed that he decided to speak about a meeting that I had with him. I thought it was a private meeting, but anyway, that is the way we are. It is not meddling, it is not fudging the solution, it is a perfectly good States debate. And he talked about the number of children that are involved and he says it has a material effect. You cannot have both. It is either a very small number or it is a large number having a material effect, but he seems to be trying to use both arguments. I do not understand.

I thank Deputy James, Deputy Spruce and Deputy Adam for their support.

2620 I will try and reply to the main points of the debate, but I am really concerned about the use of the guillotine in the situation like today. I do not think that is good, democratic government. He spoke about the appeals process: well, actually if you look at the appeals process, it has got to have a detrimental effect on the education, that is extremely difficult to prove. I think people have said that the appeals process is a far more complicated process than is being said and Education... because I went to a meeting that they had with the parents from the area, and they said themselves
2625 that the appeals process is not good, it involves Department members on the appeals panel. That is not an independent appeals panel. I think to highlight the appeals process is very wrong, it is not a good process and I know you have accepted that yourself. Then they talked about –

Deputy Sillars: We have agreed that we will be amending the appeals process.
2630 Thank you.

The Bailiff: Deputy Dorey.

Deputy Dorey: Deputy Fallaize spoke about the administrative review law. I really do not
2635 think that is a good process for something like this. It is a long drawn-out process. Having been on HSSD and had a number of administrative appeals, I do not think they are good processes and I think Deputy Perrot said they were going to review the process anyway

And then speaking about judicial reviews, well, that is just amazing to me. Do we really want
2640 to encourage and make decisions in this House which cause all the administrative burden of people making appeals – surely not – and the cost of that, then going to administrative panels or judicial reviews? That is not what this Assembly should be doing.

I was amazed as I said about some of the speeches made and Deputy Duquemin, I will mention
2645 his speech. The points that he made were not points that I made in this debate. I deliberately did not speak about those points because they were not the reasons why I brought this amendment to the House. I am concerned about people who start bringing up topics because they have had e-mail. But I, like Deputy Green, will defend those parents' rights to explain the effect on the house prices. We live in a capitalist society, why can they not do that?

But it is not the reason why I brought this to the Assembly and I also defend the right to
2650 question or challenge the performance of schools. I thought we were meant to have an open system. We talk about Mulkerrin, moving to local management of schools. I want parents to feel able to challenge the Department, challenge the head teachers, about schools. I think that is good, I think we should be encouraging that. I do not think we should be criticising parents for questioning the standards of a school. Well, that is what was said in the debate.

2655 There have been numerous times when people have mentioned about traffic in this Island and the traffic problems that we have around school opening and closing times. I think we do all accept that there is a traffic problem and that is why Environment is working on a traffic strategy. The congestion is a difficult problem; the availability of buses at those times of school, particularly at school start times, when there is a great demand for buses, is a problem.

So I really question a Department that rule on policy of changing a catchment area for parents
2660 who live... and I question his comment, because I drove those distances last night and I also checked them on Google to check the distances. I drove down the roads and it was 0.75 from the... Perhaps it is where you start. I started in the middle of the Villocq area and it was 0.75 to Castel School and 1.2 to La Mare. But is not just the distances; it is the quality of the roads between there.

2665 Now, perhaps they used the green pathway which goes from the back of Saumarez Park but as one of the parents said, it is not good in the winter and it is not the sort of pathway that you want to use for your children who are going to school as there is often water and mud.

So I really question why is Education moving people who are going to a school which is close
2670 to their house and sending them to a school that is further away? That cannot be a sensible policy of this House.

And I finish on good governance. People have said what they have done is good. I do not think
2675 it is. During the last Assembly, good governance was an important issue which frequently came up. It seems to have been forgotten. Perhaps the *Press* need to bring back the zero out of ten symbol they used to put on to reports, because I think that this one will get a zero out of ten – it should do, if they reported it. It is not good governance, a decision was made without consultation, they made that decision totally without consultation, when I asked them for the information they based the decision on, they could not give it to me. Surely, if they made the decision on catchment areas and the number of children going to the various schools, they would be able to give me that

2680 information. They have not been able to. So you question on what basis did they make that decision? That cannot be good governance; I am really concerned that we seem to be taking a backward step. They should be able to justify their decisions.

I think Deputy Brehaut thought Deputy Duquemin's speech was fantastic. I did not think so; I thought it was very much *not* fantastic. (*Laughter*)

2685 **Deputy Brehaut:** That was clear! (*Laughter*)

2690 **Deputy Dorey:** As Deputy Adam said, we need to be more respectful, have better communication and I probably am... I accept I am going to lose this debate, but I would seriously ask Education to go away and think about this before they change anymore catchment areas, to consult with parents, to make sure that they are part of the decision. These are important decisions to them. When you have a child who is about to start school, it is a very important decision, and to say that they have been given a year's notice, when it opens up on 6th November for people to register, I think is totally misleading the House. People have to register between 6th November, next week, and I think mid-January. So they have not given a year's notice, they have given very little notice and I think they very badly handled giving the information out to the parents and I think he accepted that.

2700 So I would ask you, those who have spoken, to think again and this is only a one-year delay in making decisions. Give those parents some space to adjust to it, to explain to their children they are going to a different school to what they expected, perhaps change their pre-school so that they can then be in contact with children who are likely to go to the same primary school as them. I ask you to think about those parents who are affected because those are the ones who matter, think about those children, those four-year-old children, and please vote for this amendment.

Thank you.

2705 **The Bailiff:** Members we vote on the amendment proposed by Deputy Dorey seconded by Deputy James. Ah, I was waiting for somebody to ask for a recorded vote. (*Laughter*) We will have a recorded vote.

There was a recorded vote.

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The Bailiff: Members, we will move on then to general debate while the votes are counted.

Does anyone wish to speak in general debate? (*Laughter*) Perhaps we can go straight to the vote!

Deputy Perrot, then Alderney Representative Jean.

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Deputy Perrot: Thank you, sir.

2720 I wish to speak, I do not have much to say, but I would like to start by congratulating the Minister and his Board, but particularly the Minister, who has shown grace, fortitude and dignity under great stress. (**Several Members:** Hear, hear.) Whatever one may think about the proposal of the Education Department, I think that he has done a superb job, and I am sorry that on occasions, people actually went beyond the bounds of civilised debate, so well done him. (**Several Members:** Hear, hear.)

2725 At the hustings meetings last year, I did say, as it were in my defence, that I hoped that when I came, if I ever came to States meetings, that I would do so with a reasonably open mind in that I would be open to persuasion. The fact is, the reality is, when we come to States meetings, in the period leading up to States meetings, we do form a view, one way or another. But certainly before this debate, my inclination was to vote with the Education Department and the reason for that, and I opened it, but this was a financial one. I again, as Deputy Duquemin keeps alluding to my manifesto last year – well, it is easy to remember because it was so short – but one of the things which I strongly approved of, as I said yesterday, was getting Guernsey back into the black.

2730 If the Education Department, in doing this, is going to help in Guernsey getting back into the black, as a consequence of the Financial Transformation Programme, then it has my support. I am not persuaded by phrases from the Minister such as that the buildings are old and tired. I do not think that a school is good because it has got modern buildings or because it has got old buildings. 2735 I think a school is good because of teachers, (**Several Members:** Hear, hear.) because of the curriculum and really, and essentially, because of support of parents. Parents have got to wish to have their children educated and where that wish is absent, children do not do well.

So I am not terribly persuaded by the vision thing and by all of the surrounding noise and fuss.

2740 As far as I am concerned, if the Education Department proposals work to save the money and have no adverse effect at all on the education of the children, then the Department has my vote. Well, despite all that, I have to say, that I thought the campaigns of the Parent-Teachers' Associations were superb. (**Several Members:** Hear, hear.) Occasionally, there really was bad behaviour, there was excessive noise, there was too much grand-standing by a few people and that was unnecessary. The point was they had actually really rather good arguments. Alas many of those arguments I rather missed, because there were such a monumental number of e-mails coming through and, again, I suppose it is to do with my age and general inability, but I was beginning to lose the will to live in reading all of these communications.

2745 But then one thing happened and that was the presentation by the St Andrew's Parent-Teachers' Association at Beau Séjour on Monday. That for me was a model of sense and clarity. It really made an impression on me. So much so that actually, for me, and I am sorry to say this to the Minister, the burden of proof has switched.

2750 So for me, it is now for the Education Department – and I hope that they are able to do this – I hope that the Education Department is able to demonstrate to me, why the figures and in particular the graph set out on page 5 of the document which we have all received from the St Andrew's PTA is wrong. That graph shows that after a few years, the number of pupils exceeds the accepted model surplus. That is the PTA red line and I hope that the Minister will demonstrate to me and to my fellow Members that that is wrong.

2755 But I have to say that my views are very much here on a knife edge. Because I do believe if you have a Department, you do not keep a dog and wag your own tail and that if the Department has a mandate to do these things, really it ought to get on and do them. And I really want to support the Department, so therefore I want to the Department to show me, I am repeating myself, that the PTA is wrong. But whatever, my congratulations to the Parent-Teachers' Association of both St Andrew's and St Sampson's and I think the arguments for St Sampson actually, if St Andrew's PTA is right, then I think that that applies equally to St Sampson.

2760 Last of all, I was the duty Deputy at the Forest Douzaine on Monday evening and the Forest Douzaine wished me to say that they were against the closure of St Sampson's.

Amendment by Deputy Dorey and Deputy James:

2770 *Not carried – Pour 11, Contre 34, Abstained 1, Not Present 1*

POUR

Deputy Gollop
Deputy Spruce
Deputy Dorey
Deputy Paint
Deputy James
Deputy Adam
Deputy Brouard
Deputy De Lisle
Deputy Soulsby
Deputy O'Hara
Deputy Hadley

CONTRE

Deputy Le Clerc
Deputy Sherbourne
Deputy Conder
Deputy Bebb
Deputy Lester Queripel
Deputy St Pier
Deputy Stewart
Deputy Gillson
Deputy Le Pelley
Deputy Ogier
Deputy Trott
Deputy Fallaize
Deputy David Jones
Deputy Laurie Queripel
Deputy Lowe
Deputy Le Lièvre
Deputy Collins
Deputy Duquemin
Deputy Green
Deputy Le Tocq
Deputy Perrot
Deputy Wilkie
Deputy Inglis
Deputy Sillars
Deputy Luxon
Deputy Quin
Alderney Rep. Jean
Alderney Rep. Arditti
Deputy Harwood
Deputy Kuttelwascher
Deputy Brehaut
Deputy Domaille
Deputy Langlois
Deputy Robert Jones

ABSTAINED

Deputy Burford

NOT PRESENT

Deputy Storey

The Bailiff: Members, before we call the next speaker, the result of the vote on the amendment proposed by Deputy Dorey and seconded by Deputy James was 11 votes in favour, 34 against, with one abstention. I declare the amendment lost.

2775 Alderney Representative Jean, were you standing to speak earlier? No, you were not. I will call Deputy De Lisle, then. Deputy De Lisle.

Deputy De Lisle: Thank you.

2780 Sir, it is not all about cost saving; it is about a sense of belonging and community, and I think we have to bear that in mind as we progress with this debate.

But revisiting primary rationalisation and proposed closures, so soon after the last debate resolved to keep them, is more than unsettling for pupils, parents, staff and communities. Not only are schools threatened with closure, but also the schools tasked with receiving additional children. This Report goes even further, actually, in threatening also other schools, the Forest, La Houguette, one-form-entry primary schools, and the two Catholic schools with the prospect of consolidation and merger in future.

2785 Closing Forest Primary, newly built, scored next to St Sampson's Infants and St Andrew's for closure and the Forest and La Houguette, together with the Catholic schools, continue to maintain very high standards and provide commendable teaching and results. So the main drivers for change are educational benefits from two and three-form-entry schools and financial savings, but neither argument is clear cut or defensible as professionals argue the case for small schools and the costs of closure and re-building elsewhere, are increasing and uncertain.

2790 Social and environmental factors are barely considered in the Report that we have got in front of us and I think that is a serious omission, because we have come to look at economic, social and environmental factors together nowadays and we weight one against the others, and look at the whole as a composite. In fact, even bus transport requirements are still to be determined. States Policy has it that consideration of our environment will be core to all Policy decisions and actions and Environmental Policy will be protected and enhanced. Now in view of this, Policy Council requires Departments to identify and comment upon significant environmental issues in all States reports.

2800 Now this has not been done in this case. The Environmental Policy is being bridged in several areas, including Environmental Policy aims at traffic reduction, lowering congestion and accidents on the roads and cutting carbon emissions. The social upheaval caused by these proposals also is clearly illustrated by public reaction in the media, at public meetings and an outside petition signed with 4,500 Islanders.

2805 As you have probably gathered by now, I am a strong supporter of community schools, I do not support the closure of Primary Schools as they serve local communities, and many parents prefer schools close to home. Added to that, the education provided in both of the community schools that we are talking about here today is exemplary and that is recognised by the Department and by external inspections. They both provide the benefit of small classes and close attention for young children in their formative years. The foundation is everything in schooling, later it is so often too late.

2810 I am very impressed also with the very effective learning environment in these schools. I worked alongside St Sampson's Infants for seven years, in the Secondary School next door, and envied the personalised environment in that small place, the positive ethos, the safe environment for young children close to home, the strong community links, close links between staff and parents, invaluable in the early years of a child's education. The children have a great sense of belonging in these schools, a high level of trust. Teachers have closer relationships and there are high standards of behaviour. Young people are known and valued. Special needs are more quickly spotted and addressed. It is harder for children to fall through the cracks as smaller classes and small schools, give more individual attention.

2815 The schools are also a community resource too, a focus of parish life and individuality. These schools are seen as particularly innovative also in our community, bringing in a wide range of extracurricular activities, supported by parents and community. All will remember the leadership shown in re-enacting the Occupational trauma of the Island by the de-camp of St Andrew's by boat to Herm, and that is a case in point. So too, is the setting up in these two schools of nursery teaching facilities.

2820 There is a real concern that has been brought out to me over the past four or five years, about overcrowding and larger class sizes, should St Sampson's and the Vale Infants consolidate on the Vale site and that is through talking to the teachers there. There is concern that infants from St Sampson's will be relocated to less satisfactory classrooms on the Vale site. This is a backwards step and a scale down from the good facilities that the children enjoy at St Sampson's.

2835 There will also be need to upgrade and modernise existing facilities of the Vale Infants School now, as the school becomes three-form entry, should St Sampson's children join them, at a capital cost only given an approximate figure of half a million pounds, £450,000 although others in the community feel that the capital requirement will be closer to £800,000.

2840 With respect to St Andrew's, it would require more buses to transport children. They require drivers and the bus service already has increased demands on the regular service to contend with. This all needs up-front planning and that has not been done. And as far as St Sampson's is concerned, we are dealing with very young infants. Parents will not, quite rightly, put four-to-seven-year-olds on a regular service bus unaccompanied, say goodbye and hope that somebody will pick them up at the other end. That means more cars on the road at a time when the States are trying to reduce the overall environmental impact of road transport and congestion during the morning run. Already there is extreme congestion in the car park at the Vale Infants School.

2845 Yes, the Vale will cope and the professional staff will work hard to address the challenge of the influx should the St Sampson's infants move there. But the St Sampson's parents, for them it is all about a reduction in quality of life. It is all about the perception that a small child is safer closer to home and he or she will get a better start at the community school and we, as politicians, have to listen to the people.

2850 Sir, we all have a lot to lose if these two schools go. It is the close to home, welcoming, small school atmosphere, the sense of strong community ties, the strong link between school and parents at St Sampson's Infants and St Andrew's, which parents feel helps their child's transition from home to school. It is all about the belief that teachers in these two small schools will have greater knowledge of their children and gives their youngsters a better start in life and those parents are not to be shrugged off, sir – they are our customers after all, the Department has to remember that. 2855 The parents are asking quite serious questions, they believe very sincerely that consolidation of their schools will not provide the best quality of education for their children, or for the community as a whole. They also believe that the costing of consolidation has not been assessed in detail but provisionally in this Report, to give Deputies the information they need because making a decision on either school requires that detail. 2860

So I ask the States to consider these concerns deeply and vote against the Propositions in the Billet to keep both these schools open and reject the closure of St Sampson's Infant School and St Andrew's School. Also to reject to revising the Forest and La Houquette and the same with regard to the Notre Dame and St Mary's and St Michael, all serving areas of the Island community. The closure of St Andrew's Primary School and St Sampson's infants is likely to be the first stage leading to the eventual closure of other primary schools. This will have a fundamental impact on all parishes in this Island and threatens to undermine our whole way of life.

Thank you.

2870 **The Bailiff:** Does anyone else wish...? Deputy Bebb.

Deputy Bebb. Thank you, *Monsieur le Bailli*.

2875 Can I thank Deputy De Lisle for what I think was an incredibly well considered speech? I enter into this debate in a very difficult position, in that I am asked to make the decision as to whether or not to continue with a system of education that we currently have, that we cannot afford, or whether to simply with the system of education that we have and yet reduce the number of schools and the cost of it. I am in the very strange position that I believe that the model that we have in relation to the Roman Catholic schools is an exemplary model, and I would like to see that being expanded through the other primary schools in the Island.

2880 I have frequently discussed the matter with members of the Education Department, that my desire would be to see a very different means of delivering, where we would have, what is termed in the UK as being pretty much a 'free school', but that we would see it within a very Guernsey model. It is not inconceivable that somebody would consider taking on the building of St Andrew's, and actually take it on as a voluntary school, and I believe that would be a very interesting... and I believe that would be a better means of delivering education to the children of our Island. 2885

I am also unconvinced that teaching children according to their age is necessarily the right answer. At what other point in life do we think that simply because everybody is of one particular age, that they should all be given the same means of education? Therefore I approach this debate from a very different perspective and there are a few things that I would like to highlight as to where I am struggling. 2890

Firstly, I would like to discuss the Roman Catholic Schools, and the point that the Minister raised in his opening speech. The opening up of that school, not just to those who are baptised as

2895 Roman Catholic, should be welcomed. I am a regular attender within the Town Church, within the Anglican Church, and this concept of someone being baptised as a Roman Catholic is bizarre in the extreme, when we talk about theological discussions. The Department has entered itself into a theological argument that it simply should never have entered into in the first place. (**Member:** Hear, hear.)

2900 There is no such thing as being baptised as a Roman Catholic, and I think it is erroneous for the Department, through the policy that it pursues, in order to actually try and label it that way. Therefore, in his discussions with the Diocese, I would ask him to also give due consideration, and all members of the Department to give consideration, to removing the decision as to what qualifies for entry into the Roman Catholic schools away from the Department, and to place it in the hands of the school, because I think that would be a better means of deciding the entry criteria there.

2905 I also struggle in relation to some of the arguments against the Education Department and this argument of community being first because of the primary school there. I have no children and yet I have lived next door to primary schools on a number of occasions in my life. I have never felt excluded from the community, but I have never once entered those primary schools, once I left my own primary education. Therefore, I am not convinced by the idea of a community being destroyed by a primary school. I believe that Torteval, for instance, has an excellent community spirit that comes very much to the fore when we talk of the Scarecrow Festivals. I was discussing the matter with a friend of mine, and it is astounding that what started as an initiative of the Church has now turned into a whole community, the full parish working in the best possible way, to achieve something that is quite spectacular.

2915 I am therefore not completely convinced by the argument of the heart of the community. I am equally not completely convinced with regard to the single-form entry against two and three-form-entry schools. I attended a primary school that was a single-form entry, and the only language that was spoken in that school, the only language in which everybody was taught, was Welsh. And two girls who moved into the area because their parents found work in that area, they did not speak a word of Welsh and yet, within a single-form-entry school, they were taken aside, given special provision and then re-entered the class and indeed they progressed into outstanding GCSE, A-level and onwards to university degrees and their education was not hampered.

2920 Therefore if within a single-entry school, you can take children who do not even speak the same language, and deliver excellent education, I therefore question the two and three-form-entry school. I hope that members of the Education Department will be able to try and expand on that argument further than what has just included in the Billet, because as I said, I am not completely convinced by it.

2930 I would also like to say that the timing of this debate is evidently painful. To revisit an issue so soon after the last time does seem cruel in the extreme, but we live in times where we simply do not have the money to be nice, and I do recognise that the Department are having to make exceptionally difficult circumstances... It is unsurprising that I would say that, given that the Department that I sit on, HSSD, are having to visit incredibly unpleasant decisions themselves, and that is why I have a great deal of sympathy for the Education Department in bringing this Report.

2935 But I would ask that whatever the decision is today, or indeed probably tomorrow, that we do put it to rest for at least seven years. Children who are attending St Andrew's School at this point in time, there are some of them who have already lived through the last one, I think it is unfair on those children, or any other future children, to be put in a position of having to revisit the question again, within their time at the school.

2940 Having spoken of St Andrew's and St Sampson's Primary Schools specifically, I would say that I have visited both schools and I have been incredibly impressed by the quality and dedication of those teachers.

2945 I am leaning, at this point in time, towards supporting the Education Department, but I take no joy, no delight in that. I would like those people within those schools, to realise that I was so impressed with their teaching. I really am incredibly sorry if it is closed, because I think that something quite special will have been removed.

2950 But on the other hand as I said, it is one of those horrible decisions that we have to make at some point in time. I am currently leaning, but I am open to persuasion. There are some questions still in my mind and I hope that Members on both sides of the argument will be able to expand carefully on those for me.

Thank you. (*Applause*)

The Bailiff: Anyone else wishing to speak? Everybody is waiting for everybody else, I think. Somebody must go first or we will go to the vote.

2955 Deputy Le Pelley with his maiden speech. Deputy Le Pelley. (*Interjections*)

Deputy Le Pelley: Mr Bailiff, ladies and gentlemen, Members of the Chamber, I stand before you today as someone who is making a maiden speech. I hope it is not going to be too much of an old maid's speech!

2960 But I start really from my roots. My roots really lie in the parish in which I now live, but originally was in a different parish. But I became very, very much associated with the parish and perhaps I am more of a parish person than I am a States person. There are no doubt States men out there and States women; I am really a parish boy.

2965 I stand in front of you today as an experienced teacher: a teacher who qualified in middle school education, that is 9 to 13. I did all my early teaching practices in the UK in primary schools and then came to Guernsey to do a little bit of teaching in two schools in Guernsey, Hautes Capelles and the Castel Primary as they then were and then moved into secondary education at St Sampson's Secondary School, where I taught for 30 years. I have spent a lot of my time also being Parish Constable, Parish Procureur, Parish Douzenier for St Pierre du Bois in my first life and in St

2970 Sampson's in my second.

I really do feel that I have to put the case, as I said I would do at the hustings and in my earlier commitments to the parish, that I would actually talk in favour of keeping these schools open, and that I intend to do. It was an election promise, and it is something that I feel is quite the right thing to do.

2975 We have heard from Deputy Perrot about the presentation that was made on Monday and I concur with everything that you said, sir, that the case made by the St Andrew's PTA has in fact been a very strong case. The figures and things that have been presented by them really do need to have an attack on them, really – they have to be defeated, I think, by Education, to prove that those figures are not right. (**Deputy Perrot and another Member:** Hear, hear.)

2980 There has been a lack of consultation. The normal period of consultation in the UK and other places is about 12 weeks and I think that the two groups, St Sampson's infants group and St Andrew's Primary PTA group have done very, very well indeed in turning round their arguments in less than six weeks. (**Several Members:** Hear, hear.) There are good government issues here. Have we really given this the very full exposure that it needs, and given everybody the full chances of putting their side of the argument? The Education Report to me is something of a curate's egg: it is good in parts. But there are too many parts that are questionable, and I think those parts have been exposed by the two working groups who have actually put in counter proposals.

2985 Yes, there were some vitriolic meetings. I attended two or three of them. The issue did appear as a *fait accompli* and I think that upsets people. It looks like it is a decision that has already been made and I think that is wrong. The decision really needs to be made in here, based on evidence that is given by both sides.

2995 The meetings were a little bit vitriolic too, because of the questions that were asked; the same similar questions were repeated. They appeared to be pre-written, rehearsed questions that had to give out certain facts and those facts were given over and over again, whether they were actually really relevant to the questions that were being asked – certainly in four or five instances at the two meetings that I attended.

Well, emotive arguments are all well and good and I am sure we may well hear some more today, but...

3000 Excuse me, I have lost my place.

Deputy Ogier : I always say you should use paper. (*Laughter*)

3005 **Deputy Le Pelley:** But one can expect a reaction like you had at those meetings, when there was very little time for people to reply and to actually put their arguments against the Education's proposals. When daily routine of families is bound to be changed and in some cases their life is going to be made much more stressful, you should anticipate some kind of reaction.

3010 However, having said that, I think the way in which the Education Board responded and reacted and presented themselves at those meetings was exemplary. You kept your cool, you did your best to answer the questions. I know that you did, in my opinion, actually go through the same old stuff time and time again, but you maintained your cool and you were very professional.

3015 The Education Department people that I know, and I know all of them, are all very good people and I count many of them as close friends. I have the highest regard for them. But I do challenge them to come back with more evidence. I do not think they have made their case properly.

It is a bit like someone wanting to lose weight: the answer probably is a better diet, possibly a gastric band. (*Laughter*) I was not looking at anybody in particular, sir. But in fact, what appears to be here is the solution is to amputate a leg. It is not necessary, in my opinion.

3020 The preferred class size change from 24 to 28 seems like a massaging of the figures to actually fit a solution. When we had this debate or when the States of Deliberation had this debate four or five years ago, the actual class sizes were 24. That has been made to 28 this time, and that enables there to be an appearance that there are far more spaces than there were hithertofore.

3025 The claim that there were in excess of 800 spaces in Guernsey primary schools quickly reduced to 500 does not actually give one the feeling that everything is as it should be. The 4,500 versus 4,200 spaces – this little difference of 300 which I think Deputy Perrot referred to, and the line on the graph that was presented by the St Andrew's PTA – that has got to be sorted. It has got to be explained very, very carefully because those peaks would appear to show that you are not going to have the accommodation required. (**A Member:** Hear, hear.)

3030 The spaces are not all in the right places. You could have one or two children having to go out of their present catchment area, out of their current school and join a brand-new school. Children are resilient, children are tough and I am sure they will cope. But do they really have to cope? That is the point. They will be able to cope, but do you need to put them through that?

3035 The Education Board has very much a secondary education bias, in my opinion, and you are dealing with a very different type of child at the age of four or five than at the age of 11 or 12. Someone moving into a secondary school is going to be a very, very different type of person, with very different types of needs, both educational, psychological and physical, than someone who is moving to the other sector. The situation that we are discussing today is primary based, and I think we need to remember that, right the way through.

3040 I started off by saying that I was a member really of my parish, and you are going to get something which is from a parish perspective. My Douzaine in the main are in support of keeping St Sampson's Infant School open.

3045 The question that the Minister asked right towards the beginning, he asked a series of questions. Was the school over-crowded 10 years ago? He was talking about the Vale Junior School. Well, yes it was. Was the congestion there terrible? Yes, it was. I taught there, I taught actually at St Sampson's, I was in charge of Community Studies for the last 12 years of my time there. I had Year 11 students that used to go on work placements at both St Sampson's Infant School; I say 'both' – in fact, there were three schools then, because there were St Sampson's Infants, Vale Infants and Vale Junior School. I had students, two or three at a time, in each of those schools, and I would spend an afternoon in each of those schools, during the course of my teaching.

3050 Those schools were extremely happy, well-run schools, but getting in and out of them was a nightmare, and that was just me moving within the actual school day, not actually at school closure time or school opening time. I could move in and out at other times and it was horrendous at the top of the Vale Junior School.

3055 You asked the question, did the heart of Torteval come out when Torteval School was closed? Well, I think part of the heart did come out when Torteval was closed. I was a student, a pupil at Forest Primary at the time, when the youngsters used to come up from Torteval at the age of seven, and that was quite a movement for them. You may not be cutting the heart out, but you are certainly taking a limb off, and I think St Andrew's School will probably suffer quite badly, emotionally, from having their community centre... I would not say ripped out, but removed.

3060 I would also like to ask the question, why we are so minded to keep on following the UK trends all the time? We are trained by UK universities and colleges, we adapt their form of education, we use their exam syllabuses and, at the end of the day, most of our youngsters who need to go to university – at the present time, they do anyway – have to go off Island in order to follow a university course, apart from Open University perhaps. But why do we have to blindly follow the UK education practice?

3070 The UK is 21st and 22nd in the European leagues, out of 24 European countries, in literacy and numeracy tables. Is that really what the standard is that we are looking at? There are other European countries that have far, far better results and far better systems than the UK has, and I think we should be much more involved in following their syllabuses and their ideas.

3075 Why do we have to be thinking of having 28 as a maximum in a class, or 25 in a social need school? I put it to you, after years of my own teaching experience, that if you can sort out the problems in a primary school, you will automatically solve a lot more problems that run on into the secondary sector. It is a bit like building a wall: if you do not get the foundation right, by the time you get to the third or fourth level, you are way out of true, leaning and likely to topple.

If you have classes of 18 in your special needs or social needs areas and perhaps 20 to 22 in the ordinary classes, I think you could resolve an awful lot of problems that move on into the secondary sector and, sadly, move on into society.

3080 As a Parish Constable, I am regularly called out to sort out troubles on The Bridge. I get there in advance of the Police. I am a regular attender of incidents, and I also go out with the Community Police once or twice a month on patrol. I can point out to you the youngsters that are going to be the wrong side of the law at the age of 13 or 14. These are youngsters who are in secondary education at the present time. They are in trouble with the Police at the age of 15, 16, 3085 17. By the time they are 20, some of them sadly will probably be known to the Magistrates' Court and probably inside doing time. Some of those youngsters, given a better education, given lower class numbers, given better provision, could actually avoid all that. I put it to you that the time is now. We are having a big debate in Education: we have a great opportunity to make things better.

3090 There was a bit of what I call 'illogical logic' and that is I was told that, 'Well, you voted for FTP' – and I think FTP as a principle is a good one – 'but because you voted for FTP, you have now got to follow and agree every FTP incentive that comes from any Board.' I do not accept that as a logical thing.

The fact that this is one of several things that could have been suggested suggests to me that you can look a bit further. Perhaps you are going to look a bit further down the line at other savings, but perhaps this is not the one that comes first.

3095 I would suggest to you that perhaps looking at the Guernsey Music Service, making people pay, or perhaps even having that means tested, rather than being completely States funded, might be a way of saving a fair amount of money. I put it to you that it might be as much as £800,000 per annum. If you were to do that for 10 years, there is your £8 million that you are looking for.

3100 We are also looking at putting lots of computers and other similar things into schools. We are about to do that now. But there are schools that do not have the broadband connection. Hautes Capelles School, I know, as soon as the 20th child logs on, the system falls. So putting an awful lot of expenditure into machinery like that, now, when it does not work, is that a good way of spending money? Perhaps we could wait until the broadband system is properly sorted and actually do it then. You would have more modern machinery and some of that money that you 3105 would not spend could actually go towards the savings of your annual budget.

I also think that the Education Service is a bit too top heavy. It has too many servants working for it, too many civil servants working for it. You only have to move two or three into other Departments – and I am not talking about severance and cutting people's jobs off immediately; I 3110 am talking about using natural wastage or people voluntarily transferring to a different Department – could that not save you a lot of money? If someone is on £60,000 or £70,000 wages, and if they are also paying Social Security and you are paying the employer's part of that as well, and there is training, surely that is another saving.

3115 The other thing, of course, is that if you go through the St Andrew's figures, they are suggesting that within the next five or six years, you are likely to need to have all the teachers that you are likely to move around re-employed. So you can save seven and a half teachers now by doing all these movements, but in five years' time, with the figures projected of the school population, you could very well find yourself needing to re-employ eight new ones.

3120 Now, eight new teachers, especially if they come from off-Island, are going to need re-settlement packages, they are going to have to be flown into the Island, they are going to have to be interviewed, they are going to have to have probably subsidised rent and, after five years, if that is the length of time they actually qualify for, you are going to have to go through the whole practice yet again, another round of expensive interviews.

3125 I really do think that the Education Department has got a lot of work to do in the next two hours and perhaps sometime tomorrow, to actually convince Members they really, really, *really* have done everything they possibly could do, to get this FTP thing through. It is FTP led; I do not think it is really educational standards. I think that the infant schools are excellent infant schools, the work they do is superb. I would not even be upset if you were actually to go back and separate some of the infant schools away from the junior schools. Those that are on the same campus, no 3130 problem: there is an affinity there, there is a connection there, I do not see that there is any great problem in actually having an infant school separate from its primary school.

Thank you very much indeed, sir. (*Applause*)

The Bailiff: Next, I will call Deputy Lester Queripel and then Deputy Soulsby.

3135 **Deputy Lester Queripel:** Thank you, sir.

It concerns me greatly that the majority of parents and grandparents I have spoken to did not contribute to the recent Population Consultation, the Minimum Wage Consultation, the Pension Review, the Transport Strategy, the Tax and Benefits Review or the Future Land Use Review. Those are six major reviews that will affect the lives of everyone living in Guernsey in a major way in future years.

3140 So in a very real sense, most of the people I have spoken to do not seem to be very concerned about the future of the Island, where their children will be eventually working and raising families of their own. That concerns me greatly; I really worry about that aspect. I understand perfectly that sometimes things do not become an issue until they directly affect you.

3145 So it could be argued that parents have been alerted to the closing schools issue, because it directly affects them and their children. But as a parent myself, when my son was at school, my wife and I were not only concerned about his education; we were also concerned about what would happen to him after he left school – the kind of environment he would live, work and raise his own family in. So it does worry me that the majority of parents I have spoken to are focusing exclusively on education and I would just like to plead with those parents, that please, please, as well as looking at education, look beyond to the future environment where your children will be living, working and raising families of their own. Because looking at the bigger picture and having your say, voicing your opinions, is absolutely vital to the future of your Island home.

3150 I hope that some parents respond to that plea, it is a sincere plea. Islanders must get involved; otherwise you will get what you might not want. But I think it is true to say that mistakes have been made on both sides – in my view, they have.

3155 I think Education should have informed parents, children and teachers before the summer holidays, because then the parents would have had twice as long to mount their campaign. Under the circumstances, it is perfectly understandable, in my view, that emotions have been difficult to keep under control, but having said that, a handful of parents did not do themselves any favours at all by resorting to shouting abuse at presentations.

3160 Yes, parents may have felt that the Board were not listening, but resorting to shouting was never going to resolve that issue, and perhaps parents would not have had to shout, if they had had more time to mount their campaign. And as I have already said, I completely understand why some parents have expressed their frustration by shouting. But it should never have reached that stage, and we only have to look at the civilised manner in which the PTAs have compiled and collated their campaigns under the same pressures.

3165 I believe that mistakes have been made on both sides and having said that, I said in the previous debate, I do not think we could wish for a better Education Board, and I stand by that statement. I do not doubt for a single second the commitment and the passion and the desire of our Education Board, and any insults that have been levelled at the Board are totally unjustified. I think the Board Members handled themselves remarkably well under the circumstances.

3170 So let us move on to the issue itself. Part of my research was to ask the parents I spoke to five questions. The first question I asked was: if your child was forced to change school, what would be your main concern? The majority of parents were concerned that the standard of education would suffer.

3175 My second question was: do you think we have inferior teachers at other schools providing inferior educations? Some parents said yes, others said that the disruption itself would affect the future education of their children.

3180 My third question focused exclusively on finances and that question was: would you be prepared to pay another £5 a week Income Tax to retain all the vital services we need to retain, which could include keeping the schools open? Some parents said yes, but the majority said absolutely not.

3185 My fourth question was: if we do not close the schools, Education will have to make £1 million worth of savings somewhere else – where do you want Education to make those savings? Most parents were of the view that there are several superfluous members of staff within Education, and by dispensing with their services, Education would save hundreds of thousands of pounds. Well, bearing in mind that the average salary is approximately £30,000 a year, that would mean that we would have to dispense with the services of approximately 33 members of staff, to realise around a million pounds of savings.

3190 Now, whilst I accept that we may indeed have a handful of superfluous employees within Education, the Chief Officer himself told members of the public at the St Sampson's High School presentation that £600,000 worth of savings had been made already within the administration. I believe I am right in saying that, I might be wrong. But even if I am wrong, I have every faith that the Members of the Boards themselves would have looked at every area where savings could be made within Education.

The fifth and final question I asked parents, I mentioned at the top of my speech: did you contribute to any of the six major consultations? As I have already said, very few of them had done and, as I say, it concerns me greatly.

3200 Moving briefly back to my question, the first focusing on the future education of children who will have to move schools, and some parents, as I said, told me that the disruption itself would affect the future education of their children, but my view is that children are adaptable and they are incredibly resilient. My parents moved house four times when I was a child and I went to four different schools. *(Interjection and laughter)* I will pretend I did not hear that, sir. I adapted and I made friends at all four of those schools, and moving schools to me, was a lesson in life itself. It was an education. It took me out of my comfort zone; it taught me to stand on my own two feet.

3205 Putting my personal experience aside, most parents I have spoken to tell me that their children will end up in unfamiliar surroundings with unfamiliar faces. Well, as I said, children are adaptable and unfamiliar surroundings will soon become familiar surroundings. Unfamiliar faces will soon become familiar faces. Besides that, we must not forget that the majority of teachers, as well as some of their friends, will be moving with them, so there will not be that many unfamiliar faces. Plus, and it is a big plus in my view, the majority of those unfamiliar faces will be welcoming faces, and that means a lot to a child. So I do not see unfamiliar surroundings or unfamiliar faces as a problem.

3215 Another of my questions focused on future standards of education for children having to move schools, and some parents were saying that they were concerned that their children would receive an inferior education, insinuating that education employ inferior teachers at some of the other schools. Well, if I was a teacher at one of the other schools, I would be extremely demoralised at that inference. And I have every confidence in all of our teachers in all of our schools. If there was every any likelihood of any of our teachers not being up to standard, then I trust that the Board would themselves have identified the problem, addressed it and rectified it. So I do not think any child will receive an inferior education by having to move schools.

3220 To focus exclusively on finance, bearing in mind the majority of people I spoke to certainly do not want to pay another £5 a week Income Tax, Education do not have a choice, they have to save a further £1 million somewhere. Apart from the initial disruption, I see no reason why any child would receive an inferior education, so I have no concerns whatsoever regarding the future levels of education.

3225 I do have major concerns, however, in future Education finances, because if we cannot make the savings by closing schools, Education will have to identify savings that I believe will severely impact on the standard of education throughout the whole Island. That is the major point that I think we should all consider when we come to vote.

In fact, it is such a crucial point, I am going to repeat it. If we do not close the schools, Education will then have to identify savings that will severely impact on the standard of education throughout the whole Island. That is my belief.

3235 So, on the basis that levels of education will not suffer by closing these two schools, coupled with the fact that major savings I believe will be made, and bearing in mind that if Education do not make these savings, they will have to make them somewhere else, I will be supporting these proposals.

3240 **The Bailiff:** Deputy Soulsby and then Deputy Luxon and Deputy Dave Jones.

Deputy Soulsby: Sir, before I begin I must declare my interest in this matter. As a South East Deputy, I represent the community of St Andrew and St Martin. My children attended St Martin's School; I was formerly Chair of St Martin's School PTA and still have close ties with the school. My mother was an award winning primary school teacher. I pledged to support St Andrew's School at the last election and I am fulfilling my promise today.

3245 Fellow Members and, for today, ladies and gentleman of the Jury – because that is what you are – you are being asked to sit in judgement on St Andrew's Primary School, a school that has existed for over 270 years and which is at the heart of a parish.

3250 This school is being charged on multiple counts by the Education Department, in connection with the allegation that it reduces educational outcomes of its pupils, and costs too much money. I need not remind you that the penalty for being found guilty is death, death not just of the school, but its community and just another bit of what makes Guernsey special.

3255 As such, you must be convinced beyond reasonable doubt that all evidence presented to you today justifies the closure of St Martin's School... *(Interjections) St Andrew's School! (Laughter)* That might be the next, you never know! *(Laughter)*

3260 And in the next few minutes, I will demonstrate, not only is there sufficient doubt, but that this sterile Report is fundamentally flawed, and must not be used as a basis on which to close a school; that the theory behind it should be discredited, that the evidence which amounts to no more than erroneous opinion is circumstantial at best, and that the reality actually points to the need to maintain and enhance what has been an integral part of our educational system for nearly three centuries.

But rather than to just condemn this Report, in my summing up, I will provide what I believe will be a truly workable alternative.

3265 So why are we debating this Report today. Why are we faced with killing off another part of our heritage only four years after the States voted to keep St Andrew's open? What has changed, what is really going on here? Why St Andrew's School? The Education Department at the Grange know they need to make FTP savings, time is running out. So what do they do? They get some new paid consultants in, of course – new paid consultants who will get paid only if the school closes.

3270 So they dust off the plans from four years ago, make out that there are lots of surplus spaces that cost us money, so that we are never going to have enough children to fill them. But they then tell us St Andrew's does not have loads of surplus spaces and is one of the cheapest schools to run, so then these UK consultants come up with a little wheeze: multiple-form entry is better than single-form entry. Of course by doing all that, class sizes will increase but hey, it is okay because these UK consultants now say that does not matter anymore. So we get rid of some jobs which are not really jobs at all and 'bingo – sorted.'

3275 Be aware, fellow Members, that is what is going on here. It has been happening in the UK for many years now, with disastrous consequences and excuses for closure have been on the same lines. I will quote a former Chief Education Adviser, for Gwynedd, Wales, who has criticised the report by Craig that is referenced by the Department. He states:

3280 'A more sensitive and sophisticated series of arguments concentrating on the "best interests" of pupils now seems to be underway – however, we should not forget that behind all these surface arguments, still lie the simple financial factors of reducing costs within a narrow interpretation of "value for money" and making services more "cost-effective".'

This Report is doing just that.

3290 Okay, so now let us look at surplus capacity or 'educational musical chairs', it should be called. Apparently, we have more than 800 surplus spaces around the Island – oh no wait, we get another couple of spreadsheets showing 500 or so, and that there may be classrooms that do not exist and classrooms that do not have teachers, non-Catholics being expected to move to the Catholic schools, and schools that must have the powers of the Tardis, to look larger on the inside than they do on the outside, to fit the children into their classrooms.

3295 Be in no doubt, this is *the* fundamental, important point. This is why the St Andrew's PTA sent their briefing late on Monday, to reiterate the point they make in their rebuttal. The graph shown in the Report on pages 1810 to 1815 are all wrong, as they are based on the assumption that there is capacity for just over 4,500 pupils, their theoretical capacity as calculated on page 1809 resulting in 800 theoretical spaces. There are not 800 real spaces. The Department now admits there are not 800 real spaces; just 500 spaces. Remember, this is not the St Andrew's PTA telling you this; this is what the Department is now openly admitting.

3300 Now, I think it is time for a little lesson, although even the Education Department would accept it is difficult teaching a class of 47. Now, I expect you all to listen, even those at the back, as I will be testing you afterwards. (*Laughter*) Have your rulers or a straight piece of paper handy, as I am going to demonstrate how a big surplus will turn into a serious deficit of places, should St Andrew's School close.

3305 I request all Members to turn now to page 1810. There you see a graph of surplus capacity according to the Education Department, with a grey line showing the theoretical capacity of 4,500. Now, take off the 300 spaces the Department admit and it hopes now exists – i.e. 800 minus 500 spaces – which takes you to 4,200. We then take off the theoretical capacity of St Andrew's School of 240. That leaves you with a capacity, should St Andrew's School close, of just under 4,000 places.

3310 Now, take your rulers or other straight line you may have and place it just on the 4,000 line. What do you see now? Yes, the curve rises above the capacity line. And what does that mean? Yes, too few places for the number of pupils. And what do we call that? Yes – a right costly mess.

3315 And this is using the Policy and Research Unit's predictions of pupil numbers – and incidentally has been verified by an independent actuary.

Now, the Education Department approached the UK Audit Commission, stating that spare places cost between £250 to £350 each and that they had worked out this cost £125,000 to

3320 £175,000 of resources which the Department say could be spent on improving and developing their primary position – that is what they say. But the difference here is that the Department has no intention of passing on any savings to the receiving schools.

But let us look further at surplus capacity, as it actually exists in Guernsey today. Let us not get bogged down with the educational theory, not what things used to be like 20 to 30 years ago, when schools had more pupils in them. Schools have been remodelled since then, teaching is different, even since Deputy Fallaize was at school. (*Laughter*)

3325 Structures for one-to-one learning areas for special educational needs are required. Health and safety requirements as well as space needed for laptops, and other infrastructure that did not exist in the 1980's now have to be included as part of the learning environment.

3330 In St Martin's, every space is being used; there is no real spare capacity. In order to take the 40 or so children it looks like they are going to be allocated, a room with no windows will need to be converted into a classroom – conversion costs not budgeted. More toilets will be needed – costs not budgeted. Clearly creating additional teaching space in some of the receiving schools will require compromises on quality, will require building works and will require teachers and assistants for these new teaching areas. Where in the schedule of savings do we see these costs?

3335 Now, let us turn to population predictions. The last time the Department wanted to close schools, they stated that the primary school population would decrease by 180 between 2009 and 2020, with an expected population of 3,665. However, now they are telling us to expect 4,190 by 2019, an incredible variation of 524 more than their predictions in 2009! The truth is, projecting future populations is fraught with difficulty. Indeed, as Professor Jackie Woods said only the other week, demographers are even worse forecasters than economists, and that is saying something.

3340 Now, I refer you to this month's SSD Report, page 1916, where this very point is made. It should be understood that this model is a statistical model, not a budget, therefore the figures presented are subject to variation, based on the accuracy of the assumptions made, which may, or may not, prove to be correct.

3345 Setting aside the fact that by closing St Andrew's, fitting children in the schools will be difficult, if not impossible, without building new classrooms, as pupil numbers rise up to 2019, are we certain that pupil numbers will fall thereafter? Are we even reasonably confident they will? Because if they do not, closing this school will prove to be a very expensive mistake.

3350 And I do not know how we can be; the model is already flawed by using a net migration figure of 200, when it has been nearer to 300 on average over the last six years. If the model is using incorrect data now, then what chance has it of accurately predicting what will happen in the future?

3355 Well, let us move on to class sizes. Remember the Department is arguing they are not really important any more, despite the fact that they have had the policy on class sizes for decades. Now apparently a class size of 28 is okay, despite the OECD average is 21 and that the NUT states it should be 23 for infant classes, and despite the best education service in the world, which is considered to be in Finland, there is an average class size of 20.

3360 The issue of class size is hotly debated and you can find an educationalist that will give you any answer you want, but interestingly, those who say class size is not the most important thing to influence educational outcomes are those who say paying teachers more is. Indeed, this has been the thrust of Mr Mulkerrin's comments. He has spoken about the larger the school, the higher the salaries teachers should have. Well, we are going to have larger schools if St Andrew's closes, but nowhere in this Report does it factor in this increase in its calculation of net savings.

3365 Now, from this Report, you would think that the Department does not believe we are getting value for money in our primary education. The fundamental problem with the FTP, which I have alluded to a number of times in this Assembly, including the debates on the States accounts and Government Service Plan, is that FTP savings are being looked at on a piecemeal basis rather than in the round. Making savings in one place can increase costs elsewhere. I feel making decisions like this in isolation has and will negatively impact on what we are trying to achieve.

3370 We need to bring in zero-based budgeting without delay and work from the ground up to decide what we need and want and how much it will cost. What we are looking at today perfectly exemplifies it, and I will show you how.

At the bottom of the briefing note sent to us late last week on why two to three-form entry can improve educational outcomes, it states and I quote:

3375 'Across the Island we could and should be doing better in the primary phase...'

Well, let us look at the facts. The average spend per pupil in Guernsey is, according to the Report, £4,263 against £5,236 before the Pupil Premium in the UK. That is £1,000 less –

3380 astonishing given the higher cost base in Guernsey. I would say that is a strong indication of *under*-investment.

Linked to this, Deputy Conder has stated in his presentations about the significant variation in cost for pupils between our schools, from £3,693 to £6,212. There is an even greater variation in the UK, from the cheapest at £4,429 to the most expensive at £9,373, both before a Pupil Premium. Of course, there will be variation, unless every school is identical with identical children in it. Interesting that, during this time, costs per pupil in St Andrew's have fallen in the last five years.

3385 So at a time when it appears we are under-investing in our children's primary education, the Education Department says that it can, indeed must, cut costs. But, this will improve educational outcomes. I say to you, *caveat emptor* – I know the Assembly likes its Latin. If it sounds too good to be true, it probably is.

3390 Let me repeat: if it sounds too good to be true, it probably is. If they can do more for less, it may well be the first time in the history of the States of Guernsey. Let us be clear, they are not just saying that they can do the same with less; they are saying they can actually do more with less. Well, based on their track record, I remain to be convinced.

3395 I wonder if the Department could and should do better in the primary phase, if they treated their teachers with more respect and actually listened to them. Certainly, the approach they are taking with the development of this Report – the fact that they did not consult with their 'major assets', as they call them in their Vision – seems to imply they could do better.

3400 As an example, in the briefing note headed 'What is the greatest impact on teaching and learning?', the Department's total disrespect is shown. As part of their argument that class size does not matter any more, they state:

3405 'Unsurprisingly 96% of head teachers and teachers believe that small class sizes have a major impact on children's education experience'.

And then:

3410 'This is a subjective assessment which is not borne out by the empirical research on class size and educational attainment'.

Well, where on earth were they getting their empirical research from, if not from the teachers working in the actual classroom with actual children? Perhaps their research draws on the 87% of statistics made up for a specific purpose!

3415 Now, I was lucky to be taught by one outstanding teacher in my primary school. I saw her improve the outcomes of children that had been written off and turned their futures around, such that some ended up going to university at a time when few did. She was an inspiration to me and I wanted to be a teacher just like her. That was, until the consultants came in. It started with the National Curriculum and went downhill from there. From what I worked out, it would seem that education consultants are like Ofsted inspectors: teachers who could not hack it in the classroom.

3420 What makes this Report more questionable is that the experts the Education Department are using are being paid by Capita, who have a financial interest in making short-term savings. Therefore, the conclusions that have been reached cannot be relied on to be objective. Like you would never listen to a report advising of the benefits of smoking if the scientists behind it were funded by British-American Tobacco, so you should not listen to the educational advantages of closing schools from those paid to close them.

3425 And that leads me, as inexorably as it must, to the Financial Transformation Programme. The Department claims it can make savings of approximately £600,000 a year from closing St Andrew's School through eradicating staff costs. Simple: efficiency savings banked; Capita get their cut.

3430 However, what about the costs that should be netted off that saving – somehow absent in this Report? What about the cost of fitting out those classrooms that are currently used as something else? What about the teachers needed to fill those classrooms? What about the extra teaching assistants required to support teachers managing larger class sizes? What about the extra training provision that will be required to match that available in the smaller schools and promised by the Director of Education? What about the salary increases the teachers will now expect, working in larger schools, with larger class sizes? What about the cost of reopening or expanding schools, as the population predictions turn out to be wrong, as they have proven to be in the UK?

3435 And those are only the financial costs. This Report is acutely focused on the Department and education in the narrowest sense of the word. It only considers what goes on in the classroom, but you and I know that children do not exist in a bubble. Their education is so dependent on other

social, environmental and economic factors outside school – factors that will be adversely affected by the proposals in this Report.

3445 Now, we accountants are often criticised as being those who know the price of everything and the value of nothing. But in this case, the roles are reversed. Those who you would expect to think about the social impact of their actions have not taken them into account at all. There is a good deal of fluffy educational mumbo-jumbo and how direct savings will be made, but nowhere, *nowhere* in these 80 pages or all their briefing notes or presentations do they talk about the wider economic, environmental and social outcomes associated with their actions.

3450 What cost the loss of social cohesiveness for those coming from challenged backgrounds? What cost the loss of the rich and stimulating outdoor classrooms, where children's senses are developed and grown? What cost the increased pressure on our already congested roads? What cost to parents with longer journeys? What cost to our children's health, as they are transported around, instead of walking to school? What cost to our community? And yes, these *are real costs*.

3455 I have witnessed the real effect of the closure of schools and the impact on communities. I was at school during the time that whole swathes of rural schools in Devon were closed, decimating local villages. At the same time, the classes I was in grew larger year on year. I saw the impact on teachers coping with larger classes, with no additional support and no pay rises either. It is *déjà vu*. I chose to leave England and move to Guernsey. I do not want to see Guernsey become a little England.

3460 So this cannot be FTP, can it? FTP is about doing things better. I refer Members to section 3.12 of the Budget, where it states:

3465 '... it is recognised that it is imperative that the FTP targets do not imperil the delivery of frontline services and that suitable projects that can reasonably deliver the agreed targets are developed and monitored.'

As it stated in the Independent Fiscal Policy Review, there is only so far a policy of efficiency and expenditure restraint can reduce a structural revenue deficit. The revenue deficit has resulted from reduced revenues, not uncontrolled expenditure growth.

3470 What is it going to be? Is it cutting frontline services, increasing taxes or cutting capital expenditure? Well, we have not yet signed up to any of these and we certainly cannot until we know the outcome of the changes to our personal tax, pensions and benefits system, at the very least.

3475 Throughout these last few weeks, we have heard every Board Member say they have been persuaded of the case for closure, though unwilling to say by whom – unelected officials feeding the reports to support what they want you do? If we make these decisions now, it will cost us in the future. You only have to see what happened at the end of last year, when the HSSD Board agreed to close wards for short-term savings, based on the information they were given, only to result in substantial increased costs as a result of their actions. Are we going to see the same thing here?

3480 The message is simple: the big savings are not there and the costs, both quantitative and qualitative, cancel out any small short-term savings arising from disappearing away a few jobs now.

3485 And even if they were, why close St Andrew's which has few surplus spaces, is a model of efficiency, has room to grow and adds value socially and environmentally to its community? So should we not be looking elsewhere first? Well, clearly there are sensitivities in the Department, when it comes to their Education Office. We were told in their recent briefing that the Department's army of pen-pushers is actually made up of fewer than 60 FTEs – full time equivalents. Well, based on the fact it cost £4.8 million last year, that is an average of over

3490 £70,000 a person, and not many teachers will be on that. The last accounts also show that we lost an average of five teachers last year and at the same time established staff went up by six. Part of the work done is estate management. Given that they have known for three years that work has been urgently needed at St Andrew's, I wonder what these guys are doing!

3495 Now, I said at the start that I would propose an alternative, and there is an alternative that will save money and help educational outcomes and retain a school that the parish does not want to lose – an alternative that is not mentioned in the report in the context of St Andrew's and that is to federate.

3500 This is where small schools form a larger unit across several locations under common leadership and with one governing body. Local authorities in many countries are increasingly looking at federations as an alternative to closure, as they have the upside of cutting costs without the social downsides. They have become popular as they have resulted in savings and at the same time have raised standards. This model has been used for many years in the Netherlands where the

3505 following advantages have been found: principals have more time to lead their schools; there is economy of scale and averaging of costs, staffing and resources; there is a mobility of staff and resources; there is a support and advice network; there is joint planning and wider thinking. So all the benefits without the disruption to our communities, and the negative social and environmental impact that a closure would have.

3510 Something that has also been supported by the Ofsted report of 2011, which stated that in a survey of federations, where schools have joined together to raise standards, improvements have been seen in the three key areas of teaching and learning, behaviour and pupils' achievements. Indeed, case studies shown in that report are so closely allied with the situation we are facing now that it seems a natural solution.

3515 Fellow Members, I usually keep my speeches relatively short, but in this case, I had to make an exception. It has been essential for me to convey the number of material errors and omissions in this Report, a report written with just one aim in line from the start: to close a school. As such, the information contained is highly selective and does not set out the full cost of the Education Department's Report. Consequently, it is not objective and must not be relied upon to make a decision that could have serious short, medium and long-term consequences, not just to one

3520 community but the Island as a whole.

These last few weeks have seen a community in action: a community that understands the importance of good education and how the school binds people together, rich and poor, young and old, and I would like to thank and to commend all those people who have made a contribution to the campaign to save the school, for their unstinting efforts, for their care and commitment to their

3525 parish and without whom this debate would already be over.

When I visited St Andrew's School a few weeks ago, I asked the children in Year 6 whether they were happy and each and every one of them shouted, 'Yes!' Then I asked why and I will quote you now what Emma said to me. She replied, 'Because we are one big happy family' – priceless. I am very proud to represent this community in the States of Guernsey and I will

3530 continue to do so to the best of my ability.

We have heard many people here this week talk about the need to make difficult decisions to support FTP. Well, here I am asking you all to make a difficult decision. The easy decision here is to side with Education – surely they are the figures and the experts and they assure you this is all for the greater good, the children will be better off, and we will save money to boot. How could a

3535 decision be easier? Make no mistake: the easy decision here is to vote for closure and no doubt some of you here will take the easy decision today.

However, the difficult decision is to look deeper, to examine the work done by unpaid volunteers on the PTA, to look at the contrary evidence, of which there is much. The difficult decision is to commit the time to thoroughly reading both sides and coming up with the right

3540 answer. The challenging and courageous and clever and correct decision is to vote against closure.

Why? This is not FTP. FTP is not about cutting services, and whatever Education may pretend, closing a much loved community school and forcing children into cars and buses to get to school is a cut in frontline services. Increasing school and class sizes is a real and recognisable reduction in the quality of education, whatever the Minister may try to say to the contrary.

3545 This is not FTP because the savings promised are not real. The reality here is that with a rising school roll, we will soon have to spend more money enlarging other schools to cope. Is that a real saving? Hiring teachers that have not been budgeted for – is that a real saving?

This is not FTP because FTP is about doing things more efficiently. I put it to you that this proposal will be providing a lesser education at a potentially higher cost. This is not about

3550 educational outcomes and it is not going to save money. The huge pressure here is toe the line, give in to the persuaders, whoever they are. So vote with the Education Department and close the school – that must be the easiest decision for any Deputy. The hard decision is to see the big picture, understand the real issues and resist a faceless unelected force that is pushing for closure. So yes, make the difficult decision that Guernsey as an Island will benefit from for generations to

3555 come. Vote against closure, vote against bigger schools, vote against wasted money.

I want to finish with a few words by W H Auden, such a talented poet, who manages to sum up in three short lines what it has taken me 11 pages to read today:

3560 'Time will say nothing but I told you so,
Time only knows the price we have to pay;
If I could tell you I would let you know.'

Now fellow Members, ladies and gentleman of the Jury, can you be sure beyond all reasonable doubt, even on the balance of probabilities, that St Andrew's School should be allowed to die? Is

3565 the case against it cast iron, and are you sure that it would be proven to have been the right decision, in 5, 10 or 20 years from now, or will time say nothing but I told you so?

I urge you for the sake of the school, a community and our Island life to say no to closure and yes to a brilliant social, environmental and educational outcome for all our children, now and in the future. (*Applause*)

3570

The Bailiff: Well, I had said I would call Deputy Luxon next and then Deputy Fallaize.

Deputy Trott: Sir, on a point of order.

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The Bailiff: Yes, Deputy Trott.

Deputy Trott: It is clear from listening to that speech that there is the potential, that intentionally or otherwise, the Education Department has misled Members in terms of the manner in which they have displayed some data. We have yet to hear from any Member countering that accusation and it seems to me, sir, that it would be in the best interests of this Assembly, if we did so and did so quickly.

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The Bailiff: Well, it is up to the Members of the Department, if they wish to speak or not. Deputy Luxon.

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Deputy Luxon: Thank you, Mr Bailiff.

The beautiful, beautiful democracy that we live in: I too am a South East elected representative. Deputy Soulsby morphed herself into a very stern headmistress there, and I applaud the depth of her speech. I have to morph into something different; I have to morph into an apologist, to begin with.

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I wrote to the Chairman of the St Andrew's PTA and I just wanted to quickly read an extract of that:

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'As you will know, I found myself in a very difficult position over this important matter for the parish, especially bearing in mind my knowledge of parishioner attachment to the school, and my manifesto commitment to supporting the school. The ugly balance between representing the best interests of my St Andrew's electorate and parish versus the best interest of the wider Island's educational and fiscal needs has been a real dilemma. I have apologised for, and do apologise for, supporting these proposals, contrary to my earlier perspective, borne out of my view that the 2009 arguments simply do not stack up for me. I do not wish to let any members of the South East district down in any way, but realise that I am doing so. I greatly regret that and do not do so lightly.

3600

However, although I did and do find the Education Department's Vision and Primary Transformation in Guernsey Report compelling, I have tasked myself to listen to, attend and read all viewpoints throughout the lead-in to the debate next week and I shall continue to do so. I do, however, recognise the real impact on the parish of St Andrew's and indeed, St Sampson's and the community, should these proposals be approved, as the attachment to and love of the school and its history by parishioners, parents, head teachers, teachers and pupils is self-evident for all to see.'

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Sir, I just wanted to share that with Members, just to explain my position.

When I make promises, I regard those as being personal contracts. I would hope that people who I make promises to, would regard those as being promises that I will keep. In the last 18 months I have found myself twice making promises which I found myself falling or failing to achieve. One was to Deputy Le Lièvre last year, when I made a promise to support an amendment he was bringing and found myself unable to do so once I had given it more thought; and equally, as I have just described, I have apologised to many of the people in St Andrew's and formally to the St Andrew's Douzaine and to the PTA and many of the other parents that I have met, for falling short in terms of my promises to them.

3615

In my manifesto, which I did write having spoken to many parishioners in St Martin's and St Andrew's, I made lots of promises and ironically, one of the key ones was I promised not to make promises that I knew I could not keep. (*Laughter*) Yes, ironic, isn't it? I recognised back then, having watched this Assembly and our Government operate over many years, the dilemmas and difficulties that many Members would find themselves in. So I find myself in that place.

3620

Enough about me. Closure of these two schools will impact the children, the parents and the communities. Anybody who does not believe that is the case, I think are quite mad. These proposals, if approved, will have real impact for these two communities – temporarily, because I believe, sir, that the communities are far too strong for these proposals, if they are approved, to take the heart out of the communities.

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I too would echo Deputy Perrot's sentiments; I almost feel that we have moved into a party political scenario, where the Education Department has put one side of an argument and the St Andrew's PTA and St Sampson's PTA have done a fantastic job in informing the debate. Their

3630 campaign has been simply superb (**Several Members:** Hear, hear). I will not make the comments that they would recognise that sometimes the heat has risen a little bit too far and some of the comments have been personal. Why should it not? These are people's children who are dear to them, as our children are dear to us.

3635 The reason that I find myself in this position is not because of the FTP, which I absolutely support and believe this Assembly did well to support almost unanimously last year. We do have to bring our finances back into a balanced budget, but it is not because of that. The thing that took me to where I am, in terms of my position, is what I think was a stunningly fantastic move by the new Education Board and Department, to come up with a long-term vision for the future of our education system. And it started talking about children in pre-school and it talked about learning benefits for those older members of our community, even OAPs. I was really impressed when I saw the initial document, I was impressed when I saw their report and I was impressed when I went to their briefing workshops, where I picked up a passion and a degree of commitment and determination both from the political Members of the Board and the senior members of staff. I applauded them then.

3640 But, sir, I did not just accept what I heard and saw and read. I wrote to various Members of the Board and I spoke to some of the officers. I wanted to understand just how deep and how far the thinking had gone into the production of the Vision. I was impressed, I supported it fully when it was brought here and I wish the Education Board and Department well in executing that for every member of this Island, all 63,000 residents, all future children and pupils.

3650 That is the beginning of why I find myself having to renege on a promise that I made, genuinely, 18 months ago, and again I apologise to those members of the St Andrew's parish, who clearly I am failing in terms of the position I find myself in.

3655 When I saw then the Transforming Primary Education – and the clue is in the tin for me, *transforming* primary education in Guernsey – that for me was the very first step of the delivery of what is an excellent strategy and vision that, frankly, has been long overdue in this Island.

3660 That does not mean to say that great things have not been done in our education system over the last many, many years, and a lot of the successes that have been talked about and Deputy Duquemin's personal example, as one example of the fantastic achievements that have been attained by members of our community through our educational system; but we have not had an all-embracing, integrated, deep, long-term thoughtful strategy of this sort, and I do hope that the Education Board and Department are able to continue through and deliver against it.

And I will be expecting high delivery in the same way, in terms of their proposals for the transforming of the primary sector in our Island, I will be expecting them to deliver, and deliver big time.

3665 I do believe, in answer to Deputy Trott's comment, that Minister, Deputy Robert Sillars actually did deal with the issue about the numbers, the potential for misleading, which Deputy Soulsby outlined in a very forensic way. He dealt with it in his opening speech. Perhaps not everybody heard that he dealt with it, but he did deal with it.

3670 I would ask him and other Members of the Board to *absolutely* deal with it, because what happened on Monday lunchtime, when the St Andrew's PTA presented a very, very polished, well thought out, well-crafted document, they raised some issues. And those issues, from my belief, having worked against their document with the Education Department's document, it is not that the raw data is different, but the outcomes clearly are very different. The Education Department's data interpretation says that these proposals can be delivered, that the capacity requirements in 2019 as a peak can be coped with, and that almost £700,000 to £800,000 a year can be saved over the timeframe.

3675 Now, if there was proof that either of those two things could not happen, that our educational development for the children in our schools could not be enhanced with these proposals or indeed that the financial savings could not be achieved, then I will find myself where Deputy Perrot is, on a knife edge of knowing which way to go.

3680 At the moment, I am reassured that what is in the proposals is correct, is 'validatable', but I do ask Deputy Sillars and other Members of the Board to absolutely clarify for Members, because the St Andrew's PTA and the St Andrew's Parish, let alone St Sampson's, deserve to have clarity against those questions that they have raised.

3685 I did earlier compliment St Andrew's PTA and St Sampson's PTA, the communities have come together, whether these proposals are approved or not, and I really have no idea where the Assembly will go at the end of this debate, but the communities will be able to deal with the reality. We are not asking for these children and these parents and the parishioners, to cope with something that is a life-changing reality for them for ever. Their children will go to other excellent schools. Those receiving schools will welcome these children. The children at the receiving

3690 schools will welcome new friends and they will move on. Children are not the biggest issue in this debate; the children are resilient and they will do well in their schools, wherever they go – whether they stay where they are or whether they move to new schools. The critical thing is, as parents and as parishioners, can we rise above that and make sure that we deliver great guidance and mentoring to them through that process, if these proposals are approved?

3695 Sir, I will just finish by again apologising to the St Andrew's parishioners, those people that I have clearly failed in terms of my promise that I made in good faith 18 months ago. I do not do that lightly, but I recognise the important people here are the children affected by both of these school closure proposals, and I ask again the Education Department to absolutely verify why the numbers in the Education Report are appropriate, are valid, do stand up to the scrutiny that has been raised and if the proposals are accepted, I demand and insist that the Education Board deliver on the promises that range through this Report of how the children will be looked after, both impacted by the closure and across our whole education system.

Thank you, sir.

3705 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you sir.

3710 Five years ago, I went through a similar journey to the journeys that Deputy Sillars and Deputy Luxon have been through during this term of the States. When I joined the States in 2008 and was elected to the Education Department, I believed that one of the things I was going in there to do was to put on the back-burner, or even further away if I could, the outgoing previous Committee's initial proposals to rationalise the primary sector. I did not believe there was any possible way that I would be prepared to support the closure of schools.

3715 But, and this has happened to several Members over the last three or four Education Committees, actually, who have entered Education with that view and then, having looked at the evidence over a period of weeks and a period of months, have been persuaded, not by external consultants – when we put the proposals in 2009, we did not have any external consultants – and not really persuaded by staff, but persuaded by the evidence. I was persuaded by the evidence as Deputy Sillars has been and as Deputy Luxon has been and other Members of the present Education Committee have made the same remarks.

3720 So today, I find myself in the position... probably, other than the Members of the Education Committee themselves, there is no Member of the States who is more supportive of these proposals than I am. And that will not come as a surprise to any Member who has been paying attention to e-mail traffic (*Laughter*) over the past few weeks.

3725 I do want to commend the campaigns. This is exactly the same as last time. St Andrew's campaign is extremely professional, well organised, very coherent and very persuasive and the St Sampson's Infant School campaign, which is more low profile, almost disarmingly so actually, because it is such a personal campaign. I think they both put together fantastic campaigns. I did go to one meeting which got slightly out of hand for half an hour, due largely to one person, but other than that, both school campaigns have done a fantastic job.

3730 But I also agree with those Members who have said the Education Department Members have done a very good job in rebutting the claims made by the campaigners and actually facing public meetings for two weeks, night after night. The Education Members, not just the Minister, not just Education civil servants, but all the Members of the Committee, facing the public – in fact, they had so many meetings, that at one of the meetings, I think most of the parents of the Catholic schools could not quite understand why they put the meeting on – but they turned up every night, they faced questions, they provided answers and I think actually they have given a very good example of how you defend proposals as a States Committee. So I commend them for that.

3740 It seems to me that there are four causes, if that is the right word, upon which the Committee's policy letter is founded. First, like every Committee of the States, Education is obliged to achieve best value in allocating its resources. Second, the States, this term and last, have resolved that Education must reduce its annual revenue expenditure by several million pounds. Third, despite those pressures, it is expected that Education will not permit any deterioration in the quality or scope of education provision and, where possible, will effect educational improvements. Fourth is the principle of equality of opportunity in education – academically, socially, in pastoral care, in the arts, on the sports field, etc. Equality of opportunity is a key social policy objective of the States.

3745 These four causes are undermined completely by the way in which primary education is organised at present. The States have made a major contribution to making that worse by refusing

3750 to close Forest School in the mid 1980's and, five years ago, refusing to close St Andrew's and St Sampson's Schools.

In response to falling school rolls, the States have not closed or merged schools and rationalised the number of school sites. Instead, the States have maintained exactly the same number of schools, but cut the number of classes in many schools. Thus Castel was three forms
3755 per year group and is now two; La Mare de Carteret was three and is now two; Vale Infants was three and is now two; Vale Juniors was four in some years; and La Houquette has been forced to halve its number of reception classes for the last two years.

On the one hand, the opponents of Education's proposals claim that surplus places are a myth, but the reality is that several schools are dropping classes, year after year after year. Invariably, the
3760 marginal costs of an existing school educating an additional child are very small, whereas the fixed cost of maintaining too many schools on too many sites are very considerable. Hence it is clear that we are not obtaining best value in the allocation of scarce resources.

The Education Committee's revenue expenditure is much higher than necessary. Money which
3765 should have been spent enhancing educational provision has instead been spent maintaining the same number of shrinking schools, providing absolutely no additional educational benefit for the additional unnecessary expenditure, and our range of schools, from a single-form infants school to three-form primary schools, with inevitably vastly different facilities and huge variance in class sizes, has promoted inequality of opportunity.

And yet the reality is that today, Education's opponents in this House are pleading with the
3770 States to maintain this manifestly inefficient, anachronistic model of primary education. Education's opponents appear to reject the reorganisation of primary education along more efficient lines. They appear to reject schools' rationalisation as a valid means of cutting annual revenue expenditure. They offer no proposals at all which could conceivably raise expectations and standards in schools, and they advocate preserving inequality of opportunity.

Sir, it would be preposterous for the States to reject Education's proposals, which may be
3775 imperfect, and are certainly incremental, but which nonetheless do make a material contribution to the four causes of best value in the allocation of resources, reducing annual expenditure, the quality and breadth for education provision and equality of education opportunity.

I want to emphasise to Members, the order or perhaps the hierarchy of the Propositions on
3780 page 1828 of the Billet. Clearly, the key Proposition before the States today is Proposition 1. Proposition 1 is 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. That is the key Proposition, moving towards two and three-form primary schools across the Island. All of the other Propositions are consequential upon
3785 Proposition 1.

So looking in detail at Proposition 1, in effect, we have had two arguments put against
3790 Proposition 1. The first is that we should not establish any policy in regard to the size of primary schools. There is effectively no policy at present. Education is proposing a policy. Clearly some of their opponents do not believe there should be a policy in regard to the size of schools. I think that argument is flawed, because the absence of a common policy, which can be applied across the Island, makes it impossible to demonstrate that Education is organised along the most efficient lines, plainly militates against consistency in schools and promotes inequality of opportunity.

The second argument against Proposition 1 is that we should have a policy but not the one
3795 proposed by the Education Department. Well, of course, the only other possible policy that could be applied across the Island, other than the one being proposed by Education, is a policy in favour of single-form-entry schools rolled out across the Island. Turning the eight multi-form-entry schools into single-form-entry schools would require the building of 11 new schools. The capital cost would be prohibitive, Education's annual revenue costs would rocket and the huge additional investment would be wasteful, because we know from our own schools, that single-form-entry
3800 schools are not superior to multi-form-entry schools.

Among multi-form-entry schools, as an example notwithstanding the valued comments that
3805 Deputy Duquemin made this morning – or was it yesterday? This morning, I think – about Key Stage results, but La Houquette, St Martin's and Castel in particular, as multi-form-entry schools – what some people in Guernsey would refer to as 'large' primary schools – prove the point of the success of multi-form schools.

Now, I am not saying that single-form-entry schools are inferior; only that they are not superior
3810 and therefore we cannot justify using scarce resources to maintain, let alone add to, the number of single-form schools and that is what we are doing at the moment. La Houquette is the latest school: it used to be two form and in the last two years, it has had to go down to a single-form-entry school. How many more classes are going to drop out of schools; how many more three-

form entry schools are we going to see go down to two-form entry schools; how many two-form entry are we going to see go down to one-form entry, before we are prepared to act and rationalise the number of schools in the primary sector?

3815 Multi-form-entry schools provide significant opportunity for teachers to specialise and collaborate. Logically, they are likely to be less vulnerable to changes of leadership and teaching personnel. And importantly, and I will come back to this in a moment, their school communities are just as vibrant as in single-form schools. That is the one area, I think, of the schools' campaign, the opponents of Education, that could be criticised in some way. There is an underlying implication that the communities around these single-form-entry schools are somehow stronger, 3820 bound together more closely, more close-knit than they are in multi-form-entry schools and I reject that completely.

I have a son in a two-form-entry school. It will become a three-form-entry school if Education's proposals are approved. I know from speaking to other Members, Deputy Duquemin has children at Castel School, Deputy Brehaut has a child at St Martin's School: these schools 3825 have close-knit communities that are *equally* as vibrant and as strong and as close-knit as in single-form-entry schools. (**A Member:** Hear, hear.)

In addition, dividing existing schools would probably be almost universally condemned by the parents whose children are in multi-form-entry schools. I wonder what would happen if we went to the parents of the children at La Houquette now and said, 'We are breaking up La Houquette 3830 and we are going back to your single-form-entry schools at St Peter and St Saviour.' I wonder whether they would be in favour of that.

Deputy Le Pelley I think would be in favour, from his speech that he made earlier today, but I venture to suggest that the vast majority of the parents at La Houquette would not be in favour of that.

3835 So I think the case against Proposition 1 is completely flawed. Actually, the opponents of Education's proposals do not want to talk much about Proposition 1. They want to talk about Propositions 2 and 3, but they do not want to talk about Proposition 1, because if we are going to establish a policy on school size that we can apply across the Island, to provide for equality of opportunity, the only sensible policy is for two and three-form-entry schools. (**A Member:** Hear, 3840 hear.)

If we support Proposition 1, we need to start phasing out single-form-entry schools, so logically, Propositions 2 and 3, Education proposes starting with St Sampson's Infants and St Andrew's Primary.

3845 **The Bailiff:** Deputy Bebb is asking you to give way.
Deputy Bebb.

Deputy Bebb: I thank Deputy Fallaize for giving way.

3850 Could I just ask him to expand on why he has come to the conclusion that this is a binary choice, that it needs an equal policy across the Island, because I have not reached that conclusion? I would like him to expand on that point, if he would.

3855 **Deputy Fallaize:** Because, sir, the States is committed to *equality of opportunity*, and the present model, in the absence of the kind of policy that the Education Department is proposing, promotes *inequality* of opportunity. We have an enormous variance of facilities at our primary schools, an enormous variance in class sizes, an enormous variance in teacher provision, and the only way that we are going to move towards equality of opportunity and equality of provision is by establishing common policies which can be applied across the Island. That is why I favour Education's Proposition 1.

3860 Now, Propositions 2 and 3 – there are a couple of arguments put against Education's Propositions 2 and 3.

The first, and Deputy Soulsby alluded to this in her speech, is that perhaps some schools do need to merge or close, but not these schools. Well, I want to deal with that.

3865 The case for St Sampson's Infants is self-evident. It is the smallest school, it is the most expensive to operate, it is the last remaining infants-only school, the children there transfer to Vale anyway at the age of seven, and the infant children who would transfer can move with their class teachers and be accommodated all together in one place by making Vale Infants three-form entry again, as it was for so many years until quite recently.

3870 I am going to refer in a moment to more of Education's statistics on surplus capacity, but Deputy Sillars did refer to this speech earlier. He, I think, used 2001 or was it 2003 at the Vale School? If he had gone back to 1998, he would have found even more pupils at Vale Infants

School – 539 at that school alone. Today, there are only 516 pupils at Vale and St Sampson’s combined, and Education is proposing to build two new classrooms at Vale to accommodate these 23 fewer pupils that were quite happily accommodated there in 1998.

3875 As far as single-form schools in the south and west are concerned, the Forest is of course very new, possibly as a consequence of the States not having the courage to close a single-form entry school in the mid-1980’s – but we are where we are. We may not be in the position with St Andrew’s today if the States had made a decision on Forest in the mid-1980’s but in any event, Forest today is a new school with modern facilities and it obtains benefits from being co-located with Le Rondin; whereas St Andrew’s is in less adequate buildings, with more difficult access, considerable maintenance is necessary now, or will be soon, its pupils can be relocated closer to their homes and, as I understand it, almost all of them will still fall in the same secondary school catchment area, which is not unimportant.

3880 Now, the fact that it does not have the highest costs per pupil is completely irrelevant. If Education came to the States with a proposal to say, ‘Well we are proposing closing this school, simply because it has the highest cost per pupil, other than St Sampson’s Infants’, which of course looks, slightly unfairly, like an aberration on the graph, but if Education did that with any other school, then these proposals would be rejected completely.

3890 If you are deciding to close which school, you have to take into account where the pupils will be distributed, how easily you can distribute them, what the facilities at that school are like, what room there might be for expansion, what the state of the other schools is, and actually all Education Committees which look at this... actually three Education Committees now have looked at this issue, and have reached the conclusion that if you are going to close schools, the two schools that you must close are St Sampson’s Infants’ and St Andrew’s Primary. Clearly we cannot close a two or three-form entry school and leave a single-form entry school open.

3895 The second argument against Propositions 2 and 3, the closure of the two schools, revolves around the notion of surplus capacity. The ‘Save Our School’ campaign claims that:

3900 ‘There is very little or no spare capacity in Guernsey’s primary school sector’.

The ‘No to Closure’ campaign calls surplus places ‘a myth’.

This week one of the campaigns has told us that:

3905 ‘cloakrooms and classrooms are already bursting at the seams’.

Today Deputy Soulsby has claimed that there are very few surplus places.

Sir, this is object nonsense. (**A Member:** Hear, hear.)

3910 It is certainly possible to show that there is, or in the future will be, insufficient capacity, but first, arbitrarily you have to impose a new class size policy on the Island. Then, erroneously, you have to remove voluntary schools from the calculation. Then you have to deduct one seventh of the capacity at La Houquette and one third of the capacity at Vale Infants. Then you have to refuse to consider reinstating classes lost relatively recently due to falling pupil numbers at Castel, La Mare de Carteret and Vale Juniors’. If you do all that, there is indeed no surplus capacity.

3915 Sir, while Education’s opponents in this House are entitled to their own opinions, they are not entitled to their own facts. Using the Island’s long-standing normal maximum class size policy, and using only those classes which are actually in operation this year, i.e. classes with teachers in them today, the total number of spaces available, after Education’s proposed closure of the two schools, is 4,303 – which does provide sufficient capacity, even at the projected peak of pupil numbers in the year 2019, after which, the projection is that pupil numbers will drop quite quickly and considerably.

3920 But actually, Education’s figures are conservative, and Members who still seek reassurances about the numbers should take account of several perfectly valid possibilities to increase capacity significantly if that should become necessary in the future, and in ways that are more cost effective than maintaining several single-form schools on several different sites. There is room for a small number of additional classes, split between Amherst and Vauvert. Castel and La Mare could have their third classes in each year reinstated. The 4,303 figure does not include the two reception classes dropped at La Houquette in 2012 and 2013.

3925 These changes could, if necessary, add around 400 to 500 spaces to the primary sector, providing a total of circa 4,800, many hundreds more than would be required.

3930 Now sir, Deputy Soulsby has already dismissed these statistics as theoretical spaces, which for various reasons do not provide an accurate picture of reasonable capacity in schools. Okay, let us accept that they are theoretical spaces. Let us take a real life example of a year in Guernsey Schools before pupil numbers started to fall. I am not going to go back to the Dark Ages; I am not

3935 even going to go back to the time when I was at school. In 1998, I think there were even some schools that had computers.

So if we take 1998 as an example, let us exclude the numbers of children and spaces at St Andrew's and St Sampson's, because I am trying to establish the real life working capacity of the other schools, if St Andrew's and St Sampson's are closed. In 1998, in schools other than St Andrew's and St Sampson's, there were 4,198 pupils. These were real children, in real classrooms, taught by real teachers.

3940 In 1998, in the schools that will remain open if Education's proposals are approved today, there were 4,198 pupils, learning, playing, fulfilled and succeeding. That number is the absolute maximum projected for schooling in the primary sector over the next three decades, and that is the maximum for a very short period before the figure starts to drop again to sub-4,000 very quickly.

3945 It is hardly surprising that the Education Department claims that they can accommodate pupils, even with the projected maximum growth in pupil numbers, if St Andrew's and St Sampson's close, because they were doing it as recently as 1998.

3950 If we are still looking for additional reassurance, we need to add to the 1998 capacity the two new classrooms which Education propose to build at Vale Infants'. Sir, there was no crisis of overcrowding in our primary schools in 1998. When exposed to a real life example, the claims of overcrowding and inadequate capacity made by Education's opponents in this House are revealed for what they truly are: pure scaremongering.

3955 St Andrew's and St Sampson's do represent capacity which is surplus to requirements. Therefore, the case for Propositions 2 and 3 is as compelling as they ever will be. And remember, all the evidence suggests that, far more than class size, the most important influence on the success of the school is leadership, organisation and teaching. I do not need to say much about Propositions 4 to 6, because by the time the States votes on them, they will have voted on Propositions 1 to 3. If Propositions 1 to 3 have been carried, Propositions 4 to 6 follow as a logical consequence.

3960 Class size policy has never been 24. I do not know where many Members got this idea from, that in 2009 Education's class size policy was 24; it has never been 24. It has always been 28, the same as it is today and the same as Education proposes under their school closure model.

3965 Now, I have not mentioned the FTP yet. I would actually urge Members to disregard the FTP in this debate. I think those three letters have become a complete nuisance to the States. I do not mean the principles behind the FTP have become a nuisance, but this idea that every single possible savings initiative is wrapped up in this great big agency called the FTP, and then it attracts a whole load of criticism from people who are dissatisfied with the FTP.

With or without the FTP, the Education Department is still obliged to spend tax payers' money wisely and to obtain best value. **(Two Members: Hear, hear.)**

3970 The first time these proposals were before the States, there was no FTP. It pre-dated the FTP. Now, we are doing it during the FTP and if these proposals lose in this States meeting, they will be before States again, but next time it will be after the FTP. Because the imperative of providing best value will always remain, which is why the Education Department closed schools in the 1970's, which is why they proposed closing them in the 1980's and which is why they will have to go on proposing them, because it would be an abdication of their responsibility not to.

3975 All of our primary schools have dedicated teachers, a broad curriculum, a strong ethos, commitment to extra-curricular activities and their own sense of identity and community. The parents of the children who would otherwise be at Torteval and St Peter, or St Saviour and St Peter, are now part of a very close-knit school community at La Houquette, and the children who would transfer from St Andrew's and St Sampson's, would, as Deputy Luxon said, become part of a very strong, close-knit community in their new schools.

3980 Deputy Soulsby told us about things that go on at St Andrew's Primary, but we have got that at the Vale. Deputy Duquemin has got that at Castel; Deputy Brehaut has got that at St Martin's. I have the utmost admiration for what St Andrew's does, but it is not unique. There are strong school communities, right across this Island.

Deputy Soulsby: A point of correction.

3990 I never made any comment about any community being stronger than the other. I was just talking about the strength of St Andrew's.

Deputy Fallaize: I accept that fully, sir. The point I am trying to make is that the children will not lose out in terms of school community if they are transferred. They will be going into new school communities, but school communities which are just as strong.

3995 We must not confuse class size with school size either. A single-form school does not necessarily have small class sizes. In fact, in the long run, the fewer scarce resources we employ maintaining several single-form schools, the more resources we are likely to have available to maintain or reduce class sizes.

4000 Now, in two of the last three years, if St Sampson's Infants and Vale Infants had been combined, most of the class sizes of the combined school would have been lower than they were at the separate schools. And as the Minister said in his opening speech, the greatest variance in class sizes is to be found in single form schools. Pupils are no more likely to be in small classes in single form, than in multi-form schools. The policy of 28 applied equally to single form schools, and multi-form schools.

4005 In February 2012, the largest class size at St Sampson's Infants', single form, was 27 and the smallest at Vale Infants', multi-form, was 25. At St Andrews, the largest was 29 whereas at St Martin's, the smallest was 20. In fact, as at February 2012, St Andrew's had some of the highest class sizes in the Island.

4010 Sir, today, we have significant surplus capacity in the primary sector. There is no evidence to believe that single form schools are superior, and we have a considerable budget deficit. If we fail to rationalise the primary sector under these conditions, I think what we are really saying is that we will never have the courage to take that decision. We might as well say that every school in Guernsey is preserved in aspic, no matter what happens to the Island's population figures, demographics, economic conditions or changes and expectations in education.

4015 Sir, I think it is perverse to adopt the position that the primary schools we have today, where they are, the size they are, with the catchments they serve, must be preserved this way forever. That is manifestly unjustifiable on any rational basis. A vote in favour of Education's proposals is a vote to organise the primary sector along more efficient lines, without detriment to the quality and breadth of education, and to make a considerable step towards equality of opportunity for all children in Guernsey.

4020 I would like to leave the States with two thoughts. The first is that Members should not believe that the imperative for rationalisation, mergers and closures will disappear if these proposals are lost. I said in 2009 that if the States did not close schools then, the proposals would be back before the States before too long, and they are. And I say exactly the same thing today: every single Education Committee which looks at this issue reaches the same conclusion, that there is huge surplus capacity, that we cannot deliver best value in the present model, that some schools need to be closed, and the two most appropriate schools to close are St Sampson's and St Andrew's. I am absolutely certain, that a fourth Education Committee, in the next term of the States, will reach exactly the same decision. The underlying case for these reforms will remain compelling.

4030 Second, if these proposals are lost, to what will the Education Committee turn next, to realise the savings targets required of them by this Assembly and confirmed as recently as *yesterday* in the Budget debate? We have got all this talk about the Education Office but yesterday, Members voted for the Education Department's budget, which included a line in the budget for the Education Office. Now, all of these alternative proposals which are put, which Members come to the States and say, 'Well, do not close schools – why do you not do this? Why do you not do that?' 4035 – where are the amendments? Why do Members not strike out Propositions 2 and 3 and bring amendments to the States, with their preferred proposals for making these savings?

4040 The problem is, or the truth is, that it is convenience dressed up as principle. I cannot be confident that the alternative savings initiative to these proposals will be delivered without detriment to education. I do not know what Education will turn to next, but I suspect that they have very little left that they can do, without detriment to education.

4045 The Treasury Minister said – well, he was quoted by the *Press* anyway, I am not sure if he actually said it (*Laughter*) – he said this was a classic FTP saving and of course it is, because we can deliver the primary sector in a more efficient way, provide best value for taxpayers, without detriment to education. This is not a cut in service.

4050 And, sir, Deputy Soulsby remarkably says that the easy decision today is to vote in favour of the Education Department. That is not the easy decision. The easy decision is to concede to the very powerful lobbying that States Members have come under in recent weeks. The difficult decision is to stand up to that and say we have looked at the evidence, and we believe that this can be delivered, despite the good case that has been put by the campaigners.

4055 How can it be an easy decision to close two schools? Most of us in this Assembly are parents. We would know what it would mean if we had children in schools that were being closed. That is not an easy decision. That is a miserable, lousy decision. But, if this States bottles out of this decision, it will be a complete failure of responsible government and I urge the States to vote for Education's proposals. (*Applause*)

4055 **The Bailiff:** Deputy Langlois has a two-minute speech, so as it is nearly 5.28, it is perfect timing.

Deputy Langlois.

4060 **Deputy Langlois:** Sir, this is an opportunity to speak both because one eye on the clock and because I had not had any intention of speaking in this debate.

I rise to my feet to announce a rather unique event and that is that I agree 100% with Deputy Fallaize (*Laughter*) on an issue.

4065 **Deputy Fallaize:** Can I have a replay of this speech?

Deputy Langlois: Unfortunately, that is down in *Hansard*. It is a first, and it may well be a last. (*Laughter*) I was responsible for proposing the majority report at a time when Deputy Fallaize and Minister Steere wanted to close both schools. I proposed the minority report that would only applied to St Sampson's and both Propositions failed.

4070 But I agree 100% with what Deputy Fallaize said, simply because, as much as anything, Board after Board look at the evidence, they go there, they look at it, they listen, they do all the ground work and they come up with the same conclusion.

So, sorry but there we are. Sorry, Deputy Fallaize for agreeing with you. (*Laughter*)

4075 **The Bailiff:** I suggest we rise now and resume tomorrow at 9.30.

The House adjourned at 5.29 p.m.