



# BILLET D'ÉTAT

WEDNESDAY, 26th MARCH, 2014

V  
2014

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# BILLET D'ÉTAT

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

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I hereby give notice that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **26th MARCH, 2014** at **9.30 a.m.**, to consider the items contained in this Billet d'État which have been submitted for debate.

R. J. COLLAS  
Bailiff and Presiding Officer

The Royal Court House  
Guernsey

14<sup>th</sup> February 2014

**THE ALDERNEY (APPLICATION OF LEGISLATION) (FOOD AND DRUGS)  
ORDINANCE, 2014**

The States are asked to decide:-

I.- Whether they are of the opinion to approve the draft Ordinance entitled “The Alderney (Application of Legislation) (Food and Drugs) Ordinance, 2014”, and to direct that the same shall have effect as an Ordinance of the States.

**EXPLANATORY MEMORANDUM**

The European Communities (Implementation of Council Regulation on Nutrition and Health Claims) (Guernsey) Ordinance, 2014 and the European Communities (Implementation of Food Supplements Directive) (Guernsey) Ordinance, 2014 ("the Guernsey Ordinances") will make consequential amendments to the Food and Drugs (Guernsey) Law, 1970 as of the 1<sup>st</sup> April, 2014.

This Ordinance, made under the Alderney (Application of Legislation) Law, 1948, will apply those consequential amendments to Alderney. The amendments will apply in Alderney subject to the substitution of references to the Guernsey Ordinances with references to the equivalent Alderney Ordinances that will implement in Alderney the Council Regulation on Nutrition and Health Claims and the Food Supplements Directive.

***ORDINANCES LAID BEFORE THE STATES***

**THE PROTECTION OF INVESTORS (LIMITATION OF LIABILITY)  
(BAILIWICK OF GUERNSEY) ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Protection of Investors (Limitation of Liability) (Bailiwick of Guernsey) Ordinance, 2014 made by the Legislation Select Committee on the 20<sup>th</sup> January, 2014, is laid before the States.

**EXPLANATORY MEMORANDUM**

This Ordinance provides for limitation of the liability of the Channel Islands Securities Exchange Authority Limited in respect of anything done or omitted to be done by that company in good faith, after the date of commencement of the Ordinance, in respect of the exercise of certain specified regulatory functions conferred on the company by the conditions that attach to its licence to operate an investment exchange. The licence is issued by the Guernsey Financial Services Commission under the provisions of the Protection of Investors (Bailiwick of Guernsey) Law, 1987.

The Ordinance was made by the Legislation Select Committee in exercise of its powers under Article 66(3) of the Reform (Guernsey) Law, 1948, and came into force on the 20<sup>th</sup> January, 2014. Under the proviso to Article 66(3) of the Reform (Guernsey) Law, 1948, the States of Deliberation have the power to annul the Ordinance.

## **THE AVIATION REGISTRY (GUERNSEY) (AMENDMENT) ORDINANCE, 2014**

In pursuance of the provisions of the proviso to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended, The Aviation Registry (Guernsey) (Amendment) Ordinance, 2014 made by the Legislation Select Committee on the 22<sup>nd</sup> January, 2014, is laid before the States.

### **EXPLANATORY MEMORANDUM**

This Ordinance is made under section 52 of the Aviation Registry (Guernsey) Law, 2013 and inserts in the Law further provisions relating to registered charges over aircraft assets which are registered on the Aircraft Register or the Engine Register.

The Ordinance was made by the Legislation Select Committee in exercise of its powers under Article 66(3) of the Reform (Guernsey) Law, 1948, and came into force on the 22<sup>nd</sup> January, 2014. Under the proviso to Article 66(3) of the Reform (Guernsey) Law, 1948, the States of Deliberation have the power to annul the Ordinance.

## ***STATUTORY INSTRUMENTS LAID BEFORE THE STATES***

The States of Deliberation have the power to annul any of the Statutory Instruments detailed below.

### **THE FINANCIAL SERVICES COMMISSION (FEES) (AMENDMENT) REGULATIONS, 2013**

In pursuance of Section 25(3) of The Financial Services Commission (Bailiwick of Guernsey) Law, 1987, as amended, The Financial Services Commission (Fees) (Amendment) Regulations, 2013 made by the Guernsey Financial Services Commission on 23<sup>rd</sup> December 2013, are laid before the States.

### **EXPLANATORY NOTE**

These Regulations amend, for the purposes of the Protection of Investors (Bailiwick of Guernsey) Law, 1987, the fees payable under the Financial Services Commission (Fees) Regulations, 2013 in respect of the licensing of the operation of an investment exchange, which constitutes controlled investment business. These Regulations came into force on the 1<sup>st</sup> January, 2014.

**THE INCOME TAX (GUERNSEY) (VALUATION OF BENEFITS IN KIND)  
(AMENDMENT) REGULATIONS, 2013**

In pursuance of Section 203 of the Income Tax (Guernsey) Law, 1975, as amended, The Income Tax (Guernsey) (Valuation of Benefits in Kind) (Amendment) Regulations, 2013, made by the Treasury and Resources Department on 17<sup>th</sup> December 2013, are laid before the States.

**EXPLANATORY NOTE**

These Regulations amend the Income Tax (Guernsey) (Valuation of Benefits in Kind) Regulations, 2010 by increasing the value of the benefits from motor vehicles and accommodation benefits for the specified categories of taxpayer (for example, proprietary directors and proprietary employees) in a hotel or guesthouse for the years of charge 2014, 2015 and 2016 (and, unless further provision is made, any subsequent year). These Regulations came into operation on 1<sup>st</sup> January, 2014.

**THE HEALTH SERVICE (BENEFIT) (LIMITED LIST) (PHARMACEUTICAL  
BENEFIT) (AMENDMENT) (No.7) REGULATIONS, 2013**

In pursuance of Section 35 of The Health Service (Benefit) (Guernsey) Law, 1990, The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment) (No.7) Regulations, 2013 made by the Social Security Department on 17<sup>th</sup> December 2013, are laid before the States.

**EXPLANATORY NOTE**

These Regulations add to the limited list of drugs and medicines available as pharmaceutical benefit which may be ordered to be supplied by medical prescriptions issued by medical practitioners. These Regulations came into operation on 17<sup>th</sup> December, 2013.

**THE TEMPORARY PROHIBITION OF THE IMPORTATION OF ANIMALS  
FROM ALDERNEY (NO 2) ORDER, 2013**

In pursuance of section 13 of the Animals and Animal Products (Import and Export) Ordinance, 1952, as amended, the Temporary Prohibition of the Importation of Animals from Alderney (No 2) Order, 2013, made by the Commerce and Employment Department on 29<sup>th</sup> November, 2013 is laid before the States.

**EXPLANATORY NOTE**

This Order prohibits the importation of cattle, sheep, goats and pigs from Alderney until the end of January, 2014. This is an extension of precautionary measures that came into effect on 3<sup>rd</sup> October 2013 to protect the health of animals in Guernsey and it is intended to allow time for further tests to be carried out on animals in Alderney

following inconclusive results obtained from some of the tests carried out on those animals in November.

### **THE PIGS (IDENTIFICATION AND NOTIFICATION) ORDER, 2013**

In pursuance of section 33(1)(c) of the Animal Health Ordinance, 1996, the Pigs (Identification and Notification) Order, 2013, made by the Commerce and Employment Department on 3<sup>rd</sup> December, 2013, is laid before the States.

#### **EXPLANATORY NOTE**

This Order directs owners and keepers of pigs to mark and identify their pigs using approved identification methods. Transitional provisions allow pigs that were present in the Islands immediately before the commencement of this Order to be marked and identified in accordance with article 8. This Order also requires owners and keepers of pigs to notify the Department of certain events. This Order came into force on the 1<sup>st</sup> January, 2014.

### **THE SHEEP AND GOATS (IDENTIFICATION AND NOTIFICATION) ORDER, 2013**

In pursuance of section 33(1)(c) of the Animal Health Ordinance, 1996, the Sheep and Goats (Identification and Notification) Order, 2013, made by the Commerce and Employment Department on 3<sup>rd</sup> December, 2013, is laid before the States.

#### **EXPLANATORY NOTE**

This Order directs owners and keepers of sheep or goats to mark and identify their sheep and goats using approved identification methods. Transitional provisions allow sheep and goats that were present in the Islands immediately before the commencement of this Order to be marked and identified in accordance with article 7. This Order also requires owners and keepers of sheep or goats to notify the Department of certain events. This Order came into force on the 1<sup>st</sup> January, 2014.

### **THE LIQUOR LICENCE (FEES) (AMENDMENT) REGULATIONS, 2013**

In pursuance of Section 99(3) of the Liquor Licensing Ordinance, 2006, the Liquor Licence (Fees) (Amendment) Regulations, 2013, made by the Home Department on 11<sup>th</sup> November 2013, are laid before the States.

#### **EXPLANATORY NOTE**

These Regulations amend Schedule 4 of the Liquor Licensing Ordinance, 2006 which sets the relevant fees for the liquor licences and Constable reports etc. These Regulations came into force on 1<sup>st</sup> December 2013.

### **THE MOORING CHARGES (GUERNSEY) REGULATIONS, 2013**

In pursuance of Section 5(2)(c) of The Fees, Charges and Penalties (Guernsey) Law, 2007, the Mooring Charges (Guernsey) Regulations, 2013, made by the Public Services Department on 19<sup>th</sup> December, 2013, are laid before the States.

#### **EXPLANATORY NOTE**

These Regulations prescribe the mooring charges payable under section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972 (the "**1972 Law**"). These Regulations increase the existing mooring charges by approximately 3 per cent. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these charges may now be prescribed by regulations of the Public Services Department. These Regulations come into force on the 1<sup>st</sup> day of April, 2014.

### **THE HARBOUR DUES AND FACILITIES CHARGES (GUERNSEY) REGULATIONS, 2013**

In pursuance of Section 5(2)(c) of The Fees, Charges and Penalties (Guernsey) Law, 2007, the Harbour Dues and Facilities Charges (Guernsey) Regulations, 2013, made by the Public Services Department on 19<sup>th</sup> December, 2013, are laid before the States.

#### **EXPLANATORY NOTE**

These Regulations prescribe the harbour dues payable under section 2 of the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957, and the charges payable for the use of harbour facilities under section 33(1) of the Harbours Ordinance, 1988. These Regulations increase the existing harbour dues and facilities charges by approximately 3 per cent. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the Public Services Department. These Regulations came into force on the 1<sup>st</sup> day of January, 2014.

### **THE FEES, CHARGES AND PENALTIES (AIRPORT FEES) (GUERNSEY) REGULATIONS, 2014**

In pursuance of section 5 (2) (c) of the Fees, Charges and Penalties (Guernsey) Law, 2007, the Fees, Charges and Penalties (Airport Fees) (Guernsey) Regulations, 2014, made by the Public Services Department on 24<sup>th</sup> January, 2014, are laid before the States.

#### **EXPLANATORY NOTE**

These Regulations increase the fees for use of Guernsey Airport with effect from 1<sup>st</sup> April, 2014.

*Due to an administrative oversight, the following two Regulations were not laid before the States when they were made by the Public Services Department in 2012.*

### **THE MOORING CHARGES (GUERNSEY) REGULATIONS, 2012**

In pursuance of Section 5(2)(c) of The Fees, Charges and Penalties (Guernsey) Law, 2007, the Mooring Charges (Guernsey) Regulations, 2012, made by the Public Services Department on 24<sup>th</sup> December, 2012, are laid before the States.

#### **EXPLANATORY NOTE**

These Regulations prescribe the mooring charges payable under section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972 (the "**1972 Law**"). These Regulations increase the existing mooring charges by approximately 3.5 per cent. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these charges may now be prescribed by regulations of the Public Services Department.

These Regulations came into force on the 1<sup>st</sup> day of January, 2013.

### **THE HARBOUR DUES AND FACILITIES CHARGES (GUERNSEY) REGULATIONS, 2012**

In pursuance of Section 5(2)(c) of The Fees, Charges and Penalties (Guernsey) Law, 2007, the Harbour Dues and Facilities Charges (Guernsey) Regulations, 2012, made by the Public Services Department on 24<sup>th</sup> December, 2012, are laid before the States.

#### **EXPLANATORY NOTE**

These Regulations prescribe the harbour dues payable under section 2 of the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957, and the charges payable for the use of harbour facilities under section 33(1) of the Harbours Ordinance, 1988. These Regulations increase the existing harbour dues and facilities charges by approximately 3.5 per cent. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the Public Services Department.

These Regulations came into force on the 1<sup>st</sup> day of January, 2013.



## **POLICY COUNCIL**

### **CHANNEL ISLANDS SECURITIES EXCHANGE AUTHORITY LIMITED – LIMITATION OF LIABILITY IN RESPECT OF REGULATORY FUNCTIONS**

#### **Executive Summary**

1. This report recommends approval by the States of the granting of a statutory limitation of liability to the Channel Island Securities Exchange Authority Limited ('CISEAL') in respect of certain specified regulatory functions conferred on it by conditions to the licence issued by the Guernsey Financial Services Commission ('the Commission') under the provisions of the Protection of Investors (Bailiwick of Guernsey) Law, 1987 ('the POI Law').
2. This is consistent with the States' previous recognition of the principle that a financial services regulator should have statutory immunity from liability in respect of things done or omitted to be done, in the absence of bad faith.
3. The argument in support of this principle is that immunity allows a regulator to conduct its regulatory business fearlessly and effectively, without fear of constant challenge in the Courts by those adversely affected by their decisions. This is particularly important in the case of a private body required to exercise frontline regulatory functions as the threat of constant legal challenges to tough regulatory decisions could make the enterprise commercially unattractive.

#### **Report**

4. CISEAL is part of the new corporate structure that has taken over the business of the former Channel Islands Stock Exchange LBG ('CISX'). Before outlining the new structure in more detail, it is necessary to set out a brief history of the CISX.

#### **CISX**

5. The CISX was established in 1998 as a private company, limited by guarantee, to operate an investment exchange in Guernsey and was established at the initiative of the Commission. The CISX comprised guarantee members and ordinary shareholders as well as having one non-participating share held by the Advisory and Finance Committee (later the Policy Council). The purpose of the non-participating share was to protect Guernsey's interest in the CISX's core operations remaining in, and associated with Guernsey.
6. In order to ensure that there was regulatory oversight of the activity of the CISX by the Commission, the States resolved in June 1998 to amend the POI Law to make 'operating an investment exchange' a restricted activity requiring a licence from the Commission. The Law was amended accordingly and the CISX held a licence under the POI Law from inception until 24 December 2013, when the

business and activities previously undertaken by CISX were transferred to CISEL and CISEAL (see below) following approval by the Royal Court of the Scheme of Arrangement on 20 December 2013 (see below).

7. However, the statutory framework in Guernsey only permits the Commission to oversee the operation of an investment exchange itself. The Commission is not responsible for regulating the conduct of members of the Exchange or acting as a listings authority. Under Guernsey's model for the regulation of investment exchanges, the exchange itself is required by the Commission to establish, supervise and enforce membership and listing rules through contractual arrangements with its members and listed entities. These are essentially public interest regulatory functions.
8. Whilst the CISX was therefore ultimately a private commercial undertaking regulated by the Commission, it was at the same time a self-regulatory organisation, or frontline regulator, in that it performed a range of regulatory and supervisory functions in respect of its members and listed entities. Self-regulation has been a feature in the regulation of most stock exchanges around the world since the early 1800s and remains a common and important feature of many securities markets today.
9. The International Organisation of Securities Commissions, the international body responsible for standard setting in the investment sector, states, in its principles of securities regulation that self-regulatory organisations, such as a stock exchange, should be subject to the oversight of the financial services regulator which licenses it. The financial services regulator should require the self-regulatory organisation to demonstrate it has rules that set standards of behaviour and promote investor protection and has the capacity to carry out the purposes of relevant legislation, regulations and rules, further to enforce members' and issuers' compliance thereon.

#### Recent Developments

10. Towards the end of 2013, the CISX announced it was subject to an ongoing Commission investigation into certain historic activities. Whilst the Policy Council is not aware of the status or the details of the independent investigation, CISX announced to members that there were concerns about structural defects. A new corporate structure has therefore been established into which the business of the CISX has been transferred pursuant to the terms of a Scheme of Arrangement approved by the Royal Court on 20 December 2013.
11. One of the key features of the new structure is a clearer separation of the commercial interests of the new Exchange from its regulatory functions. In order to achieve this clearer separation the new structure comprises two separate legal entities. The first is the Channel Islands Securities Exchange Limited ('CISEL'), which is a company limited by shares and which conducts the commercial business of the Exchange. The second entity is a subsidiary of

CISEL called the Channel Island Securities Exchange Authority Limited ('CISEAL') which is a separate company limited by shares, with a separate Board of Directors, which conducts the Exchange's regulatory functions and was licensed by the Commission under the POI Law on 20 December 2013.

12. CISEAL has asked the States to consider enacting an Ordinance under section 37 of the POI Law excluding its liability in respect of certain regulatory functions conferred on CISEAL by the conditions to its licence issued by the Commission under the provisions of the POI Law.

#### Statutory Limitation of Liability - Policy Issue

13. In limiting the liability of the Commission, through the enactment of the Protection of Investors (Limitation of Liability) Ordinance, 1990, in respect of anything done or omitted to be done in the discharge or purported discharge of functions conferred on it by or under the POI Law the States recognised the principle that a financial services regulator should have statutory immunity from liability in respect of things done or omitted to be done, in the absence of bad faith.
14. The argument in support of this principle is that immunity allows a regulator to conduct its regulatory business fearlessly and effectively, without fear of constant challenge in the Courts by those adversely affected by their decisions. In the absence of statutory immunity, it is likely that a regulator would be more reluctant to take tough regulatory decisions and that the decision making process would be slower due to the need for greater involvement of lawyers and the Courts.

#### Statutory limitation of liability in respect of stock exchange regulatory functions

15. By way of comparison, in the United Kingdom the Financial Conduct Authority currently carries out most of the frontline regulatory functions that in Guernsey will be carried out by CISEAL. In doing so, the Financial Conduct Authority ('FCA') has the benefit of a statutory exemption from liability under Schedule 1, section 19(1) of the Financial Services and Markets Act, 2000 ("FSMA"), as did the Financial Services Authority before recent changes to the regulatory framework in the UK created the FCA.
16. Historically, the London Stock Exchange ('LSE') was a private self-regulatory organisation from its inception in the early 1800s until the end of 2001 when the majority of its regulatory functions were transferred to the public statutory regulators as part of the reform of financial services regulation in the UK that led to the creation of the Financial Services Authority ('FSA'). Therefore, at the time that the CISX was established in 1998, the LSE in the UK was a form of self-regulatory organisation, i.e. a private company with regulatory functions in respect of its members and listed entities. In the case of the LSE, its regulatory functions were delegated under the Financial Services Act, 1986. As such, it

would have benefited from statutory immunity under section 187(1) of the Financial Services Act 1986 (now repealed) which provided that ‘Neither a self-regulating organization nor its officers, servants or members shall be liable in damages for the carrying out of their obligations under the Act, unless they act in bad faith’.

17. Currently, HM Treasury in the United Kingdom may recognise an investment exchange and has so recognised several exchanges, which are of themselves afforded a level of statutory immunity: sections 291(1) and 291(3) of FSMA provide that ‘A recognised body and its officers and staff are not to be liable in damages for anything done or omitted in the discharge of the recognised body’s regulatory functions unless it is shown that the act or omission was in bad faith.’

#### Scope of limitation of liability

18. Section 37 of the POI Law provides that:

*‘The States may by Ordinance provide that no liability shall be incurred by the Committee [or the Commission], or by any other person or body specified in the Ordinance, in respect of anything done or omitted to be done after the commencement of the Ordinance in the discharge or purported discharge of any of the functions conferred on the Committee [or the Commission] or on that other person or body by or under this Law unless the thing is done or omitted to be done in bad faith.’*

19. The nature of CISEAL, as a private entity, means that any limitation of liability pursuant to section 37 of the POI Law must be clearly defined and tightly drawn. The Policy Council do not believe it would be appropriate for CISEAL to benefit from a general limitation of liability in the same terms as that applying to the Commission pursuant to the Protection of Investors (Limitation of Liability) Ordinance, 1990.
20. Following discussion with the Commission and the Law Officers, the Policy Council believes it is appropriate for the following regulatory functions, identified in the licence issued to CISEAL by the Commission, to attract immunity from civil liability, save in respect of its anti-money laundering obligations:
  - The admission of issuers to the official list by reference to the Listing Rules and CISEAL’s policy on issuer suitability.
  - The admission of members of CISEAL by reference to the Membership Rules and CISEAL’s policy on member suitability.
  - The suspension or cancellation of an issuer from the official list in accordance with the Listing Rules.
  - The re-admission to the official list in accordance with the Listing Rules following suspension save where suspension was at the request of the issuer and CISEAL concludes that the criteria for re-admission are not met.

- The suspension or cancellation of membership of CISEAL in accordance with the Membership Rules.
  - The re-admission to membership of CISEAL in accordance with the Membership Rules following suspension save where suspension was at the request of the member and CISEAL concludes that the criteria for re-admission are not met.
  - The enforcement against members of the Membership Rules and / or Listing Rules in accordance with the Discipline Chapter of those Rules.
  - Liaising with the Guernsey Financial Services Commission and other regulatory authorities and organisations as applicable on all matters relating to the operation of the Official List and the membership of CISEAL.
  - The taking of positive steps to undertake market surveillance which obligations include -
    - (a) weekly monitoring of trading activity,
    - (b) daily review of movements in prices and transactions,
    - (c) news alert monitoring,
    - (d) the reporting to the Guernsey Financial Services Commission within 1 trading day of -
      - (i) price movements in excess of 30% of the starting price at opening, and
      - (ii) transactions where market abuse as defined in the Law of 1987 is capable of being reasonably suspected.
  - The taking of positive steps to monitor ongoing issuer compliance with the Listing Rules.
  - The taking of positive steps to monitor ongoing member compliance with the Listing Rules and Membership Rules.
21. It should be emphasised that the grant of immunity will only be in respect of things done, or omitted to be done, after the date of commencement of the Ordinance. It will not therefore have any retrospective effect in respect of past activity of CISEAL or the CISX.
22. To comply with the requirements of section 37 of the POI Law, the Ordinance has to be specific in naming the exchange concerned, CISEAL, however it is acknowledged that any future exchange licensed by the Commission would seek, and likely should attract, similar statutory immunity.

### **Procedure**

23. Following the restructure of the Exchange, CISEAL was issued with its licence under the POI Law on 20 December 2013. Notwithstanding the sound policy

reasons, set out above, for CISEAL to have statutory immunity in respect of its regulatory functions, it operates at present without the protection of statutory immunity.

24. The process of consultation with the relevant authorities, to ensure that the proposed immunity is appropriately drawn, is now complete and the Policy Council considers it to be necessary and expedient in the public interest that an Ordinance is enacted as soon as possible.
25. The Legislation Committee has therefore been asked to exercise its powers under article 66 of the Reform (Guernsey) Law, 1948 to enact The Protection of Investors (Limitation of Liability) (Bailiwick of Guernsey) Ordinance, 2014, which is laid before the States in accordance with the said article 66, the States having the power to annul the Ordinance.

### **Consultation**

26. The Commission has been consulted on, and is supportive of, the proposal contained in this report.
27. The Law Officers have been consulted and have raised no issues with the proposal.
28. The Chief Minister, given his previous role in the former Channel Islands Stock Exchange LBG ('CISX'), did not participate in the Policy Council discussions relating to this report.

### **Principles of Good Governance**

29. The proposals in this States report complies with the principles of Good Governance as defined in Billet d'Etat IV of 2011.

### **Recommendation**

30. The Policy Council recommends the States to approve the granting of a statutory limitation of liability to CISEAL in respect of the regulatory functions set out above.

J P Le Tocq  
Deputy Chief Minister

13<sup>th</sup> January 2014

R Domaille  
M H Dorey  
D B Jones

A H Langlois  
P A Luxon  
M G O'Hara

R W Sillars  
K A Stewart  
G A St Pier

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

The States are asked to decide:-

II.- Whether, after consideration of the Report dated 13<sup>th</sup> January, 2014, of the Policy Council, they are of the opinion to grant a statutory limitation of liability to Channel Islands Securities Exchange Authority Limited in respect of the regulatory functions set out in that Report.

## **POLICY COUNCIL**

### **MISCELLANEOUS CHANGES TO DEPARTMENT AND COMMITTEE MANDATES**

#### **1. Executive Summary**

- 1.1. The purpose of this Report is to seek the States' approval to make a number of miscellaneous minor amendments to Department and Committee mandates.

#### **2. Background**

- 2.1 In October 2003<sup>1</sup>, the States of Deliberation approved the mandates of the Policy Council, ten Departments and the then five Committees which would form the new government structure from May 2004. The Report at the time recognised that "the process is, to an extent, an evolutionary one and that in common with other aspects of the new machinery of government, it will be necessary to revisit and in some cases revise them [Department and Committee mandates] in light of experience."
- 2.2 In the intervening ten years, a small number of changes have been made to individual mandates as the need arose, however, in light of correspondence from the Home Department, the Policy Council considered it opportune to write to all Departments requesting that they formally review their mandate and advise Policy Council of any amendments which they felt appropriate at this time.
- 2.3 Departments were specifically requested to limit their responses to minor amendments- ie those which have evolved over time due to changes in nomenclature or where responsibilities within mandates have been superseded by subsequent States Resolutions. Beyond this, more fundamental changes to the roles and responsibilities of Departments and Committees, particularly those regarding the transfer of significant functions, is under the consideration of the States Review Committee.<sup>2</sup>

#### **3. Comments from Departments**

##### **A- No Changes Necessary**

- 3.1 Responses were received from all Departments with the Commerce and Employment, Education, Environment, Health and Social Services, and Social Security Departments all indicating that they did not believe that amendments to their mandates were required at this time.

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<sup>1</sup> Billet d'Etat XXIV 2003, Article 12

<sup>2</sup> Established by Resolution 9<sup>th</sup> March 2012



## **B- Culture and Leisure Department**

3.2 The Culture and Leisure Department identified a number of minor amendments to their mandate which they feel will help to clarify its role.

- Amendment to the first bullet point under paragraph (a), replacing reference to “*arts and crafts*” with the more modern and appropriate expression “*the arts*” and deleting “*including the provision of financial assistance.*”
- Amendment to the third bullet point under paragraph (a) to read “*The States’ museums, galleries, objects of cultural or historical importance and historical and archaeological sites*”. This reflects the role that Culture and Leisure fulfil in liaising with parties such as the Environment Department over archaeology, Customs over the export of goods, Harbours on historic wrecks and Government House on Art.
- The inclusion of an additional bullet point in paragraph (a), reading “*The protection and improvement of the Island’s unique heritage and cultural identity, including the provision of financial assistance*”.
- Culture and Leisure has specific responsibility for advising the States on “*matters relating to Liberation celebrations.*” However, in practice, the Department advises the States on a number of civic celebrations and commemorations and believes that this should be incorporated within their mandate to read “*Matters relating to civic celebrations and commemorations such as the Islands’ Liberation and other such events pursuant to the Department’s mandate;*”
- The preservation and promotion of Guernésiais is an important and central part of protecting and improving Guernsey’s cultural heritage. The Department believes that specific mention to this function should be included within the mandate.
- The Department currently has mandated responsibility for “*Liaison with, and oversight of, the Guernsey Sports Commission.*” The Department also supports the Guernsey Arts Commission, formed in 2008, and the Guernsey Language Commission, established earlier this year, and proposes that their mandate is broadened to “*Liaison with, and oversight of, the various Commissions that are constituted by the States or the Department to assist in the discharging of its mandate*”.
- Whilst the Commerce and Employment Department has responsibility for marketing and tourism, the Culture and Leisure Department maintain and develop the “on island product” which visitors are able to see and experience. The Department believes that specific reference should be made to the Department’s responsibility for “*the ‘on island’ products necessary to support the visitor experience*”.

## **C- Home Department**

3.3 The Home Department identified a number of changes where it believed that changes to its mandate would be beneficial to reflect the nomenclature currently used.

- The mandate currently refers to “*The provision of an effective and efficient Financial Intelligence Service*” (section (a)(iii)). Since 2009, the Financial Intelligence Service, Financial Crime Team and Civil Forfeiture Team have been brought together under a single body named the Financial Intelligence Unit. It is therefore suggested that the wording is amended accordingly.
- The Department has mandated responsibility for “*The operation of the Attendance Centre for young offenders*”, however since the introduction of Community Service and the Child, Youth and Community Tribunal there is no longer the need for an Attendance Centre locally. It is therefore proposed that Section a (vii) is repealed and replaced with “*The provision of community based sentencing options including the Community Service Scheme.*”
- Within Section (xiii), specific reference is made to the Home Department’s responsibility for providing administrative support to the Parole Review Committee; however the Department provides similar administrative support to a number of independent Panels and Committees. The Home Department has therefore requested that their mandate is amended to: “*(xiii) The provision of administrative services to the Department’s panels and committees including the Parole Review Committee, Police Complaints Commission, Independent Custody Visitors, Independent Monitoring Panel and Appropriate Adult Scheme*”
- From January 2010, the Home Department assumed responsibility for Safeguarder Services from the Royal Court and has requested that this is included in its mandate as “*The Safeguarder Service and the provision of effective and efficient services to the Courts and others.*”
- Since 2010, employing organisations within the Bailiwick of Guernsey have been able to utilise the services of the Criminal Records Bureau and more recently the Disclosure and Barring Service (DBS) to vet their staff. The Home Department has established a Guernsey Vetting Bureau to facilitate access to DBS for local employers and other organisations. It is suggested that this be included within the Department’s mandate as “*The provision of an effective and efficient criminal records check service for employers.*”

#### **D- Housing Department**

- 3.4 The Housing Department advised that whilst their mandate does not require further revision at this time, once the two extra care housing schemes at the current Maison Maritaine and Longue Rue sites become operational next year, Section (a)(ix) of their mandate “*Managing Maison Maritaine and Longue Rue House*” should be revised to read “*The provision of care and support services to the occupants of ‘extra care’ housing at Le Grand Courtil and La Nouvelle Maraitaine.*”
- 3.5 The Policy Council concurs with the Housing Department’s view that it would be opportune to revise mandate at this time, with the understanding that any such change, if approved by the Assembly, would only come into effect following the official opening of the schemes.

## **E- Public Services Department**

3.6 The Public Services Department have suggested:

- Reference to “*the provision of corporate engineering and architectural services*” should be removed from the Public Services Department mandate as this function has moved to the Treasury and Resources Department’s States Property Services. These changes occurred in 2006 following recommendations from the two Departments.
- The mandate currently provides Public Services with responsibility for “*the provision and administration of a direct labour organisation (States Works)*.” In addition to the routine tasks, States Works also acts as an emergency works response team as demonstrated during the recent snow and high winds and it is proposed that the wording in the mandate is amended to read as “*the provision and administration of a direct labour organisation and emergency works response team (States Works)*” to reflect this.
- The Report also provides opportunity for the typographical error in the numbering of section b to be corrected.

## **F- Treasury and Resources Department**

3.7 The Treasury and Resources Department have suggested the following amendments to its existing mandate:

- Under Section a(x), the Treasury and Resources Department have mandated responsibility for internal audit and risk management. However, it is recognised that these are corporate functions and there is a risk that placing these functions under the remit of the Treasury and Resources Department, it may inadvertently foster the misconception that they have a narrower function focusing solely on finance. Additionally, in recognition of the corporate approach needed in respect of risk management and the wider assurance framework, the Head of Assurance now reports to the Chief Executive rather than the States Treasurer. Accordingly it is recommended that responsibility for matters of corporate risk management should transfer to the Policy Council.

## **4. Resources**

4.1 The approval of the recommendations as set out within this Report will not increase overall States’ expenditure; however the transfer of responsibility for risk management and internal audit to the Policy Council from the Treasury and Resources Department will require a budget transfer.

## **5. Consultation**

5.1 The Policy Council has consulted with all Departments and Committees in drafting this Report.

## 6. Principles of Good Governance

- 6.1 The proposals set out in this report take full account of the core principles of good governance as set out on page 247 of Billet d'État IV of 2011, most particularly principle 1 "focussing on the organisation's purpose and on outcomes for citizens and service users".

## 7. Recommendations

The States are asked:

1. To approve the following amendments to the Mandate of the Culture and Leisure Department

- i) The first bullet point under paragraph (a) shall be amended to read "*The promotion of the arts in Guernsey*";
- ii) The third bullet point under paragraph (a) shall be amended to read "*The States' museums, galleries, objects of cultural or historical importance and historical and archaeological sites*"
- iii) The fourth bullet point under paragraph (a) shall be amended to read "*Matters relating to civic celebrations and commemorations such as the Islands' Liberation and other such events pursuant to the Department's mandate*;
- iv) The inclusion of an additional bullet point in paragraph (a), reading "*The protection and improvement of the Island's unique heritage and cultural identity, including the provision of financial assistance*";
- v) The inclusion of an additional bullet point in paragraph (a), reading "*The preservation and promotion of Guernésiais*";
- vi) Section a(ii) shall be amended to read "*Liaison with, and oversight of, the various Commissions that are constituted by the States or the Department to assist in the discharge of its mandate*;"
- vii) The inclusion of an additional section a(vi), stating "*the 'on island' products necessary to support the visitor experience*"

2. To approve the following amendments to the Mandate of the Home Department

- i) Section (a)(iii), reference to the Financial Intelligence Service shall be removed and replaced with the Financial Intelligence Unit;
- ii) Section a(vii) shall be repealed and replaced with "*The provisions of community based sentencing options including the Community Service Scheme*";
- iii) Section a(xiii) shall be amended to read "*The provision of administrative services to the Department's panels and committees including the Parole Review Committee, Police Complaints Commission, Independent Custody Visitors, Independent Monitoring Panel and Appropriate Adult Scheme*"

- iv) The inclusion of an additional section, Section (a)(xv), stating “*The Safeguarder Service and the provision of effective and efficient services to the Courts and others*”;
  - v) The inclusion of an additional section, Section (a)(xvi), stating “*The provision of an effective and efficient criminal records check service for employers.*”
3. To approve the proposal that when Le Grand Courtil and La Nouvelle Maritaine become operational that section (a) (ix) of the Mandate of the Housing Department shall be repealed and that *The provision of care and support services to the occupants of ‘extra care’ housing at Le Grand Courtil and La Nouvelle Maritaine*” shall be inserted in its place.
  4. To approve the following amendments to the Mandate of the Public Services Department
    - i) Section a(xvi) “*The provision of corporate engineering and architectural services*” be repealed;
    - ii) Section a(xviii) shall be amended to read “*The provision and administration of a direct labour organisation and emergency works response team (States Works)*”;
    - iii) The second point under paragraph (b) shall be renumbered as (ii)
  5. To approve the following amendments to the Mandate of the Treasury and Resources Department
    - i) Section a(x) shall be amended to read “*Insurance of States activities and resources*”;
    - ii) The inclusion of an additional section, Section (a)(xvi), stating “*The provision of corporate engineering and architectural services.*”
  6. To approve the proposal that in paragraph (a) of the Mandate of the Policy Council, after subparagraph (ix) insert “*(x) Internal audit and risk management;*” and renumber existing sub-paragraphs (x) to (xvii) as (xi) to (xviii)

Peter A Harwood  
Chief Minister

27<sup>th</sup> January 2014

J P Le Tocq  
Deputy Chief Minister

R Domaille	M H Dorey	D B Jones	A H Langlois	G A St Pier
P A Luxon	M G O'Hara	R W Sillars	K A Stewart	

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

The States are asked to decide:-

III.- Whether, after consideration of the Report dated 27<sup>th</sup> January, 2014, of the Policy Council, they are of the opinion:-

1. That the Mandate of the Culture and Leisure Department be amended as follows:
  - i) The first bullet point under paragraph (a) be amended to read “*The promotion of the arts in Guernsey*”;
  - ii) The third bullet point under paragraph (a) be amended to read “*The States’ museums, galleries, objects of cultural or historical importance and historical and archaeological sites*”
  - iii) The fourth bullet point under paragraph (a) be amended to read “*Matters relating to civic celebrations and commemorations such as the Islands’ Liberation and other such events pursuant to the Department’s mandate;*
  - iv) An additional bullet point in paragraph (a) be included, reading “*The protection and improvement of the Island’s unique heritage and cultural identity, including the provision of financial assistance*”;
  - v) An additional bullet point in paragraph (a) be included, reading “*The preservation and promotion of Guernésiais*”;
  - vi) Section a(ii) be amended to read “*Liaison with, and oversight of, the various Commissions that are constituted by the States or the Department to assist in the discharge of its mandate;*”
  - vii) An additional section a(vi) be included, stating “*the ‘on island’ products necessary to support the visitor experience.*”
2. That the Mandate of the Home Department be amended as follows:
  - i) Section (a)(iii), reference to the Financial Intelligence Service be removed and replaced with the Financial Intelligence Unit;
  - ii) Section a(vii) be repealed and replaced with “*The provisions of community based sentencing options including the Community Service Scheme*”;
  - iii) Section a(xiii) be amended to read “*The provision of administrative services to the Department’s panels and committees including the Parole Review Committee, Police Complaints Commission, Independent Custody Visitors, Independent Monitoring Panel and Appropriate Adult Scheme*”
  - iv) An additional section be included, Section (a)(xv), stating “*The Safeguarder Service and the provision of effective and efficient services to the Courts and others*”;
  - v) The inclusion of an additional section, Section (a)(xvi), stating “*The provision of an effective and efficient criminal records check service for employers.*”
3. To approve the proposal that when Le Grand Courtil and La Nouvelle Maraitaine become operational that section (a) (ix) of the Mandate of the Housing Department

be repealed and that *The provision of care and support services to the occupants of 'extra care' housing at Le Grand Courtil and La Nouvelle Maraitaine*” be inserted in its place.

4. That the Mandate of the Public Services Department be amended as follows:
  - i) Section a(xvi) “*The provision of corporate engineering and architectural services*” be repealed;
  - ii) Section a(xviii) be amended to read “*The provision and administration of a direct labour organisation and emergency works response team (States Works)*”;
  - iii) The second point under paragraph (b) shall be renumbered as (ii).
5. That the Mandate of the Treasury and Resources Department be amended as follows
  - i) Section a(x) be amended to read “*Insurance of States activities and resources*”;
  - ii) An additional section be included, Section (a)(xvi), stating “*The provision of corporate engineering and architectural services.*”
6. That in paragraph (a) of the Mandate of the Policy Council, after subparagraph (ix) “*(x) Internal audit and risk management;*” be inserted and that the existing sub-paragraphs (x) to (xvii) be renumbered as (xi) to (xviii).

## HOUSING DEPARTMENT

### PROVISION OF 'EXTRA CARE' HOUSING AT 'LE GRAND COURTIL' AND 'LA NOUVELLE MARITAINE' – PHASE 2

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

24<sup>th</sup> December 2013

Dear Sir

#### **1. EXECUTIVE SUMMARY**

- 1.1. This States Report outlines proposals for a second phase of development of 'extra care housing' at 'Le Grand Courtil', St. Martin's, and 'La Nouvelle Maritaine', Vale, to offer greater choice and independence for Islanders of all ages with a care and support need.
- 1.2. The proposals build upon an earlier States' decision to approve the replacement of the Housing Department's ageing residential care homes at Longue Rue House and Maison Maritaine with a development of purpose-built extra care housing and associated communal facilities.<sup>1</sup>
- 1.3. In giving this consent, the States specifically approved the first phase only of development on these sites to provide accommodation that would enable, primarily, existing residents of Longue Rue House and Maison Maritaine to move from their current bedrooms within a residential care setting into their own self-contained flat in an extra care scheme.
- 1.4. The construction of Phase 1 is nearing completion, whereupon the existing residential care home buildings will be demolished, permitting the construction of Phase 2 of the schemes that is the subject of this report.
- 1.5. In parallel with the Phase 1 building work, the residential care service provided by the Housing Department has been progressively reconfigured. Its staff have been re-trained to deliver care and support in an extra care housing setting to adults of all

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<sup>1</sup> Housing Department and Health and Social Services Department – 'Provision of 'Extra Care' housing at Maison Maritaine and Longue Rue' - Billet d'État VIII 2011.



ages with a wide range of care and support needs; and care plans have already been compiled to support both those residents moving from Longue Rue House and Maison Maritaine, plus those residents with a learning disability nominated by HSSD to transfer to this accommodation from residential group home settings under HSSD's management.

- 1.6. It is anticipated that there will be 19 such transfers – four more than originally planned<sup>2</sup> – not only providing those individuals with both the choice and the ability to live independently, but also enabling HSSD to make substantial financial savings and to reconfigure its services to people with health and social care needs, including returning one individual to Guernsey from a very expensive off-Island placement.
- 1.7. The importance of this cannot be overstated: historically, individuals with learning difficulties have had limited choice about their housing and care options. Allowing them to hold an independent tenancy – and, in one case, purchase a flat under the Partial Ownership Scheme – are major landmarks in social care provision for this group of people in Guernsey.
- 1.8. However, whilst the development of Phase 1 will go some way towards meeting the housing, care and support needs of older Islanders and younger disabled adults, there is evidence to indicate that the existing and projected need for this type of specialist accommodation will not be satisfied by these developments alone but will continue to grow.<sup>3</sup>
- 1.9. There are many hundreds of Islanders with care and support needs living in the community who would benefit from extra care housing, as shown by the significant interest in this new accommodation from members of the public. Without any targeted publicity, in the five month period from 1<sup>st</sup> July to 30<sup>th</sup> November 2013, 90 households living in the community have registered their interest in this new accommodation, with applicants ranging in age from 23 to 96 years.
- 1.10. Therefore the Housing Department has no hesitation in presenting these proposals for a second phase of development on each site to extend the reach of the benefits of extra care housing, and to meet some of the care and support needs that have been identified.
- 1.11. There are also financial benefits accruing from the construction of Phase 2 at this

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<sup>2</sup> Originally these were all to be accommodated at Le Grand Courtil, but this has been reappraised; and to enable the individuals transferred to maintain their existing networks in the geographical locality from which they are relocating, both schemes now will include tenants with a learning disability.

<sup>3</sup> See: Opinion Research Services – 'States of Guernsey Housing Needs Survey 2011': [www.gov.gg/CHttpHandler.ash?id=79858&p=0](http://www.gov.gg/CHttpHandler.ash?id=79858&p=0); the 'Disability Needs Survey: Review of prevalence across Guernsey and Alderney': [gov.gg/CHttpHandler.ashx?id=84718&p=0](http://gov.gg/CHttpHandler.ashx?id=84718&p=0); together with the projections of population by age group from the Policy Council's 'Guernsey Annual Population Bulletin': [www.gov.gg/CHttpHandler.ashx?id=81714&p=0](http://www.gov.gg/CHttpHandler.ashx?id=81714&p=0).

time.

- 1.12. The Guernsey Housing Association (GHA) has identified an opportunity to reduce the cost of constructing Phase 2 of the schemes – by an estimated £450,000 – by commencing the second phase of development no later than May 2014. This cost reduction arises because some landscaping and finishing off works associated with Phase 1 can be avoided, and because the GHA proposes to use the same building contractors for each project, which avoids a number of set-up costs being incurred for Phase 2.
- 1.13. In addition to this one-off saving, there is evidence from other jurisdictions that the cost of delivering extra care housing is less than residential care, which would be the only alternative for many Islanders with care and support needs. There are, therefore, anticipated to be financial benefits – particularly for HSSD, but also for the Social Security Department<sup>4</sup> - in providing additional units of extra care accommodation as soon as possible.
- 1.14. Indeed, although it is difficult at this stage to quantify the exact financial savings that may arise as a result, it is expected that relocating clients with a learning disability into accommodation to be made available in Phases 1 and 2 will lead to a significant reduction in HSSD's General Revenue budget in this particular area. There will also be savings where clients currently placed off-Island can be returned to be cared for on-Island.
- 1.15. **The purpose of this States Report is thus to seek approval for a second phase of development of extra care housing at Le Grand Courtil and La Nouvelle Maritaine to provide a further 45 flats, the cost of which to the States - for both schemes combined - will be a capital grant payment to the GHA of £3.25 million from the Corporate Housing Programme (CHP) Fund.**
- 1.16. If this approval is forthcoming, these developments can progress without delay, as they are not hindered by issues surrounding land use planning or the availability of finance. Planning permission for Phase 2 has already been obtained; a development partner in the GHA has been identified; and finance is available in the CHP Fund.

## 2. INTRODUCTION AND BACKGROUND

- 2.1. In May 2011, the States gave its 'in principle' approval for the replacement of the Housing Department's ageing and outdated residential care homes at Longue Rue House and Maison Maritaine with purpose-built 'extra care housing' and associated communal facilities, that would offer greater choice and independence for Islanders

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<sup>4</sup> There will be additional General Revenue expenditure for the Social Security Department as explained in paragraphs 11.7-11.9 below. However, for those persons who would otherwise have been admitted to residential homes, there will be savings to the Long-term Care Insurance Scheme as those persons will not be claiming Long-term Care Benefit.

of all ages with a care and support need.<sup>5</sup>

2.2. In respect of final approval for these projects, the States resolved that:

*'In accordance with the existing procedures for general needs social housing, that the actual [capital] grant sum required for these 'extra care' schemes be approved, on behalf of the States, by the Treasury and Resources Department, upon production of a robust business case outlining the building costs of the two schemes plus modelling of the revenue consequences.'*

(A copy of all the Resolutions agreed by the States in May 2011 is provided in Appendix A.)

2.3. A detailed Business Case setting out the strategic context for these proposals, the capital costs associated with their development, and the ongoing revenue implications was duly prepared by the Housing Department, and approved by the Treasury and Resources Department in April 2012. Construction on both sites commenced shortly thereafter.

### 3. PHASE 1 - SUMMARY AND UPDATE

#### Phase 1 provision

3.1. The Phase 1 redevelopment of the Longue Rue site – to be known as **'Le Grand Courtil'** - will provide 63 units of independent living accommodation (44 x one-bed and 19 x two-beds), together with a range of associated communal facilities, such as a restaurant, therapy room, hairdressers, lounge and other informal meeting spaces.

3.2. The accommodation is being built to 'Lifetime Homes Standards', providing flexible spaces which promote independence and enable people to 'age in place'. Phase 1 is due to be completed in September/October 2014. The new accommodation will ready for occupation by residents of Longue Rue House by Christmas 2014.

3.3. The development of the Maison Maritaine site – to be known as **'La Nouvelle Maritaine'** – will offer 54 flats (39 x one-bed and 15 x two-beds), together with a range of communal spaces similar to those to be provided at the Longue Rue site.

3.4. In addition, provision has also been made for a 20 placement specialist Day Centre that will be rented by HSSD, primarily for service users with dementia to replace the existing service at 'The Meadows'.

3.5. Phase 1 of La Nouvelle Maritaine is due to be completed in June 2014, following

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<sup>5</sup> Housing Department and Health and Social Services Department – 'Provision of 'Extra Care' housing at Maison Maritaine and Longue Rue' - Billet d'État VIII 2011.

which there will be a period of commissioning the new development before tenants are able to take up their new accommodation between August and October 2014.

### **Allocations to the Phase 1 units**

- 3.6. Of the 117 flats that will become available across both sites, 60 flats have been allocated to residents currently living at the Housing Department's care homes. This is fewer than was originally intended for the reasons explained in detail in Appendix B.
- 3.7. 10 flats across both sites – all two-bed units – will be sold under the Partial Ownership Scheme, and the remaining 27 flats will be allocated to those living in the community who have expressed an interest in extra care housing and who meet the eligibility criteria.<sup>6</sup> Without any targeted publicity, in the five month period from 1<sup>st</sup> July to 30<sup>th</sup> November 2013, 90 households living in the community have registered their interest in this new accommodation, with applicants ranging in age from 23 to 96 years, but this is likely to be the tip of an iceberg.
- 3.8. 19 flats across both sites in the Phase 1 developments will be allocated to HSSD for people with learning disability or with a mental health condition. Almost exclusively these are people who are currently living in a residential group home environment operated by HSSD, enabling HSSD to reconfigure its services for adults with a disability and, in the process, to make substantial financial savings.<sup>7</sup> Very significantly, one of these flats will be made available to a HSSD client currently living off-Island (which will result in considerable savings to HSSD's General Revenue budget), and a further unit will be used as a respite flat to complement the existing respite provision at Housing 21's extra care housing scheme, Rosaire Court.<sup>8</sup>

## **4. PHASE 2 PROPOSALS**

- 4.1. The May 2011 States Report explained the potential to extend the development of both sites into the area of land upon which the residential care homes currently stand, in order to create further flats for independent living. Indeed, Resolution 8, quoted below, specifically referenced a second phase of development at each site:

*“8. To note the likely proposals for the Phase 2 development of the Longue Rue House and Maison Maritaine sites and the associated funding consequences, as set out in paragraphs 260-274 of that Report.”*

- 4.2. The site plans for Le Grand Courtil (Appendix C) and for La Nouvelle Maritaine (Appendix D) show the provision of accommodation and facilities in both Phases 1

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<sup>6</sup> To be eligible for extra care housing at Le Grand Courtil or La Nouvelle Maritaine a person must be assessed as requiring a minimum of four hours of care and support per week.

<sup>7</sup> The Business Case estimated the Phase 1 savings for HSSD to be £825,000.

<sup>8</sup> At both locations, HSSD will pay the rent and service charge for the flat.

and 2, based on an agreed ‘masterplan’ for each site. Planning permission for each ‘masterplan’ was obtained from the Environment Department before the commencement of Phase 1 on each site.

4.3. This planning permission allows for the following number and type of units to be provided at each site in Phase 2:

- **Le Grand Courtil – 9 x 1-beds and 18 x 2-beds**
- **La Nouvelle Maraitaine – 12 x 1-beds and 6 x 2-beds**

4.4. In total, there will be **45 units**, of which there will be 21 x 1-bed flats and 24 x 2-bed flats. It is the intention for 7 flats to be sold under the Partial Ownership Scheme and for 38 to be for rental.<sup>9</sup>

4.5. Of these, 13 flats will be made available to adults with a learning disability currently living in accommodation in the community; primarily those persons who have been identified as at great risk of crisis and who risk a future move into residential care.

4.6. Of the remaining 25, these flats will be allocated to those living in the community on the waiting list that will shortly be established for this accommodation.

4.7. In support of these proposals, the following section of this Report revisits the strategic context for the proposals for extra care housing at these sites. The Report goes on to outline the benefits of extra care housing in providing a supported living environment for older Islanders and other adults with a care and support need; and to consider the financial benefits of caring for someone in an extra care scheme, as opposed to in other residential care environments, together with the range of other benefits that these schemes will bring to the wider community.

## **5. THE STRATEGIC CASE**

### **The Social Policy Plan**

5.1. A general objective of the States ‘**Social Policy Plan**’ is “Equality of opportunity, social inclusion and social justice”, with key themes of the Plan being:

- Ensuring sustainability of provision in relation to funding, workforce and the social environment
- Working with the third sector
- Focusing on prevention rather than reactive crisis management<sup>10</sup>

<sup>9</sup> The May 2011 States Report estimated that an additional 45 units could be delivered on each site in Phase 2, rather than 45 additional units across both sites. This is because, at the time of drafting the earlier States Report, the design process for each scheme was at a very early stage.

<sup>10</sup> Billet d’Etat VI 2013, pp 396 and 405- 413.

- 5.2. The May 2011 States Report established how extra care housing was a key component of various interrelated strategies then being worked on by the States – the ‘2020 Vision’ for health and social care, the ‘Older People’s Strategy’, the ‘Supported Housing Strategy’<sup>11</sup>, and the ‘Disability Strategy’ – plus the existing ‘Housing Strategy’, as implemented through the ‘Corporate Housing Programme’.
- 5.3. Collectively, these strategies aimed to develop health, social care and accommodation services in a person-centred manner, and in a way that was financially sustainable in light of the Island’s ageing population. All were predicated on a major shift from the current predominance of provision which engenders dependence within institutional bed-based environments, towards independence and the provision of care and support in community settings.
- 5.4. Since 2011, the States has debated and agreed the ‘**2020 Vision**’<sup>12</sup>, a key element of which is the increased provision of specialised housing (i.e. sheltered and extra care housing), as an alternative to institutional residential care.
- 5.5. For reasons that are well-known, the development of a ‘**Supported Living and Ageing Well Strategy**’ (SLAWS) has not progressed far since 2011, but nonetheless it is intended to support the ‘2020 Vision’ in delivering - amongst other things - options for independent living for all adults in the Bailiwick that require some form of care and support.
- 5.6. In respect of the ‘**Housing Strategy**’, this includes a number of objectives to be met by the extra care housing schemes, of which the most pertinent is:
- “To enable the provision of supported accommodation for persons with special needs including accommodation for older persons, young people, people with a learning disability, persons with a mental illness, ex-offenders, etc.”*
- 5.7. In support of this objective, Action Area E of the ‘**Corporate Housing Programme**’ (CHP), is specifically focussed on the provision of supported housing to meet the needs of vulnerable Islanders.
- 5.8. Finally, the recent approval of the ‘**Disability and Inclusion Strategy**’<sup>13</sup> signalled the clearest commitment yet by the States to support Islanders with physical, learning and mental health conditions. The extra care housing schemes provide an immediate way to implement some of the objectives of the Disability and Inclusion

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<sup>11</sup> Work on the Older People’s and Supported Housing strategies has now been combined in the Supported Living and Ageing Well Strategy.

<sup>12</sup> Health and Social Services Department - ‘Future 2020 Vision of the Health and Social Services System’ – Billet d’État VIII 2011. The Plan in support of “Objective 3 – Protect and support the community” included joint working between HSSD and Housing on the development of supported living and extra care housing (see pp 492 and 497).

<sup>13</sup> Policy Council – ‘Disability and Inclusion Strategy’ – Billet d’État XXII 2013.

Strategy and are fully in accord with the States Resolution that all departments should *“take account of the Strategy when developing strategies, policies, plans, procedures and when making changes to services or capital works.”*

- 5.9. Providing adults with a disability the chance to move into purpose-built accommodation that will enhance their independence and improve their quality of life not only provides a ground breaking opportunity for many, but is also providing the catalyst for HSSD to reconfigure its services delivered to these individuals and to other users of the Adult Disability Service. (Further details are provided in Section 6.)

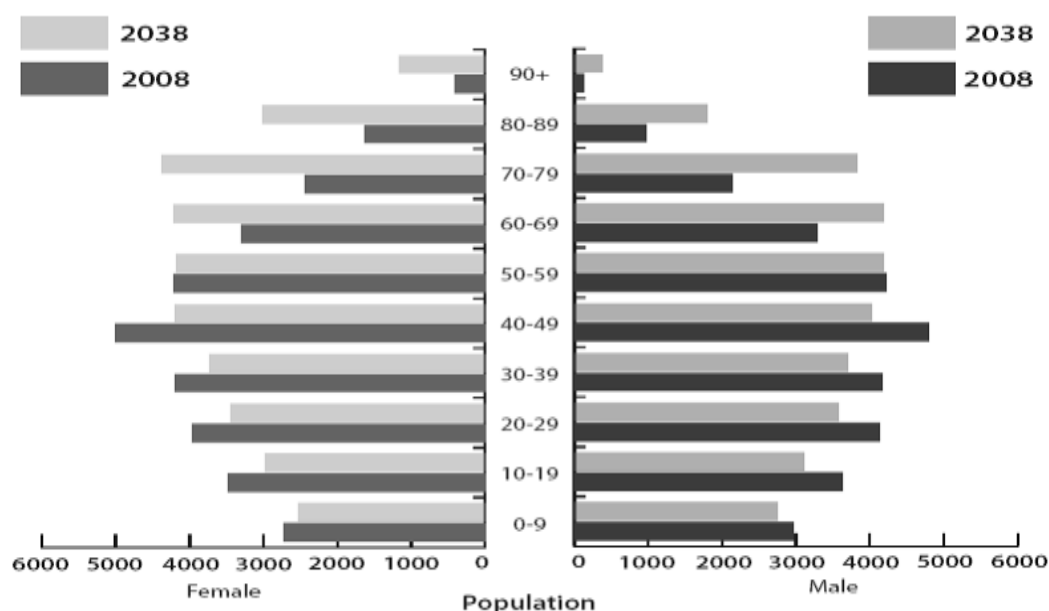
### **The case for extra care housing**

- 5.10. The 2011 States Report highlighted that current provision in Guernsey reflects traditional models of care and support that engender a culture of dependence and which focus on doing things for people, rather than people doing things for themselves. This increases the chances that people will enter into more expensive forms of institutional, bed-based care. Perpetuating historic models of provision for people with relatively low to moderate care and support needs in bed-based, institutional environments has been shown in other jurisdictions to be more costly than supporting people to live independently and **is not financially sustainable**.
- 5.11. Comparisons of the Island’s population between 1981 and 2012 prepared by Island Analysis<sup>14</sup> show that the number of people aged over 80 years has increased from 1,717 to 3,126 people: an increase of over 82% during the period. The number of Islanders aged between 60 and 69 years has also increased by 32%, from 5,452 to 7,173 people. This increase in the number of older people in the Island is already placing greater pressure on housing, and health and social care services; and as the number of persons aged over 65 years is expected almost to double over the next 30 years (see Figure 1), there is clearly a need to address the shortfall in the availability of appropriate forms of housing to widen the options available to those who require a supported living environment. This will become increasingly important as the number of old and very old people in the Island continues to rise.

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<sup>14</sup> Island Analysis – Guernsey Population Comparisons (1981 to 2012). See also: Section 7.1 of the Policy Council’s Guernsey Annual Population Bulletin (<http://www.gov.gg/CHttpHandler.ashx?id=81714&p=0>).

**Figure 1: The Island's anticipated changing demographic profile from 2008 to 2038**



- 5.12. However, not only will there be more people in Guernsey who are old, but this will be coupled with a reduction in the numbers of economically active people, thus reducing States' revenue at a time when additional funding will increasingly be required to pay for older people's services. The need to find financially sustainable solutions to these problems is one aspect of the proposals in this Report.
- 5.13. In order to change the emphasis from institutional bed-based care, to care in community settings, there is a need to provide 'specialised housing' for those who are unable to continue to live in their own homes. This is especially important for whilst Guernsey is well-provided with residential care beds, the Island has very limited provision of sheltered housing or extra care housing, which has contributed to the States incurring much higher costs in meeting individuals' health and social care needs.<sup>15</sup>
- 5.14. 'Specialised housing' consists of building design that enables people to 'age in place', allied to care and support services that promote independent living. Various terms are used to describe such provision, such as 'sheltered housing', 'supported housing' or 'extra care housing'. (A glossary of terms used in this Report is provided in Appendix E.)
- 5.15. 'Extra care housing' has many similarities to residential care, but the major difference is that the emphasis is on enabling individuals to live as independently as

<sup>15</sup> This is discussed more fully in: Housing Department and Health and Social Services Department – 'Provision of 'Extra Care' housing at Maison Maritaine and Longue Rue' - Billet d'État VIII 2011, paras 74-87.



possible. There are two major characteristics that define extra care housing:

- i) persons living in extra care housing live in self-contained accommodation which may include a range of tenures, i.e. for rent; for lifetime lease; for partial ownership; or for outright sale<sup>16</sup>; and
- ii) there is access to a range of on-site care and support services, which are delivered flexibly, according to the needs of an individual.

5.16. Extra care housing is increasingly seen as a community-based alternative to residential care provision<sup>17</sup>, as it enables individuals – even those with high level care and support needs - to retain as much of their independence as possible, whilst receiving a tailored care package, which may increase or decrease as their circumstances change. Individuals do not receive less care and support than they would within a residential care home, it is just that services are delivered in a more flexible way.

5.17. Compared with residential care provision, the occupants of extra care housing:

- live ‘at home’ not in ‘a home’;
- have their own front door;
- have opportunities to rebuild or preserve the skills required for independent living;
- benefit from accessible, purpose-designed buildings, which can include a range of assistive technologies<sup>18</sup> to enhance independent living for people with a range of needs; and
- have opportunities to socialise within a mixed tenure community, as and when they choose, i.e. they are not required to follow any regimented pattern.

5.18. This contrasts with the occupants of a typical residential home where:

- residents live in a bedroom with en suite facilities;
- have their meals provided in a dining room at specific times of day;
- have access to communal lounges and televisions, but limited facilities of their own; and
- have staff on hand to provide care on a 24 hours a day, 7 days a week basis.

5.19. It is also important to note that extra care housing is becoming more and more

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<sup>16</sup> These two schemes include flats for social rent and for purchase on a partial ownership basis.

<sup>17</sup> It is accepted that residential care will continue to be the best option to meet some people’s needs, especially those with higher level or more complex needs. Equally, some people may opt to enter residential care over extra care housing; the important thing is that they will be able to exercise that choice.

<sup>18</sup> Assistive technologies, such as community alarms (e.g. Lifeline) or the use of motion sensors within the home can help to increase safety and promote independent living.

popular as a solution to providing specialist care in community locations for persons of all ages. For example, people with dementia and people with learning disabilities can often be accommodated and supported to live independently within an 'extra care' setting, where extensive care and support services are available if needed, and where housing is designed to meet specialist needs.

5.20. It is also possible – as is the case in both of these developments - for the same extra care housing scheme to accommodate both older people and people with learning disabilities or people with mental health problems. The key to enabling mixed groups of vulnerable people to live in the same location is the careful management of support services to mitigate any risks.

5.21. Other benefits of 'extra care' housing include:

- *It can facilitate better rehabilitation and re-enablement following an emergency or critical event.*

Very often, admissions into a care home environment are made following an emergency or critical event, because it is perceived to be the lowest risk environment for an older person, and the older person agrees to avoid being a burden on family and friends.

Extra care housing offers a real alternative in such cases as it provides a supported living environment, while at the same time it promotes continued independence. In an extra care scheme, staff are available when needed, but there are also opportunities for rehabilitation and re-enablement in order for an older person to regain their confidence to live independently, after a trip or fall at home, for example.

- *It can offer an opportunity to provide respite for informal carers.*

One unit of rental accommodation at Le Grand Courtil is to be set aside as a respite flat, paid for by HSSD.

- *It can provide support to informal carers and prevent the separation of married couples.*

In residential care, generally only those persons requiring care services are admitted, which often results in the separation of married couples. Within extra care housing, care and support is available when needed to support someone who requires care, but can also provide support and respite to an informal carer. As the accommodation offered is an independent living unit, there is no exclusion of spouses or partners or, indeed, ageing disabled children who meet the eligibility criteria.

5.22. As care and support is on an individual basis, and therefore funded accordingly, extra care housing is considered to be a more cost-effective alternative to residential

care, where service provision assumes everyone has a 24/7 need. Evidence from elsewhere shows that not only will there be benefits to the quality of life of individuals living in extra care housing, but there will be benefits in reduced States' expenditure associated with providing financial assistance to those living in long-term care. Section 11 provides further information about the revenue funding consequences of these proposals.

### **Extra care housing and the continuum of health and social care needs**

- 5.23. Nevertheless, it must be stressed that extra care housing is not a 'one size fits all' solution. The diagram on the next page shows how long-term care services need to reflect the continuum of care and support needs.
- 5.24. It follows that to complement the need for specialised housing, in accord with the Social Policy Plan, there needs to be a move away from services and buildings that are designed to meet acute needs, in favour of preventative social care services and early intervention measures, which have been proven to be more cost-effective in the long-term. The further development of community services that are designed to enable people to remain in their own homes is not only the ideal option, but also generally the most cost-effective<sup>19</sup>; however, it remains the case that, for a variety of reasons, not everyone will be able to be supported in their own homes, in which case, for many, extra care housing is the next best alternative.

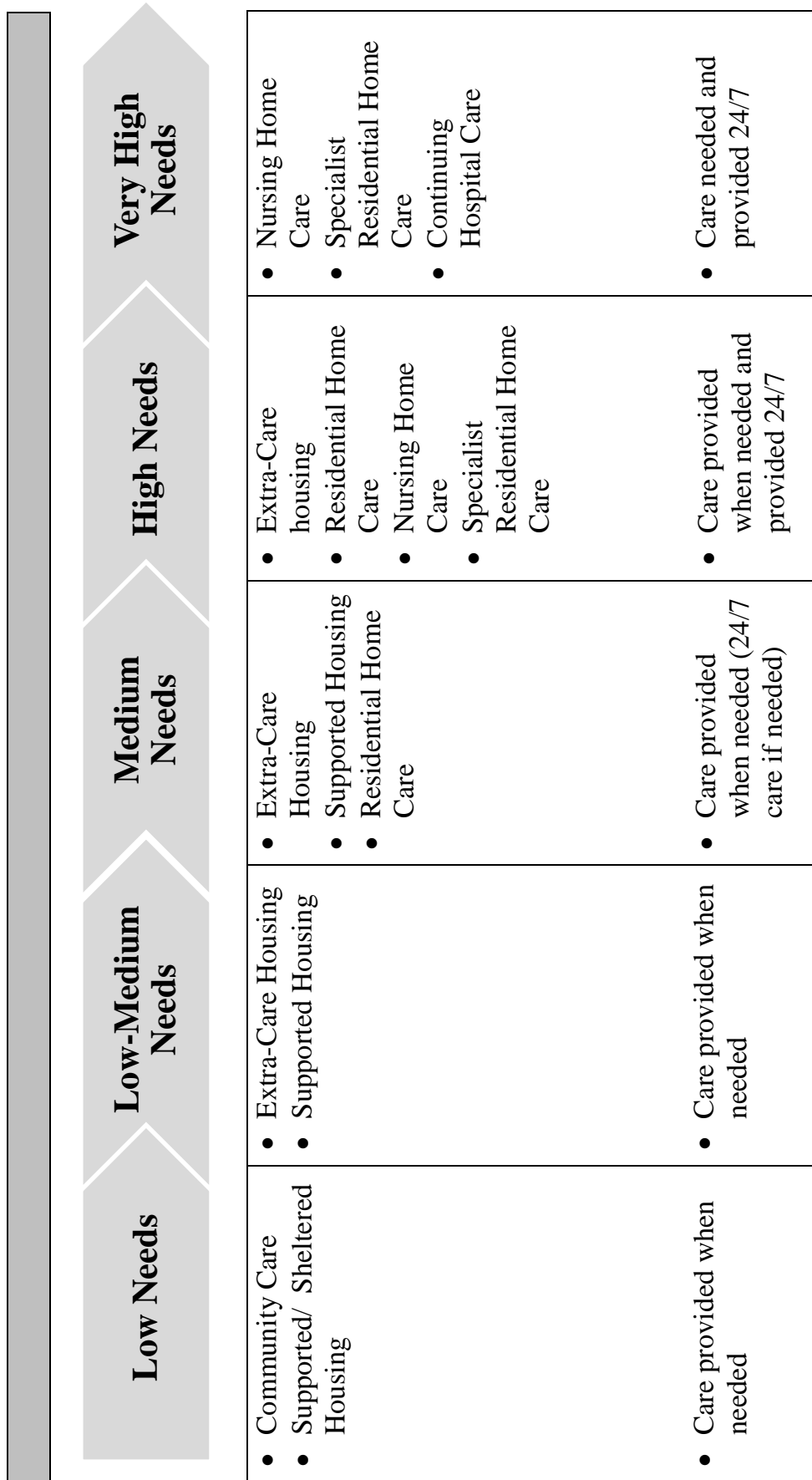
### **Evidencing the benefits of extra care housing**

- 5.25. As the provision of extra care housing is a relatively new form of provision for Guernsey, it is difficult to provide local evidence to support the long-term benefits of the extra care model, not only for the individual, but on the general reduction in the need for other health and social care services, e.g. lower uptake of hospital beds. In recognition of this, the Housing Department has started to benchmark the provision of primary and secondary care services provided to the existing residents of Longue Rue House and Maison Maritaine. This includes recording the number of visits to GPs made by residents, and the number of visits from Community Nurses and Occupational Therapists into the homes. The continuation of such monitoring for the same residents in the extra care schemes will, in the years ahead, help to evidence the longitudinal benefits of extra care housing in a Guernsey context.
- 5.26. In the meantime, in the absence of local data, there is evidence from independent studies in the UK to support the advantages of extra care housing over other forms of provision. Details of the findings of two strategic studies are provided in Appendix F, but the key points of relevance to Guernsey can be summarised as follows:

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<sup>19</sup> Among the services requiring development are the enhancement of the range of community services provided by HSSD, establishing housing repair and maintenance services, travelling warden services, etc., all of which are being considered as part of the development of SLAWS.

**Figure 2 – Meeting the continuum of health and social care needs**



- Compared with people living in the community in receipt of domiciliary care, those in extra care housing are less likely to enter institutional accommodation.
- Extra care housing is associated with a lower uptake of hospital beds.
- The occupants of extra care housing will have fewer falls than people living at home in the community.
- Outcomes are generally very positive, with most people reporting a good quality of life.
- Most residents enjoy a good social life, value the social activities and events on offer, and make new friends.
- Better outcomes and similar or lower costs indicate that extra care housing appears to be a cost-effective alternative for people with the same characteristics who currently move into residential care.
- The benefits of residence in extra care housing will translate into substantial cost savings, particularly in the long-term.

## 6. WORKING IN PARTNERSHIP WITH HSSD'S ADULT DISABILITY SERVICE

- 6.1. In approving the Disability and Inclusion Strategy, the States resolved to direct departments to undertake "*a multi-agency approach to implementing the Strategy*"; the extra housing developments at Le Grand Courtil and La Nouvelle Maraitaine are an example of such an approach at work.
- 6.2. As noted above, Phase 1 of the two schemes is providing the opportunity for HSSD to re-house 19 of its clients with a learning disability currently accommodated in its residential group homes – specifically Beauville, Jessant and Shotley Villa - where they are cared for on 24/7 basis by specialist learning disability nurses. However, it has been established that these 19 individuals are capable of, and would benefit from, independent living in extra care housing, where they can be supported by care and support staff from the Housing Department, who have been trained to meet their needs, albeit specialist oversight will continue to be provided by HSSD. **This will represent a significant financial saving for HSSD, while providing those adults with meaningful independence: a choice which is not available to them at present.**
- 6.3. To put this in context: historically, individuals with a learning disability have had limited choice about their housing and care options. Whilst many live at home with their parents, this very often becomes an unsustainable position as their parents themselves are ageing. The historic practice has been for them to receive care and support in a residential care home, which provides 24/7 care. However, this leads to a loss of skills and an over-dependence upon paid care. Alternatively, in some cases, they have had to be relocated and cared for in an off-Island placement at

considerable expense.

- 6.4. Other individuals with lower care and support needs have been assisted to take up their own housing tenancy, either in the private sector or with the GHA. However, very often they have continued to receive considerable amounts of paid residential support from HSSD, such as an overnight carer, which has not made this a cost-effective solution.
- 6.5. The nature of the extra care schemes offers an intermediate solution through meeting the care and support needs of such individuals via a tailored package, whilst offering the opportunity to enhance independence and to reduce exclusion by enabling meaningful contact with others in relaxed informal settings.
- 6.6. As part of the current and ongoing commitment to working together in partnership to provide integrated, differentiated and high-quality care for individuals across a wide spectrum of needs, over the last 12 months, staff of the Housing Department and HSSD have co-constructed an assessment tool and process for all adults who are being assessed for their suitability for extra care housing.<sup>20</sup> This joint work has enabled a holistic assessment to be carried out taking into account the needs, thoughts and wishes of the individuals concerned and their families, where possible and appropriate. This assessment will also inform the individualised care plan for each scheme resident, which will include the development of a specific in-reach service to ensure that the specific care needs of each individual with learning disability are addressed.
- 6.7. **The provision of high quality accommodation for this client group within a supported context will transform lives and help the States to provide appropriately responsive services. Specifically, it will enable HSSD's Adult Disability Service to reconfigure its services and the use of its specialised resources to concentrate on those with the greatest care and support needs. This will allow for some individuals to be returned from off-Island placements** and for the correct staffing ratios to be applied, (although this is subject to there being separate, appropriate purpose-built residential care facilities to care adequately for those with the most complex needs and challenging behaviours).
- 6.8. In summary, extra care housing will enable the following outcomes for individuals with a learning disability:

- *Increase choice.*

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<sup>20</sup> It has been agreed that rather than require them to go through the Needs Assessment Panel process, which provides a gateway for claims for Long-term Care Benefit, this tool will be used specifically to assess the suitability for extra care housing of HSSD's existing residential group residents, who will not be eligible for Long-term Care Benefit in extra care housing. In time, the same tool will be used by the Housing Department's extra care scheme managers to assess, in more detail, the suitability of persons for whom the Needs Assessment Panel has issued an extra care housing certificate.

Extra care housing provides a new accommodation option for individuals with learning disability. It will allow those with lower care needs to lead more independent lives, and will also allow those with higher care needs to be in their own accommodation with differentiated care packages.

- *Increase and promote independence.*

A clear aspiration is that all individuals can lead independent healthy lives. The current option for providing care in institutional settings discriminates against those who need support, but who cannot live alone in the community. The option of extra care housing will maximise the independence of those with relatively high care needs as the accommodation has been designed specifically to meet their needs and to offer flexibility.

- *Increase opportunity.*

Historically people with a learning disability who need care and support enter residential care because of limited choice. The provision of extra care housing will increase opportunity because, in itself, it offers considerably more flexibility than existing options. Extra care housing can adequately provide for those with low, medium and high care needs. It also will enable the existing Learning Disability Service to be reconfigured to provide more efficiently for those with the greatest care needs in a more flexible and responsive way and to deploy resources effectively across the Service.

- *Increase dignity and respect.*

The power of individuals to hold tenancies in their own name – and, in one case, purchase a property via the Partial Ownership scheme - cannot be overstated. **For the first time, many of these individuals will be able to have a place of their own, which is an aspiration and desire of almost everyone, but which has not been possible until very recently for the majority of people with a learning disability. The effect this has on others' perception of the individual is also significant, as this will help some people to see the adult with a learning disability as a person in their own right.**

- *Avoid institutionalism.*

One size does not fit all. Whilst the Learning Disability Service no longer provides institutional care in hospital-based settings, there are inevitably some marks of institutional care that occur in residential group homes.

6.9. The provision of the extra care accommodation and services on these two schemes will also enable HSSD to achieve the following:

- The closure of two of its residential group homes - Jessant and Beauville - which will result in significant ongoing revenue and capital savings to the States;
  - The potential to reconfigure disability services to provide better for those with more complex needs;
  - The potential to repatriate appropriate off-Island placements into placements historically allocated to disabled Islanders with relatively low level needs, with benefits for all the individuals concerned;
  - An opportunity to better manage risk. For example, extra care housing is a supported living environment, with staff available on site at all times. Whereas an overnight member of staff might be required to reside on a 1:1 basis overnight with an individual living in the community to mitigate against risk, this is a costly and inefficient solution that would not be necessary within extra care housing;
  - A joint working arrangement with the care service to be provided by the Housing Department which will enable specialist nurses to concentrate on providing specialist nursing care to HSSD's clients with a learning disability, while the Housing Department care staff provide more generic support. This will enable HSSD to maximise the investment in specialist staff rather than pay specialist staff to provide a low level generic support service;
  - The opportunity to offer a replacement and/or enhancement of HSSD's specialist day services.
- 6.10. **Clearly, all of these quantifiable and non-quantifiable benefits in the ways in which health and social care services are delivered will be enhanced if Phase 2 of the two schemes proceed.** In particular, as noted above, it is already planned that 13 of the 45 flats in Phase 2 will be made available to adults with a learning disability currently living in accommodation in the community; primarily those persons who have been identified as at great risk of crisis and who otherwise risk a future move into residential care.

## **7. MEETING WIDER COMMUNITY NEEDS**

### **Assessing the need for further extra care housing**

- 7.1. Paragraphs 5.11-5.12 above provide an overview of the requirement for extra care housing. It is also an option that the Island community has indicated it favours. For example, the 2011 Housing Needs Survey has confirmed that while older people generally prefer to remain in their own homes, when that is not possible they want to remain living in the community in accommodation suitable to their needs, where they can receive help and support, i.e. sheltered or extra care housing. Their



least favoured option is to move into a residential or nursing home.<sup>21</sup>

- 7.2. This has become evident because while, at the time of writing, there is no formal waiting list for the extra care housing at Le Grand Courtil or La Nouvelle Maraitaine, without any active marketing or targeted publicity, due to word of mouth, the Housing Department has been receiving an increasing number of enquiries from individuals interested in themselves or their relatives being accommodated in the two new schemes. To respond to this an informal 'Expressions of Interest' process to identify tenants for the schemes was introduced in July 2013 and, by the end of November, 90 people had completed an Expression of Interest form, of which 60 were not already known to HSSD.
- 7.3. All these forms were completed by persons who have at least one life limiting illness/disability, and who require care and support that could be provided in an extra care housing environment. 13 forms have been completed by older people who are finding that their health problems are exacerbated by their living environment. (These are in addition to the 13 individuals with a learning disability currently living with older parents, who are at risk of a crisis residential home placement in the absence of Phase 2 proceeding.)
- 7.4. The following quotations are taken from the Expressions of Interest, and help to illustrate the types of need and the range of ages of persons who can be supported through extra care housing.

From the wife of an 80 year old man:

*'My husband is diabetic and has been hospitalised twice in the last year. He has panic attacks and finds it hard to leave the house. He needs to feel safe and secure where the right people are there to support him. He fell recently and ended up in hospital and has lost a lot of confidence.'*

From the parent of a 33 year old disabled son:

*'Our son is living with us but we are getting older and are finding it hard to help him. He needs help washing and needs support to be social. We are worried about what will happen to him when we can't care for him any longer.'*

From an 88 year old woman:

*'I live upstairs in a privately rented flat. There is no lift and I find the stairs difficult. I can't carry anything up or down stairs. I get very low and depressed and I have had a few falls. I want to enjoy my independence but need help.'*

From the doctor of an 83 year old woman:

*'My patient has a degenerative eye disease and her sight is failing. She can't recognise faces and has difficulty reading. She can't manage in her present*

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<sup>21</sup> See Opinion Research Services - 'States of Guernsey Housing Needs Survey 2011' pp 27-35, especially pp 33-34: [www.gov.gg/CHttpHandler.ash?id=79858&p=0](http://www.gov.gg/CHttpHandler.ash?id=79858&p=0).

*accommodation as there are too many steps. She will need help to live but is determined to retain her independence.'*

From the parent of a 32 year old woman with learning disabilities:

*'Our daughter lives with us and has a difficulty reading and writing. We would like her to live more independently in preparation for that time when we can no longer be here to support her.'*

From the daughter of a 64 year old man:

*'My father has recurring illnesses which causes him to be hospitalised. He lives alone in damp accommodation and can't manage the stairs to the bathroom. He has a tendency to forget to eat and neglects his personal hygiene. He is very isolated and vulnerable. He would benefit from being able to continue to live independently with help and support.'*

- 7.5. If the needs of these people, and others like them, are to be met, then there is not only a requirement to proceed with Phase 2 of the extra housing schemes, but additional schemes in other suitable locations, as the number of potential occupants identified so far well exceeds the combined number of units available in both Phases 1 and 2; indeed, this is only identifying the tip of an iceberg. Without such investment, the outcome will be acute crisis management and the continuation of high expenditure on supporting people in institutional care settings.

### **Wider community benefits of extra care housing**

- 7.6. Among the characteristics of extra care housing are:

- the provision of a range of communal services and facilities in an environment which is designed to make it easy for individuals with mobility problems, and a range of other specialist needs, to move around the internal and external spaces. Spaces are also designed for ease of personal and social care delivery; and
- access to a range of communal facilities, such as a cafe/restaurant, computer room, exercise room, library, hairdresser, day centre, for example, which ensures that occupants of the scheme are not isolated from community events and that social activities are accessible.

- 7.7. These community facilities are an integral part of Le Grand Courtil and La Nouvelle Maraitaine; and the Housing Department is committed to maximising their usage to ensure that value for money is achieved through the capital investment made in the schemes; not just for the scheme occupants but also for the benefit of the wider community.

- 7.8. In this regard, the Housing Department is working with HSSD, and with Third Sector organisations, to reconfigure health and social care services to locate in these community settings to achieve more cost-effective, responsive and personalised services.

7.9. Among the services to be provided from these ‘community hubs’ are:

- specialist nurse clinics in osteoporosis, respiratory, heart, stroke and other specialisms related to the management of long-term, chronic health conditions;
- healthy living clinics including smoking cessation, obesity management, alcohol and drug services;
- falls clinics, foot clinics and other services intended to prevent emergency admission into hospital;
- benefits’ clinics and citizen advice services;
- carer support workshops and information sessions; and
- a community bathing scheme for people living in the neighbourhood.

7.10. In addition to the above, the provision of well-designed communal areas within the extra care schemes also offers the potential to:

- refine the development of specialist ‘in-reach’ services by which the wider community will be invited to take part in day services, luncheon clubs, health therapies, etc, to provide specialist support and oversight;
- provide more generic ‘in-reach’ services such as falls clinics, flu clinics, health promotion advice, etc.

7.11. The restaurant service in each scheme will also provide an attractive option for Islanders requiring a completely accessible eating environment at a competitive price<sup>22</sup>; the therapy and hairdressing suites will provide a useful service to Islanders living in the vicinity; and the communal lounge areas will provide comfortable, accessible and safe places for Islanders to meet and socialise.

### **Working with the Third Sector**

7.12. In accordance with one of the key themes of the Social Policy Plan, the facilities provided in the extra care housing schemes will also provide a renewed opportunity to work in partnership with Third Sector organisations to develop and deliver day services aimed at a broad section of the population; in so doing they will help to support the core health and social care aims of prevention, and the promotion of health and well-being.

7.13. Effective day care can meet a range of needs for vulnerable people of all ages and their carers. It can help to tackle social isolation, reduce hospital admissions and enable earlier discharge from hospital, as well as provide respite breaks for carers, many of whom are older people themselves.

7.14. The Housing Department and GHA are currently in discussion with a number of well-respected Third Sector organisations to provide the bases for services for

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<sup>22</sup> One of the benefits of Phase 2 proceeding will be that there will be additional occupants to use the catering service, thereby making its operation more economical.

vulnerable Islanders at both extra care schemes. One confirmed ‘user’ will be the St. John Healthcare Shop, which will be using some of the space at Le Grand Courtil for its aids and adaptations products. At the time of writing, the Department hoped to be able to make an announcement about the leasing of space by a further Third Sector organisation early in 2014.

## 8. CAPITAL FUNDING

### Phase 1

- 8.1. In respect of the States’ contribution towards the capital costs of the Phase 1 development, the States resolved:

*‘That the Corporate Housing Programme Fund be used to provide capital grant funding associated with the first phase of the redevelopment of the sites of Longue Rue House and Maison Maritime (including the costs of demolishing both residential homes), such capital grant funding not to exceed £22 million for both schemes combined.’*

- 8.2. The Business Case approved by the Treasury and Resources Department in April 2012 showed that the GHA would require a £22 million capital grant from the CHP Fund, representing 56.7% of the total development costs of £38.8 million (excluding the value of the land transferred<sup>23</sup>). The remaining money required to finance the development of these sites has been borrowed by the GHA from a private banking source.
- 8.3. It was reported to the States that the requirement for a capital grant for these extra care housing schemes would be higher than other recently completed general needs social housing schemes, where grant costs had generally represented 10-20% of the total development costs.<sup>24</sup> This was because the two schemes need to include a range of specialist design features and have a very significant proportion of communal spaces that will generate little or no rental income to support the overall project financing. Approximately 40% of the total development costs associated with Phase 1 relate solely to these communal areas.
- 8.4. However, it was further explained that as a result of the need to include all of the communal spaces in Phase 1, these costs would only need to be incurred once and any second phase of development, as proposed in this Report, would benefit accordingly, as the areas are of sufficient size to support the persons who would occupy the additional flats in Phase 2 on each site. Progressing Phase 2, therefore, maximises the benefit of the provision of these communal areas and their cost-effectiveness on a per unit basis.

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<sup>23</sup> Calculating the value of the land which comprises both of these sites on a residual basis (i.e. as if they had been acquired commercially, after all development costs have been applied) and adding this to the requirement for capital grant funding quoted, increases the total value of the contribution from the States to approximately 65.3%, although no additional monies have been transacted.

<sup>24</sup> 30-35% of total costs if the residual value of the land was included.

### **Requirement for a capital grant for Phase 2**

- 8.5. Taking account of the above, to support the development of a second phase of development on these sites, and to supplement the money that it will borrow from a private banking source, the GHA is requesting a capital grant from the States of **£3.25 million**. This represents **32.4%** of the total development costs of £9.42 million combined<sup>25</sup>, excluding the value of the land transferred; or **38.8%** where the value of the land is included on a residual basis (i.e. if the land had been acquired on a commercial basis, after all development costs have been applied).
- 8.6. There are sufficient monies within the CHP Fund to fund these additional developments; and as part of the Housing Development Programme 2013-2022 that formed one of the Housing Department's capital prioritisation bids, provision was made for further specialised housing of the type being proposed in this Report.
- 8.7. In making that bid, the Department pointed out that the main challenge in delivering the Programme related to the availability of suitable developable land. This is not an impediment in this instance as the land is within the Housing Department's control and thus the Phase 2 development of these sites can progress without delay, planning permission having already been obtained.

### **Comparing the costs of Phases 1 and 2**

- 8.8. Exclusive of the land cost (see paragraph 8.11 below), the States' capital contribution towards Phase 2 equates to just over £72,200 per unit.
- 8.9. The table below compares the build cost per flat for Phases 1 and 2:

	<b>Phase 1</b>	<b>Phase 2</b>
Le Grand Courtil	£301,498	£200,864
La Nouvelle Maraitaine	£279,465	£222,147

- 8.10. In considering these comparisons, it should be noted that:
- The per unit costs for Le Grand Courtil Phase 2 are lower than at La Nouvelle Maraitaine due to the design of the accommodation being more economical to build;
  - La Nouvelle Maraitaine Phase 2 requires the provision of an additional lift to service the new flats, which leads to higher building costs;
  - As explained above (paragraphs 8.3-8.4), the figures for Phase 1 include the cost of providing the communal areas in the two schemes, which benefit both the scheme occupants and the wider community; and
  - The figures for Phase 1 are based on a build contract signed in October 2012, whereas the figures for Phase 2 are based on contracts being signed in March 2014. There is, therefore, some build price inflation in the Phase 2 sums.

<sup>25</sup> Le Grand Courtil £5.42 million; La Nouvelle Maraitaine £4.0 million.

### **Conveyance of Phase 2 land to the GHA**

- 8.11. The States has already resolved that the land upon which Phase 2 will be built on each site can be used to provide extra care housing to be developed and managed by the GHA. Consequently, if this Report is approved, in accordance with usual practice, Treasury and Resources will be asked to consent to the conveyance of the Phase 2 land to the GHA for the sum of £1 in each case, as part of the States' contribution to the overall development costs.<sup>26</sup>

### **Timetable for Phase 2**

- 8.12. If this Report is approved by the States in March 2014, it is intended that the development of Phase 2 on both sites will commence in May 2014, and will be completed in the third quarter of 2015. There would be a short period of commissioning before scheme occupants would be able to take up their new accommodation in late 2015/early 2016.

## **9. THE CASE FOR PROCEEDING WITH PHASE 2 WITHOUT DELAY**

### **Timing of Phase 2**

- 9.1. When the Housing Department and HSSD reported to the States with proposals for Phase 1, it was not known when proposals for Phase 2 would be brought forward for approval.
- 9.2. However, for the following reasons, the Department considers that it is now the appropriate time to seek approval from the States to progress with a second phase of development:
- the need for such accommodation is high;
  - the land is available for development without constraint;
  - planning permission has already been obtained;
  - a development partner in the GHA is in place;
  - contractors are working on the sites at present;
  - the development of further extra care housing will offer a continued supply of work for the construction industry<sup>27</sup>, bringing economic benefits for the Island at a time when order books are less full; and
  - there will be revenue savings for HSSD through some of its service users being accommodated in extra care housing sooner rather than later.

### **Appointing main building contractors for Phase 2**

- 9.3. J W Rihoy & Sons is currently responsible for the Phase 1 building project at Le

<sup>26</sup> The land upon which Phase 1 is being built has already been conveyed to the Association.

<sup>27</sup> This not only includes for the proposed main contractors – J W Rihoy & Sons Ltd and R G Falla - but also the wide a range of sub-contractors and other firms involved in the projects.

Grand Courtil and R G Falla is completing Phase 1 at La Nouvelle Maritaine.

- 9.4. In order to maintain the momentum of development at Le Grand Courtil and La Nouvelle Maritaine, the GHA wishes to appoint the same main contractors currently working on each site to continue with Phase 2 and has obtained prices from them accordingly.
- 9.5. These two contractors are considered to be the only two firms on the Island who are able to manage and oversee such extensive developments to ensure their delivery in a timely way, plus they have built up knowledge of extra care housing development which clearly will be of benefit during the construction of Phase 2. There are also financial savings to be realised by adopting this approach as outlined below.
- 9.6. The Housing Department is satisfied that the GHA has negotiated the prices obtained with the building contractors; and these have been heavily scrutinised by the GHA's Quantity Surveyor against the build contract for Phase 1 to ensure that the prices are competitive and that value for money is being obtained.

**Financial savings through using the same building contractors for Phase 2**

- 9.7. The GHA has estimated that the overall length of construction presence on site will be reduced by five months if the projects can progress seamlessly and there can be some overlap in the phases of development; and, clearly, there will also be less disruption for scheme occupants and neighbours if the build phase progresses on this basis.
- 9.8. There is also a cost reduction to be made by adopting the seamless construction of Phase 2 on each site.
- 9.9. For example, working to a timetable that allows Phase 2 to commence as soon as possible (by May 2014) avoids the need for contractors to withdraw their construction teams, site cabins and hoardings, etc, and also allows them to retain the use of temporary storage arrangements to help effectively manage the building projects.
- 9.10. Commencing Phase 2 as Phase 1 is nearing completion also means that some elements of the hard and soft landscaping associated with Phase 1 will not have to be removed later to construct Phase 2. There will be savings associated with some building works either not having to be completed, or only done once. For example, some external walls where Phase 1 and 2 join will not have to be rendered if Phase 2 is able to commence in May 2014.
- 9.11. There have also been significant savings on consultancy fees and staff time by approaching the contractors to price these projects direct, rather than GHA initiating a formal tendering process that would almost certainly result in the same outcome in relation to the award of contracts.

- 9.12. **These total savings have been estimated to total £450,000 across both sites.** Given that: (i) the GHA is a not-for-profit organisation and will have to borrow less money from its banking source; (ii) the States will benefit from paying a lesser capital grant; and (iii) that any building costs have to be recouped from rentals of the occupants of the two schemes, some of whom will require Supplementary Benefit assistance; the Housing Department is satisfied that, in the specifics of this situation, value for money can be obtained without a formal tendering process being undertaken.
- 9.13. The Housing Department, therefore, wholly supports the GHA's approach in this regard.

## 10. PROJECT MANAGEMENT ARRANGEMENTS

- 10.1. The States' relationship with the GHA is governed by a Framework Agreement<sup>28</sup>, to which the Housing Department and Treasury and Resources are signatories.
- 10.2. The GHA has an excellent track record of completing development projects on time and within budget. At the time of writing, the GHA has 518 properties (404 for social rent and 114 for partial ownership), plus a further 236 homes under construction. These developments have been funded by a combination of private borrowing, together with capital grant funding from the CHP Fund. Grant funding from the States is currently provided on a scheme by scheme basis, with the actual grant sum for each development based on the total cost of each development; the rental income generated by the scheme over a 30-year period; and the overall financial health of the GHA.
- 10.3. The States has agreed that Treasury and Resources can approve the capital funding of development projects undertaken by the GHA and, therefore, it is unusual for a report on such a project to come to the States for approval. However, given that extra care housing remains a relatively new concept for Guernsey, plus the fact that when the Phase 1 proposals were debated there were some political concerns about the revenue funding implications, it is necessary for this report on Phase 2 to be considered by the States.
- 10.4. It also provides an opportunity to remind the States that for development projects that it undertakes, it is the GHA that bears all the development risk: **this is not a capital project being undertaken by the States.** The GHA has to work to fixed capital grant sums approved by the Housing and Treasury and Resources Departments – or, in this instance, the States - before any development can commence; and it is required to provide regular reports on their development and other activities to both Housing and Treasury and Resources.

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<sup>28</sup> The Framework Agreement is a legally binding document which sets out the contractual relationship with the States. It governs the type of business information that the GHA is required to provide to the States and includes 'step-in' rights for the States in the unlikely event that the Association went into liquidation.



- 10.5. Given that the GHA is responsible for the development of Phase 1 of the extra care housing schemes and will become responsible for all aspects of tenancy and property management thereafter, it is inconceivable that it would not undertake the Phase 2 developments.
- 10.6. Nonetheless, due to the specialist nature of the accommodation and services to be provided, the Housing Department and HSSD are key stakeholders and will have an extremely close working relationship with the GHA on these projects, both as they are constructed and subsequently managed. A Project Team comprising senior staff representatives from Housing, HSSD and the GHA is already in place to oversee Phase 1 of the extra care housing developments, and this will remain in place to oversee the Phase 2 projects if they are approved.

## **11. FINANCIAL IMPLICATIONS FOR DEPARTMENTS' REVENUE BUDGETS**

### **Background**

- 11.1. A substantial part of the May 2011 States Report dealt with the financial implications for departments and individuals of building Phase 1 of the extra care housing schemes, and was complicated by the fact that the majority of the initial occupants of the two schemes were to be the existing residents of Longue Rue House and Maison Maritaine.<sup>29</sup> This brought into sharp focus the differences in the manner in which long-term care was funded in residential homes compared with extra care housing; in particular, questions were raised as to whether extra care housing should be funded through the Long-term Care Insurance Scheme rather than via General Revenue.
- 11.2. While, regrettably, this fundamental issue remains unresolved, it is to be actively revisited by the Working Party that has been formed by the Policy Council to develop the Supported Living and Ageing Well Strategy. This will have regard to the extensive work undertaken by the Funding of Long-term Care Working Party, which was established as a result of the debate of the Phase 1 proposals.
- 11.3. In addition, the Social Security Department is required to report back to the States by October 2014 with proposals setting out any structural reforms and changes to contribution and/or benefit rates which it considers necessary in order to ensure the long-term sustainability of the Long-Term Care Insurance Fund.

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<sup>29</sup> The anticipated value of the assistance required from Supplementary Benefit to support tenants living in Phase 1 was included in the Social Security Department's annual uprating report approved by the States in October 2013 - Billet d'État XX 2013.

### **Funding model for Phases 1 and 2**

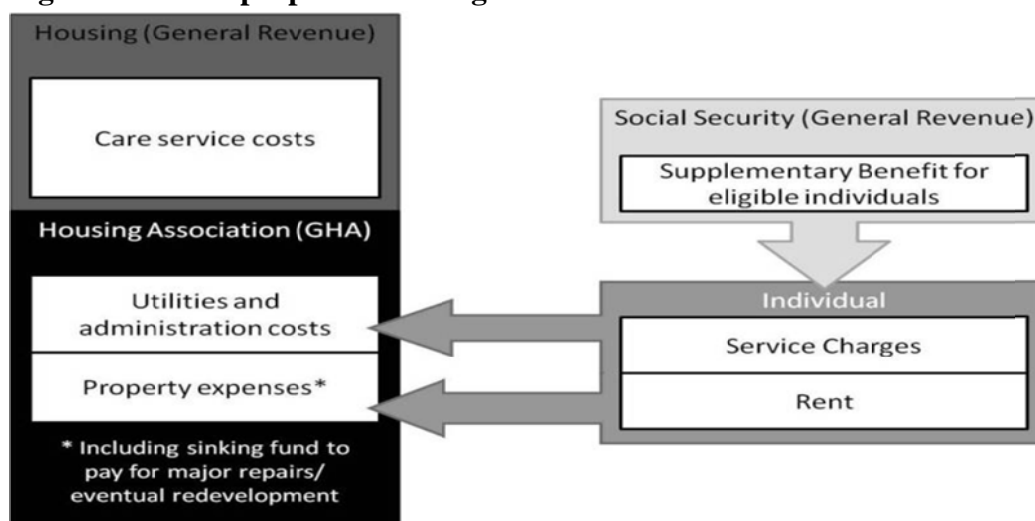
11.4. In the absence of any alternative funding model being agreed or in place by 2015/2016 when Phase 2 of the two schemes are due for completion, the arrangements for funding extra care housing will be the same as those agreed by Treasury and Resources for Phase 1; namely:

- all tenants of the rental units in the extra care schemes will pay a rent and service charge to the GHA;
- Supplementary Benefit assistance will be available, where necessary, from the Social Security Department; and
- care and support costs for all occupants will be met in full by the Housing Department funded from its General Revenue budget.

11.5. This funding model is shown diagrammatically in Figure 3 below.

11.6. However, as the persons to be accommodated in Phase 2 will predominantly be people currently living in their own homes, or persons with a learning disability currently accommodated by HSSD in residential group homes, the revenue funding issues for Phase 2 are much simpler and their financial impact less significant than for Phase 1.

**Figure 3 – The proposed funding model for the GHA's extra care schemes**



### **Impact on the Social Security Department's revenue budget**

11.7. In order to calculate the likely additional cost to Supplementary Benefit of the Phase 2 proposals, a number of assumptions about the anticipated requirement for financial assistance from the Social Security Department have been made; namely:

- Supplementary Benefit will meet the full cost of the weekly rent and service charge<sup>30</sup>, with incomes being ‘topped up’ to this amount as required;
- all tenants living in the 38 rental units in Phase 2 will require some form of assistance from Supplementary Benefit, which may include some help with their day-to-day living expenses; and
- no assistance from Supplementary Benefit will be required by those occupants buying part of the equity in a property under the Partial Ownership Scheme.

11.8. Two cost estimates have been made. The first uses the incomes of those persons living at Rosaire Court, the Island’s only other extra care housing scheme, as a proxy for the value of assistance that may be required from tenants living in Phase 2. The second assumes that incomes of tenants in Phase 2 will be equivalent to those for the entire population of Supplementary Benefit claimants.

11.9. Based on these assumptions, it is estimated that the total additional assistance that would be required by those moving into the extra care schemes will be between **£50-100,000 per annum**.

#### **Impact on the service charge payable by Phase 1 occupants**

11.10. Upon the occupation of Phase 2, it is estimated that the service charge payable by tenants and partial owners towards the upkeep and maintenance of the communal and external areas will be able to be reduced by between £10 and £15 per flat per week, because there will be more occupants to support the expenditure incurred. For those tenants requiring financial assistance from Supplementary Benefit this will result in a small reduction in the financial support they require from Social Security.

#### **Impact on the Housing Department’s revenue budget**

11.11. Under the arrangements agreed by the States for Phase 1, the Housing Department is responsible for employing the care and support staff to meet the needs of all persons who will live in Phase 1. This will be same staff – but a reduced number – who currently assist residents living within Longue Rue House and Maison Maritaine, all of whom have been re-trained to focus on supporting individuals to do things for themselves as far as they are able.

11.12. It might be thought that by building an additional 45 flats across both sites in Phase 2 the staffing complement would need to increase accordingly, but the Housing Department wishes to assure the States that this will not be the case. **The Housing Department requires no additional staff in relation to Phase 2; accordingly, there will be no revenue implications for the Housing Department’s General Revenue budget arising from these proposals.**

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<sup>30</sup> The rents and service charges to be applied by the GHA in 2014 for Phase 1 have been used for modelling purposes.

11.13. This arises for two reasons:

- 1) As explained in 2011 States Report, the fact that many of the residents of Longue Rue House and Maison Maritaine have been institutionalised for many years means that, initially, they will require high levels of care and support to re-learn how to live independently. As a result, in calculating the staffing requirements of the care and support service for the Phase 1 occupants, it was planned that, for the first 12-18 months of their operation, staffing levels in the two schemes would be higher than would be expected in later years.

However, by the time the additional accommodation in Phase 2 is available for occupation in late 2015/early 2016, it is expected that the care and support hours required by the transferring care home residents (and learning disability clients) will have reduced, releasing care hours for staff to support the new occupants of Phase 2.

- 2) It is an overriding policy that across each scheme: one-third of occupants will have low care and support needs; one-third medium needs; and one third high needs (as measured by the hours of support and care they require).

Given that many of the transferring occupants will have high or medium needs, to remain within the same staffing complement it will be essential for the Housing Department to consider carefully not only the level of care and support that will be required by the occupants of Phase 2, but also all new tenancies created between the opening of the schemes in 2014 and the completion of Phase 2. It is, therefore, likely that persons accepted into the schemes in the early years will have relatively low care requirements, in order not to impact on the overall requirement for care and support staff, or to risk the extra care schemes quickly becoming more like the residential homes they are intended to replace.

#### **Impact on the HSSD's revenue budget**

11.14. Throughout this Report there have been references to the joint partnership working between the Housing Department and HSSD, and the opportunities that the schemes are presenting to reconfigure services, particularly in HSSD's Adult Disability Service. Although it is difficult at this stage to quantify the exact financial savings that may arise as a result, it is expected that relocating clients with a learning disability into accommodation to be made available in Phases 1 and 2 will lead to a significant reduction in HSSD's General Revenue budget in this particular area.

11.15. In respect of Phase 2 specifically, savings will accrue in two areas:

- 1) some of the 13 people who will relocate to the new schemes are currently supported to live in the community by an overnight 1:1 service provided by HSSD. This will no longer be necessary when they move to extra care housing as the Housing Department will have staff on duty overnight to support them;

- 2) caring for these 13 individuals within extra care housing will free up capacity in HSSD's community specialist support services to provide care for people presently placed off-Island. HSSD is currently reviewing the list of off-Island placements to identify those that can be repatriated into appropriate community settings; in this way extra care housing will enable HSSD to repatriate Islanders into both extra care housing (Phase 1) and into other community settings with appropriate staffing levels (Phase 2).

## **12. ENVIRONMENTAL IMPACT**

- 12.1. All new housing has an environmental impact.
- 12.2. Social and specialised housing developments undertaken by the GHA are acting as pathfinders for all new housing in the Island, both through the use of sustainable technology in the design and build, and through the inclusion of other energy efficient measures such solar panels for hot water and heating.
- 12.3. The Housing Department is committed to continuation of these eco-friendly innovations in the delivery of all new housing provided with States' funds and Phase 2 of these extra care projects is no exception.

## **13. CONSULTATIONS**

- 13.1. The Housing Department has consulted with HSSD and the Social Security Department. HSSD has stated its qualified support for the proposals; the Social Security Department has given its unequivocal support to the proposals. Their letters of comment can be read at Appendix G.
- 13.2. The Law Officers of the Crown have also been consulted and their comments have been incorporated in the report.

## **14. COMPLIANCE WITH THE PRINCIPLES OF GOOD GOVERNANCE**

- 14.1. Appendix H sets out how the principles of good governance have been complied with.

## **15. CONCLUSIONS AND RECOMMENDATIONS**

- 15.1. **The Housing Department is in no doubt as to the urgency of proceeding with Phase 2 of the extra care housing schemes at Le Grand Courtil and La Nouvelle Maraitaine. Regardless of the financial savings that will accrue through the seamless continuation of the building work on both sites, there is the increasing day-by-day discovery of unmet need in the community for which the extra care housing schemes offer hope for adult Islanders of all ages.**
- 15.2. Not only are allocations to the flats in Phase 1 heavily oversubscribed, with no marketing or promotion of the schemes since the initial announcements in early

2011, but HSSD professional staff are clamouring for their clients to be accommodated in the two schemes. Already more flats than originally intended - 19 - have been pre-allocated to learning disability clients housed in HSSD's residential group homes; a further 13 flats in Phase 2 have been earmarked for persons with a learning disability currently living in unstable family situations in the community; and still this leaves a queue of adults with mental health conditions who could equally be accommodated in the two schemes rather than in residential homes run by HSSD.

**15.3. Consequently, although SLAWS is not yet in place and the funding of long-term care remains to be sorted out, to await their resolution before building Phase 2 would be to ignore this need and the positive benefits – financial and otherwise – that will accrue from pressing on with the next phase of development on each site.**

**15.4. The Phase 2 proposals also present the States with an early opportunity to reaffirm its commitment to the implementation of the Disability and Inclusion Strategy, by providing accommodation and services to at least 45 of the 13,742 people in Guernsey and Alderney identified as having a disability.<sup>31</sup>**

15.5. Accordingly, the Housing Department recommends to the States:

- (a) to agree that a second phase of extra care housing be developed at Le Grand Courtil and La Nouvelle Maraitaine;
- (b) to agree that a sum not to exceed £3.25 million be paid from the Corporate Housing Programme Fund to the Guernsey Housing Association to undertake the developments;
- (c) to note the anticipated estimated increase in formula-led expenditure to be incurred by the Social Security Department from 2015/6, in respect of assisting tenants of Le Grand Courtil and La Nouvelle Maraitaine with the payment of rent and service charges, and their day-to-day living expenses;
- (d) to direct the Treasury and Resources Department to take account of the financial implications of the second phase of extra care housing at Le Grand Courtil and La Nouvelle Maraitaine when recommending Cash Limits for the Health and Social Services Department for 2015 and subsequent years.

Yours faithfully

D B Jones

Minister

M P J Hadley

(Deputy Minister)

B J E Paint

M J Storey

P R Le Pelley

D Jehan

(Non-States Member)

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<sup>31</sup> 'Disability Needs Survey: Review of prevalence across Guernsey and Alderney': [gov.gg/CHttpHandler.ashx?id=84718&p=0](http://gov.gg/CHttpHandler.ashx?id=84718&p=0)

## APPENDIX A

### **Housing Department and Health and Social Services Department – ‘Provision of extra care housing at Maison Maritaine and Longue Rue’ – Billet d’État VII May 2011**

#### **Resolutions of 26 May 2011**

The States resolved:

1. To approve the use of the Longue Rue House and Maison Maritaine sites, as delineated in Appendices 6 and 7, to provide ‘extra care’ housing to be developed and managed by the Guernsey Housing Association;
2. That the Corporate Housing Programme Fund be used to provide capital grant funding associated with the first phase of the redevelopment of the sites of Longue Rue House and Maison Maritaine (including the costs of demolishing both residential homes), such capital grant funding not to exceed £22 million for both schemes combined;
3. In accordance with the existing procedures for general needs social housing, that the actual grant sum required for these ‘extra care’ schemes be approved, on behalf of the States, by the Treasury and Resources Department, upon production of a robust business case outlining the building costs of the two schemes plus modelling of the revenue consequences;
4. To approve the use of the Corporate Housing Programme Fund to provide “one-off” expenditure not exceeding £900,000 for furniture and fittings for those persons transferring into the new ‘extra care’ housing from Longue Rue House and Maison Maritaine, and any residential home managed by the Health and Social Services Department, the actual sum to be approved, on behalf of the States, by the Treasury and Resources Department;
5. That, for the reasons set out in paragraphs 361-365 of that Report, for so long as they occupy it, any resident of Longue Rue House or Maison Maritaine who moves into a two-bed ‘extra care’ flat will be charged the rent for a one-bed ‘extra care’ flat, the difference between the rental for a one- and two-bed flat in each case being annually reimbursed to the Guernsey Housing Association from the Corporate Housing Programme Fund;
6. To direct that the revenue funding issues, identified in Section 10 of this Report, be addressed inter-departmentally between the Housing, Health and Social Services, Social Security and Treasury and Resources Departments as part of the preparation of the robust business case to be presented to the latter department;
7. To note that, as identified in paragraphs 328-372 of that Report, in resolving these revenue funding issues there is likely to be a need for a redistribution of monies in revenue budgets from one department to another; and
8. To note the likely proposals for the Phase 2 development of the Longue Rue House and Maison Maritaine sites and the associated funding consequences, as set out in paragraphs 260-274 of that Report.

## APPENDIX B

### **Reasons for non-transfer of residential home residents to extra care housing**

When the proposals to build extra care housing were first put forward in 2011, it was intended that as many as possible of the residents then living in Longue Rue House and Maison Maritaine would transfer to the new accommodation.

With this in mind, as part of the planning for the transition from residential care to extra care housing, consideration was given to whether each resident residing in the care homes in 2011 would be fit and well enough to move in three years' time.

In particular, while extra care housing can provide a community-based solution to meeting the needs of people with dementia and their families, there is strong evidence which suggests that extra care housing is not appropriate for people in the advanced stages of dementia.

(In general terms, people who develop dementia whilst resident **within extra care housing** are likely to be able to be supported to remain there until the end of their life, as the physical environment, the patterns of life and neighbours, will be familiar to such a resident, and so the disease may be managed more successfully for much longer. This is not the case for people who have developed advanced dementia elsewhere.)

Assessments were, therefore conducted by care home staff in 2011/2012 and a Move-on Policy was developed in consultation with HSSD Social Workers in 2012.

In 2012, all care home residents with moderate to severe dementias and other serious physical and mental frailties were assessed with the following outcomes:

<b>Residents Subject to 2012 Planned Move-on Policy</b>					
	<b>Identified as High Risk for Moving to Extra Care</b>	<b>Since Transferred</b>	<b>Since Died</b>	<b>Waiting to transfer</b>	<b>Moved from high risk to moderate risk and now moving to Extra Care</b>
Maison Maritaine	11	6	2	2	1
Longue Rue House	10	4	2	2	2

The table above reflects only those residents who were identified as high risk of health declines during the transition to extra care housing and for whom the Planned Move-on

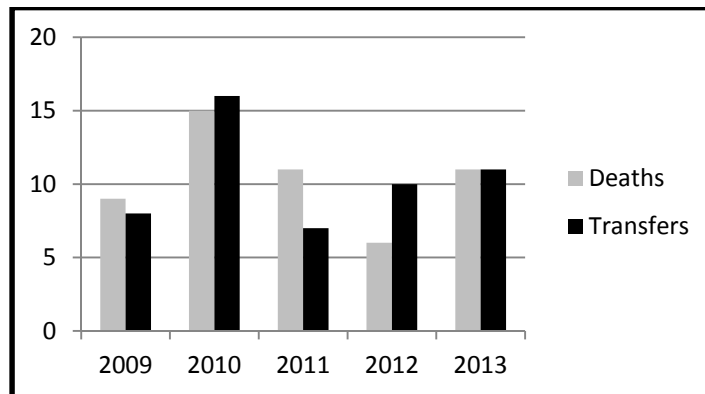


Policy applied. All other residents were identified as able to transfer to extra care housing.

However, as part of the normal ebb and flow of care home residents, some residents originally identified as able to make the transition have since shown significant physical and mental health decline and, in some cases, have died. Any of these residents who are unable to make the transition to extra care housing will be supported to move into more appropriate care settings.

In addition, two residents have chosen to remain in residential care and have, therefore, been supported to move into other care homes.

Finally, to put the above figures in context, the Figure below shows annual deaths and transfers from both Maison Maritaine and Longue Rue House since 2009.



## APPENDIX C

Le Grand Courtil Site Plan

## APPENDIX D

La Nouvelle Maraitaine Site Plan

## APPENDIX E

**Glossary of Terms**

Carer	Someone who cares for a person who has a disability and who needs help with daily living activities.
Care services (Also known as personal care or domiciliary care)	Are generally used to describe services provided to help someone with daily living activities. (Care Services should not be confused with Support Services.)
Community care	<p>Community care services provide <i>health care</i> to people in their own homes who have chronic medical conditions and who require regular nursing support; and <i>social care</i> to people in their own homes who require care services for assistance with daily living activities, and/or support services to help encourage independent living.</p> <p>Services are delivered by integrated teams including Home Helps (people who help with house cleaning), Senior Carers (people who provide assistance with daily living activities), Occupational Therapists, District Nurses and Nursing Auxiliaries.</p>
Daily Living Activities	The things we normally do on a daily basis to look after ourselves such as feeding ourselves, bathing, dressing, grooming, using the toilet, transferring from a bed to a chair and back, maintaining continence, work and leisure activities.
Day centres and day services	<p>Are provided for people who need help and support to continue living at independently. This may be support to retain or regain independence or short term care to give carers a break.</p> <p>The service would normally operate on a daily basis and cater for between 10 to 30 people. The planned programmes of care and support could include practical help such as learning or relearning daily living skills such as cookery, gentle exercise groups and help with mobility, as well as activities such as craft and hobbies, games, outings and entertainment which help to combat social isolation. The service would also normally include lunch and opportunities to use assisted bathing facilities, hairdressing services, etc.</p> <p>Day services can also be provided for people with specialist needs such as physical and learning disabilities, dementia, etc. or for people recovering from illness such as a stroke, where they can re-learn skills that may have become difficult.</p>

Dependency	Describes how reliant a person is on someone else for help with daily living activities or for medical support – low dependency means not very reliant, high dependency means very reliant.
Extra care housing	Independent housing units (flats generally) where an on-site care team provides 24/7 care services to assist with daily living activities as well as providing support services. 'Extra care' housing schemes may also provide outreach care or support services into the surrounding community and may be a base for community facilities such as restaurants, hairdressers, etc.
Health care	Health care is associated with people who have acute or chronic medical conditions and for whom a nursing service is required.
'In reach' services	Are services <u>delivered into an extra care scheme</u> by an external health or social care professional or team. An example would be a specialist nurse coming into the scheme to run a falls clinic, or continence advice or a community nurse coming into the scheme to promote flu vaccinations or other health promotion programmes.
Nursing care	Similar built environment to residential care providing care for short-term rehabilitation and for people with long-term chronic ailments which require regular nursing assistance as well as help with daily living activities
'Outreach' services	Describe those services or facilities which <u>are based within an extra care scheme</u> for the benefit of both residents and people from the local community. An example might be a day centre which provides a day service for individuals from the community or for residents who may be referred by social workers.  Out-reach services might also be a specialist care or support <u>service located and managed within an extra care scheme</u> for the benefit of both residents and the local community. An example of this kind of out-reach service might be an Assistive Technology response service where staff based at a scheme respond to community alarms triggered by people who live in the surrounding community.
Preventative services	These services are associated with preventing the onset of situations or conditions that could lead to acute service responses. Services are associated with the promotion of health and the prevention of disease. An example of a preventative health programme would be 'Walk Your Way to Health', a programme offered by the Guernsey Health Promotion Unit.
Residential care	Usually a communal living environment characterised by

	single rooms with an ensuite bathroom or shared bathroom and toilet facilities, and providing a meal service for people who do not have severe medical problems but who need help with daily living activities.
Sheltered housing	Independent housing units (flats, bungalows, houses) that are linked to a community alarm service and with a warden who can help people access support services which enable them to live independently for as long as possible.
Social care	Social care is associated with people who are disadvantaged by age, frailty, disability, social isolation, substance abuse, etc. and who require help with daily living activities or support services to engender independence.
Supported housing	Independent housing units (flats, bungalows, houses) that are designed to help people with a range of needs to live independently for as long as possible.
Support services	Support services include services which enable independent living, such as helping to arrange shopping; housekeeping; helping to complete benefit claims; providing links to other community or voluntary services like Age Concern, Guernsey Voluntary Service, etc.; providing links to States' services where necessary; arranging social events; help with laundry, etc.

## APPENDIX F

### **‘Establishing the extra in extra care’**

*by D Kneale, the International Longevity Centre-UK<sup>32</sup>*

This study considered the following factors and the wider benefits of ‘extra care’ housing:

- Can ‘extra care’ housing be considered a home for life?
- What inferences can be made when comparing with the general population?
- Does ‘extra care’ accommodation facilitate older people to stay healthier and more independent?
- What impact does ‘extra care’ have on the uptake of overnight hospital beds?
- Is residence in ‘extra care’ housing associated with a decrease in the rate of falls?

The research informing this report examined longitudinal data from three housing providers on a total of 4,011 residents of ‘extra care’ housing, since 1995, and also drew upon data from the British Household Panel Survey; the English Longitudinal Survey of Ageing and the Survey of English Housing. The research examines the outcomes for residents, tracking some residents who moved into ‘extra care’ housing as long as 15 or more years ago up to the present day. It also explores some of the factors associated with more successful outcomes among the residents, and also compares some of these outcomes with those of residents who share similar characteristics but who reside in general-purpose housing in the community and in residential care. The study focused upon outcomes related to health status, usage of health services and lower uptake of institutional accommodation.

The findings of the study appear also to support the local research undertaken about the impact of a shortfall of housing options on individuals and the cost of delivery of other health, social care and housing options in Guernsey.

The following is an extract from the Executive Summary of the report, outlining the key findings of the study to help to further identify and quantify the benefits of ‘extra care’ housing.

“

#### ***1. Extra care housing is a home for life***

*About 8 per cent of residents in extra care housing in this study enter institutional accommodation from extra care housing after five years of residence. Compared to those living in the community in receipt of domiciliary care, those in extra care housing are less likely to enter institutional accommodation. Among a matched population aged 80+ we would expect about 19 per cent of those living in the*

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<sup>32</sup> The International Longevity Centre-UK is an independent, non-partisan think-tank dedicated to addressing issues of longevity, ageing and population change.

*community in receipt of domiciliary care to enter institutional accommodation, compared to just 10 per cent of those in extra care housing. This highlights the efficacy of extra care in supporting people with a diverse range of support needs. Furthermore, this can represent substantial savings in social care budgets.*

## **2. Extra care is a healthy home for life**

*About a quarter of residents who enter extra care housing with additional social care needs, or who develop additional social care needs within extra care housing, later go on to experience an improvement; for example, moving from a high intensity social care package to a low intensity social care package. In addition, many more experience stability in care needs and do not exhibit the diminution in abilities that usually necessitates higher levels of social care.*

## **3. Extra care housing is associated with a lower uptake of inpatient hospital beds**

*Residence in extra care housing is associated with a lower likelihood of admittance to hospital for an overnight stay compared to a matched sample living in the community. However, among those admitted, extra care housing residents were likely to stay longer. This finding seems to demonstrate an overall tendency for extra care residents to be less reliant on hospital inpatient beds for minor procedures, and for extra care housing residents to utilise inpatient services only in times of crisis. Nevertheless, overall those in extra care housing had a lower incidence of overnight hospitalisation than a matched group living in the community. For example, we would expect an average person aged 80 and above in receipt of domiciliary care in the community to spend around 6 nights of the year in hospital, while a resident in extra care housing with similar demographic characteristics would spend around 5 nights. These findings suggest a substantial fiscal benefit to residence in extra care housing in terms of hospital expenditure and also in terms of residents' quality of life. In addition, we also present the argument that our estimates may overstate the case of longer stays in hospital for extra care housing, and we therefore would simply emphasise that those in extra care housing have a lower probability of entering hospital than a matched sample in the community.*

## **4. Extra care housing translates into fewer falls**

*A lower than expected number of falls was recorded in a small sample of extra care housing residents than in a matched comparison group living in the community. This can translate into substantial budgetary savings by lowering reliance on health services as it also potentially demonstrates that extra care residents exhibit a lower likelihood of moving to institutional care.*

## **5. Extra care housing supports some of the oldest and frailest members of society**

*The average age of extra care residents is in the very late 70s and early 80s across all three providers included in this research (Audley Retirement, Extra Care*



*Charitable Trust and Retirement Security Limited). Not only were extra care residents older, but other factors also suggested that extra care residents had higher support needs than would be expected among a population of similar age living in the community. The number of people living with dementia, the aftermath of a stroke or Parkinson's disease was higher in extra care residents than in the general population. Residents of one extra care housing provider included in this study were also more likely to be claiming Attendance Allowance, a benefit reflective of personal care needs, than those in the population.*

**6. The benefits of residence in extra care housing could translate into substantial cost savings, particularly in the long-term**

*Assessing the costs of different models of care is challenging. In this research we speculatively outline that there is likely to be a higher individual and societal cost to delaying movement into specialist retirement housing for some older people. This is due to the higher transition rates into institutional accommodation than those in community settings are likely encounter. Furthermore, we also highlight that there are fiscal benefits to be observed from the lower rate of hospitalisation, the lower rate of falls and decreases in social care packages received. These benefits are also likely to signal benefits to the quality of life of older people.*

**7. Expansion of the extra care housing sector, as part of the retirement housing sector more generally, could help to alleviate housing challenges facing people of all ages**

*Older people are now more likely than ever to be resident in housing that may not best fit their needs. Part of the reason for this may be due to the lack of adequate housing available, and the lack of information on the available options. Expanding the extra care housing sector, as part of an effort to grow and diversify the older people's housing market, could help alleviate the housing shortage facing young people and families through freeing up family sized housing."*

The full report is available to download from: [www.ilcuk.org.uk/files/pdf\\_pdf\\_193.pdf](http://www.ilcuk.org.uk/files/pdf_pdf_193.pdf)

**'Improving housing with care choices for older people: an evaluation of extra care housing'**

*By Ann Netten, Robin Darton, Theresia Bäumker and Lisa Callaghan - Personnel  
Social Service Research Unit (PSSRU) and Housing LIN.*

This report summarises the results of a Department of Health funded evaluation of 19 extra care housing schemes that opened between April 2006 and November 2008, and which received capital funding from the Department of Health's Extra Care Housing Fund.

An extract from the Executive Summary of the report which identifies its key findings on delivering person-centred outcomes, costs and cost-effectiveness, and improving choice is reproduced below:

“

***Delivering person-centred outcomes***

- *Outcomes were generally very positive, with most people reporting a good quality of life.*
- *A year after moving in most residents enjoyed a good social life, valued the social activities and events on offer, and had made new friends.*
- *People had a range of functional abilities on moving in and were generally less dependent than people moving into residential care, particularly with respect to cognitive impairment.*
- *One-quarter of residents had died by the end of the study, and about a third of those who died were able to end their lives in the scheme.*
- *Of those who were still alive at the end of the study, over 90 per cent remained in the scheme.*
- *For most of those followed-up, physical functional ability appeared to improve or remain stable over the first 18 months compared with when they moved in. Although more residents had a lower level of functioning at 30 months, more than a half had still either improved or remained stable by 30 months.*
- *Cognitive functioning remained stable for the majority of those followed-up, but at 30 months a larger proportion had improved than had deteriorated.*

***Costs and cost-effectiveness***

- *Accommodation, housing management and living expenses accounted for approximately 60 per cent of total cost. The costs of social care and health care showed most variability across schemes, partly because most detail was collected about these elements.*
- *Comparisons with a study of remodelling appear to support the conclusion that new building is not inherently more expensive than remodelling, when like is compared with like.*
- *Higher costs were associated with higher levels of physical and cognitive impairment and with higher levels of well-being.*
- *Combined care and housing management arrangements were associated with lower costs.*

- *When matched with a group of equivalent people moving into residential care, costs were the same or lower in extra care housing.*
- *Better outcomes and similar or lower costs indicate that extra care housing appears to be a cost-effective alternative for people with the same characteristics who currently move into residential care.*

### ***Improving choice***

- *People had generally made a positive choice to move into extra care housing, with high expectations focused on improved social life, in particular. Alternative forms of housing such as extra care housing are seen as providing a means of encouraging downsizing, but although larger villages appeal to a wider range of residents, different expectations among residents can create tensions and misunderstandings about the nature of the accommodation and services being offered.*
- *While the results support the use of extra care housing as an alternative to residential care homes for some individuals, levels of supply are relatively low.*
- *Funding of extra care housing is complex and, particularly in the current financial climate, it is important that incentives that deliver a cost-effective return on investment in local care economies are in place if this is to be a viable option for older people in the future.*
- *More capital investment and further development of marketing strategies are needed if extra care housing is to be made more available and more appealing to more able residents. Without continuing to attract a wide range of residents, including those with few or no care and support needs as well as those with higher levels of need, extra care housing may become more like residential care and lose its distinctiveness.*

The full report is available to download from:

[http://www.housinglin.org.uk/\\_library/Resources/Housing/Research\\_evaluation/PSSRU\\_summary.pdf](http://www.housinglin.org.uk/_library/Resources/Housing/Research_evaluation/PSSRU_summary.pdf)

## APPENDIX G

### **Letters of Comment from the Health and Social Services and Social Security Departments**

Deputy D B Jones  
Minister, Housing Department  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
GY1 1FH

24 December 2013

Dear Deputy Jones

#### **Extra-Care Housing: Phase Two**

Thank you for sight of the Housing Department's draft States Report, which proposes that work on a second phase of the Extra-Care Housing development should commence in May 2014. Thank you, also, for the presentation from the Deputy Minister and the Chief Officer of the Housing Department at the HSSD Board meeting on 18 December 2013.

While I recognise that officers of the two Departments have worked together well on the Extra-Care Housing developments at an operational level, the Health and Social Services Department Board were very disappointed that consultation with the political members of the Department was left until such a late stage in the project, and then presented as a matter of urgency.

It is also disappointing that the States are being asked to make a decision on the next phase of the work before the Supported Living and Ageing Well Strategy has been developed or any proper evaluation of Phase One has taken place (which might otherwise have influenced the shape of any future development), although the Department does understand why the report is being presented within these timescales.

Notwithstanding these concerns, the Department recognises the overall value of Extra-Care Housing to the community, including people who are currently being supported by HSSD. The Department also acknowledges the significant cost-savings that are expected to be achieved if the work is started, as recommended, in May 2014. For these reasons, the Health and Social Services Department supports the Housing Department's recommendation to progress this work, as set out in the States Report.

Yours sincerely

M H Dorey  
Health and Social Services Minister

The Minister  
Housing Department  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey  
GY1 1FH

24 December 2013

Dear Deputy Jones

**PROVISION OF 'EXTRA CARE' HOUSING AT 'LE GRAND COURTIL' AND  
'LA NOUVELLE MARAÎTAINE' – PHASE 2**

The Department considered this report at its meeting of 17 December 2013.

The Department notes that, the estimated financial impact of building Phase 2 of the Extra Care Housing project, on additional formula-led expenditure through the supplementary benefit scheme is in the region of £50,000 to £100,000 in a full year. In acknowledging the cost, the Department notes that the range has been established in consultation with the Housing Department.

The Department understands that there are savings to be made on the building contracts if phase 2 work commences in May 2014 and therefore supports the proposals contained within this report.

Yours sincerely

A H Langlois  
Minister

## APPENDIX H

### **Compliance with the Principles of Good Governance**

#### **Core principle 1 - Good governance means focusing on the organisation's purpose and on outcomes for citizens and service users**

##### *Supporting principles:*

- *Being clear about the organisation's purpose and its intended outcomes for citizens and service users*
- *Making sure that users receive a high quality service*
- *Making sure that taxpayers receive value for money*

##### **Evidence of compliance**

- The States Report sets out how the proposals accord with the objectives in the States Social Policy Plan, the States Housing Strategy and Corporate Housing Programme, the 20/20 Vision for Health and Social Care, the Disability and Inclusion Strategy, and should feed into the forthcoming Supported Living and Ageing Well Strategy.
- The proposals are entirely outcomes focused: they are about enhancing and improving the health and well-being of Islanders of all ages, by enabling individuals with care and support needs to maintain their independence and to exercise choice in how and where they receive the care and support they need. More broadly, they are about creating sustainable housing, care and support provision to meet the needs of an ageing population.
- The proposals also provide the opportunity to provide 'hubs' that will bring health and social care services into community settings for the benefit of islanders in general, not just the occupants of the two schemes.
- The use of the Guernsey Housing Association as developer is intended to deliver value for money for the taxpayer, as the States will only be paying a proportion of the total development costs.
- Evidence from similar schemes elsewhere shows that delivering care and support according to individual need is more cost-effective than 'one size fits all' provision.

#### **Core principle 2 – Good governance means performing effectively in clearly defined functions and roles**

##### *Supporting principles:*

- *Being clear about the functions of the governing body*
- *Being clear about the responsibilities of non-executives and the executive, and making sure those responsibilities are being carried out*
- *Being sure about relationships between governors and the public*

### **Evidence of compliance**

- The projects involve cross-departmental work between Housing and HSSD, and between Housing, HSSD and a Third Sector partner – the GHA - to deliver common objectives and outcomes. A project team comprising senior staff of each of these stakeholders has, at the time of writing, held 65 meetings in relation to the preparation and implementation of the Phase 1 and now Phase 2 proposals. There has also been considerable inter-departmental work between Housing and HSSD staff at an operational level.

### **Core principle 4 - Good governance means taking informed, transparent decisions and managing risk**

#### *Supporting principles:*

- *Being rigorous and transparent about how decisions are taken*
- *Having and using good quality information, advice and support*
- *Making sure that an effective risk management system is in place*

### **Evidence of compliance**

- The projects are being managed according to project management principles.
- All decisions taken by the project team are recorded.
- All matters requiring decision are reported to the appropriate boards and minuted.
- The proposals are based on the best quality quantitative and qualitative information available.
- There has been wide consultation with affected stakeholders (see further details below).
- A risk register has been established, maintained and reviewed by the project team.

### **Core principle 5 - Good governance means developing the capacity and capability of the governing body to be effective**

#### *Supporting principles:*

- *Making sure that appointed and elected governors have the skills, knowledge and experience they need to perform well*
- *Developing the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group*
- *Striking a balance, in the membership of the governing body, between continuity and renewal*

### **Evidence of compliance**

- Compliance with this principle will largely have to be assessed post-implementation.
- The membership of the project team and the wider group engaged in these two projects has been selected to maximise the application and development of their specific skills to ensure the best possible outcomes (see diagram below). Those skills include property development, building management, building technology, accessible design, care management technology, social care service design and development, IT, assistive technology and promotion of wellbeing.

### **Core principle 6 – Good governance means engaging stakeholders and making accountability real**

#### *Supporting principles:*

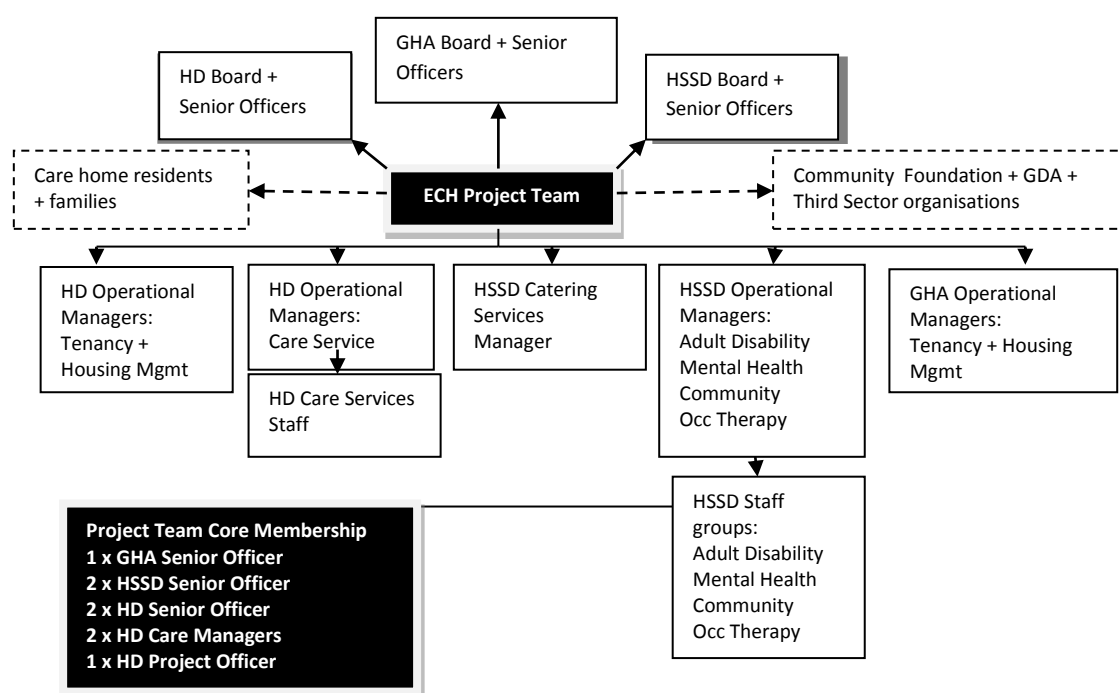
- *Understanding formal and informal accountability relationships*
- *Taking an active and planned approach to dialogue with and accountability to the public*
- *Taking an active and planned approach to responsibility to staff*
- *Engaging effectively with institutional stakeholders*

### **Evidence of compliance**

- Prior to publication of the Phase 1 States Report, there was early public announcement of the proposals, which was designed to build knowledge and awareness, and to encourage stakeholder and public engagement.
- An extensive communications programme to all stakeholders and interested parties surrounded the public announcement and has continued as the Phase 1 projects have been progressed. A Communications Plan has been developed and implemented, and is subject to regular review.
- Relevant background information has been posted on the States' website.
- Residents of the two residential homes and their relatives were personally contacted, and provided with the relevant information at meetings and in writing, inviting them to question the proposals when they were first announced. They have since attended a number of meetings both collectively and individually, and been provided with regular newsletters, which have also been shared with States Members, the Vale and St Martin's Douzaines, the media and other interested parties. There have also been regular Press articles regarding the new developments.
- A special presentation was held with Housing Department staff to explain the original proposals and their implications for their continued employment. These discussions have continued collectively and individually throughout the life of the Phase 1 projects.
- Union representatives were advised, in advance, of the implications for their members. Ongoing dialogue with the unions has continued.



- Residents of the two residential homes, their relatives, and staff, were all involved in discussions with the scheme architects to design the new accommodation and facilities that will be provided for in both Phases 1 and 2.
- Residents of Housing and HSSD's residential homes that are moving into Phase 1 have personally selected their own flats and the décor, fixtures and fittings they are to be provided with. A similar arrangement will apply in respect of Phase 2.
- Individuals with learning disability living in the community, their relatives and key professional support staff, have all been involved in discussions and decision-making regarding their intended residence in the new schemes.
- There has been dialogue with a variety of Third Sector organisations about the possibilities for them to use the community facilities provided in each scheme.
- Specifically in relation to Phase 2, there has been dialogue with the Guernsey Disability Alliance and with 'Ageing Well in the Bailiwick' a new representative group formed by the Guernsey Community Foundation.



**(N. B The Treasury and Resources Department supports this States Report which provides further extra care accommodation and thus facilitates choice and independence for Islanders with a care and support need. In respect of the resource implications, it is noted that the anticipated increase in Supplementary Benefit expenditure should be at least offset by savings arising from the Health and Social Services Department relocating some of its clients into extra care accommodation. The Treasury and Resources Department remains committed to working with the Supported Living and Ageing Well Working Group and achieving the optimal funding mechanism for care and support services.)**

**(N.B The Policy Council supports the proposals contained in this report and confirms that the Housing Department has complied with the Principles of Good Governance as set out in Billet d'Etat IV of 2011 in the formulation of the proposals.)**

The States are asked to decide:-

IV.- Whether, after consideration of the Report dated 24<sup>th</sup> December, 2014, of the Housing Department, they are of the opinion:-

1. To agree that a second phase of extra care housing be developed at Le Grand Courtil and La Nouvelle Maraitaine.
2. To agree that a sum not to exceed £3.25 million be paid from the Corporate Housing Programme Fund to the Guernsey Housing Association to undertake the developments.
3. To note the anticipated estimated increase in formula-led expenditure to be incurred by the Social Security Department from 2015/6, in respect of assisting tenants of Le Grand Courtil and La Nouvelle Maraitaine with the payment of rent and service charges, and their day-to-day living expenses.
4. To direct the Treasury and Resources Department to take account of the financial implications of the second phase of extra care housing at Le Grand Courtil and La Nouvelle Maraitaine when recommending Cash Limits for the Health and Social Services Department for 2015 and subsequent years.

## STATES ASSEMBLY AND CONSTITUTION COMMITTEE

### REMOTE ATTENDANCE AT MEETINGS OF COMMITTEES OF THE STATES

The Presiding Officer  
The States of Deliberation  
The Royal Court House  
St. Peter Port

17<sup>th</sup> January, 2014

Dear Sir,

#### EXECUTIVE SUMMARY

On 24<sup>th</sup> September, 2013, and after consideration of the Committee's report entitled "*Amendments to the Rules of Procedure of the States of Deliberation, the Rules relating to the Constitution and Operation of States Departments and Committees, and the Code of Conduct for Members of the States of Deliberation*" (Article 15 of Billet d'État XV of 2013) and a successful amendment proposed by Deputy P. A. Luxon and seconded by Deputy R. A. Jones, the States resolved: "To direct the States Assembly and Constitution Committee to make such rule changes as necessary by the end of December 2013 so that Members of Department Boards (sic) and States Committees shall be able to participate in any Department or Committee meeting and enable it to be quorate whilst not present in person, using accepted technological methods such as, but not limited to, conference calls, video conferencing or Skype; provided that other participants can clearly hear and be heard by, all other members and other participants at the meeting, and only by prior agreement from each Board (sic) or Committee Chair Person."

The Committee's report and Deputy Luxon's amendment were originally due to be debated at the July meeting of the States – the deferral of that debate until the September meeting of the States made it impossible for the Committee to present this report to the States by the date of December, 2013 set out in the Resolution, but nevertheless the Committee has produced this report as a matter of priority and trusts that the States will accept that it has been submitted as expeditiously as possible.

This report addresses all of the matters which the Committee believes the States will wish to take into account before deciding how to resolve upon the recommendations which set out the changes to the Rules relating to the Constitution and Operation of States Departments and Committees ("the Rules") which in the opinion of the Committee are necessary in order to give effect to the principles of the September, 2013 Resolution.

#### REPORT

1. At present the Rules relating to the Constitution and Operation of States Departments and Committees ("the Rules") do not preclude members who are not

physically present from participating in discussion at meetings of committees of the States. However, a member participating from a remote location cannot be recorded as having been present at the meeting and is not permitted to participate in any votes held during the meeting. The intent of Deputy Luxon's amendment was to have the Rules amended in order that a member participating from a remote location could be recorded as having been present at the meeting and permitted to participate in any votes held during the meeting.

2. The members of the Committee, with the exception of Deputy Bebb, all voted against Deputy Luxon's amendment. The result of that vote was as follows: 23 votes in favour; 22 votes against. In laying this report and its recommendations before the States the Committee is fulfilling the obligation placed upon it by the States Resolution. However, the Committee, by a majority of four members to one, continues to oppose any change in the Rules which would liberalise those relating to remote attendance at meetings of committees of the States and the four members who are of that view will vote against the propositions attached to this report.

### **Reasons to change the Rules**

3. The Committee recognises that there are arguments in favour of introducing remote attendance at meetings of States' committees and these are set out below.
4. Attendance from a remote location at a committee meeting is not precluded at the moment. However, at present, it is not possible in those circumstances to be counted as present, to count towards the quorum nor to vote. At present a committee could, therefore, be inquorate, despite the fact that all or most of the members were participating in the discussion either physically or from a remote location. The Propositions attached to this report would alter that by allowing the remote attendee to vote.
5. The Propositions at the end of this report would also mean formally recording the remote attendee(s) as having been present at the meeting.
6. The Propositions attached to this report provide that a member seeking to attend remotely shall first seek permission on each occasion from the person who is going to chair the meeting. The person who is going to chair the meeting should be satisfied that the link will allow all the participants to hear and be heard by each other.
7. It may be that in some committees of the States voting is relatively rare, in which case one effect of the amendment would not often be felt.
8. Modern technology is capable of providing a good quality audio-visual link from virtually anywhere. Non-governmental bodies around the world make use of electronic communications to permit remote attendance at their meetings. There is an argument that committees of the States should take advantage of the technology which now exists.

9. Major items of committee business often continue across several meetings before a decision is reached. Better continuity is achieved if the participants remain the same for the duration of the discussion although, as noted in paragraph 1, this is not precluded by the current Rules.
10. The States of Deliberation include two Alderney Representatives who are full members. The vicissitudes of the weather mean that they are occasionally prevented from attending committee meetings in Guernsey. This rule change could thus be of benefit to them and assist their full participation as Members of the States. However, the Committee notes that when the Luxon amendment was debated by the States, the late Mr E P Arditti, who was the one Alderney Representative actually to hold a seat on a committee of the States, voted against the amendment and supported the Committee's position.
11. The weather in Guernsey is also occasionally a factor in preventing members from attending committee meetings. Members can be prevented from returning to the island as planned. In addition, the snow in March 2013, while unusual, was certainly not a unique event.
12. Members of the States on occasion need to travel off-island on States' business. The Propositions attached to this report would allow them to participate fully in States' affairs.
13. The States should also be aware that there is already a provision in law which permits attendance by telephone, video link etc. at meetings of the Civil Contingencies Authority.

#### **Reasons not to change the Rules**

14. Notwithstanding the above, the Committee believes that there are numerous reasons why the States should vote against the Propositions attached to this report and those reasons are set out below.
15. While committees almost always meet in private the same level of confidentiality may not be guaranteed in respect of the location of the remote attendee. The Committee fears members might communicate from locations where they were not alone or could be overheard or could be distracted. It would not be possible even with video-conferencing facilities for the other members necessarily to be aware of that.
16. Although electronic communications are generally extremely reliable these days, they can and do fail on occasion. The remote attendee might suddenly not be able to participate. It might not be immediately obvious how much of the discussion had been missed by the connection failure. The Committee is advised that videolinks require multiple telephone lines simultaneously or sufficient internet bandwidth. That capacity has to be continuous. If any of it is lost picture quality will deteriorate; there will be a time delay or the link will be lost altogether. Any such deterioration in the quality of the link may be disruptive or distracting. The

flow of the meeting could be disrupted by the attempts to reconnect with the remote member. The security of such links could also be compromised.

17. The Committee is also advised that, although it is possibly the easiest method of having a link which is visual as well as audio, Members should be aware that 'Skype', or a similar product, comes with potential risks. It was created primarily for domestic use and does not offer the same level of security / encryption as a proper videoconference link. The quality of the link can also vary day by day.
18. Much human communication is non-verbal. If the remote member were participating by telephone then none of the non-verbal communication would be known by either side. Even if the link was by video, the ability to pick up gestures and facial expressions is likely to be compromised to at least some extent.
19. The experience of many people who have participated in teleconferences is that the chairman and members often concentrate on the screen and the remote attendee to the detriment of the other participants.
20. By the simple fact of not being physically present in the same place as the other attendees it is likely that remote attendees will be somewhat detached from the proceedings. They are less likely to have benefitted from discussing collectively with their fellow members the business of the meeting to the extent necessary to cast a vote from a fully-informed perspective. In order to give effect fully to the Luxon amendment, the Propositions attached to this report would permit all members of a committee formally to attend and vote from a remote location – therefore circumstances could arise where no member attending a meeting could actually see any other attendee.
21. All the members of a committee could, in extremis, participate remotely from different locations which would exacerbate the problems set out above.
22. The Committee feels that the dynamics of a meeting are important and that for a meeting to be properly conducted members need to understand the context in which fellow members are participating. For all the reasons set out above, that is harder to achieve with members in remote locations.
23. There are already provisions in the Rules for dealing with occasions when a committee is inquorate. In respect of all committees of the States other than the Policy Council absent members can, if an urgent decision is required, be replaced by the most senior members of the States by length of service. (It is accepted that this provision was probably primarily intended for the period immediately after a General Election when committees are yet to be repopulated. The Committee is not aware that this provision has ever been used.) There is also provision for a committee to resolve while quorate that when it falls inquorate authority to take decisions on behalf of the committee be held by the remaining one or two members but only in respect of matters of urgency which cannot be deferred until a quorum is again achieved. Therefore, although the Committee appreciates the

argument that it may be preferable for decisions of committees always to be taken only by members of those committees and always by all members of those committees, it is clear that the business of the States need not be impeded by the present Rules.

24. Occasionally when a committee does need to make an urgent decision but finds itself inquorate members who are present will make the decision which will be ratified at the first opportunity thereafter when the committee is quorate. This is yet another reason why the business of the States need not be impeded by the present Rules.
25. Votes in some committees' meetings are relatively rare as decisions are often reached by consensus and there may be discussions at several meetings before a decision is made. As members in a remote location can already participate in the discussion, albeit without being able to vote, changing the Rules would have little positive impact and may be considered unnecessary as a result.
26. The Committee considers that any forum in which decisions are made should be appropriate to the nature of those decisions. In the private sector companies and consumers are engaged in voluntary relationships whereas States' Departments and Committees make decisions in areas (such as public services and the appropriation of finance to provide those services) where citizens have little or no choice. In that respect, the business of the States is quite different from the business of commerce. Decisions of States' Departments and Committees can also have long-term strategic consequences for the island and the Committee believes that the public should be satisfied that such decisions have been given the fullest consideration, which the Committee believes cannot be demonstrated when decisions are made from a remote location.
27. In addition, States' Departments and Committees make decisions with important legal and human rights implications. The Committee believes that those affected have every right to be satisfied that such decisions have been given proper consideration.
28. A party whose rights are directly affected by a committee's decision might contend that the vote of the remote attendee, which may have swung the decision, is in some sense vitiated because the member: could not be demonstrated to have played a full part; could not have been properly cognisant of all relevant considerations; and could not be proved to be uninfluenced by extraneous considerations; and H.M. Procureur has warned of the possibility of legal challenges on such grounds. These risks may be particularly relevant where committees make quasi-judicial decisions such as on planning applications and housing licences.
29. Whether or not to seek membership of any particular committee is entirely the choice of the member. Members who have other heavy commitments should consider them and decide their priorities before determining whether to take on further committee work.

30. The record of members' attendance at meetings of committees of the States demonstrates that on average attendance at all or some part of a meeting is presently around 90%. A deterioration in the rates of physical attendance at meetings among only a few members could affect the reputation of the States with members of the electorate who might reasonably expect their elected representatives to participate with maximum commitment in all areas of their States work. In terms of public confidence in the States the Committee suggests that there is considerable value in treating as present at meetings only those members who are physically in attendance at the location of the meeting. Indeed, the Committee believes that there is a very real risk – not immediately, but over a period of years – of physical attendance rates at meetings deteriorating if participation by remote means becomes culturally more acceptable. In the Propositions, the Committee proposes that remote attendance should be specifically identified as such in the bi-annual statistics of Members' attendance.
31. Therefore, the Committee believes by a majority of four to one that it is neither desirable nor necessary to amend the Rules.

#### **Further issues**

32. Rule 14 requires any committee meeting to be attended by an officer in order to be quorate. One purpose of having an officer present is for that person to keep an independent record of the decisions made at the meeting. The Committee believes that it would be difficult for an officer to keep a proper record or otherwise function as a committee clerk if not physically present in the meeting room. Therefore, the proposed rule change will not extend to the officer present to keep the record of the meeting who will be physically present at the place at which the meeting has been convened.
33. The Committee believes that a meeting should be convened for a specific location and that the person chairing should be in that location. That will also be the location of the officer required under Rule 14. It is therefore proposing a new Rule to give effect to that.
34. It is the responsibility of the person presiding to ensure the proper conduct of a meeting. Therefore, and in accordance with the amendment, the Committee believes that any changes to the Rules in respect of attendance and voting at meetings of committees of the States should give the person presiding at the meeting absolute discretion to decide whether to permit a member to attend from a remote location. The Committee believes that this is necessary in order that the person chairing can be satisfied that the member participating from a remote location is able to participate fully and that the link to the remote location is sufficiently secure and confidential for States' business to be discussed.
35. Similarly, the Committee believes that the person chairing should also be able at any time during the meeting to deem the connection with the member



participating remotely no longer to be effective or acceptable, for example in the event of a link failing or being corrupted or confidentiality being compromised.

36. The Committee has made enquiries about the technical capabilities of video-conferencing and conference telephone calls. It believes that the States should be aware that although ‘complications’ such as videolinks with more than one location simultaneously or a videolink to one location and a separate telephone link to another location are feasible, the set up is not available in many places in Guernsey and the necessary bandwidth is not always available locally. The requirements to achieve more complicated links also mean that they are potentially more likely to be disrupted or broken.
37. In a videoconference there is often only one camera in which case all the attendees would always need to be visible if it were in a fixed position. If the camera could move or there were multiple cameras the dynamics could improve but someone might need to be in attendance as an operator.
38. The Committee believes that there should be ‘equality of arms’ between any participants who are attending remotely – the type of link should be the same for all remote attendees so that none is disadvantaged. Therefore, the Committee believes that a member should not be permitted to attend by telephone link if someone else has been given permission to attend by any form of visual link at the same meeting, or vice versa. A new Rule to that effect is included in the Propositions.

### **Policy Council**

39. The Policy Council is a unique committee of the States in that its membership is entirely ex-officio. Members are not elected to the Policy Council as such – they are elected as the Chief Minister or as Ministers of Departments and that makes them ex-officio members of the Policy Council. The constitutional foundation of the Policy Council is that all departments should be represented at its meetings.
40. Under Rule 3(5), Ministers who are unable to attend meetings of the Policy Council are obliged, except in unforeseen circumstances, to send an alternate to represent the relevant Department. The Policy Council should, therefore, always be quorate without any changes to the Rules and there should never or almost never be a situation where the views of a particular Department are not represented at a meeting of the Policy Council.
41. In light of this Rule and because, under Rule 3(6), the Policy Council is not inquorate simply because a particular Department is not represented at a meeting, and because of the special nature of that body, the Committee unanimously believes that the current Rules are such that there is not a requirement for any Rules relating to remote participation to apply to meetings of the Policy Council. The proposed new Rules are therefore drafted accordingly.

### **Position / experience of other jurisdictions**

42. Inquiries have shown that other jurisdictions in the British Isles do not have specific provisions in their committee rules permitting attendance of a committee member from a remote location. Nevertheless, attendance from a remote location has occasionally been used in exceptional circumstances.
43. In Jersey on a few occasions a member who was absent from the island has participated by videoconference in a committee meeting although there are no specific rules. The advice given to the Committee is that it has worked quite well although attendees tended to concentrate on the remote member.
44. In the Isle of Man there are no specific rules to permit remote attendance at committee meetings and they are not aware of any jurisdictions moving towards it. Evidence from witnesses has been taken via videolink. There is an advisory committee which has an expert / technical member who lives overseas and participates in meetings remotely. That committee is not analogous to States' committees but the advice to the Committee is that the arrangement works although there is a tendency for those physically present to focus on the screen.
45. In committees of the House of Commons Members must attend in person although evidence from witnesses has been obtained by videolink.
46. In committees of the Welsh Assembly remote attendance is not prohibited but it has rarely been used. The advice given to the Committee is that several issues have arisen on those occasions. The Chairman was unable to see members indicate that they wanted to ask questions. The clerk was unable to speak to the Chairman. The time delay caused some confusion.
47. In committees of the Irish Houses of the Oireachtas (parliament) remote attendance is not permitted. Taking evidence from witnesses by videolink has not been pursued.
48. The above examples are not direct parallels with Guernsey because, unlike in other jurisdictions, committees of the States are an integral part of policy-making and the executive functions of the administration.

### **Conclusions**

49. The Committee remains hopeful that the States will accept its advice and vote against changing the Rules. Nevertheless the proposed new Rules are drafted so that, if approved, they would give effect to the Luxon amendment while also containing provisions to help mitigate the disadvantages of permitting remote attendance.
50. The exact text of the proposed new Rules is set out in paragraphs 56 and 57 below.

51. At present, the bi-annual States' report detailing Members' attendance at meetings of the States and their committees is a record of their physical attendance as full remote attendance is not permitted. If the Propositions are approved, the Committee believes that the type of attendance (whether physical or from a remote location) should also be identified. The Committee is, therefore, proposing that committees of the States are required in future when they submit their bi-annual statistics of attendance by their members to distinguish not only between attendance at all or part of a meeting but also to indicate whether such attendance was "physical" or from a remote location.

#### **Consultation / Resources / Need for Legislation**

52. The Law Officers have been consulted and, as indicated in paragraph 28 above, H.M. Procureur has drawn attention to the possibility of legal challenges by directly affected persons to decisions (particularly of a quasi-judicial nature) where members are remote from a meeting.
53. The approval of the recommendations may have implications for the manpower resources and revenue expenditure of the States because there may be costs involved in setting up and making the communications. In the event that the recommendations are approved, the Committee proposes that any such costs should be borne by the States.
54. The Rule changes do not require any legislation.

#### **Recommendations**

55. Should the States wish to permit Members to attend meetings of committees of the States from a remote location, the States Assembly and Constitution Committee recommends the States to resolve that "The Rules relating to the Constitution and Operation of States Departments and Committees" be amended with immediate effect as follows:
56. After Rule 12 insert a new Rule 12A as follows:  
  
"Convening of Meetings  
12A A meeting of the Policy Council, a Department or a Committee, or a Sub-Committee of any of the aforementioned, as the case may be, shall be convened for a specific time, date and place. The person chairing the meeting shall be present at that place."
57. In Rule 13, after paragraph (5) insert:  
"(6) Excepting the Policy Council, if a member of a Department or a Committee of the States, as the case may be, who has obtained the prior permission of the person who will preside at the meeting, is, by telephone, live television link or any other means of telecommunications, in communication with the other members so that each member can hear or read what is said or communicated by each of the others, each member so participating is deemed

(subject to paragraph (9) below) to be present at the meeting with the other members who are present or so participating for all purposes including the quorum and voting.

(7) It shall be at the absolute discretion of the person who will preside at the meeting to decide whether or not to agree to the request and in so deciding the person presiding may take into account any factors whatsoever which are considered relevant.

(8) A member shall not be permitted to attend from a remote location by telephone if another member has been given permission to attend that same meeting by an audiovisual link or vice versa.

(9) In the event that the link fails or is corrupted or confidentiality is compromised, the person presiding at the meeting shall have discretion at any point during the meeting to determine that a member who is in a remote location can no longer be regarded as in attendance.

(10) Paragraphs 13(6) to (9) of this Rule apply to meetings of Sub-Committees of any Department or Committee of the States constituted under the terms of Rules 16 or 16A.”

58. The States Assembly and Constitution Committee further recommends the States to resolve to require States’ Departments and Committees to distinguish in their bi-annual returns of Members’ attendance at meetings not only between attendance at all or part of a meeting but also to indicate whether such attendance was “physical” or from a remote location.
59. The States Assembly and Constitution Committee further recommends the States to resolve that any costs incurred in setting up and making the communications required for remote attendance at meetings of States’ Departments and Committees under the terms of Rule 13(6) should be treated as General Revenue expenditure.

Yours faithfully,

M J Fallaize  
Chairman  
States Assembly and Constitution Committee

The other Members of the States Assembly and Constitution Committee are:

P L Gillson (Vice-Chairman)    E G Bebb            R Conder            A H Adam

- (N. B In respect of resource implications, as set out in paragraph 53, paragraph 59 recommends the States to resolve that *“any costs incurred in setting up and making the communications required for remote attendance at meetings of States’ Departments and Committees under the terms of Rule 13(6) should be treated as General Revenue expenditure.”* Rule 15(2) (a) of the Rules of Procedure of the States of Deliberation is:

*“Any decision to approve a proposition which may have the effect of increasing revenue expenditure but which does not incorporate –*

- (i) an estimate of that increase in expenditure;*
- (ii) an indication of how such increase could be funded; and*
- (iii) an explanation of any effect on the States Fiscal and Economic Policy Plan*

*shall take effect only if and when a subsequent proposition which complies with (i), (ii) and (iii) above has been carried.”*

**It appears that this States Report does not comply with (i), (ii) and (iii) and, therefore, should the States permit Members to attend meetings of committees of the States from a remote location, the Treasury and Resources Department is of the view that this decision can only take effect when a further proposition (which could be placed as an amendment) which complies with Rule 15 (2) (a) (i), (ii) and (iii) has been carried. The Treasury and Resources Department understands that it is not anticipated that any expenditure would be significant and should be met by Departments reprioritising existing budgets.)**

The States are asked to decide:-

V. Whether, after consideration of the Report dated 17<sup>th</sup> January, 2014 of the States Assembly and Constitution Committee, they are of the opinion:-

1. That “The Rules relating to the Constitution and Operation of States Departments and Committees” be amended with immediate effect as follows:
  - a) After Rule 12, a new Rule 12A be inserted as follows:
 

**“Convening of Meetings**

12A A meeting of the Policy Council, a Department or a Committee, or a Sub-Committee of any of the aforementioned, as the case may be, shall be convened for a specific time, date and place. The person chairing the meeting shall be present at that place.”
  - b) In Rule 13, after paragraph (5) be inserted:
 

“(6) Excepting the Policy Council, if a member of a Department or a Committee of the States, as the case may be, who has obtained

the prior permission of the person who will preside at the meeting, is, by telephone, live television link or any other means of telecommunications, in communication with the other members so that each member can hear or read what is said or communicated by each of the others, each member so participating is deemed (subject to paragraph (9) below) to be present at the meeting with the other members who are present or so participating for all purposes including the quorum and voting.

- (7) It shall be at the absolute discretion of the person who will preside at the meeting to decide whether or not to agree to the request and in so deciding the person presiding may take into account any factors whatsoever which are considered relevant.
  - (8) A member shall not be permitted to attend from a remote location by telephone if another member has been given permission to attend that same meeting by an audiovisual link or vice versa.
  - (9) In the event that the link fails or is corrupted or confidentiality is compromised, the person presiding at the meeting shall have discretion at any point during the meeting to determine that a member who is in a remote location can no longer be regarded as in attendance.
  - (10) Paragraphs 13(6) to (9) of this Rule apply to meetings of Sub-Committees of any Department or Committee of the States constituted under the terms of Rules 16 or 16A.”
2. That States’ Departments and Committees be required to distinguish in their bi-annual returns of Members’ attendance at meetings not only between attendance at all or part of a meeting but also to indicate whether such attendance was “physical” or from a remote location.
  3. That any costs incurred in setting up and making the communications required for remote attendance at meetings of States’ Departments and Committees under the terms of Rule 13(6) be treated as General Revenue expenditure.

## REQUÊTE

### ISLAND WIDE VOTING

THE HUMBLE PETITION of the undersigned Members of the States of Deliberation SHEWETH THAT:

1. The requerants are proposing the introduction of Island-wide voting because the vast majority of the decisions taken by the States of Deliberation relate to Island, as opposed to parochial, issues. Consequently it is considered that the electorate should be able to participate in the election of all States Members in a single election. This, in turn, will render States Members accountable to all Island residents and not just those in their electoral district. This method of election would afford the widest choice possible – every elector, regardless of where he or she resides, would be free to choose from the entire list of candidates. Electors would have the same number of votes as there are deputies' seats, although trends in previous elections indicate that most voters would probably use fewer votes than the maximum permitted.
2. The number of candidates in the 2004, 2008 & 2012 General Elections were 82, 88 and 79 respectively. Whilst candidates themselves do not need to reside in the electoral district in which they seek election (all but three currently do so) they can be proposed and seconded only by persons inscribed on the district's electoral roll. The requerants believe that Island-wide voting would stimulate renewed interest in elections as many electors currently perceive that, as they can presently vote for just one-seventh of the total number of States Members, their vote has only a marginal effect on the overall composition of the States of Deliberation.
3. Public consultation carried out by the States Assembly and Constitution Committee in 2010 indicated that a significant majority of the general public believed that Island-wide voting should be introduced.
4. In the 2012 General Election many of the people of Guernsey again expressed the desire for Island wide voting. While in some electoral districts there were many candidates, in others it is considered there was not a sufficient number to give the electorate a real choice. Some of the people of Guernsey expressed upset that they could not vote for favoured candidates who stood outside their electoral district and conversely could not vote against candidates that they did not wish to see elected. Members of the States of Deliberation can be and are asked to act for and on behalf of all of the people of Guernsey and not just those who elected them.
5. Island-wide voting would require electors to read numerous manifestos. Some electors may find this a daunting task; others will consider this perfectly acceptable in order to be able to vote for all Members of the States. As an example, if there were 85 candidates and SACC proposed a restricted manifesto to only 700 words that would be equivalent to reading approximately 85 pages of print. Electors would be able to cast their votes at any polling station within the parish in which they reside, as was the case in the 1994 and 1997 Island-wide elections.
6. The States Assembly and Constitution Committee are asked to give consideration as to how manifestos will be distributed bearing in mind manifestos are the primary means available to candidates to communicate their views to the electorate. Manifestos would assume an even greater importance in Island-wide elections where it would be almost impossible for every candidate to visit each elector. In respect of the Island-wide elections held in 1994 and 1997, candidates' manifestos were published in a free newspaper distributed as a supplement to the Guernsey Evening Press and Star. The website of the Guernsey Press and Star states that the newspaper is *"read by 8 out of 10 of the population"*. In terms of delivering manifestos this could mean that 20% of the electorate may not receive a copy. States Assembly & Constitution Committee previous report recommended that all manifestos should be delivered to each household occupied by at least one elector.
7. Whilst hundreds of electors attend hustings across the Island, other ways of conducting public interaction between the candidates and the electorate are required. One-to-one 'surgeries' were held in several electoral districts in the 2008/12 General Election and were successful. These comprised full-day or half-day events when all or most of the candidates assembled together. Electors were able to engage candidates on a one-to-one basis. This would be an appropriate means of providing for the public and candidates to interact in the context of an Island-wide election. Several such meetings could be held in large venues. It is envisaged that future candidates are likely to use the Internet and a number of candidates in the 2008/12 General Election set up comprehensive websites.

8. In all of the present electoral districts large teams of people work diligently in the counting of votes after the poll has closed. However, the present system is both labour-intensive and time-consuming. With a considerably larger number of candidates and votes to be counted the margin of error is likely to increase and would take considerably longer. The introduction of Island-wide voting therefore effectively makes it essential to employ electronic equipment to count the votes. Electronic counting is used by some UK authorities but, because the machines are used relatively infrequently, they are hired rather than purchased. Several UK companies specialise in hiring out such equipment which may include peripheral items such as special ballot boxes to ensure that ballot papers are not folded (creased ballot papers generally have to be processed manually).
9. General costs estimated in the February 2011 Billet were estimated at £40,000, electronic counting at £25,000 and the full cost of delivering a 'manifesto' package to each household occupied by at least one elector was thought to be in the region of £19,000. The overall cost, therefore, for a single Island-wide election held every four years with manifestos delivered was estimated to be £84,000. In addition, extra polling booths may be required and the cost of these could be in the region of £7,500, but this would be a one-off cost.
10. The signatories acknowledge that the size of some of the current polling stations will be inadequate in some parishes and they may need to consider using other premises such as church halls, other community halls and school halls (the latter are used as polling stations in the UK and France).
11. A reduction in the number of Members of the States would have no adverse consequences on this method of election. However, a reduction in the number of seats does not necessarily mean a reduction in the number of candidates.

THESE PREMISES CONSIDERED, YOUR PETITIONERS humbly pray that the States may be pleased to resolve:

- 1) To agree that with effect from the 2016 General Election, all deputies shall be elected on an island-wide basis and all voters shall have the same number of votes as there are deputies' seats,
- 2) To direct the States Assembly and Constitution Committee to report to the States as expeditiously as possible with the changes necessary, including changes to legislation, to give effect to Proposition 1.

*Mike Hadley*

*Lynne Trott*

*Mary Lowe*

*Lesley Queripel*

*Dave Jones*

Deputy M. P. J. Hadley

Deputy M. M. Lowe

Deputy D. B. Jones

Deputy B. J. E. Paint

Deputy L. S. Trott

Deputy L. C. Queripel

Deputy G. M. Collins

*Bang Paint*

*G. M. Collins*



**(N. B In accordance with Rule 17 (2) of the States Rules of Procedure of the States of Deliberation, the Policy Council has sought the views of all Departments and Committees appearing to have a particular interest in the subject matter of the Requête. The subject matter of the Requête has also necessitated consultation with the Douzaines and the Guernsey Deanery.**

**The Douzaines have responded as follows:**

### **ST SAVIOURS**

“Thank you for your letters dated 8<sup>th</sup> and 9<sup>th</sup> January 2014 seeking the opinion of the St Saviour’s Douzaine concerning the matter of Island Wide Voting.

The Douzaine is disappointed that this matter will be discussed without the Policy Council engaging in proper consultation with the Parish Douzaines. We understand that this is because those Deputies laying the Requête have refused to allow adequate time for this process to take place, but this cannot be in line with the Principles of Good Governance. All Deputies are fully aware that parish Douzaines meet on the Monday prior to a State’s meeting and one might have thought that the Requerants would have allowed time for Douzaines to fully debate the matter.

The Douzaine is also disappointed that this matter has to be debated again by the States without the benefit of a full review being undertaken by the States Assembly and Constitution Committee. It cannot show the Island’s Government in good light to be constantly debating the same subjects without the benefit of a full review of the advantages and disadvantages of change.

Despite the fact that there has been no opportunity for a meeting the Douzaine has consulted via email and the views of Douzeniers are very similar.

The Douzaine is against the introduction of full Island Wide Voting. There are many issues that have yet to be resolved including how the hustings would be conducted, how the electorate could meet and quiz candidates and the lack of allegiance (or connection) to parishes. It is likely that smaller parishes will lose representation as they will have little influence over the preferred candidates of the larger parishes. It is also likely that the quality of candidates would diminish with some deputies being elected with many fewer votes than under the current system. It is likely that the good candidates will receive a large number of votes but that few electors will vote for the maximum number of candidates allowed, thus allowing weak candidates (and possibly some very eccentric characters) to be elected. This would not be good for Guernsey’s Government.

Many people believe that it is essential to reduce the number of Deputies. It is perceived that the current number of 45 is an impediment to decision making on critical matters. A

change that would introduce Island Wide Voting without addressing an improvement in States functions is an unnecessary diversion and should be resisted.

However, with the benefit of a full review that addresses the above issues there is merit in having some Deputies voted in by Island Wide Voting. Each parish should have at least one Deputy representation in the States and only those Deputies who have served at least one full term as a Parish Deputy should be allowed to stand for election by Island Wide Voting. Members of the Policy Council should be Deputies elected on an Island wide basis.

There are many matters to be thought through and the Requête simply does not allow for full consideration. It appears to be a populist move and should be resisted pending a full report from the States Assembly and Constitution Committee.”

### **ST PIERRE DU BOIS**

“The overall majority response from the Douzaine of St. Pierre du Bois is to reject the Requête for the introduction of Island Wide Voting for the General Election in 2016. The haste in which it is being laid is regrettable, with little time for full consultation and no new evidence provided to show that there has been any change since the previous proposals were rejected.

Whilst one Douzenier supports the principle if the practical difficulties could be overcome, and two Douzeniers would support a split of island-wide and parish/district elected Deputies, the majority continue to hold the views expressed in the Douzaines letter to the States House Committee on 1st August 2006 rejecting the previous proposal.

Douzeniers continue to uphold the need for individual parishes and districts to be directly represented to maintain their identity, and to enable locally known candidates to put themselves forward. There is a great danger that high-profile candidates would find more favour than those only known in their own locality, whether or not they were equally or perhaps more able to serve the whole island as well as their parishes. It could well be that small parishes had no direct representation, and that the more densely populated areas were over-represented.

The inevitably large number of candidates would find it extremely difficult to connect directly with more than a very small number of electors, and electors could be overwhelmed with manifestos from candidates they would be unable to question.

It is also emphasised that Deputies already serve the whole island and do not restrict themselves to representing only their own constituents.

The time taken to complete a ballot paper with so many candidates would result in long queues of voters at Polling Stations, and electronic voting has proved unreliable in many other jurisdictions. A long list of candidates, whether listed alphabetically or otherwise,

would inevitably favour those at the top of the list and those at the lower end would be disadvantaged.

We trust that these views will be helpful and thank you for the opportunity to comment.”

### **ST. ANDREW’S DOUZAINE**

“

#### **Administration of the proposed system**

We see some logistical difficulties viz.

1. The suggestion that, in lieu of hustings, there would be ‘surgeries’ involving many of the candidates at one time. These would be very large events with the probability of many voters each wanting to talk to many candidates and this would seem to be an unrealistic suggestion. These meetings can work well but only for a limited number of candidates, such as each district has in our current system. Consequently, there remains the problem of how each candidate will be able, realistically, to engage with the voters.
2. Voting day.

The requerants are suggesting electronic counting machines. These would appear to be of two basic types, computer style terminals in the voting booths or optical character recognition (OCR) machines which are capable of reading conventional voting papers. In either case, the voters would be presented with a long list of candidates and the ability to cast up to forty-five votes. This would mean voters spending much longer in the booths, even if they had come prepared with a list of their choices. Under the present system, some voters already spend a long time in the booths, obviously deciding only then who they will vote for. Thus, the rate of ‘voter throughput’ would be very slow and we are sure that large queues will develop, even with extra booths. We can also foresee problems at the times the polls close, with queues of people still to vote despite having arrived before the deadline. In St. Andrew’s, parking of so many cars would also cause us some problems.

By the next election in 2016, the parish school will no longer be functioning and we may not have use of the building. The Douzaine room is too small and can accommodate two voting booths, so we can only suggest that we would need the use of the Grammar School on voting day as being the only suitably large public building in the parish.

Should the voting machines be in the booths, we envisage a great deal of help in using them being requested yet, understandably, the law prevents any help to voting

being given by the officials. This too will slow the system considerably. If conventional voting papers are used, we think that there will still be many queries about how to complete them, if the current system is anything to go by.

If voting papers are the chosen method, OCR machines would have to be used for counting as our present manual system could not cope with so many options.

Whichever type of voting was to be used, the sums quoted would seem to be much higher than the present, largely voluntary, system. Furthermore, are the amounts quoted realistic and might the final cost be somewhat greater?

### **Island-wide Voting as a concept**

Firstly, we consider that ten days is not sufficient time to consider or discuss this proposition. We do appreciate that the Policy Council's hands were tied by the intransigence of the requerants and the law governing these matters. However, we would question the real motives behind the pressure for island-wide voting and fail to see how anything will be achieved by not allowing a more reasonable amount of time for this very important issue to be thoroughly considered.

The consensus in St. Andrew's Douzaine is that Island-wide Voting, as proposed, is undesirable. The following points have been made by various Douzeniers and are in no particular order:

1. With 45 members, island-wide Voting is totally unmanageable.
2. It would lead to the further demise of Parish involvement, particularly within the smaller parishes. It would be a further erosion of our parish pride which contributes so importantly to the Island's unique culture and history. The smaller parishes could potentially find themselves without any 'local' representation and so, when local issues arise such as the recent school closure debate, we would, in effect, be on our own. Any dilution of parish representation will only lead to less interest in parish life and involvement and the Douzaine's voice being less likely to be heard
3. The voting slips will be like a football coupon to start with, which will inevitably lead to some members getting in with a very low vote. To elaborate, out of a probable 90 or so candidates there might be, say, 25 who were very popular and who would garner many votes. Individual voters are very unlikely to use all 45 votes and the combined effects of tactical voting, limited interest and lethargy could easily result in many people only using 20 or so of their votes. Most of these would be cast for the 'popular pool'. Other candidates would attract far fewer votes, with many only receiving the occasional vote, often from the few people who are determined to use all 45 and who are not thinking critically about their last 20 or so votes. This would result in, say, the lower third i.e.15 'successful' candidates being

elected with a very low number, perhaps just in three figures or even less, despite it being an Island-wide vote. They would have been elected with far fewer votes than in our current system based on limited electoral districts and would represent a lottery at the lower end, unlikely to produce the best outcome. Indeed, there might be several unsuccessful but potentially good candidates, ousted more by chance than judgement, merely because they didn't happen to be in the 'most popular group'. The past elections of conseillers by island-wide vote have shown us that this can and does happen. This would not lead to a better States or good government.

4. With so many choices, it seems likely that the numbers of spoilt papers due to wrong entries and subsequent attempts at correction by the voters will increase considerably.
5. What other successful democracy has a system similar to that being proposed? We already have **several** votes each every four years. Were we in the UK, we would have a **single** vote every five years. Proponents of island-wide voting might give the example of the USA's Presidential elections, carried out on a national basis. However, that is essentially a two horse race not a forty-five horse event and cannot be compared in any way. Australia has a large field of maybe 50/60 when voting for senators but this too is not comparable. Well-defined political parties are involved and they use a 'preferential vote' system, allowing 'above the line' and 'below the line' voting. As most Australian voters use the former, they are tacitly accepting the pre-nominated sequence which each party has put forward. This is clearly unworkable and inappropriate for our non-party system.
6. An island-wide system would result in a 'lost voice' of the rural parishes, a quick calculation on the number of households shows where the weight of voting would be. Clearly, turnout and household occupancy varies but this is a reasonable guide. The big 4 parishes would decide the result; the rest need not bother voting!

Parish	Households	%
St Peter Port	8,459	32
Vale	3,836	15
St. Sampson's	3,830	15
Castel	3,476	13
St. Martin's	2,598	10
St Saviour's	1,127	4
St. Andrew's	928	4
St. Peter's	884	3
Forest	631	2
Torteval	403	2

Is it too cynical to note which parishes the requesters represent?

While it is true that, historically, turnout is higher in the rural parishes it would make little difference to the total vote. There might be an increase in voters but there is a good chance that voting numbers will fall as traditional voters will possibly be totally disenchanted by the end of this term and many non-voters will see no more reason than now to vote as they seem to hold politicians and the States in low esteem. The extra effort in required by the voters in an island-wide system might even discourage them from voting at all. There is a general apathy amongst the electorate at the best of times.

7. Whilst the Harwood review and subsequent reforms were a good step forward at the time, we are in need of a further review of the States and probably a reduction in number of members, before we go down the road of island-wide voting. At this stage maybe we could bring back deputies directly involved in individual Parishes rather than voting districts, bringing back some of the pride in the areas we live and restoring some of Guernsey history. It would also mean that he/she/they would be more accountable to the Parish in all.
8. Once you have a reduction in members we might look at island-wide voting in stages i.e. half the assembly would be for 2/3 years and the other 4/6 years to start with, then every 2/3 years which would give stability within the core of the States. This was the procedure when conseillers were elected island-wide.
9. It is true that, even with the current system, it is possible to lose good candidates from one district while gaining less useful deputies from another one. Also, as recent debates have shown, elected deputies do not always represent the views of the parishioners who elected them.”

### **ST MARTIN'S**

“Whilst grateful for the opportunity to respond to the Requête, given the very important role of the Douzaines in the election process, may we firstly protest at the time span we have been given to respond to this important matter. We appreciate that this is a function of the timetable being pursued by the Deputies pushing the Requête but we regard five working days in which to consider and reply as contemptuous disregard for the Douzaines and their opinions.

As to the Requête itself the Douzaine of St. Martin are unanimously and wholeheartedly opposed. The Requête is ill-considered.

There are a number of reasons for this. The most obvious amongst them are summarised as follows;

1. We understand that a committee is currently undertaking a review of the present system of Government. We regard it sensible and necessary to wait for this review to reach its

conclusions rather than just address one issue regarding elections and the democratic process in isolation. It is our view that any element of Island wide voting is unfeasible without a whole host of other reforms including the probable reduction of the number of deputies and staggered elections. To pursue the Requête ahead of that Committee finalising its work is inappropriate and premature.

2. We consider that with some 80 candidates producing 80 manifestos and with no or very little opportunity to meet and talk to candidates the proposed system would be completely unworkable. It is wholly unrealistic to expect voters to read the manifestos of all the candidates and then decide on their 45 preferred candidates and then recall the names of their preferred 45 candidates come the election itself. The time taken for one voter to mark his or her 45 choices will inevitably slow down the process and we were very aware at the last election that some of the electorate were already frustrated by the time the process took.

3. The hustings form an important part of the election process affording electors the ability to see how the candidates respond under a degree of pressure and under the glare of public scrutiny. The hustings also afford the public with the opportunity to compare the performance of different candidates. With Island wide voting hustings would become impractical and the voters will be left having only to judge who writes the best manifesto - or alternatively who has had the best manifesto written for them.

4. Under the current system, the Douzaines tend to have a good working relationship with their Deputies. This is certainly the case in this Parish. That relationship would cease with Island wide voting.

5. Constituents similarly know that if they have an issue where they feel they require political support the Deputies for their electoral district, who have been elected to represent the people of that district, are their first port of call. Often they will have met their Deputies. Many candidates try and visit as many of the voters in their district ahead of the election as possible. This would not be possible with Island wide voting. With Island wide voting, in the manner proposed by the Requête, no one or more deputies will have particular responsibility for representing the residents of any particular district making it easier for deputies to choose to wash their hands of such a constituent. We believe that island wide voting in the manner proposed would only serve to make the democratic process even more remote from Islanders.

6. The reasons cited in the Requête for introducing Island wide voting do not justify the proposal. It is very common in any representative democracy that not every eligible voter is able to select every representative. It is not possible for voters in the United Kingdom who oppose or support David Cameron to vote for or against him unless they are registered voters in Witney. The same applies to regional and even more local elections and is not confined to the United Kingdom. That the States debates matters of island concern does not mean that every representative must be elected on an island wide basis. This is a flawed proposition as it would require, for example, every citizen of the European Union to be able

to vote for every member of the European Parliament. Such is patently unworkable - as are the proposals outlined in the Requête.

Finally we note the names of the Deputies who have signed the Requête. However, we believe that Deputy Dave Jones was not one of the signatories, even though you have shown him to be. Perhaps you would comment on this.”

### **ST PETER PORT CONSTABLES**

“Thank you for your letters dated the 8<sup>th</sup> and 9<sup>th</sup> of January 2014 regarding the Requête brought by Deputy Hadley to introduce Island wide voting from the 2016 General Election.

Our initial concern on receipt of your second letter was the lack of proper consultation time that has been given to the Douzaines in order to properly discuss this important matter, though we do understand that the Rules of Procedure have been implemented in order to bring the Requête forward. Our Douzaine, who next meet on the 27<sup>th</sup> of January, have had no opportunity to discuss the implications of the Requête in an open forum.

That being said, whilst we may agree with the basic principle of Island wide voting, we have to examine in detail the “mechanics” of providing the voting facilities, operation of electronic vote counting equipment (if used) and other matters such as the dissemination of manifestos and provision of hustings for such a large number of candidates. The following concerns and suggestions are put forward, but no doubt with a more realistic consultation period and proper discussion with the full Douzaine, this list could be modified and elaborated upon:

- Manifestos would need to be centralised into one publication as suggested in the Requête, but may still prove to be too much information for many of the electorate to absorb.
- Posting of billboards will have to be restricted in some way.
- It would not be feasible to “doorstep” the electorate effectively, so the personal contact would be lost.
- Hustings meetings could not be conducted in the time-honoured way.
- The use of traditional ballot papers may not be fair, for example, candidates names arranged alphabetically may favour the candidates on the first page. The entering of so many votes on a ballot paper may result in considerably more spoilt papers.
- Whilst this may already be a factor in the present system, island wide voting may favour the high profile candidates, be they sitting Deputies or well known local “celebrities”. This could lead to a much greater disparity between the number of votes awarded to known and hitherto unknown candidates.
- The States of Deliberation could be streamlined by reducing the number of Deputies at the same time as the introduction of island wide voting.



- A two stage system could be introduced with a first round of “Parish Primaries” held to prequalify and reduce the number of candidates which would then go forward to a second stage island wide poll.

We must point out that the views expressed above are not necessarily the views of St Peter Port Douzaine. Our Douzainers have been emailed all the relevant information and asked to send comments in direct to the email address provided. This is not, of course our preferred means of responding to important issues such as this, but the Douzaine has been afforded little time to discuss internally or consult with our St Peter Port Deputies.

The following comments have been received by individual St Peter Port Douzainers:

*“Island-Wide-Voting would never work while we are given 6 or 7 votes each.*

*The only way in which it will work is for each Elector to be given one vote and one vote only. He/Her may have to select one person to vote for from 40 or more Candidates but that would not be a problem. The Candidates, Island-Wide, with most votes are elected. No problem.*

*After all in the UK The Isle of Wight has a much bigger population yet only has one place at Westminster!”*

*“The St. Peter Port Constables have sent us a copy of their letter to you regarding island wide voting.*

*I endorse the points they have made and am in favour of island wide voting as the decisions of all States members affect the island as a whole.*

*A change would indicate a clear distinction between whole-island representation by States members and the local parish voice articulated by the Douzaines.*

*Wearing my radio presenter’s hat on the several occasions when I have brought up the topic on my Island FM show the support for island wide voting has been overwhelming.*

*Clearly a modus operandi of how to do it needs to be found. A slimmed down States with parish primaries could, as the Constables suggest, provide a workable solution.”*

*“Fully support Island Wide Voting”*

*“I have received the details of the Requête in regards to Island-wide voting and find it quite staggering that this is being rushed through with no time for Douzaines to even discuss it at the next Douzaine meeting, which to me suggests certain contempt and disdain for the role of parish officials.*

*While it is interesting to note the claim in point 4 that ‘many of the people of Guernsey expressed the desire for island-wide voting’, I believe a vast number of islanders would actually be in favour of reducing the number of deputies.*

*For my part, and that of my family, we have no desire for island-wide voting.”*

#### **VALE DOUZAINE**

“The Vale Douzaine held a meeting last night to discuss this item and there was a majority vote against Island Wide Voting by 9 – 7.”

#### **CASTEL DOUZAINE**

“The consensus view of the Castel Douzaine, regarding the Requête for island wide voting, is that they do not support this Requête in its present form.”

#### **ST SAMPSON**

“The Constables and Douzaine of the Parish of St Sampson have the following comments to make on the subject of Island Wide Voting.

Whilst the idea of island wide voting appeals to many because Deputies have an island-wide responsibility, there was concern over the practicalities of how such a voting system would actually be carried out.

In particular, concern was expressed at the number of manifestos that electors would have to read in order to select their 45 candidates. This number of manifestos could easily exceed 80 and even be as many as 100.

Hustings meetings could also be difficult to arrange if electors were to be given the opportunity to hear responses to various questions from all of the candidates at the same time and venue.

Concern was also expressed at the time it would take for each elector to physically cast his or her votes in the voting booth. Also what would happen if there was a rush of electors towards the end of the voting period and it was not possible for everyone to cast his or her votes before the official closing time?

The time taken to physically count the votes cast in each electoral district – with the great variety of voting patterns that might arise from having up to 45 votes on a voting slip.

One other item raised was what would happen if the votes cast in each voting station resulted in candidates towards the 45<sup>th</sup> position being more than 2% apart but were within

2% of each other when all of the votes were collated. Would this require recounts in each and every voting station? And if so, how long might this take?

A question was also raised about what might happen if an island-wide election resulted in one of the current electoral districts not being represented by a Deputy residing in or representing a particular parish/electoral district.

No overall decision was reached, rather the Constables and Douzeniers of St Sampson wish to highlight the above issues for inclusion in the debate when the requisite comes before the States of Deliberation.”

### **TORTEVAL**

“The Douzaine believes that, should Island Wide Voting be introduced in future, Torteval will be able to facilitate the initiative in terms of making additional facilities and infrastructure available to its electorate in support of the new election format.”

Torteval Douzaine additionally asked individual Douzeniers to respond directly, should they have any particular comments. The following response was received:

“In response to your request for feedback on the issue of island wide voting I should like to provide the following comments as an individual member of the Torteval Douzaine:-

- It is not possible to read more manifestoes than the existing system presents and to give due consideration to the candidates.
  - o In consequence Island Wide voting would likely result in more power for determining electoral success being transferred to the media and how they present candidates (not hard to see why this would be popular with the press)
  - o The confusion engendered by the number of candidates would likely result in a party based system – a less democratic system than we currently enjoy
  - o This would likely result in less local representation
- Island wide voting would not address the issue that the media would have us believe people wish addressed (namely that candidate x of electoral district y was elected but their views are not popular in the rest of the island). However this is misguided as the existing system ensures representation from each electoral district and hence ensures that the views of each district see representation in the States. It also does not address the fundamental cause of occasional disquiet by the voting public.

- To my mind the issue with the existing system is that the views of those elected are treated equally when electing ministerial posts irrespective of their relative popularity. In the past this has resulted in candidates elected with a margin of a handful of votes having disproportionate say in determining leadership roles and the direction of government policy – something which has proved unpopular with the voting public. To give the views of the electorate greater prominence the vote each deputy has for ministerial selection should take into consideration the votes they received when elected. Hence if an individual received 4000 votes their vote should be worth 4000 when cast to decide who should lead the states. This would result in the views of the electorate being more accurately reflected within the make up any new ministerial posts – posts which determine from day one the direction of States policy for the next four years. Once ministerial posts are selected voting would revert to one individual one vote as at present.”

### **FOREST DOUZAINÉ**

The Forest Douzainé were unable to respond to the Policy Council’s request for comments on the Island Wide Voting Requete within the timeline provided.

**The Deanery of Guernsey has responded as follows:**

### **THE DEANERY OF GUERNSEY**

“I would like to thank Deputy Le Tocq for circulating the Consultation Papers about Island Wide Voting to the Deanery, and I apologise for missing the newly shortened dead-line. Time prevents me from too much detail, but I have been able to ask a number of people for reflection about the issue and these reflections have been included below.

While there are reasons to support a move to Island Wide Voting the following points need to be considered in making decisions about it.

#### **Use of Church Premises For Polling**

We would have no objection for approaches to use Church Halls - or indeed Churches for polling.

#### **Philosophy**

I would reflect that a move to Island Wide Voting for the States of Deliberation seems to endorse a trend in island life away from the parochial/local to the Insular contrary to previous custom and usage. This may have administrative and organisational efficacy and efficiency but is a change in direction in the philosophy of representation. In general the

principles of subsidiarity ask that democratic activity is carried out at the ‘lowest’ and most local of levels to ensure maximum participation and relevance to local life. A move to Island Wide voting would be moving away from that principle.

### **Volume of Election Material**

The idea that manifesto and other information would run to some 85 printed pages of information for the electorate to digest in order to take part in an election in an informed way does seem both unrealistic and excessive. The current system of local voting does not demand this excessive volume and there may be more chance that the electorate will read what is issued locally whereas the Island Wide volume would not be read.

### **Population Inbalance**

The current system of voting does ensure that the less populous parishes have equal representation in The States along with the more populous northern parishes. Because of the disproportionate distribution of Insular population a move to Island Wide Voting could have the effect of marginalisation of the other parishes outside the northern areas of Vale, St Sampson and St Peter Port. The current system ensures that the concerns and view point of the more rural communities is strongly (some would say – over strongly) represented.

### **New Candidates Discriminated Against**

A move to Island Wide Voting could see a situation where there is a tendency to the status quo and re-election of sitting candidates which had a detrimental effect on the election of new comers and first time candidates. It is easier for a new comer candidate to be elected from the current smaller constituencies than to break into the larger and more impersonal electoral pool.”

**The Environment Department, Housing Department, Social Services Department, Culture and Leisure Department and Public Services Department have advised that as the proposals did not have a direct effect on their mandate they have no comment to make. Other Departments and Committees have responded as follows:**

### **EDUCATION DEPARTMENT**

“Thank you for the opportunity to comment on the Island Wide Voting Requête.

The Department only wishes to comment on paragraph 10 of the Requête where reference is made to the need to consider other premises such as school halls. It is unclear at this stage why school halls may be required with the introduction of Island Wide Voting, but there are some practical issues that are worth highlighting.

Firstly, school premises would not be suitable as polling stations during the school days due to the disruption that would be caused to normal operations. It may also cause congestion problems at the start and end of the school day.

Secondly, if the elections were moved to weekend or school holidays in order to use school premises out of school hours the Education Department would incur additional costs for non-education purposes for which it has no allocated budget.

I trust that these observations are helpful.”

### **HOME DEPARTMENT**

“At a meeting on 13<sup>th</sup> January 2014 the Home Department Board discussed the Requête laid by Deputy Hadley. This proposes that with effect from the 2016 General Election, all deputies be elected on an island-wide basis and directing the States Assembly and Constitution Committee report back to the States to implement this change.

The following comments are largely limited to the potential impact on the Electoral Roll and do not reflect the individual views of members regarding the merit of Island-wide voting or otherwise.

The mandate of the Home Department requires it to “*be responsible for....the Electoral Roll.*” Part IV of the Reform Law places a statutory duty upon the Registrar General of Electors (the States Chief Executive) to compile the Electoral Roll in accordance with its provisions. The Registrar General of Electors has transferred his responsibility in respect of the Electoral Roll to the Acting Chief Officer of the Home Department.

In preparation for the 2012 Elections the States agreed to the creation of a new electoral roll. This ensured the accuracy and comprehensiveness of the Roll, but did require significant staff and financial resource from the Department in order to achieve, particularly in the preceding 12 months.

In order to prepare for the 2016 Election the resources required by the Home Department will vary dependent on whether a new Roll is created or the existing Roll is used. The 2008 General Election clearly identified the problems associated with carrying over an Electoral Roll between elections. Whilst no Islanders were disenfranchised by the problems that occurred, thanks to a successful application to the Royal Court, it clearly showed that the longer a Roll remains in force, the less accurate it becomes.

The Department proposes to bring forward a Report to the States considering the advantages and disadvantages of creating a new Roll and the financial and resource implications in due course.

The Department does not consider that the introduction of Island Wide voting in 2016 would have a significant impact on its responsibility to compile the Electoral Roll. However, it is considered that there is likely to be an additional financial and resource cost should the status-quo remain in respect of a candidates ability to acquire hard copies of electoral roll in various forms. This is currently a paper based provision and the Department would strongly suggest that the relevant legislation be amended to facilitate a more electronic process should Island Wide voting be pursued.

The Department acknowledge, however, that the election process is not limited to the preparation of the Electoral Roll and based on the Department's own experiences it would caution that the level of resources necessary to support a successful Election campaign should not be underestimated.

The Department notes that the Requête considers the issue of the counting of votes and proposes the use of electronic counting equipment. The Department consider that further research and testing should be carried out to establish whether this will be an effective option and necessary for our small jurisdiction before this proposal is progressed.

Desire to implement such a change should not get in the way of ensuring all possible consequences of Island Wide voting being fully investigated to the extent that the States and electorate can be reassured that this significant change will not impact negatively on the integrity of the electoral process."

### **STATES REVIEW COMMITTEE**

"Thank you for the letter dated 8<sup>th</sup> January 2014 inviting the States Review Committee to set out its views in respect of the Requête entitled *Island Wide Voting*, which has been submitted for debate by Deputy M P J Hadley and six other Members of the States.

As the requérants are aware, the States Review Committee will be bringing its first report to the States of Deliberation for debate in July 2014. This policy letter will be sufficiently comprehensive to allow the States to make what the Committee believes is a binary choice between organising all States' affairs within a ministerial system with all ministers bound by collective responsibility or organising all States' affairs within a substantially reformed committee system.

The Committee strongly believes that any proposals to change the system of electing people's deputies should be considered after the States have determined how the administration is to be structured with effect from 2016. Decisions about the most appropriate structure of the States are unlikely to be influenced by the electoral system whereas decisions about the electoral system could be influenced greatly by the overall structure of the States.

Should the States approve changes to structure at their July 2014 meeting, the States Review Committee will produce a second report setting out detailed proposals for reform consistent with the overall structure of the States of Guernsey to be adopted from 2016. During that second phase of review it may be that the States Assembly and Constitution Committee will regard it as necessary or desirable to propose reforms to the electoral system in the light of any changes to be made to the overall structure of the States. The Committee has discussed this matter with the States Assembly and Constitution Committee and the two committees are agreed on this point.

In conclusion, the Committee believes that it is premature for the States to resolve in March to make changes to the electoral system when in July they are to debate the overall structure of the States of Guernsey.

However, the Committee can confirm that its proposals regarding the structure of the States need not be changed should the States of Deliberation resolve to approve the prayer of the Requête.”

#### **STATES ASSEMBLY AND CONSTITUTION COMMITTEE**

“Thank you for your letter of the 8<sup>th</sup> January, 2014 seeking the views of the States Assembly and Constitution Committee on the Requête lodged by Deputy Hadley and six other Members of the States proposing that with effect from the 2016 General Election all People’s Deputies are elected in a single constituency, i.e. island- or jurisdiction-wide voting.

The Committee believes that this Requête should not be considered by the States at their March meeting. The States Review Committee is due to report to the States at the July meeting with proposals regarding possible changes to the structure and organisation of the States. The Committee therefore believes that this Requête is premature because the States should first determine their structure, including for example the optimum number of Members in any reformed structure, before deciding whether or not to change the current method of electing Members of the States.

As I stated in my response to a question from Deputy Gollop at the December States’ meeting, the Committee believes that the advantages and disadvantages of different methods of election may change depending upon any changes which the States decide to make to their structure with effect from 2016. At that time I said that the Committee hoped that any Requête regarding electoral reform would be submitted for debate after consideration of the first policy letter from the States Review Committee. The States Assembly and Constitution Committee remains of that view.

In the very limited time available the Committee has not been able to give full consideration to this matter. On 8<sup>th</sup> January the Committee was given until 10<sup>th</sup> February to comment. However, the following day the Committee was advised that any letter of



comment which the Committee wished to submit must be submitted by 17<sup>th</sup> January. The Committee will therefore provide its substantive views on the Requête during the debate.

Nevertheless, in order to assist Members of the States in their consideration of this matter, the Committee has decided to attach for publication with this letter of comment the Committee's last policy letter regarding the possibility of turning the island into a single electoral constituency, the minority report attached to it and the Resolution thereon as they set out extensively the various options for jurisdiction-wide voting and the issues associated with each option (Article 7 of Billet III of 2011) and also an example, which, per the 2009 report, the Committee requests is published in A3 format, of the kind of ballot slip (using the names of all the candidates in the 2008 General Election of People's Deputies) which would be necessary to give effect to the proposals of the requérants." )

**(NB The States Assembly and Constitution Committee's States Report Article 7 of Billet III of 2011 is appended overleaf.)**

# STATES ASSEMBLY AND CONSTITUTION COMMITTEE

## ISLAND-WIDE VOTING – 3<sup>rd</sup> REPORT

The Presiding Officer  
The States of Guernsey  
Royal Court House  
St. Peter Port

17<sup>th</sup> December 2010

Dear Sir

### EXECUTIVE SUMMARY

1. In this report the States Assembly and Constitution Committee –
  - (a) sets out a detailed analysis of all the options for the introduction of Island-wide voting and ancillary issues as directed by the States on 1<sup>st</sup> July 2010;
  - (b) recommends the States to agree that 45 People's Deputies shall be elected in a single Island-wide election with effect from the General Election to be held in 2012 and that the manifestos of candidates in Island-wide elections shall be distributed at the expense of the States by means of an election publication, the cost of which will be borne by the candidates.

### INTRODUCTION

2. On the 27<sup>th</sup> April 2006 the States resolved<sup>1</sup> –
 

*“5B To direct the House Committee to undertake a comprehensive review of all practicable methods of introducing Island-wide voting for the office of People's Deputy, and to report back to the States in sufficient time to enable the introduction of such a system with effect from the General Election to be held in 2012.”.*
3. On the 28<sup>th</sup> January 2009 the States considered the States Assembly and Constitution Committee's first report<sup>2</sup> on Island-wide voting which had been submitted pursuant to Rule 12(4) of the Rules of Procedure, and resolved –

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<sup>1</sup> Billet d'État VII of 2006, p. 505

<sup>2</sup> Billet d'État I of 2009, p.1

- “1. *To note the Report.*
2. *To direct the States Assembly and Constitution Committee to report further to the States with detailed proposals regarding the election and constitution of the States of Deliberation which will take effect from the General Election to be held in 2012.”.*
4. On the 1<sup>st</sup> July 2010 the States, prior to considering the States Assembly and Constitution Committee’s second report<sup>3</sup> on Island-wide voting, resolved –

*“To sursis the Article, and direct the States Assembly and Constitution Committee to report back to the States of Deliberation as soon as practicable with a broader report containing –*

- (a) *detailed consideration of the options for reducing the number of People’s Deputies in the States of Deliberation from 45 to*
- (i) *40,*
- (ii) *35, and*
- (iii) *any other number of Deputies the Committee considers would be appropriate;*
- (b) *a detailed analysis of all the options for the introduction of Island-wide voting, to include not only the options set out in the Committee’s 2<sup>nd</sup> Report but also those that have been introduced through amendments to the Propositions thereon that have been circulated prior to this Meeting of the States of Deliberation and any variants thereon that the Committee considers should be covered, in each case taking into account the possible modifications of the number of People’s Deputies in accordance with paragraph (a); and*
- (c) *details of all the operational and logistical issues that would arise and require amendment in respect of every option under consideration in accordance with paragraphs (a) and (b) regarding the elections for, and constitution of, the States of Deliberation which will take effect from the General Election to be held in 2012 and, where applicable, in respect of any partial election of the Members of the States of Deliberation preceding or following that General Election.”.*

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<sup>3</sup> Billet d’État XV of 2010, p.928

## THE AMENDMENTS REFERRED TO IN THE SURSIS

5. Paragraph (a) of the sursis relates to two amendments, the effect of which would be to reduce the number of People's Deputies. An amendment proposed by Deputy L R Gallienne and seconded by Deputy J.Kuttelwascher sought a reduction from 45 to 35 whilst one proposed by Deputy B L Brehaut and seconded by Deputy C A Steere sought a reduction from 45 to 40.
6. The amendments referred to in paragraph (b) of the sursis are set out in the following paragraphs.
7. Proposed by Deputy R R Matthews and seconded by Deputy J A B Gollop –

*“That with effect from June 2011:*

- (a) *the Reform (Guernsey) Law, 1948, as amended, be further amended to provide:*
  - (i) *that there shall be 15 Deputies elected Island-wide, initially for a three-year term, and thereafter for successive four-year terms;*
  - (ii) *that these Island-wide Deputies shall be elected by the votes of the electors of the Islands of Guernsey and Alderney;*
  - (iii) *that a candidate for the office of Island-wide Deputy must be nominated by fourteen persons, being two persons on the Electoral Roll from each of the seven existing electoral districts in Guernsey; and*
  - (iv) *on a transitional basis, that the States of Deliberation shall, if necessary, include an increased number of People's Deputies so as to accommodate any Deputies elected in the June 2011 election who are not already sitting People's Deputies; and*
- (b) *the Rules of Procedure of the States of Deliberation and the States Resolutions governing the Constitution and Operation of States Departments and Committees be amended to provide:*
  - (i) *that eligibility to hold the office of Chief Minister shall be restricted to an Island-wide Deputy; and*
  - (ii) *that the Chief Minister and the Ministers of Departments in office immediately prior to the election in June 2011 shall be deemed to have tendered their resignations from*

*office to take effect from an appropriate date following the election of the 15 Island-wide Deputies.*

*To direct the States Assembly and Constitution Committee to report to the States as soon as practicable, and in any event before the end of 2010, setting out detailed proposals relating to the allocation of the 30 seats to be distributed across the electoral districts at the General Election to be held in 2012 and the procedure at, and conduct of, the elections to be held from June 2011.”.*

8. Proposed by Deputy J Kuttelwascher and seconded by Deputy S J McManus –

*“That the Reform (Guernsey) Law, 1948, as amended, be further amended to provide that, with effect from the General Election to be held in 2012, there be:*

- (i) a Chief Minister elected by Island-wide voting from persons eligible to hold the office of Chief Minister in accordance with rule 20(2A) of the Rules of Procedure of the States of Deliberation;*
- (ii) 10 Deputies elected on the same day by Island-wide voting; and*
- (iii) 34 Deputies elected on the same day by the votes of electors in each of the current electoral districts.*

*To direct the States Assembly and Constitution Committee to report to the States as soon as practicable, and in any event before the end of 2010, setting out detailed proposals relating to the allocation of the 34 seats to be distributed across the electoral districts and the procedure at, and conduct of, the elections comprising the General Election to be held with effect from 2012.”.*

9. Proposed by Deputy J Kuttelwascher and seconded by Deputy S J McManus –

*“That the Reform (Guernsey) Law, 1948, as amended, be further amended to provide that, with effect from the General Election to be held in 2012, there be 11 Island Deputies elected Island-wide for a four-year term and 34 Deputies elected on the same day by the votes of electors in each of the current electoral districts for a four-year term, provided that when elections for both offices occur on the same day candidates may seek election to one such office only.*

*To direct the States Assembly and Constitution Committee to report to the States as soon as practicable, and in any event before the end of 2010, setting out detailed proposals relating to the allocation of the 34 seats to be distributed across the electoral districts and the procedure at,*

*and conduct of, the elections comprising the General Election to be held with effect from 2012.”.*

10. Proposed by Deputy M P J Hadley and seconded by Deputy J A B Gollop –

*“To direct the States Assembly and Constitution Committee to report to the States as soon as practicable setting out detailed proposals for the introduction with effect from the 2012 General Election of voting by way of the Single Transferable Vote system.”.*

## **THE OPTIONS SET OUT IN THE COMMITTEE’S SECOND REPORT**

11. The propositions set out at the end of the Committee’s Second Report were as follows:

1. 45 Deputies elected Island-wide for a four-year term;

*or*

2. 45 Deputies elected Island-wide for a four-year term but with elections held every two years for half the number of seats and subject to transitional arrangements;

*or*

3. 10 Parish Deputies, one elected from each parish for a four-year term with 35 Island Deputies elected Island-wide for a four-year term, provided that when elections for both offices occur on the same day candidates may seek election to one such office only;

*and*

4. that in the Island-wide election each elector shall be entitled to vote for a maximum of 10 candidates only.

## **ISSUES RAISED SUBSEQUENT TO THE STATES DEBATE OF 1<sup>ST</sup> JULY 2010**

12. Subsequent to the debate of the 1<sup>st</sup> July, 2010 the Committee has identified a small number of further issues which it believes should be addressed in this report. Such matters are referred to in this report as *“further issues”*.

## **IDENTIFYING THE ISSUES**

13. This report will address the several issues in distinct parts as follows:

### **Part I - Number of Members in the States of Deliberation:**

- (i) Reduce from 45 to 35 *(Gallienne amendment)*

- (ii) Reduce from 45 to 40 *(Brehaut amendment)*
- (iii) Reduce from 45 to some other number *(Gillson sursis)*

## **Part II - Election of Members of the States of Deliberation:**

- (i) 45 Deputies elected in seven electoral districts *(the status quo)*
- (ii) 45 Island-wide Deputies elected in a single election  
*(2<sup>nd</sup> Report propositions)*
- (iii) 45 Island-wide Deputies elected half every two years  
*(2<sup>nd</sup> Report propositions)*
- (iv) 35 Island-wide Deputies elected in a single election with 10  
Parish Deputies elected the same day *(2<sup>nd</sup> Report propositions)*
- (v) Restriction on the number of votes which electors may cast  
*(2<sup>nd</sup> Report propositions)*
- (vi) Chief Minister elected Island-wide, 10 Island-wide Deputies and  
34 District Deputies all elected the same day  
*(Kuttelwascher (1) amendment)*
- (vii) 11 Island-wide Deputies and 34 District Deputies elected the  
same day *(Kuttelwascher (2) amendment)*
- (viii) 15 Island-wide Deputies elected in June 2011 by the electorate of  
Guernsey and Alderney, having been nominated by 2 persons  
from each of the 7 Guernsey electoral districts and 30 District  
Deputies from the existing 7 electoral districts, with the following  
transitional arrangements:
  - o Island-wide Deputies elected in June 2011 to serve 3 year  
term only, thereafter 4 year terms
  - o Temporary increase in number of States Members from  
June 2011 until April 2012. *(Matthews amendment)*

## **Part III - Other issues:**

- (i) Elections to be held by Single Transferable Vote system  
*(Hadley amendment)*
- (ii) Chief Minister to be elected from those elected as Island-wide  
Deputies *(Matthews amendment)*

- (iii) Elections for the offices of Chief Minister and Ministers to be held immediately after the June 2011 election  
(*Matthews amendment*)
  - (iv) Party Politics  
(*further issues*)
  - (v) Elections of ministers, chairmen and members of departments and committees  
(*further issues*)
14. Whilst it is hoped that dividing the issues into the broad groupings set out above will be of assistance to Members of the States in digesting this report there are, nonetheless, certain issues which will require cross-referencing. By way of example, the sursis requires that the Part II items take into account Part I, i.e. the possible modifications of the number of People's Deputies.
15. The explanatory note to the sursis refers to "*detailed consideration of the pros and cons*", and indeed many Members used similar terminology in the course of the sursis debate. The States Assembly and Constitution Committee has desisted from using the terminology "*pros and cons*" in this report because what may be considered to be a positive argument by some is viewed as a negative argument by others.

## **PART I - NUMBER OF MEMBERS IN THE STATES OF DELIBERATION**

16. In the Committee's previous report it was stated that some of the respondents to the public consultation had suggested that the overall number of States Members should be reduced. The Committee acknowledged that there may indeed be good reasons to reduce the number of States Members whilst at the same time holding the view that it would be inappropriate to associate such a reduction with a proposed change in the method of election. Reducing the number of Members simply to accommodate a system of voting is certainly not sufficient reason in itself for such a change. Indeed, the overall number of Members is related more to the machinery of government rather than to one particular electoral system.
17. The following table showing the number of members of parliament in other jurisdictions of similar area/population was included in the Committee's 1<sup>st</sup> Report. Whilst the jurisdictions may be similar in area/population it should be noted that in all of them (save for Jersey and the Isle of Man) there is an established party political culture.



	Land area km <sup>2</sup>	Population	N° of elected Members	Population per Member
Guernsey	65	62,274 <sup>4</sup>	45 <sup>5</sup>	1,384
Liechtenstein	160	33,987	25	1,359
Gibraltar	6.5	27,928	18	1,552
Jersey	116	90,800	53	1,713
Bermuda	53	65,773	36	1,827
Isle of Man	572	80,058	34	2,354
Andorra	468	71,201	28	2,543

18. If the number of Members of the States had relevance only with regard to elections then the matter would be more straightforward. Reducing the overall number of voting Members would not adversely affect any of the Island-wide voting options put forward. Indeed, the contrary is true: the implementation of all the options would probably be eased by a reduction in the number of persons elected. However, the issues are not so simple because in determining the number of members required there are factors which have to be taken into account which go well beyond those which are relevant solely for the purpose of selecting an electoral system.

19. Firstly, the States have directed the Public Accounts Committee –

*“to report to the States of Deliberation during 2010 with recommendations for improving the governance arrangements of the States of Guernsey within the existing structure of government by committees and consensus and using as a benchmark the six recognised principles of good government.”<sup>6</sup>*

At the time of writing this report it is not known whether the recommendations made by the Public Accounts Committee pursuant to that resolution will bear upon the constitution of the States.

20. Secondly, Guernsey has a system of government by committees and consensus: not a cabinet/ministerial system with party politics. The States of Deliberation, therefore, have parliamentary duties that include legislative and governmental functions and the distinction between the two functions is less clear under the current system than it might be under other systems. It might be argued that fewer than 47 Members are required to fulfil the governmental functions but it could equally be argued that 47 Members was appropriate for the proper

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<sup>4</sup> Latest available population of Guernsey, Herm and Jethou (*source: Social Security Department*).

N.B. as this figure is not provided on a parish-by-parish basis it has been necessary to use the population as recorded in the 2001 Census in subsequent tables where the precise parish/electoral district population is required.

<sup>5</sup> In addition to which are two members appointed by the States of Alderney.

<sup>6</sup> Resolution of the 28<sup>th</sup> January 2010 on Billet d'État III of 2010, p. 97

discharge of the parliamentary functions. A parliament must have sufficient members to ensure reasoned political argument and debate.

21. The Committee believes that any significant reduction in the number of States Members could adversely affect the balance between those who present matters for debate and those who provide the necessary element of scrutiny within the States Assembly. This balance is fluid and changes for each debate depending on the number of departments involved, either directly or indirectly, in any particular matter. Further, of the 13 States Members who are currently members of either or both the Scrutiny Committee and Public Accounts Committee, only four of them do not also have a seat on one of the States departments. This is indicative of the complexities of providing challenge and scrutiny in a non-party system.

## **PART II - ELECTION OF MEMBERS OF THE STATES OF DELIBERATION**

### **(i) 45 DEPUTIES ELECTED IN SEVEN ELECTORAL DISTRICTS**

#### **22. Overview**

- (a) The Island is divided into seven electoral districts broadly similar in size, with each district electing either six or seven members; a total of 45 People's Deputies being elected throughout the seven electoral districts. In 2004 there were 82 candidates for the 45 seats; in 2008 a total of 88 candidates sought election. Voters have as many votes as there are seats available (i.e. six or seven). Voters select individual candidates and may use as many, or as few, of their votes as they wish. The six or seven candidates, as the case may be, securing the highest number of votes are declared elected. The figures detailed in Appendix 1 show the average number of votes cast by each elector in the 2004 and 2008 General Elections of People's Deputies and also the 1994 and 1997 Conseillers' Elections.
- (b) Division of the Island into electoral districts was reintroduced<sup>7</sup> in 2004 and the district boundaries remained unchanged in 2008. The parishes of St. Sampson, the Vale and the Castel each form an electoral district, the parish of St. Peter Port is divided into two districts, the parishes of St. Saviour, St. Pierre du Bois, Torteval and the Forest together comprise one district with the remaining parishes of St. Martin and St. Andrew also forming one district.

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<sup>7</sup> The office of People's Deputy was created in 1899 when nine Deputies were elected in an Island-wide poll. In 1928 the number of Deputies was increased to 18 and the elections were held in six electoral districts. In 1949 the number of Deputies was further increased to 33 with each of the 10 parishes comprising a separate electoral district. Until 1949 the Rectors and Jurats were Members of the States of Deliberation and each parish was represented by a Constable or Douzenier until 2004. In 2000 the number of Deputies was again increased to 45 with elections continuing on a parochial basis.

- (c) The method of election and district boundaries are generally understood by the electorate. There is a degree of 'parochial' representation although in only three cases do the parish and electoral district boundaries actually coincide. Election by electoral districts is criticised by proponents of Island-wide voting who hold that electors are unfairly constrained by being prevented from voting for, or not voting for, candidates in other electoral districts.

## 23. **Candidates**

Whilst candidates themselves do not need to reside in the electoral district in which they seek election (although over 75% of People's Deputies currently do so) they can be proposed and seconded only by persons inscribed on the district's electoral roll. Many, but by no means all, candidates canvass from door-to-door. This is less easy in the geographically larger districts, for example West district which covers one-third of the Island. Candidates' expenses must be contained within the limits prescribed by Ordinance<sup>8</sup> which currently provides that the maximum which may be expended by a candidate for the office of People's Deputy is £1,400. Such expenses as may be incurred are borne by the candidates themselves. The only expense in this regard which is met by the States is the postage of manifestos.

## 24. **Electors**

In the present electoral districts the number of candidates in the 2008 General Election ranged from 11 (South-East district) to 14 (St. Peter Port South and St. Peter Port North districts). Electors may cast their votes at any polling station within the electoral district.

## 25. **Manifestos**

It has become an almost universal practice for election candidates in Guernsey to distribute a manifesto either to each elector, or alternatively, one to each household. The cost of printing and enveloping is borne wholly by the candidate. By resolution of the States,<sup>9</sup> 50% of the cost of postage of manifestos may be claimed from the States by the candidates. However, when the envelope contains the mailings of two or more candidates then the States will meet the full cost thereof. The cost of this facility in respect of the 2008 General Election was just over £30,000. On that occasion 40 candidates posted individually (and therefore paid 50% of the cost of postage), 38 candidates posted with one or more other candidates (and therefore received free postage) and 10 candidates did not use the scheme. Appendix 2 provides greater detail regarding the use of this facility in the 2008 General Election.

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<sup>8</sup> The Elections Ordinance, 2007

<sup>9</sup> Resolution of 29<sup>th</sup> October 2003 on Article 24 of Billet État XXI of 2003, p. 2103

## 26. **Hustings**

- (a) Whilst there is an established tradition of hustings being held prior to each election of People's Deputies there is no statutory obligation for such meetings to take place. The meetings are usually organised by the Constables and Douzaines of the parishes although in the multi-parish electoral districts the District Returning Officer now undertakes the task. The costs relating to the hire an appropriate hall and public address system and the placing of advertisements are met by the States.
- (b) The usual pattern is for an evening meeting to be held in a large hall at which each candidate is given the opportunity to deliver a set speech following which electors have the opportunity of asking questions to which each candidate is invited to reply. In the current seven electoral districts with a dozen or so candidates it is not possible to take a large number of questions. Nonetheless these meetings still attract a large number of electors. Indeed in the 2008 General Election of People's Deputies at least one electoral district held two hustings. In that election several districts also held one-to-one 'surgeries'.

## 27. **Polling Stations**

- (a) Polling stations are set up and run by the Constables and Douzeniers of the parishes.<sup>10</sup> There are two polling stations in each electoral district with the exception of West district which currently has five. Generally the parish officials act as scrutineers although in some parishes they are assisted to a greater or lesser extent by other helpers. The States meet the costs incurred in providing polling stations.
- (b) In the larger polling stations such as the Vale Douzaine Room eight polling booths are provided whereas in the smaller polling stations like Torteval only one booth is required. Some electors will take only a few seconds to mark their ballot paper whilst others may take a minute or more. At peak times small queues of voters will form but in general voters are processed in a relatively short period of time.

## 28. **Vote Count**

At the close of voting all the ballot boxes in each electoral district are taken to one venue where the votes for the entire district will be counted together. The votes are counted, in accordance with procedures set out by the Registrar-General of Electors, by parish officials and other helpers. The Committee wishes to record, on behalf of the States, its appreciation for the work relating to elections done by those officials and helpers. In the past two General Elections the results have been declared in most districts between 11.00 p.m. and 2.00 a.m.

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<sup>10</sup> Article 38 (1) of the Reform (Guernsey) Law, 1948, as amended

– that is some three to five hours after the close of the poll. Costs associated with the count are borne by the States.

## 29. **Estimated Cost<sup>11</sup>**

The cost of running the 2008 General Election of People’s Deputies was £71,306. However, should it be decided to introduce electronic counting of votes, which would enable an earlier declaration of results, the cost of hiring the necessary equipment would increase by an estimated £25,000 making an approximate total cost in the region of £96,000.

## 30. **Effect of modification of numbers**

Reducing the number of People’s Deputies would result in a reallocation of seats as follows: -

<b>District</b>	<b>Population<sup>12</sup></b>	<b>45 seats</b>	<b>40 seats</b>	<b>38 seats</b>	<b>35 seats</b>	<b>30 seats</b>
<b>St. Peter Port South</b>	7,843	6	5	5	5	4
<b>St. Peter Port North</b>	8,742	7	6	6	5	4
<b>St. Sampson</b>	8,592	6	6	5	5	4
<b>Vale</b>	9,573	7	6	6	6	5
<b>Castel</b>	8,975	7	6	6	5	5
<b>West</b>	7,406	6	5	5	4	4
<b>South-East</b>	8,676	6	6	5	5	4
	<b>59,807</b>	<b>45</b>	<b>40</b>	<b>38</b>	<b>35</b>	<b>30</b>

- (a) The practical effect of reducing the number of People’s Deputies in each of the present electoral districts is minimal. Fewer seats will not necessarily mean fewer candidates. There would be a marginal reduction overall in the time spent by electors in the polling booths. The counting of votes may be completed a little quicker. The cost of running the election would not change significantly unless there was a corresponding reduction in the number of candidates.
- (b) Having regard to the present rates of Payments to States Members, and taking into account the basic allowance, the expense allowance and the

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<sup>11</sup> Throughout this report “Estimated Cost” includes the total cost associated with a General Election, but excluding the cost of establishing and maintaining an Electoral Roll which is the responsibility of the Home Department. However, the costs in that regard are unlikely to vary significantly between the various methods of electing People’s Deputies other than those schemes which require elections at less than four-year intervals in which case the cost may be significantly higher.

<sup>12</sup> In this section the figures relating to the population of parishes are taken from the 2001 Census which is the most recent data available relating to parish population – see Appendix 3 for details.

States' contribution to the Pension Fund, the cost of payments to States Members would reduce as follows:

- reduction of 5 Members      £147,500 per annum
- reduction of 10 Members      £295,000 per annum
- reduction of 15 Members      £442,500 per annum

**(ii) 45 ISLAND-WIDE DEPUTIES ELECTED IN A SINGLE ELECTION**

**31. Overview**

- (a) All Members of the States would be Island-wide Deputies. This method of election would afford the widest choice possible – every elector, regardless of where he or she resides, would be free to choose from the entire list of candidates. Electors would be able to vote for up to 45 candidates although trends in previous elections indicate that most voters would probably use fewer votes than the maximum permitted.
- (b) The views of the Electoral Reform Society regarding this option are set out in paragraph (b) of Appendix 5.

**32. Candidates**

The average number of candidates in the 2004 and 2008 General Elections was 85. In the 1994 and 1997 Island-wide elections of Conseillers some candidates did carry out door-to-door canvassing. However, it was apparent that candidates targeted certain areas rather than attempting to visit every elector as some candidates do in the existing district elections. Candidates' expenses would continue to be limited by Ordinance. Even if it were possible for every candidate to visit every elector it is doubtful whether many electors would welcome a visit from so many candidates.

**33. Electors**

Island-wide voting would require electors to read numerous manifestos. Some electors may find this a daunting task; others will consider this perfectly acceptable in order to be able to vote for all Members of the States. Even if each candidate were to be restricted to only 700 words, that would be equivalent to reading approximately 85 pages of print<sup>13</sup>. Electors would be able to cast their votes at any polling station within the parish in which they reside, as was the case in the 1994 and 1997 Island-wide elections.

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<sup>13</sup> Based on 85 candidates. One standard A4 page printed in 12 point Times New Roman contains between 500 and 700 words depending on the margins set.

### 34. Manifestos

- (a) Manifestos are the primary means available to candidates to communicate their views to the electorate. Indeed they would assume an even greater importance in Island-wide elections where it would be almost impossible to visit each elector.
- (b) In respect of the Island-wide elections held in 1994 and 1997, candidates' manifestos were published in a free newspaper distributed as a supplement to the Guernsey Evening Press and Star. Each candidate was allocated one page. The cost of printing was borne by the States: candidates were required, at their own expense, to deliver camera-ready artwork to the printers. It was a condition in the 1994 and 1997 elections that candidates had to have served for at least 30 months as a Member of the States prior to the election.
- (c) Despite the use of a 'manifesto newspaper' in 1994 and 1997, the Committee does not feel able to recommend that method of distribution in respect of future Island-wide elections. The website of the Guernsey Press and Star states that the newspaper is "*read by 8 out of 10 of the population*". In terms of delivering manifestos this could mean that 20% of the electorate may not receive a copy. Additional copies of the newspaper could, of course, be made available throughout the Island (as was done in 1994 and 1997) but the Committee believes it to be unacceptable that a significant number of electors may not have sight of the manifestos.
- (d) The Committee therefore recommends that all manifestos should be delivered to each household occupied by at least one elector and that the cost of delivery be borne by the States.
- (e) As was the case in 1994 and 1997 candidates would be required to submit camera-ready artwork to a designated printer. Candidates would be required to share the cost of printing, packaging and labelling the collective manifesto document. This would be done on the basis of a fixed cost per page which would be determined prior to the opening of nominations. It would, however, be open to candidates not to participate in the scheme but they would still have to carry out their campaign within the spending limits prescribed by Ordinance.
- (f) The question as to whether candidates should bear none, or some, or all of the costs of issuing the Election newspaper was referred to in the Committee's Second Report. The Committee, by a majority, holds the view that it would not be unreasonable to require candidates who wished to be included in the 'manifesto' publication to meet the cost of printing, packaging and labelling. That being so candidates should be informed of the cost in advance of agreeing to take part in the publication. It is

envisaged that the cost of participating in the publication would be part of, and not in addition to, the maximum amount prescribed by Ordinance.

- (g) In the 2008 General Election the two candidates who subsequently asked voters not to vote for them spent nothing. In respect of the remaining 86 candidates the amount expended ranged from £12.60 to £1,397.92. The maximum allowable<sup>14</sup> was £1,400. The average spent by elected candidates was £833 and by candidates who were not elected was £580. This can be further analysed as follows:

<b>Amount Spent</b>	<b>Number of Candidates</b>
£0-£200	7
£201-£400	13
£401-£600	19
£601-£800	15
£801-£1000	13
£1001-£1200	7
£1201-£1400	14

The Committee does not believe that potential candidates would be deterred from standing by having to make a contribution towards the cost of the manifesto.

- (h) One alternative to the proposed single delivery of all candidates' manifestos would be to continue the present subsidised postage scheme described more fully in paragraph 25 and Appendix 2. Whereas in the current district elections manifestos are posted to approximately 80% of the households occupied by at least one elector, it is likely that an even higher percentage of postings would be made in an Island-wide election.
- (i) The advantage of candidates arranging their own postal distribution of manifestos is that they retain full control over the style and presentation of the document which might vary from a single sheet printed in black ink to a multi-page, full colour glossy booklet. The publication referred to in (e) above would require conformity to a greater or lesser degree with a standard size. The cost, however, of postal distribution would be considerable – both for the States and the candidates themselves. Candidates would also be constrained by time in that a distribution to each household occupied by at least one elector would require the preparation of over 18,000 envelopes. If a manifesto were to be addressed to each elector that would require the filling of over 33,000 envelopes.

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<sup>14</sup> Prescribed by the Elections Ordinance, 2007



- (j) Further details regarding the cost of distributing manifestos are set out in the section headed “Estimated Cost”.

### 35. **Hustings**

- (a) With a limited number of candidates, hustings provide a useful means of establishing two-way communication between the electorate and the candidates. Importantly the electorate is able to gauge the ability of the candidates to answer questions under pressure and to hear their opinion on various issues but it would clearly be impossible to hold traditional hustings with the anticipated number of candidates. In the 1994 election when there were 26 candidates, each candidate spoke for no more than five or six minutes at each of the seven hustings.
- (b) Whilst hundreds of electors attend hustings across the Island, other ways of conducting public interaction between the candidates and the electorate are required. The Committee noted that the one-to-one ‘surgeries’ held in several electoral districts in the 2008 General Election were successful. These comprised full-day or half-day events when all or most of the candidates assembled together. Electors were able to engage candidates on a one-to-one basis. This means of engagement appears to have been appreciated both by the candidates and the electors. This would be an appropriate means of providing for the public and candidates to interact in the context of an Island-wide election. Several such meetings could be held in large venues.
- (c) It is envisaged that future candidates are likely to use the internet increasingly and indeed a number of candidates in the 2008 General Election set up comprehensive websites. The Committee has considered whether candidates’ manifestos could be included in a dedicated section of the States’ website and believes that there is merit in the idea and that it should be pursued regardless of what method of election is finally agreed.
- (d) The media, both written and spoken, will have an even more important part in disseminating candidates’ views to the electorate.

### 36. **Polling Stations**

- (a) Electors will be handed a ballot paper containing the names of all the candidates. Even those who attend with a pre-prepared list will still take some time to vote, in particular when they use all or most of their votes. Under the current system some electors do not take long to vote whilst others take several minutes to choose up to seven names from perhaps 14 candidates.
- (b) This could result in logistical issues for the polling stations. At present the smaller polling stations have just one polling booth whilst some of

the larger polling stations have eight polling booths. This could mean that the smaller polling stations would need three or four polling booths with the larger polling stations needing perhaps 30 or more.

- (c) This would result in several of the existing polling stations being of inadequate size. A further consequence of electors taking longer to complete their voting papers is that more people means more cars – and car parking is already an issue at some polling stations under the present system.
- (d) Ballot papers would be substantially larger than present ballot papers. Existing ballot boxes would clearly not be sufficient but this factor is dealt with in greater detail in the following section relating to the counting of votes.
- (e) The Committee notes that at present polling stations are open from 8.00 a.m. to 8.00 p.m. in the two St. Peter Port electoral districts and from 10.00 a.m. to 8.00 p.m. in all other electoral districts. The Committee is not aware of any dissatisfaction with regard to the current polling hours. The States are heavily reliant on the goodwill of parish officials and their helpers in running the polling stations and (other than in St. Peter Port) there has always been resistance to opening the polls earlier. On balance the Committee does not see any need to vary the hours of polling but it would certainly be the case that extending the polling hours would help to mitigate some of the difficulties identified earlier in this section of the Report.
- (f) Previously consideration has been given as to whether there would be any merit in moving election day from Wednesday to Saturday.<sup>15</sup> At that time five Douzaines favoured, or raised no objection to, moving election day to Saturday; four preferred remaining with Wednesday and one Douzaine was equally divided. The Douzaines were thus fairly evenly divided as to whether elections should be held on Wednesdays or Saturdays.
- (g) Research conducted in other jurisdictions indicates that the pros and cons of weekday as opposed to weekend elections are broadly in balance. That being so, and having regard to the mixed views of the Douzaines, it was concluded in 2007 that as the arguments in favour of holding the General Election on a Saturday were inconclusive, the elections should continue to be held on a Wednesday for the time being.
- (h) The Committee would certainly not recommend any changes regarding either extended polling hours or weekend elections without first consulting all the Douzaines.

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<sup>15</sup> Billet d'État XVI of 2007, Article 14

### 37. **Vote Count**

- (a) 18,576 electors voted in the 2008 General Election. If, in an election for 45 Island-wide Deputies, the same number of voters used 70% of the maximum number of votes possible, that would amount to over 585,000 votes. In the 2008 General Election just over 91,000 votes were cast. These figures indicate that in an Island-wide election there could be a six-fold increase in the number of votes to be counted. More conservatively it can be assumed that there would at least be a quadrupling of the number of votes cast.
- (b) In all of the present electoral districts large teams of people work diligently in the counting of votes after the poll has closed. However, the present system is both labour-intensive and time-consuming. With a considerably larger number of candidates and votes to be counted the margin of error is likely to increase.
- (c) Whilst a manual count would not be impossible, it would take so long that the introduction of Island-wide voting effectively makes it essential to employ electronic equipment to count the votes. Electronic counting is used by some UK authorities but, because the machines are used relatively infrequently, they are hired rather than purchased. There are a number of UK companies that specialise in hiring out such equipment which may include peripheral items such as special ballot boxes which ensure that ballot papers are not folded (creased ballot papers are prone to being rejected by the machinery and as a consequence have to be processed manually).

### 38. **Estimated Cost**

- (a) General costs are estimated at £40,000, electronic counting at £25,000 and the full cost of delivering a 'manifesto' package to each household occupied by at least one elector would be in the region of £19,000. The overall cost, therefore, for a single Island-wide election held every four years with manifestos delivered as set out in paragraph 34 is estimated to be £84,000.
- (b) If, however, manifestos were to be delivered by post under the current scheme, (i.e. individual mailings by candidates) the cost to the States for postage alone would be in excess of £260,000 for a mailing to each household occupied by at least one elector and in excess of £480,000 if manifestos were posted to each elector individually. To those figures has to be added the general costs of £40,000 and electronic counting cost of £25,000. The overall cost, therefore, for a single Island-wide election held every four years with manifestos delivered by post would range from £325,000 to £545,000.

- (c) In addition to the figures estimated in (a) and (b) above, the provision of additional polling booths as identified in paragraph 36 could be in the region of £7,500, although this would be a one-off cost.

**39. Effect of modification of numbers**

A reduction in the number of Members of the States would have no adverse consequences on this method of election. Indeed the converse is true – reducing the number of seats would mitigate some of the difficulties set out in paragraphs 34, 36 and 37. However, a reduction in the number of seats does not necessarily mean a reduction in the number of candidates. The potential savings identified in paragraph 30 (b) would apply equally in this case.

**(iii) 45 ISLAND-WIDE DEPUTIES – HALF ELECTED EVERY TWO YEARS**

**40. Overview**

- (a) All Members would be elected as Island-wide Deputies but with one half of the Deputies being elected every two years for a four year term. If it is believed that the scheme set out in section (ii) places too great a burden on the electorate in having to consider manifestos from a large number of candidates then this scheme would require the voters to consider the manifestos of fewer candidates. Those who favour this option consider it to be more practicable. It also offers opportunities for mid-term elections for membership of departments and committees.
- (b) For many years the practice has been that the States of Deliberation do not meet (other than in an emergency) in the period between the opening of nominations and the 30<sup>th</sup> April in the year of a General Election. Thus the last meeting before a General Election takes place in mid-March. This minor hiatus to policy-making would take place every two years under this scheme.
- (c) This scheme would need to be implemented in stages, as follows. The 2012 election would be held in the current seven electoral districts. The top three successful candidates in each district would be elected to serve for four years to 2016. In one of the seven-seat districts the candidate placed fourth would also serve a four-year term (this is necessary to provide for an ongoing 22/23 split in subsequent years.) The remaining successful candidates in each district would be elected for only two years to 2014. In 2014 those vacated seats would be contested on an Island-wide basis. Similarly in 2016 when the term of office of those Members elected in 2012 for four years would expire, those seats would be contested on an Island-wide basis.

**41. Candidates**

- (a) Although the number of seats being contested would be only one half of the total, it does not necessarily follow that the number of candidates will

also be halved. It is expected that the number of candidates in an Island-wide election for half the seats every two years would be between 50 and 80. Candidates would need to be proposed and seconded by two people whose names were inscribed on the Electoral Roll.

- (b) In the 1994 and 1997 Island-wide elections of Conseillers some candidates did carry out door-to-door canvassing. However, it was apparent that candidates targeted certain areas rather than attempting to visit every elector as some candidates do in the existing district elections. Candidates' expenses would continue to be limited by Ordinance. Even if it was possible for every candidate to visit every elector it is doubtful whether many electors would welcome a visit from such a large number of candidates.

#### 42. **Electors**

This scheme would also result in electors having to read and digest literature from many candidates. Based on a possibility of 60 candidates, if each of them were to be restricted to only 700 words, that is equivalent to reading approximately 70 pages of a Billet d'État. Electors would be able to cast their votes at any polling station within the parish in which they reside, as was the case in the 1994 and 1997 Island-wide elections. A further issue is that electing one half of the Assembly every two years would mean that there would be no General Election in which the electorate could express its opinion on the States as a whole. In addition, requiring voters to turn out every two years may result in a degree of voter apathy.

#### 43. **Manifestos**

Paragraph 34 applies equally to this scheme.

#### 44. **Hustings**

Paragraph 35 applies equally to this scheme.

#### 45. **Polling Stations**

The details set out in paragraph 36 apply to this scheme, but not to the same extent. Electors will be required to select up to 22/23 candidates rather than the 45 in the single election scheme. That said, polling stations would still need increased capacity, particularly with regard to the provision of polling booths and, in some cases, car parking.

#### 46. **Vote Count**

- (a) 18,576 electors voted in the 2008 General Election. If, in an election for 22 Island-wide Deputies, that same number of voters used 70% of the

maximum number of votes possible that would amount to over 286,000 votes. In the 2008 General Election just over 91,000 votes were cast. Thus there could be a three-fold increase in the number of votes to be counted.

- (b) Sub-paragraphs (b) and (c) of paragraph 37 apply equally to this scheme.

#### 47. **Estimated Cost**

- (a) The cost of this scheme would certainly be considerably more than any of the other schemes set out in this report as the electoral system would have to be set up every two years rather than every four years. The Home Department has also expressed strong reservations regarding electoral roll costs should this scheme be pursued: the Department's comments are attached as Appendix 4.
- (b) General costs for a four-year period (i.e. two elections) are estimated at £80,000, electronic counting at £50,000 and the full cost of delivering a 'manifesto' package to each household occupied by at least one elector would be in the region of £38,000. The overall cost, therefore, for two Island-wide elections in each four-year period with manifestos delivered as set out in paragraph 34 is estimated to be £168,000.
- (c) If, however, manifestos were to be delivered by post under the current scheme (i.e. individual mailings by candidates), the cost to the States for postage alone would be in excess of £340,000 for a mailing to each household occupied by at least one elector and in excess of £640,000 if manifestos were posted to each elector individually. To those figures has to be added the general costs of £80,000 and electronic counting cost of £50,000. The overall cost, therefore, for two Island-wide elections in each four-year period with manifestos delivered by post would range from £470,000 to £770,000.
- (d) In addition to the figures estimated in (b) and (c) above, the provision of additional polling booths as identified in paragraph 36 could be in the region of £7,500, although this would be a one-off cost.

#### 48. **Effect of modification of numbers**

Paragraph 39 applies equally to this scheme.

- (iv) **35 ISLAND-WIDE DEPUTIES ELECTED IN A SINGLE ELECTION WITH 10 PARISH DEPUTIES ELECTED THE SAME DAY**

#### 49. **Overview**

- (a) This scheme is a step towards full Island-wide voting: whilst it is not a full Island-wide voting system it does introduce an element of Island-

wide voting. This would not be a novel innovation in the constitution of the States.

- (b) Many Islanders regretted the end of direct parish representation when the office of Douzaine Representative was abolished in 2004. The principal objection to Douzaine Representatives was that although they were elected as Douzeniers they were not chosen by the electorate as Members of the States. This would not, however, be the case with the proposed Parish Deputies who would be elected by the people on the same day as the election of Island-wide Deputies.
- (c) This scheme addresses the criticism that a full or indeed a partial move to Island-wide voting is likely to diminish further the constituency links between the electors and the People's Deputies. In the present Assembly, for example, no Deputies reside in either St. Saviour's or Torteval. Under this scheme each parish would have one States Member mandated to have special regard to the particular interests of the parish. However, it is acknowledged that one of the disadvantages in single-seat systems is that they may, in certain circumstances, be perceived to be "safe seats" for the incumbent.
- (d) Under this scheme there would be some imbalance in favour of the smaller parishes as each parish would have one Parish Deputy. Many jurisdictions do, however, have such a representational imbalance in the constitutions of their parliaments for the very purpose of giving a fair voice to communities which are insignificant numerically.
- (e) Earlier, reference was made to the possibility that these positions could be perceived to be "safe seats". For that reason it is proposed, by a majority, that Parish Deputies be restricted to serve one term only in that office. If, at the end of the term, they wished to continue as a Members of the States they would be required to seek election as Island-wide Deputies.
- (f) The 35 Island-wide Deputies would be elected by Island-wide franchise. The election of Parish Deputies and Island-wide Deputies would be held on the same day. Candidates would not be able to compete in both elections – they would have to decide whether they wished to stand either for the parish seat or one of the Island seats.

## 50. **Candidates**

- (a) Candidates for the office of Parish Deputy would need to be proposed and seconded by two people whose names were inscribed on the Electoral Roll of the parish concerned. Insofar as the election of the Island-wide Deputies is concerned, the parish on whose Electoral Roll the names of the proposers and seconders are inscribed would be

irrelevant. Sub-paragraph (b) of paragraph 41 applies equally to the Island-wide elections part of this scheme.

- (b) A further point with regard to this scheme is that the 10 Parish Deputies would account for about 21% of the Assembly. Whilst it is correct that there would be 10 new Parish Deputies at each election it does not necessarily follow that the 10 Parish Deputies vacating that office would cease to be States Members. Indeed the Committee believes that the majority of them would seek election as Island-wide Deputies.

#### 51. **Electors**

Paragraph 42 applies equally to this scheme. However, in addition, electors would also be faced with a small number of manifestos received from the candidates seeking election to the office of Parish Deputy.

#### 52. **Manifestos**

Paragraph 25 applies equally to this scheme with regard to candidates for the office of Parish Deputy. Paragraph 34 applies equally to this scheme insofar as Island-wide elections are concerned.

#### 53. **Hustings**

- (a) Sub-paragraph (a) of paragraph 26 applies equally to this scheme insofar as it relates to the election of a Parish Deputy. Indeed, given the likelihood that there would be fewer candidates for the single Parish Deputy's seat than there are for the current six or seven People's Deputies, candidates for Parish Deputy would probably face a greater number of questions at the hustings.
- (b) Paragraph 35 applies equally to this scheme insofar as it relates to the Island-wide election.

#### 54. **Polling Stations**

The details set out in paragraph 36 apply to this scheme, but with modifications. The number of candidates in the Island-wide election would probably be less given that some candidates would, instead be seeking election as Parish Deputies. However, whatever marginal gain arises in that regard, will be negated by the fact that candidates would be given two ballot papers – one for the Parish Deputy's election and one for the Island-wide election. This would also give more work for the polling station officials. If two ballot boxes were used (one for each election) then an official would need to supervise the placing of the votes in the boxes to ensure that the votes were not placed in the incorrect box.



## 55. **Vote Count**

- (a) In the previous paragraph reference is made to the possibility of using two ballot boxes to ensure, as far as possible, that the voting slips of the two elections were not mixed. However, experience in the United Kingdom indicates that however much care is taken, a few voting slips will inevitably be placed in the wrong container. As a preliminary to counting, therefore, both boxes would need to be opened to ensure that there were no Parish Deputy votes amongst the Island-wide votes, and vice-versa.
- (b) The votes relating to the Parish Deputy's election would be counted by parochial officials manually. Where there is only one candidate the process is very simple and takes relatively little time – certainly less than an hour in the smaller parishes.<sup>16</sup>
- (c) Paragraph 37 applies equally to this scheme insofar as it relates to the Island-wide election.

## 56. **Estimated Cost**

- (a) General costs are estimated at £50,000, electronic counting at £25,000 and the full cost of delivering a 'manifesto' package to each household occupied by at least one elector would be in the region of £11,000. The overall cost, therefore, for a single Island-wide election held every four years with manifestos delivered as set out in paragraph 34 together with the election on the same day of one Parish Deputy in each parish, is estimated to be £86,000.
- (b) If, however, Island-wide manifestos were to be delivered by post under the current scheme (i. e. Individual mailings by candidates), the cost to the States for postage alone would be in excess of £170,000 for a mailing to each household occupied by at least one elector and in excess of £320,000 if manifestos were posted to each elector individually. To those figures has to be added the general costs of £50,000 and electronic counting cost of £25,000. The overall cost, therefore, for a single Island-wide election held every four years with manifestos delivered by post together with the election on the same day of one Parish Deputy in each parish, would range from £245,000 to £395,000.
- (c) In addition to the figures estimated in (b) and (c) above, the provision of additional polling booths as identified in paragraph 36 could be in the region of £7,500, although this would be a one-off cost.

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<sup>16</sup> Prior to the establishment of multi-parish electoral districts in 2004 it was not unusual for single-seat parishes to declare the result within 15-20 minutes of the close of polling.

## 57. **Effect of modification of numbers**

In general paragraph 39 applies equally to the Island-wide element of this scheme. It would have no effect on the Parish Deputy element as the substance of that part of the scheme is that each parish has one such representative and ten is therefore the minimum number without destroying the rationale for having Parish Deputies.

### (v) **RESTRICT THE NUMBER OF VOTES WHICH ELECTORS MAY CAST**

## 58. **Overview**

- (a) In the Committee's Second Report reference was made to the additional comments which were sought in the public consultation. One such comment was that if Island-wide voting was introduced, each elector should be limited to 10 votes. Some members of the Committee, in supporting that view, believed that restricting the number of votes would not have an effect on the outcome of the election but would result in a greater efficiency in the electoral process. Other members of the Committee, however, believed that the electors should be entitled to vote for as many candidates as there are seats available.
- (b) The views of the Electoral Reform Society regarding this option are set out in paragraph (c) of Appendix 5.
- (c) A majority of the Committee believe that restricting the number of votes would result in a greater efficiency in the electoral process. If that premise is accepted then it follows that as the number of votes given to each elector increases the efficiency of process achieved will diminish. The converse is also true – if electors were to be allocated fewer votes the efficiency would increase.

## 59. **Candidates**

Limiting the number of votes which each elector may cast is unlikely to have any effect on the number of candidates but candidates themselves may feel under greater pressure to obtain every possible vote given that the total number of votes cast would be reduced to between 25% and 45% of the total number of seats being contested, depending on which scheme was introduced.

## 60. **Electors**

Electors may be less daunted by having to choose not more than ten candidates from a list of perhaps 90 or 100 but it is contrary to one of the arguments in favour of Island-wide voting that every elector should have the opportunity of voting for (or not voting for) every candidate.

61. **Manifestos**

There are no implications which relate to manifestos.

62. **Hustings**

There are no implications which relate to hustings.

63. **Polling Stations**

The logistical difficulties regarding polling stations identified in earlier sections would be reduced to some degree as selecting up to ten candidates is very likely to take less time than selecting 45, 35 or 22 candidates. However, voters would still have a large ballot paper to contend with as this option would not result in a reduction in the number of candidates.

64. **Vote Count**

In earlier paragraphs it is noted that electronic counting of votes is considered to be essential in any Island-wide vote which involves a large number of candidates. That being so placing a limit on the number of votes available to each elector is unlikely to have any major impact if the votes are counted electronically. However, should a manual count of votes take place then there would be a significant reduction in the time required to complete the count.

65. **Estimated Cost**

This option is considered to be cost neutral.

66. **Effect of modification of numbers**

A reduction in the total number of seats contested would have no effect on this option.

**(vi) CHIEF MINISTER ELECTED ISLAND-WIDE, 10 ISLAND-WIDE DEPUTIES AND 34 DISTRICT DEPUTIES ELECTED THE SAME DAY**

67. **Overview**

(a) This proposal envisages three elections being held on the same day for the following offices:

- A Chief Minister;
- 10 Island-wide Deputies;

- 34 Electoral District Deputies.

- (b) This proposal goes much further than simply prescribing the method of election of certain offices. Electing the Chief Minister by universal suffrage would have a fundamental impact on the present system of government which should not be under-estimated. The Committee believes that there is a strong possibility that such an election would lead to the establishment of a presidential system being introduced. In the Committee's view if substantial powers were vested in the holder of that office this would have an adverse effect on Guernsey's system of consensus government.
- (c) The proposers of the amendment included the provision that candidates for the office of Chief Minister shall be eligible in accordance with Rule 20 (2A) of the Rules of Procedure of the States of Deliberation. The precise text of that Rule is as follows:

*“Any Member of the States shall be eligible to hold the office of Chief Minister provided that he shall have held the office of People's Deputy for a period of not less than four years in the eight years immediately preceding the date set for the election of a Chief Minister”.*

- (d) As presently drafted the effect of that Rule would mean that a person who first commenced service as a Member of the States on 1<sup>st</sup> May 2008 would be ineligible to seek election as Chief Minister in April 2012 as, at the date of election, they would not have been a People's Deputy *“for a period of not less than four years”*. Similarly, a person who had served for many years but who was not currently a Member of the States on the date of the election would also be ineligible as the Rule presently restricts the office of Chief Minister to a *“Member of the States”*.
- (e) It is, however, assumed that the proposers of the amendment were not seeking to exclude the candidature of such persons. That being so, if this scheme were to find favour with the States, it would be necessary to remove the anomalies identified above. In any event if the Chief Minister were to be elected by the electorate legislation would be required. It would therefore no longer be a matter for regulation by Rules of Procedure.

## 68. **Candidates**

- (a) The 34 seats would be distributed between the seven electoral districts as follows:

<b>District</b>	<b>Population</b>	<b>34 seats</b>
<b>St. Peter Port South</b>	7,843	5
<b>St. Peter Port North</b>	8,742	5
<b>St. Sampson</b>	8,592	5
<b>Vale</b>	9,573	5
<b>Castel</b>	8,975	5
<b>West</b>	7,406	4
<b>South-East</b>	8,676	5
	<b>59,807</b>	<b>34</b>

- (b) The Chief Minister and the 10 Island-wide Deputies would be elected by Island-wide franchise. The election of Electoral District Deputies and Island-wide Deputies would be held on the same day. Candidates would not be able to contest both elections – they would have to decide whether they wished to stand either for a district seat or one of the Island seats. Those who choose to stand in the Island-wide election and who are eligible pursuant to (an amended) Rule 20(2A), would also have to consider whether they wished to seek election for the office of Chief Minister.
- (c) Given that the ratio of district seats to Island-wide seats is 3:1 it is assumed (for the purpose of this report) that the candidates would be in a similar ratio in which case it is possible that there might be 25 candidates in the Island-wide election and 77 candidates in the district elections (i.e. 11 in each district). In the 1994 General Election 26 candidates contested the 12 seats for the office of Conseiller.

#### 69. **Electors**

Electors would be faced with literature from two sets of candidates. However, given that the Island-wide candidates' manifestos would probably be in the form of a newspaper supplement and the district candidates in traditional form, confusion between the two elections is not likely. Electors would be able to cast their votes at any polling station situated in the electoral district in which they reside.

#### 70. **Manifestos**

Paragraph 25 applies equally to this scheme with regard to candidates for the office of Parish Deputy. Paragraph 34 applies equally to this scheme insofar as Island-wide elections are concerned.

#### 71. **Hustings**

The 'traditional' form of hustings described in paragraph 26 could continue with regard to the election of district deputies. It might also be possible with regard to the Island-wide elections although it is noted that in the 1994 election of Conseillers with 26 candidates each candidate spoke for no more than five or six

minutes at each of the seven hustings. Indeed an additional difficulty arises under this scheme in that some of the Island-wide candidates would also be seeking election as Chief Minister and it is probably inevitable that many electors would choose to focus questions on the candidates for that office rather than generally. That being so the Committee believes that it would be necessary to hold separate hustings solely for those seeking election to the office of Chief Minister.

## 72. **Polling Stations**

- (a) Electors would be handed two ballot papers – one for the election of district Deputies and one for the election of Island-wide Deputies. It is envisaged that the latter would also incorporate the ballot for the office of Chief Minister. Under the current system it is noticeable that some electors take several minutes to choose their preferred candidates. Each elector is likely to take at least twice as long to vote in the two elections.
- (b) This could result in serious logistical issues for the polling stations. At present the smaller polling stations have just one polling booth whilst some of the larger polling stations have eight polling booths. This could mean that the smaller polling stations would need two or three polling booths with the larger polling stations needing perhaps 16 or more.
- (c) Consequently several of the existing polling stations would be of inadequate size. A further consequence of electors taking longer to complete their ballots is that more people means more cars – and car parking is already an issue at some polling stations under the present system.
- (d) Two ballot papers would also give more work for the polling station officials. If two ballot boxes were used (one for each election) then an official would need to supervise the placing of the votes in the boxes to ensure that the votes were not placed in the incorrect box.

## 73. **Vote Count**

- (a) In the previous paragraph reference is made to the possibility of using two ballot boxes to ensure, as far as possible, that the voting slips of the two elections were not mixed. However, experience in the United Kingdom indicates that however much care is taken, a few voting slips will inevitably be placed in the wrong container. As a preliminary to counting, therefore, both boxes would need to be opened to ensure that there were no District Deputies' votes amongst the Island-wide votes, and vice-versa.
- (b) The votes relating to the District Deputies' election would be counted by parochial officials manually at a central location within the electoral district. The number of seats in each district (and also probably the numbers of candidates) would be fewer than at present so it should be

possible for the votes to be counted manually, with a result being declared somewhat earlier than has been the case in the last two General Elections.

- (c) However, given that the parish officials would be fully engaged in counting the votes in the District elections it would be necessary to have a different team available at a central location to count the Island-wide votes. This might, for example, involve seeking volunteer civil servants to carry out the task. Given also that two counts would be necessary (i.e. the Island-wide deputies votes and also the Chief Minister's votes) it would be necessary to employ electronic counting.
- (d) In the 1994 General Election of Conseillers a recount of the entire vote was requested because of the very close margin between the 12<sup>th</sup> and 13<sup>th</sup> places. This was carried out by a team of about 80 people and took in excess of 12 hours.

#### 74. **Estimated Cost**

- (a) General costs are estimated at £74,000, electronic counting at £25,000 and the full cost of delivering a 'manifesto' package to each household occupied by at least one elector would be in the region of £11,000. The overall cost, therefore, for a single Island-wide election coupled with a Chief Minister's election held every four years, with manifestos delivered as set out in paragraph 34, together with the election on the same day of Electoral District Deputies, is estimated to be £110,000. The election of a Chief Minister would not add materially to the overall cost of the Island-wide election.
- (b) If, however, manifestos in the Island-wide elections were to be delivered by post under the current scheme (i.e. individual mailings by candidates), the cost to the States for postage alone would be in excess of £70,000 for a mailing to each household occupied by at least one elector and in excess of £130,000 if manifestos were posted to each elector individually. To those figures has to be added the general costs of £74,000 and electronic counting cost of £25,000. The overall cost, therefore, for a single Island-wide election coupled with a Chief Minister's election held every four years, with manifestos delivered by post, together with the election on the same day of Electoral District Deputies, would range from £169,000 to £229,000.
- (c) In addition to the figures estimated in (b) and (c) above, the provision of additional polling booths as identified in paragraph 36 could be in the region of £7,500, although this would be a one-off cost.

#### 75. **Effect of modification of numbers**

A reduction in the number of Members of the States would have no adverse consequences on this method of election. However, a reduction in the number of

seats does not necessarily mean a reduction in the number of candidates. The potential savings identified in paragraph 30 (b) would apply equally in this case.

**(vii) 11 ISLAND-WIDE DEPUTIES AND 34 DISTRICT DEPUTIES ELECTED THE SAME DAY**

**76. Overview**

- (a) This proposal envisages two elections being held on the same day for the following offices:
- 11 Island-wide Deputies;
  - 34 Electoral District Deputies.
- (b) It is, in effect, a variation of scheme (vi), the difference being that 11 rather than 10 Island-wide Deputies are elected and the election of a Chief Minister is excluded from this process.

**77. Candidates**

- (a) The 34 seats would be distributed as set out in the table in paragraph 68.
- (b) The 11 Island-wide Deputies would be elected by Island-wide franchise. The election of Electoral District Deputies and Island-wide Deputies would be held on the same day. Candidates would not be able to contest both elections – they would have to decide whether they wished to stand either for a district seat or one of the Island seats.
- (c) Given that the ratio of district seats to Island-wide seats is 3:1 it is assumed (for the purpose of this report) that the candidates would be in a similar ratio in which case it is possible that there might be 25 candidates in the Island-wide election and 77 candidates in the district elections (i.e. 11 in each district). In the 1994 General Election 26 candidates contested the 12 seats for the office of Conseiller.

**78. Electors**

Paragraph 69 applies equally to this scheme.

**79. Manifestos**

Paragraph 25 applies equally to this scheme with regard to candidates for the office of Parish Deputy. Paragraph 34 applies equally to this scheme insofar as Island-wide elections are concerned.

**80. Hustings**

Paragraph 71 applies equally to this scheme.



# 81. **Polling Stations**

- (a) Electors would be handed two ballot papers – one for the election of district Deputies and one for the election of Island-wide Deputies. Under the current system it is noticeable that some electors take several minutes to choose their preferred candidates. Each elector is likely to take at least twice as long to complete vote in the two elections.
- (b) Sub-paragraphs (b) to (d) of paragraph 72 apply equally to this scheme.

# 82. **Vote Count**

Paragraph 73 applies equally to this scheme, save for the reference to the election of the Chief Minister.

# 83. **Estimated Cost**

Paragraph 74 applies equally to this scheme.

# 84. **Effect of modification of numbers**

Paragraph 75 applies equally to this scheme.

**(viii) 15 ISLAND-WIDE DEPUTIES ELECTED IN JUNE 2011 BY THE ELECTORATE OF GUERNSEY AND ALDERNEY, HAVING BEEN NOMINATED BY 2 PERSONS FROM EACH OF THE 7 GUERNSEY ELECTORAL DISTRICTS AND 30 DEPUTIES FROM THE EXISTING 7 ELECTORAL DISTRICTS (WITH TRANSITIONAL ARRANGEMENTS)**

# 85. **Overview**

- (a) This proposal includes:
  - electing 15 Deputies Island-wide in June 2011 for a three-year term and thereafter for four-year terms;
  - including the Alderney electorate in the Island-wide poll;
  - requiring candidates to be nominated by two persons from each of the seven Guernsey electoral districts;
  - increasing the number of States Members on a transitional basis so as to accommodate the additional members elected in June 2011;
  - providing that only Island-wide Deputies shall be eligible to hold office as Chief Minister;

- vacating the offices of Chief Minister and ministers in June 2011 and replacing them with persons elected in the June 2011 Island-wide election.
- (b) Electing 15 Deputies in an Island-wide election would not be far removed from the situation in St. Peter Port from 1949 until 1973 when that parish elected 13 People's Deputies. Under this scheme the Island-wide Deputies would be elected for three years – i.e. to 2014 and thereafter in 2018, 2022 etc. Elections of District Deputies would take place in 2016, 2020 etc. This would mean that General Elections would cease as there would be no occasion when all the Members of the States vacated office simultaneously.
- (c) Given that the ratio of district seats to Island-wide seats would be 2:1 it is assumed that the candidates would be in a similar ratio in which case it is possible that there might be 30 candidates in the Island-wide election. However, this election would not be taking place at the same time as the election of District Deputies and there is a reasonable likelihood that the number of candidates would therefore be greater.
- (d) This scheme proposes the participation of the Alderney electorate in the election of Island-wide Deputies. The Law<sup>17</sup> provides that *“The people of the Island of Alderney shall ... be entitled to be represented in the States of Deliberation by ... ‘Alderney Representatives’ ... two in number”*. The two Alderney Representatives therefore comprise 4.25% of the membership of the States of Deliberation although the population of Alderney is only 3.69% of the combined population of Guernsey and Alderney.
- (e) If the Alderney electorate were to participate in the election of 15 Island-wide Deputies it seems reasonable that it should then have only a proportional share of the remaining 32 seats in the Assembly in which case the allocation would be as follows:

District	Population	32 seats
St. Peter Port South	7,843	4
St. Peter Port North	8,742	5
St. Sampson	8,592	4
Vale	9,573	5
Castel	8,975	5
West	7,406	4
South-East	8,676	4
Alderney	2,294	1
	<b>62,101</b>	<b>32</b>

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<sup>17</sup> The States of Guernsey (Representation of Alderney) Law, 1978

- (f) Alderney participated in the Conseillers' elections in 1994 and 1997. In 1994 the turnout in Alderney was 37% compared to 65% in Guernsey and in 1997 it was 30% in Alderney and 43% in Guernsey which may be an indication of the likely level of interest which would arise should Alderney participate in Island-wide elections.
- (g) Regardless of all the foregoing, the Committee concludes that if this scheme is introduced, the question of Alderney's participation should be decided by the people of Alderney. It would therefore be for them to decide either to maintain the status quo or else participate in the Island-wide elections with the proviso that there would be only one Alderney Representative. The Projet de Loi required to achieve this would need to be approved by both the States of Deliberation and the States of Alderney.
- (h) This scheme requires each candidate to be sponsored by a proposer and seconder from each of the seven Guernsey electoral districts. Whilst this might nominally indicate a degree of Island-wide support it would serve no real purpose. It also seems somewhat illogical to the Committee that if Alderney is to participate in the election that it should not also be a requirement to have a proposer and seconder registered on the Alderney electoral roll.
- (i) The next element of this scheme is that the number of States Members be increased on a transitional basis to accommodate between 0 and 15 States Members elected in 2011 who do not at that time already have a seat in the States. This appears to be predicated on the basis that many – although possibly not all or even any – of the present ministers and Chief Minister would seek election as Island-wide Deputies so as to be able to continue as Chief Minister/ministers. The final element is that the present Chief Minister and ministers be required to vacate those offices in June 2011 and that their successors in office be elected from the newly-elected Island-wide Deputies.
- (j) From the wording used in the relevant amendment it would appear that its proposer and seconder intended that any current States Member who wished to seek election as an Island-wide Deputy would be required to resign his/her existing seat before being nominated as an Island-wide Deputy, hence the proviso that the number of seats overall be increased on a transitional basis. Should a large number of States Members offer themselves as candidates in the Island-wide election it would, effectively, bring the business of the States to a halt for some six weeks, as presently happens from mid-March to the end of April in General Election years.
- (k) There would be logistical issues with regard to seating in the States Chamber. Whilst it would be possible to accommodate two or three

additional Members it would certainly not be possible if ten or twelve additional seats were required.

- (l) Given the lead-in time required to run an election it is improbable, in any event, that this scheme could be introduced in June 2011. Of no small consequence is the fact that an Order in Council would be required. That being so it is unlikely that an election could be held before the autumn of 2011 – just six months before the scheduled 2012 General Election.

#### 86. **Candidates**

Under this scheme the Chief Minister would have to seek election as an Island-wide Deputy in 2011 notwithstanding the fact that his term of office as a People's Deputy will not expire until 30<sup>th</sup> April 2012.

#### 87. **Electors**

- (a) As stated in paragraphs 85 (b) and (c) the task of electing 15 Members in one election is not dissimilar to the previous elections of 13 Deputies in St. Peter Port although the potential number of candidates could be at the point where reading the manifestos becomes burdensome. A further issue is that electing one half of the Assembly every two years would mean that there would be no General Election in which the electorate could express its opinion on the States as a whole. In addition, requiring voters to turn out every two years may result in a degree of voter apathy.
- (b) Electors would be able to cast their votes at any polling station within the parish in which they reside.

#### 88. **Manifestos**

Paragraph 34 applies equally to this scheme.

#### 89. **Hustings**

- (a) Paragraph 35 (a) describes the hustings which took place in 1994. On that occasion there were 26 candidates and that appeared to be at or near the maximum which could be accommodated at that type of meeting. A traditional hustings might just be possible under this scheme but very short speech limits would have to be imposed.
- (b) Otherwise, paragraph 35 (b) and (c) applies.

#### 90. **Polling Stations**

Choosing up to 15 candidates would clearly take longer than the time it presently takes to select up to seven candidates. Some polling stations may therefore require additional polling booths.

91. **Vote Count**

- (a) It would be theoretically possible for the votes to be counted on a parish by parish basis. However, given that there would be twice as many votes to count as there are in the present elections and considering that some declarations are not made until the early hours of the morning, it unlikely that the parish officials would welcome the task, given that many of them also run the polling stations throughout the day.
- (b) The more likely alternative, therefore, would be to count the votes electronically (see paragraph 37 (c) for further details).

92. **Estimated Cost**

- (a) The cost of this scheme would be high as the electoral system would have to be set up every two years rather than every four years. The Home Department has also expressed strong reservations regarding electoral roll costs should this scheme be pursued: the Department's comments are attached as Appendix 4.
- (b) General costs for a four-year period (i.e. two elections) are estimated at £100,000, electronic counting at £50,000 and the full cost of delivering a 'manifesto' package to each household occupied by at least one elector would be in the region of £22,000. A further variation is whether electronic counting would be used in the Electoral District elections (it is assumed that it would be employed in the Island-wide elections). The overall cost, therefore, for two elections in each four-year period with manifestos delivered by newspaper is estimated to be £172,000.
- (c) If, however, manifestos were to be delivered by post under the current scheme (i.e. individual mailings by candidates), the cost to the States for postage alone would be in excess of £85,000 for a mailing to each household occupied by at least one elector and in excess of £160,000 if manifestos were posted to each elector individually. To those figures has to be added the general costs of £100,000 and electronic counting cost of £50,000. A further variation is whether electronic counting would be used in the Electoral District elections (it is assumed that it would be employed in the Island-wide elections). The overall cost, therefore, for two elections in each four-year period with manifestos delivered by post would range from £235,000 to £310,000.

93. **Effect of modification of numbers**

Paragraph 66 applies equally to this scheme.

### **PART III - OTHER ISSUES**

#### **(i) ELECTIONS TO BE HELD BY THE SINGLE TRANSFERABLE VOTE SYSTEM**

##### **94. Overview**

- (a) Paragraphs (f) to (j) of the letter from the Electoral Reform Society reproduced as Appendix 5 sets out in detail the single transferable vote system (STV). Under the present system voters choose up to six or seven candidates without expressing an order of preference. With STV voters place the candidates in order of preference. STV reduces the chance element – particularly in respect of candidates on the margins of being elected or not being elected.
- (b) STV is capable of being used in any type of election other than in single seat elections. It will be noted that the Electoral Reform Society expresses strong reservations in respect of the use of STV in ballots in which there are large numbers of candidates. It would, however, be an innovation for Guernsey and would require good and sustained voter education to avoid confusion at the polls. The counting process is also cumbersome but this can be overcome with electronic counting.

##### **95. Candidates**

Under the present first-past-the-post system it matters not to the candidate whether he is a voter's first choice or sixth/seventh choice – securing a vote is the sole objective. However, when STV is used, not only must candidates ask electors to give them a vote, they must also persuade them to rank them as one of their early choices.

##### **96. Electors**

- (a) For electors it would be a totally new concept. No longer would voters mark their ballot papers with a cross – such papers would be invalid. Instead candidates are ranked in order of preference. They may rank as many or as few candidates as they choose. Thus in an election in which there were 90 candidates at one extreme they could rank all candidates from 1 to 90 or, at the other extreme simply rank one candidate as “1”. Both would be valid ballot papers. However, if a voter marks two candidates with the same preference then only the preferences with a higher value than the duplicated preference will be counted.
- (b) Considerable effort would have to be expended to ensure that every elector understood precisely how they were required to record their votes.

##### **97. Manifestos**

There are no implications which relate to manifestos.

98. **Hustings**

There are no implications which relate to hustings.

99. **Polling Stations**

The logistical difficulties regarding polling stations identified in earlier sections are likely to be exacerbated by STV. This would apply particularly with regard to schemes which potentially involve large numbers of candidates.

100. **Vote Count**

- (a) The first step is the calculation of the number of votes which candidates must receive to be elected. This is called the 'quota'. Ballot papers are then sorted according to voters' first choices. Candidates with at least the quota are then noted as elected. The surplus votes (the number of votes over the quota) of these candidates are then transferred to other candidates according to the voters' second choices. Any new surpluses created by this process are similarly transferred.
- (b) If not enough candidates have been elected, the candidate with the lowest number of votes is eliminated. That candidate's votes are then transferred to the (unelected) candidates marked as the next choice by the voters. The transfer of surpluses and the elimination of candidates continues until the required number of candidates has been elected.
- (c) The effect of all the above means that a manual count, whilst possible, would be so lengthy as to make it a necessity for electronic counting to be used.

101. **Estimated Cost**

The only additional cost would be with regard to voter education. Given the importance of ensuring that each and every elector is fully aware of what is required a substantial education programme would be required. It is difficult to estimate with accuracy, but given the cost of such a campaign in Scotland when STV was introduced in that country it could be in the region of £50,000.

102. **Effect of modification of numbers**

Reducing the number of seats available would affect the introduction of STV in that fewer seats make the counting process marginally simpler. However, for the reasons stated in paragraph 100, given that electronic counting would be a necessity, the real impact would be insignificant.

**(ii) CHIEF MINISTER TO BE ELECTED BY THE PUBLIC FROM THOSE ELECTED AS ISLAND-WIDE DEPUTIES**

**103. Overview**

At present the only condition which applies specifically to the candidature of persons seeking election as Chief Minister is Rule 20 (2A) of the Rules of Procedure which is set out in extenso in paragraph 67 (b).

**104. Candidates**

There are no implications which relate to candidates other than the obvious point - prospective Chief Ministers would first have to be elected as Island-wide Deputies. Such candidates would probably focus their election campaign on their intention to seek election as Chief Minister and may, for that reason, attract greater attention than the remaining candidates who might thus potentially be placed at a disadvantage.

**105. Electors**

There are no implications which relate to electors.

**106. Manifestos**

There are no implications which relate to manifestos.

**107. Hustings**

There are no implications which relate directly to hustings. However, as already stated above, Chief Minister candidates may be the focus of questions to the detriment of other candidates.

**108. Polling Stations**

There are no implications which relate to polling stations.

**109. Vote Count**

There are no implications which relate to vote counting.

**110. Estimated Cost**

There are no implications relating to the cost of running elections.

**111. Effect of modification of numbers**

Modifying the number of Members would have no effect on this suggestion.



**(iii) ELECTION FOR THE OFFICES OF CHIEF MINISTER AND MINISTERS TO BE HELD IMMEDIATELY AFTER THE JUNE 2011 ELECTION**

**112. Overview**

- (a) This issue is associated with the scheme set out in Part II section viii (paragraphs 85-93) which envisages that the Chief Minister must be an Island-wide Deputy. Should that scheme be introduced the Chief Minister would be deemed to have vacated that office and a fresh election would be held to replace him from amongst those recently elected as Island-wide Deputies.
- (b) The comments relating to timing in paragraph 85 (l) would have a consequential effect on this issue.
- (c) The comments in paragraph 85 (j) relating to the potential disruption also relates to this suggestion.

**113. Candidates**

There are no implications which relate to candidates.

**114. Electors**

There are no implications which relate to electors – i.e. the voting public. Insofar as the election of a Chief Minister is concerned the electors are the Members of the States of Deliberation. Having a fresh election for that office would require the convening of a special meeting of the States for that purpose.

**115. Manifestos**

There are no implications which relate to manifestos.

**116. Hustings**

There are no implications which relate to hustings.

**117. Polling Stations**

There are no implications which relate to polling stations.

**118. Vote Count**

There are no implications which relate to vote counting.

**119. Estimated Cost**

There would be some indirect and unquantifiable costs to the departments relating to the briefing of new ministers.

**120. Effect of modification of numbers**

Modifying the number of Members would have no effect on this suggestion.

**(iv) PARTY POLITICS**

Included as an appendix to the Committee's First Report was a note relating to political parties and this is reproduced as Appendix 6 to this Report.

**THE PROPOSED WAY FORWARD**

121. The States Assembly and Constitution Committee, in producing this present report, has been conscious of the criticism levelled at it in the States debate on the 1<sup>st</sup> July 2010, in particular, that the 2<sup>nd</sup> Report did not fully set out the merits or otherwise of the various options under consideration. The Committee believes that this present report fairly addresses all of the issues of concern raised in that debate. It is acknowledged by the Committee that pursuant to the States Resolutions of the 27<sup>th</sup> April 2006 and 28<sup>th</sup> January 2009 there is an expectation that it will present to the States propositions providing for Island-wide voting at the 2012 General Election.

122. The Committee believes that a majority of the electorate wishes to elect all the Members of the States on an Island-wide basis. This conclusion is clearly supported by the public consultation carried out last year. Paragraphs 31 to 39 set out in detail the issues which arise in relation to an Island-wide election of 45 Deputies. There exists amongst members of the Committee a range of views about the concept and methods of Island-wide voting. However, by a majority, the Committee has resolved that the method of Island-wide voting it should present to the States is that all People's Deputies be elected in one Island-wide election with effect from the General Election to be held in 2012.

**Manifestos**

123. The Committee proposes that manifestos be distributed to the electorate by means of a document containing the manifestos of all candidates which would be delivered to each household occupied by at least one elector. Candidates would be required to share the cost of printing, packaging and labelling the collective manifesto document. Candidates would, of course, be at liberty to decide not to participate in the publication, although any candidates who did so decide would still have to contain their overall expenditure within the prescribed limits.

### **Polling Stations**

124. Paragraph 36 identifies certain logistical issues relating to polling stations. The Committee acknowledges that the size of some of the current polling stations will be inadequate and that it will therefore be necessary in certain parishes to find more suitable premises. This may include church halls and other community halls. School halls might also be used, particularly if elections were held on Saturdays. In that regard the Committee notes that school premises are often used as polling stations in both the United Kingdom and France. The Committee will be discussing the matter with all the Douzaines and, where changes are necessary, appropriate premises will have to be designated as polling stations by resolution of the States.

### **Restriction on number of votes which electors may cast**

125. Paragraph 58 refers to the possibility of reducing the number of votes which each elector may have and it will be noted that the Committee believes that restricting the number of votes available to each elector would result in a greater efficiency in the electoral process. However, the Committee is of the opinion that the democratic process should not be compromised solely to achieve efficiency in the electoral process. It is of the view that every elector should have the opportunity of casting as many votes as there are seats available. Consequently no proposal is made which would limit the number of votes available to each elector.

### **Vote Count**

126. For the reasons set out in paragraph 37 the Committee considers that it will be necessary for the votes to be counted electronically. The count will take place at a central location. Tenders will be sought from UK companies which specialise in hiring out the necessary equipment.

### **Estimated Cost**

127. The cost of running an Island-wide election of 45 Deputies is estimated as follows:

General costs	£ 40,000
Electronic Counting	£ 25,000
Manifesto delivery	£ 19,000
Additional polling booths	<u>£ 7,500</u>
	<u>£ 91,500</u>

### **RECOMMENDATION**

128. The States Assembly and Constitution Committee recommends the States to resolve that –

- (1) the Reform (Guernsey) Law, 1948, as amended<sup>18</sup> be further amended to provide that with effect from the General Election to be held in 2012 there shall be 45 Deputies elected Island-wide for a four-year term and that the candidates in Island-wide elections shall be entitled but not obliged to have their manifestos distributed at the expense of the States by means of an election publication, the cost of which will be borne by the candidates;
- (2) the States Assembly and Constitution Committee be directed to report to the States with detailed proposals relating to the procedure at, and conduct of, such elections.

## LEGAL CONSULTATION

129. The Law Officers have been consulted and advised that there would not appear to be any great difficulty in settling the legislative changes which would be required in order to give effect to the recommendations in paragraph 128 (1) of this report.

Yours faithfully

M M Lowe  
Vice-Chairman

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<sup>18</sup> It may assist Members of the States to have the precise wording of Article 3(4) of The Reform (Guernsey) Law, 1948, as amended which applies to the above recommendation.

*“... any resolution of the States of Deliberation directing the preparation of legislation to repeal or vary any of the provisions of this Law which is carried by a majority of less than two-thirds of the members present and voting shall not be deemed to have been carried before the expiration of seven days from the date of the resolution:*

*Provided that where before the expiration of the aforesaid seven days an application in writing signed by not less than seven members of the States of Deliberation is made in that behalf to the Presiding Officer such resolution shall be brought back before the States of Deliberation by the Presiding Officer as soon as may be after the expiration of three months from the date of the resolution whereupon such resolution shall be declared lost unless confirmed by a simple majority.”.*

## APPENDIX 1

## AVERAGE NUMBER OF VOTES CAST BY EACH ELECTOR

	2004 General Election	2008 General Election
<b>SEVEN SEAT DISTRICTS</b>		
<b>St. Peter Port North</b>	4.87 - 69.6%	5.07 - 72.4%
<b>Vale</b>	4.93 - 70.4%	5.15 - 73.6%
<b>Castel</b>	4.73 - 67.6%	5.02 - 71.6%
<i>Average for seven seat districts</i>	<i>4.84 - 69.2%</i>	<i>5.08 - 72.6%</i>
<b>SIX SEAT DISTRICTS</b>		
<b>St. Peter Port South</b>	4.39 - 73.3%	4.56 - 75.9%
<b>St. Sampson</b>	4.51 - 75.2%	4.60 - 76.7%
<b>West</b>	4.79 - 79.8%	4.53 - 75.5%
<b>South-East</b>	4.81 - 80.2%	4.61 - 76.9%
<i>Average for six seat districts</i>	<i>4.63 - 77.1%</i>	<i>4.58 - 76.2%</i>
<b>ISLAND-WIDE CONSEILLERS ELECTIONS</b>		
<b>1994 – 12 seats</b>	8.39 - 69.9%	
<b>1997 – 6 seats</b>	4.16 - 69.3%	

## APPENDIX 2

**USE BY CANDIDATES OF  
SUBSIDISED POSTAGE SCHEME  
IN 2008 GENERAL ELECTION**

District	N° of Electors	N° of House-holds	Postings by 2* or more Candidates	Postings by Single Candidates	Average number of items in each posting
St. Peter Port South	3,370	2,090	1	9	2,056
St. Peter Port North	4,476	2,649	5	4	2,878
St. Sampson	4,848	2,678	1	8	1,209
Vale	5,651	2,997	1	6	1,282
Castel	4,984	2,599	4	2	2,380
West	4,906	2,483	3	4	2,262
South-East	5,018	2,656	2	7	2,511
All Districts	33,253	18,152	17 #	40	2,088

(# - 38 candidates)

40 individual candidates posted a total of	64,820 envelopes
38 candidates in 17 groupings* posted a total of	<u>54,224</u> envelopes
Total number of items posted	<u>119,044</u>

The total cost of posting was	£41,072.46
Less paid by candidates	<u>£10,824.95</u>
Net cost to the States*	<u>£30,247.51</u>

\* The cost to the States only decreases when three or more candidates use the same mailing – two candidates using the same mailing is cost neutral. In the 2008 General Election only four of the mailings contained the manifestos of three candidates.

## APPENDIX 3

**POPULATION**  
**According to the Guernsey and Alderney Censuses of 2001**

**BY PARISH/ISLAND ETC.**

St. Peter Port	16,488
St. Sampson	8,592
Vale	9,573
Castel	8,975
St. Saviour	2,696
St. Pierre du Bois	2,188
Torteval	973
Forest	1,549
St. Martin	6,267
St. Andrew	2,409
Herm and Jethou	97

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59,807

**ALDERNEY**      2,294

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62,101

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**BY PRESENT ELECTORAL DISTRICTS**

St Peter Port South:			
St. Peter Port	7,746		
Herm & Jethou	<u>97</u>	7,843	
St. Peter Port North		8,742	
St. Sampson		8,592	
Vale		9,573	
Castel		8,975	
West:			
St. Saviour	2,696		
St. Pierre du Bois	2,188		
Torteval	973		
Forest	<u>1,549</u>	7,406	
South-East:			
St. Martin	6,267		
St. Andrew	<u>2,409</u>	8,676	
		<hr/>	
		59,807	

**APPENDIX 4****HOME DEPARTMENT**

The Chairman  
States Assembly and Constitution Committee  
Sir Charles Frossard House  
La Charroterie  
St. Peter Port

15<sup>th</sup> October 2009

Dear Deputy Rihoy

**Island Wide Voting**

At a recent Board meeting, the Home Department discussed the consultation paper and it was agreed that the Board would make a formal approach to your Committee to present any areas of concern. These comments are limited purely to the potential impact on the Electoral Roll and do not reflect the individual views of members regarding the merit of Island-wide voting or otherwise.

The Board carefully considered Option C, believing it to be the most relevant to the Home Department and the Electoral Roll. I note, from your guidance notes on the internet, that the intention is that this option would be phased in over a period of time, with elections being held from 2012 on a district basis and then from 2014 onwards on an Island wide basis.

The Department has significant concerns over the introduction of these proposals in regard to the Electoral Roll. In order for any election to take place, an accurate and comprehensive Electoral Roll needs to be in place. Currently, although the work for the Electoral Roll is constantly ongoing, it is cyclic in nature becoming more resource intensive in the eighteen months leading up to the General Election. Adopting a General Election on a biannual basis would effectively place the Department permanently in the intensive run up to an Election and will significantly affect staff and financial resources.

This is a concern intensified by the current financial position affecting the States. As you may be aware, as part of the States Strategic Plan, the Department had put in a request for money to be allocated to the Electoral Roll for 2010, but this is not one of the eight priorities supported by Policy Council. This effectively puts the Department in an exceptionally difficult position. In order for an accurate and comprehensive Electoral Roll to be compiled, the Department requires the necessary resources, and I



would be unwilling to support any initiative which would increase the work associated with the Electoral Roll without strong assurances that the necessary resources will be in place.

Further, one of the recommendations of the post 2008 Election Report was the creation of a new Electoral Roll for each quadrennial Election. Although I am mindful that there are possible work streams around, such as the creation of a Population Office or a Citizen's Register, which may in the long run negate the need for an independent Electoral Roll, the creation of biannual Elections does cause me some significant concerns. The Department would be unable to create a new Electoral Roll each time- the employment of enumerators would make this unfeasible and I believe that requesting that the public resubmit their details so frequently would be unpopular and could cause some confusion. This would therefore mean that every other election would again be conducted using an inaccurate and out of date Electoral Roll.

I would be grateful if you could consider this submission as part of your consultation process. If you require any further information, please contact the Chief Officer, Home Department.

Yours sincerely

G H Mahy  
Minister

## APPENDIX 5

## REPORT OF THE ELECTORAL REFORM SOCIETY

- (a) We note the Committee's instructions to undertake a comprehensive review of all practicable methods of introducing Island-wide voting. There are possible models for all-island voting, but unfortunately they all present significant practical difficulties, because of the size of the States of Deliberation, and the lack of political parties in Guernsey.
- (b) The first model would be to hold elections under a variant of First-Past-the-Post, called the **Multiple Non Transferable Vote (MNTV)**. This system is used for a number of local elections in England and Wales. Each voter has the same number of votes as there are seats to be filled. However, this means that the system is ill-suited to elections where a large number of seats are up for election. Under present circumstances in Guernsey, it would require a voter to place an 'X' beside as many as 45 candidates, a task that would quickly become laborious. In the event that an issue arose that split voters and candidates 60-40, the candidates in the majority viewpoint would tend to be elected, and there would be no guarantee of representation of the minority view.
- (c) One refinement of this process may be a '**Limited Vote**' system, whereby voters may be given a set number of votes - say six or seven as at present – and could thereby place an 'X' next to their most favoured candidates. However the mechanics of the system mean it would have the potential to produce perverse and unrepresentative results. There would also be the danger that not all 45 seats would be filled, particularly if most votes gravitate towards a handful of popular candidates.
- (d) A second possibility would be the **Single Non Transferable Vote system (SNTV)**. This system would give each voter one vote, and they would simply be required to place an 'X' next to the candidate of their choice. The 45 candidates who gained most votes would be elected. This is perhaps the most theoretically feasible of the Island-wide models. However, it has clear limitations. Firstly, it places large restrictions on the ability of voters to exercise any real choice between candidates. Whereas at present voters have seven votes to choose seven members, under SNTV they will be limited to one vote, with little or no say over which of the other candidates they would like to see elected or not. In addition, SNTV would present a logistical problem in that voters would be choosing between as many as 82 candidates. Again, such a task could quickly become laborious, and an element of random luck could enter the equation – voters simply opting for the name at the top of a long and daunting list. There would again also be the danger of not all posts being filled if votes gravitate towards popular candidates.
- (e) A third possibility for a national constituency would normally be a **proportional list system**. These are used in countries operating a nationwide constituency

such as the Netherlands and Israel. Unfortunately, it is virtually impossible to operate in a culture where no political parties operate. In the Netherlands and Israel, the vast majority of votes are cast for a party, and seats are thus allocated in strict proportion to the number of votes gained by each party. Voters thus have a limited number of choices between the parties standing for election. In Guernsey this will be impossible to implement unless candidates form parties or electoral blocs, which would enable seats to be allocated proportionately according to the number of votes each group receives.

- (f) The fourth possibility would be to use the system that the Electoral Reform Society advocates, the **Single Transferable Vote (STV)**. STV allows voters to rank candidates in order of preference, and allows seats to be allocated proportionately based on multi-member seats. It would be theoretically possible to operate STV on a nationwide constituency, but again it would be a laborious process, requiring voters to rank as many as 82 candidates in their order of preference. This is unlikely to be popular with voters.
- (g) In short therefore, a nationwide constituency system could only feasibly operate in Guernsey if one of the following conditions were met:
  - Candidates coalesced into political parties, or (at the very least) electoral blocs
  - There were fewer seats to be filled (however any more than twenty seats would make any of the above systems problematic, and a twenty-member assembly would not seem appropriate).
- (h) The Electoral Reform Society therefore recommends that the Committee consider alternative models based on the present electoral districts. The system that we believe would best represent the views of Guernsey voters is the Single Transferable Vote, based on the current seven electoral districts. Voters would be asked to elect between six and seven members for each district by ranking candidates in order of preference. Those candidates who reached the following 'quota' of required votes would be elected:
 
$$(\text{Number of votes cast}) \div (\text{Number of seats in the electoral district} + 1) + 1$$
- (i) If any candidate reaches the required quota on the basis of first preference votes (those votes ranking the candidate first), the candidate is declared elected and its surplus votes (the number of votes over and above the quota) are redistributed in proportion to the second preferences indicated by voters. Once the surpluses of all elected candidates are redistributed, the votes of the candidate with fewest votes are also redistributed according to the next preference. The process continues until all seats have been filled by candidates reaching the quota. If one seat remains to be filled and there are two candidates remaining short of the quota, the remaining candidate with the most seats takes the final seat.

- (j) The system operates successfully in Northern Ireland, the Republic of Ireland, Malta, Australia, and, from May 2007, local elections in Scotland. The Electoral Reform Society advocates it because it gives maximum power to voters, and is more representative of their views than First-Past-the-Post, which can tend to produce skewed results in favour of the 'largest minority'. If STV was based on the current electoral districts, the problems mentioned above would be alleviated, since voters would only be required to choose between 10-12 candidates each – a far more feasible prospect. STV elections to the Northern Ireland Assembly for instance elect six members per constituency, and voters choose between an average of fifteen candidates. However, STV could also easily work based on smaller electoral districts, electing between four and six members per constituency as in the Republic of Ireland. However the Committee should note that the more seats per district, the more representative the result will be. It is purely a matter of balance between proportionality and practicality – any more than seven seats to fill and the number of candidates to choose from would once again become a laborious process.

STUART STONER  
Parliamentary Officer

31<sup>st</sup> January 2007

## APPENDIX 6

## POLITICAL PARTIES

- i. This brief note on political parties is included because in several places in the principal report it is stated that the absence of political parties has the effect of reducing the choice of possible electoral systems for Guernsey. The Committee is certainly not suggesting that political parties be introduced simply to facilitate any particular electoral system. It is not the function of any parliament to engineer the foundation of a party system.
- ii. Political parties – that is groups of people who hold similar political aims and opinions who have organized, usually to contest elections so that they might form a government – have never been part of the political scene in Guernsey. From time-to-time parties have emerged but their existence has been short-lived and only very seldom have party representatives been successful in contesting seats in the States of Deliberation.
- iii. In jurisdictions which have no political parties government is, of necessity, consensual and Guernsey is no exception in this regard. Indeed this has long been held out as one of the reasons why the Island has had a sound and stable government for many years. Each and every Member of the States, whether or not a minister, is effectively a member of the government. No proposition can succeed without the consent of a majority of the Members which means that no department or committee of the States can be certain of gaining States' approval in respect of any particular proposition.
- iv. In a party system, however, the government is formed by the party securing most votes in a general election (or, if no party has secured a majority of the seats, by an alliance of parties). Members of the party are generally required to vote in accordance with party policy which will have been set out in the party's election manifesto published prior to the election. It can be argued that where there is no majority government the alliance of parties which form the government governs by consensus, but it is not fully consensual as the views of the minority who are not in government need not necessarily be taken into consideration. An alliance of parties is often necessary in jurisdictions in which a proportional representation voting system is used as it is seldom that one party alone secures a majority of the seats available.
- v. The submission from the Electoral Reform Society contains several references to the absence of a party system in Guernsey and the constraints which that places on the range of electoral systems which might be adopted. Paragraph 51<sup>19</sup> of the report notes that several of the jurisdictions listed do have party systems. One such jurisdiction is Gibraltar.

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<sup>19</sup> of the 1<sup>st</sup> Report (Billet d'État I of 2009)

- vi. In Gibraltar there are 17 seats and each elector has a maximum of 10 votes. Each political party tends to nominate ten candidates in the hope of securing 'block votes'. Independents may stand but usually find it difficult to secure sufficient votes to be elected. In the October 2007 general election the Gibraltar Social Democrats secured 10 seats, the Gibraltar Socialist Labour Party four seats and the Gibraltar Liberal Party three seats. The Progressive Democratic Party and two independents failed to obtain any seats.
- vii. In most jurisdictions which have political parties provision is made for candidates to state on the ballot paper, in addition to their names, the title of their political party or else they are permitted to display the emblem of the political party.
- viii. The presence of political parties allows more flexibility in the choice of the method of election of the members of parliament and also results in greater certainty in the delivery of policy but this is balanced in non-political party jurisdictions with the freedom of each member to vote according to conscience rather than being obliged to hold to party policy.

**MINORITY REPORT  
SUBMITTED BY DEPUTY I F RIHOY**

The Presiding Officer  
The States of Guernsey  
Royal Court House  
St. Peter Port

17<sup>th</sup> December 2010

Dear Sir

1. I rather regret that I find myself in the unenviable position of having to present a minority report to a report of the States Assembly and Constitution Committee, of which I am Chairman. I do so after considerable thought and only because I feel very strongly about the area of policy addressed by the report: island-wide voting.
2. Since before my election to the States of Deliberation in 1985, I have been of the opinion that Members of the States should be elected on an island-wide basis. Indeed, it was following a successful amendment proposed by me that on the 27<sup>th</sup> April, 2006, the Assembly resolved: *“To direct the [then] House Committee to undertake a comprehensive review of all practicable methods of introducing Island-wide voting for the office of People’s Deputy, and to report back to the States in sufficient time to enable the introduction of such a system with effect from the General Election to be held in 2012.”*.
3. On the 28<sup>th</sup> January, 2009, the States of Deliberation debated the States Assembly and Constitution Committee’s first report on island-wide voting – which had been submitted pursuant to Rule 12 (4) – and resolved: *“To note the Report and to direct the States Assembly and Constitution Committee to report further to the States with detailed proposals regarding the election and constitution of the States of Deliberation which will take effect from the General Election to be held in 2012.”*. In fulfilling this States Resolution, the Committee presented proposals to the June, 2010 meeting of the States of Deliberation, but on 1<sup>st</sup> July, 2010 the Assembly approved a successful sursis motiv  , the terms of which are fulfilled by this latest detailed Report submitted by the Committee and to which this minority report is attached. Although I take a different view to the majority of the Committee in respect of the propositions to be put before the Assembly, I wish to make it clear that the Committee is of one mind in believing that its Report is as thorough and as comprehensive as possible.
4. During the debate of June, 2010 it emerged that many Members of the States continued to favour some form of island-wide voting for the office of People’s

Deputy. However, I sensed then, and continue to judge now, that a majority of States Members are not prepared to support the introduction of island-wide voting for all 45 People's Deputies, which is the model of Island-wide voting favoured by three of the five members of my Committee and which accordingly the Committee is recommending to the States. My view is that a greater number of States Members, and indeed a considerable proportion of our community, may be more disposed towards introducing an element of island-wide voting, i.e. having at least some People's Deputies elected on an island-wide franchise. This would represent a form of compromise between those who wish for island-wide voting for all people's deputies and those who do not favour fully abolishing the present district-based electoral system.

5. Therefore, in this minority report I wish to propose an electoral system whereby around one-quarter of People's Deputies would be elected island-wide and about three-quarters would continue to be elected within districts. Aside from the matter of seeking a pragmatic proposal to put to the States, there is one overriding reason for my favouring an alternative scheme to that recommended by the majority of my Committee: I consider that it would be impractical, indeed possibly even unworkable, to organise an Island-wide election for all 45 People's Deputies in a little more than a year's time and in a political system which features neither political parties nor cabinet government.
6. The basics of the alternative scheme which I am proposing are set out in paragraphs 7 to 13 below. A more detailed analysis of the scheme is actually included in part ii, section vii of the Committee's Report to which this minority report is attached, although as with any form of Island-wide voting which the States may choose to introduce the precise mechanics will be the subject of further consideration as part of a pre-2012 General Election Report which the Committee is obliged to lay before the Assembly.
7. I envisage two elections being held for the following offices:
  - **10 Island Deputies; and**
  - **35 District Deputies.**
8. The 35 district-based seats would be distributed equally among the existing electoral districts, i.e. five district deputies for each of St Peter Port South, St Peter Port North, St Sampson, Vale, Castel, South-East and the West.
9. The elections for 10 island deputies and 35 District Deputies would not take place on the same day. The election for District Deputies would take place approximately one month after the election for Island Deputies. It would be possible for a candidate who stood unsuccessfully for the office of Island-wide Deputy to stand a month or so later for the office of District Deputy. Introducing restrictions to force candidates to choose to stand for one or other office would seem to me unacceptably and unnecessarily undemocratic.



10. Given that the ratio of district seats to island-wide seats would be 3.5:1, I have assumed that the candidates would likely be in a similar ratio, in which case it is possible that there might be 22 candidates in the island-wide election (for 10 seats) and 77 in the seven district elections (for a total of 35 seats). As an indicative guide, in 1994 26 candidates contested the 12 seats for the office of Conseiller, which was, of course, an island-wide election.
11. Electors would be able to cast their votes at any polling station situated in the electoral district in which they reside. The first election would be for **Island Deputies and the second for District Deputies**.
12. It is quite plain that under the proposals being put by the Committee, the traditional 'hustings' would cease to exist. 90 or 100 candidates cannot possibly participate in one 'hustings' on one platform at the same time. However, the alternative scheme which I am proposing allows traditional 'hustings' to continue, for the office of District Deputy, and in a slightly modified form (i.e. over two meetings rather than one) for the office of Island Deputy. I consider this a very significant advantage: 'hustings' are a valuable way of candidates engaging with the electorate, not least of all because they test the credentials of candidates in answering questions against each other and under a degree of pressure. One to One surgeries where the electorate can meet and discuss issues on a one to one basis could still be used during both elections.
13. Seating arrangements will be at the discretion of the President/Presiding Officer however I would recommend that all Island Deputies will sit on the top bench regardless of what position they might hold after the election of Department Ministers and Chairmen as was the position in 1991, when Presidents of major committees did not always sit on the top bench.
14. In respect of the eligibility of candidates for both offices, I envisage no need for restrictions further to those which apply already for the office of People's Deputy.
15. The scheme which I am proposing reflects my judgement that the vast majority of Guernsey people who take an interest in political matters strongly favour some form of island-wide voting, and speaks to my view that introducing an element of island-wide franchise would strengthen the legitimacy of the island's government, but it also overcomes all of the logistical problems and weaknesses which are inevitable, and essentially cannot be overcome, in a scheme in which all 45 People's Deputies are elected island-wide and at the same time.
16. I do not believe that electronic counting is a necessity with regard to this particular scheme and I have not, therefore, made any provision in that regard in the figures contained in the following paragraph.

17. I have sought advice from the Registrar-General of Electors regarding the cost of this scheme. I am informed that the estimated cost is as follows:

10 Island Deputies

General costs	£35,000	
Manifesto distribution	<u>£11,000</u>	£ 46,000

35 District Deputies

General costs	£41,000	
Manifesto postage	<u>£24,000</u>	£ <u>65,000</u>

£111,000

18. It is my intention to propose an amendment to the propositions set out in the Billet d'État. In accordance with this minority report, my amendment will propose that with effect from 2012 there should be 10 Island-wide Deputies elected for a four-year term and 35 District Deputies elected for a four-year term.
19. As the figure of £111,000 falls within the budgetary provision for elections, i.e. £120,000, the amendment which I shall be proposing will not be subject to the provisions of Rule 15 (2) of the Rules of Procedure.

Yours faithfully

I F Rihoy

The States are asked:-

VII.- Whether, after consideration of the Report dated 17<sup>th</sup> December, 2010, of the States Assembly and Constitution Committee, they are of the opinion:-

1. That the Reform (Guernsey) Law, 1948, as amended be further amended to provide that with effect from the General Election to be held in 2012 there shall be 45 Deputies elected Island-wide for a four-year term and that the candidates in Island-wide elections shall be entitled but not obliged to have their manifestos distributed at the expense of the States by means of an election publication, the cost of which will be borne by the candidates.
2. To direct the States Assembly and Constitution Committee to report to the States with detailed proposals relating to the procedure at, and conduct of, such elections.

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 24<sup>TH</sup> DAY OF FEBRUARY, 2011**

(Meeting adjourned from 23rd February, 2011)

**The States resolved as follows concerning Billet d'État No III  
dated 14<sup>th</sup> January 2011**

**STATES ASSEMBLY AND CONSTITUTION COMMITTEE**

**ISLAND-WIDE VOTING – 3<sup>rd</sup> REPORT**

VII.- After consideration of the Report dated 17<sup>th</sup> December, 2010, of the States Assembly and Constitution Committee:-

1. TO NEGATIVE THE PROPOSITION that the Reform (Guernsey) Law, 1948, as amended be further amended to provide that with effect from the General Election to be held in 2012 there shall be 45 Deputies elected Island-wide for a four-year term and that the candidates in Island-wide elections shall be entitled but not obliged to have their manifestos distributed at the expense of the States by means of an election publication, the cost of which will be borne by the candidates.

**D J ROBILLIARD  
HER MAJESTY'S DEPUTY GREFFIER**



## GENERAL ELECTION OF PEOPLE'S DEPUTIES

23<sup>rd</sup> April, 2008 45 PEOPLE'S DEPUTIES

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ADAM, Alexander Hunter		GORVEL, David John		PAINT, Barry John Edward	
BARHAM, Andrew Bernard		GREGSON, Robert William		PARKINSON, Charles Nigel Kennedy	
BICHARD, Andrew Leonard <i>commonly known as Andy</i>		GUILLE, Graham		PLUMLEY, Robert	
BISSON, Roy Henry		HADLEY, Michael Peter James		QUERPEL, Laurie Bryn	
BREHAUT, Barry Leslie		HARRIS, Brian		QUERPEL, Lester Carlson	
BROOKS, Stephen Gary <i>commonly known as Steve</i>		HENDERSON, Rosemarie Anne		QUIN, Francis William	
BROOME, Robert John		HONEYBILL, Jack		RIHOY, Ivan Frederick	
BROUARD, Alvord Henry <i>commonly known as Al</i>		JONES, David Brian		ROBERTS, Ivan Goman	
BURTENSHAW, Peter John		KNIGHT, Jean Evelyn Mary		SILLARS, Robert William	
BYROM, Joanna Hazell Moiya <i>commonly known as Mimi</i>		KUTTELWASCHER, Jan		SIRETT, Peter Raphael	
COLLINS, Michael Wynne <i>commonly known as Mike</i>		LAINÉ, Marc Svein		SMITH, Glen Anthony	
CORBIN, Raymond Anthony <i>commonly known as Tony</i>		LANGLOIS, Allister Hurrell		SPINKS, Jo-Anne <i>commonly known as Jo</i>	
COTTERILL, Susan Mary <i>commonly known as Sue</i>		LANGLOIS, Shane Lenfestey		SPRUCE, Anthony <i>commonly known as Tony</i>	
CRANCH, David Donald		LEIGH, Peter Beau		STEERE, Carol Ann	
CRISPINI-ADAMS, Vanessa Madeleine		LE LIÈVRE, Andrew Robert		STEPHENS, Tania Jane <i>commonly known as Jane</i>	
DE JERSEY, Brian Richard		LE NOURY, Leonard Frank <i>commonly known as Nara</i>		STOREY, Martin John	
DE LISLE, David de Garis		LE PELLEY, Thomas Mansell <i>commonly known as Tom</i>		TASKER, Jennifer Mary <i>commonly known as Jenny</i>	
DOMAILLE, Paul Ernest Fox		LE PREVOST, Stephen Hugh		TIDD, Gillian	
DOMAILLE, Roger		LE SAUVAGE, Janine Michelle		TOSTEVIN, Keith William	
DOREY, Mark Hirzel		LOWE, Mary May		TROTT, Lyndon Sean	
DUDLEY-OWEN, Gloria Pearl		MAINDONALD, Samantha Jane		VAN KATWYK, Lee	
DU PORT, Peter Michael		MAHY, Geoffrey Hubert		WALKINGTON, Anthony Michael	
DUQUEMIN, John		MARSON, Lorraine Simon		WATERMAN, Matthew Michael <i>commonly known as Matt</i>	
FALLAIZE, Matthew James		MATTHEWS, Robert Rhoderick		WEBBER, Anthony David Canivet <i>commonly known as Tony</i>	
FLOUQUET, Bernard Marcel		M <sup>C</sup> MANUS, Sean Joseph		WHITFORD, Richard Henry	
GALLIENNE, Leon Roy		M <sup>C</sup> NULTY BAUER, Carla Steve		WILEN, Keith Laurence	
GARRETT, Michael Guy Gordon		MORGAN, Wendy Jane		WILKIE, Arrun Michael	
GILLSON, Peter Leonard		O'DOHERTY, Christopher		WILSON, Peter John Barry	
GOLLOP, John Alfred Bannerman		OGIER, Scott John		YOUNG, Gordon Edward	
		O'HARA, Michael George			

(N.B The Treasury and Resources Department is limiting its comments to the resource implications of the Requête. The costs of running an island-wide election along the lines outlined in the Requête should be broadly similar to those incurred under the current electoral district system. However, Members are of the view that there could be some benefits, including potential cost savings and improving engagement with the electorate by the use of technology, including electronic voting.)

(N.B The Policy Council has discharged its functions in accordance with Rule 17 (2) of the States of Deliberation by consulting with the parties particularly interested in the prayer of this Requete and notes all of its consultees' comments included above. Given its responsibility to advise the States on matters relating to the Parishes, the Council is able to confirm that it has consulted, within the limited time available, with all of the Douzaines. The prayer of the Requête was also further considered during a Douzaine Liaison meeting on 17<sup>th</sup> January 2014.

The Policy Council notes that the States Review Committee intends to present to the States Assembly its proposals relating to the overall structure of the States in July 2014. The Policy Council by a majority is therefore of the view that the timing of this Requête is premature, given that aspects of the States Review Committee's mandate is contiguous with the prayer of this Requête, in particular paragraph (b) of its Mandate which relates to "*the membership and operation and effectiveness of the States of Deliberation*". The Council is mindful of the States Assembly and Constitution Committee's views supporting the postponement of debate on this matter until after the States have considered the States Review Committee's proposals for reform. As such, it would be untimely for the Policy Council to comment in detail on the prayer of the Requête.

Ministers have indicated that they may wish to express their personal views on the prayer of the Requête during debate.)

The States are asked to decide:-

VI:- Whether, after consideration of the undated Requête signed by Deputy M. P. J. Hadley and six other Members of the States, they are of the opinion:-

1. That with effect from the 2016 General Election, all deputies shall be elected on an island-wide basis and all voters shall have the same number of votes as there are deputies' seats.
2. To direct the States Assembly and Constitution Committee to report to the States as expeditiously as possible with the changes necessary, including changes to legislation, to give effect to Proposition 1.

## APPENDIX

**Elizabeth College Report for the Academic Year 2012/13**

In presenting this report for the academic year 2012/13, it gives me great pleasure to bring to your attention the key statistics, events and successes of the College's school year, the latter part of which involved the first two terms of our 450<sup>th</sup> anniversary year.

Originally founded in 1563 with the purpose of educating future Protestant clergymen for the island's parish churches, with a single master and a handful of local pupils, the College has evolved considerably to the present day. Overall pupil numbers rose again to a new record level for the College and there was outstanding examination success at both GCSE and A level, as well as continued significant achievement and pupil involvement in sporting and extra-curricular activities.

Our mission statement is 'to provide a diverse, exciting and rich experience for pupils of all backgrounds, enabling them to flourish and make the most of themselves'. The fact that we are able to provide such an enjoyable and well-rounded educational experience is testament to the dedication and professionalism of our staff.

*G J Hartley*  
Principal

**Pupil Numbers**

<b>Upper</b>	<b>2008/9</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>
Year 7	77	87	77	88	76	69
Year 8	83	77	87	80	88	78
Year 9	61	84	78	82	79	85
Year 10	75	63	83	78	81	79
Year 11	54	73	64	83	77	79
Lower 6 <sup>th</sup>	61	51	69	58	72	72
Upper 6 <sup>th</sup>	57	58	51	57	55	62
<b>Total</b>	<b>468</b>	<b>493</b>	<b>509</b>	<b>526</b>	<b>528</b>	<b>524</b>

<b>Junior</b>	<b>246</b>	<b>248</b>	<b>250</b>	<b>238</b>	<b>248</b>	<b>270</b>
<b>EC Total</b>	<b>714</b>	<b>741</b>	<b>759</b>	<b>764</b>	<b>776</b>	<b>794</b>

Total pupil numbers increased for the sixth year running, mainly due to a notable increase in Junior School numbers this year. Pupil numbers have stabilised after a period of significant growth in the Upper School. A relatively small island group of boys accounts for the modest Year 7 intake this year, with next year's intake forecast to increase. The Upper School retained its 24% market share of boys on the island.

Regarding pupil movements in other years:

- 3 boys left at the end of Year 8 to attend UK boarding schools, 8 at the end of Year 11 (mainly voluntarily to go to the Sixth Form Centre) and 8 after Lower 6<sup>th</sup> (mainly voluntarily due to poor AS results)
- 5 boys joined the College in year groups above Year 7: 2 from the Grammar School and 3 from abroad.

Of our Year 7 entry, 25 joined from Beechwood and 44 from island primary schools. Of these 44, 23 boys were Special Place Holders, 4 joined in spite of being offered places at the Grammar School and 17 joined having not passed the 11+.

### **Examination Results** (see subject specific results in Appendix I)

#### **GCSE (%)**

	<b>A*</b>	<b>A* – A</b>	<b>A* - B</b>	<b>A* - C</b>	<b>5 A* - C (inc E/M)</b>	<b>5 A* - C</b>	<b>VA residual</b>
<b>2013</b>	<b>29</b>	<b>54</b>	<b>80</b>	<b>95</b>	<b>99</b>	<b>100</b>	<b>+0.2</b>
<b>2012</b>	<b>23</b>	<b>55</b>	<b>82</b>	<b>95</b>	<b>95</b>	<b>100</b>	<b>+0.3</b>
<b>2011</b>	<b>21</b>	<b>55</b>	<b>82</b>	<b>94</b>	<b>94</b>	<b>100</b>	<b>+0.1</b>
<b>2010</b>	<b>29</b>	<b>63</b>	<b>85</b>	<b>95</b>	<b>100</b>	<b>100</b>	<b>+0.2</b>
<b>2009</b>	<b>27</b>	<b>59</b>	<b>85</b>	<b>96</b>	<b>100</b>	<b>100</b>	<b>+0.5</b>

This was an excellent set of results which were particularly strong at the top end with 13 pupils achieving at least 9 A\* grades. 29% equals the historical record for A\* grades. Barney Thompson achieved the best results on the island with 13 A\* grades. Value-added analysis was broadly comparable with the previous year.

These results were particularly pleasing given the pressure on examination boards to decrease the percentages of higher grades (C and above). This accounted for a 7% decrease, for instance, in grades of C and above in the sciences. One pupil got a D in English which resulted in 99% for the benchmark statistic 5 A\*- C (including English and Mathematics).

In subject analysis, the best value-added results (value-added residuals of +0.4 and above) were achieved in Chemistry, DT, English Literature, History, Geography, Latin, Mathematics, Music, PE and RS. The only subjects to generate negative value-added residuals were French, Spanish, ICT and Classics (only 4 pupils).

A number of measures have been put in place to improve results in French and Spanish, which were weak again this year most notably around the C/D grade boundary. These include changing examination board to iGCSE, changes to the structure of languages provision at Key Stage 3 (more curriculum time on main language), language opt-out for pupils in need of high levels of learning support and two new teaching staff.

Due to consistently low pupil numbers and a lack of confidence in the qualification, the College no longer offers ICT at GCSE or A level. There are plans, however, to introduce Computer Science at A level from next September.



**A Level (%)**

	<b>A*</b>	<b>A* – A</b>	<b>A* - B</b>	<b>A* - C</b>	<b>VA residual</b>
<b>2013</b>	<b>14</b>	<b>43</b>	<b>78</b>	<b>91</b>	<b>+0.3</b>
<b>2012</b>	<b>18</b>	<b>50</b>	<b>80</b>	<b>96</b>	<b>+0.2</b>
<b>2011</b>	<b>11</b>	<b>42</b>	<b>68</b>	<b>89</b>	<b>+0.1</b>
<b>2010</b>	<b>11</b>	<b>38</b>	<b>64</b>	<b>87</b>	<b>-0.1</b>
<b>2009</b>	<b>n/a</b>	<b>15</b>	<b>52</b>	<b>82</b>	<b>+0.5</b>

These are the results for all pupils taught at the College (including girls from The Ladies' College). They were a very pleasing set of results given the relative weakness of the year group. Although the % of A\* grades was down on the previous year's record breaking results, the other statistics held up very well, particularly given the well-publicised national decrease in top grades. The year's value-added residual was the highest for five years, placing the College in the top 17% of all schools offering A levels in the UK. These results are the best of any school in the Channel Islands for the second year in succession.

Subjects which performed particularly well in value-added terms were Biology, Chemistry, DT, English, Geography, History and Mathematics. The History results were quite outstanding, placing the College in the top 1% of schools nationally. There were no subjects in which pupils performed notably poorly at A level.

The Sixth Form Partnership with The Ladies' College continues to serve both Colleges well in terms of curriculum flexibility with regard to A level choices (all subject combinations achieved again this year), the breadth of A levels on offer (26) and the provision of a co-educational experience.

**Leavers' Destinations** (see full list in Appendix II)

All leavers who applied to university this year (41 out of 55 students) gained places, with 90% securing places at their first or second choices. The most popular destinations were Southampton (4), York (3) and Plymouth (3). The most popular courses were Law (4), History (4), Engineering (4), Medicine (3) and Architecture (3). Jem Bishop achieved the grades required for Physics at Oxford University. Of the 14 other students, 9 took up local job opportunities (including 3 becoming trainee accountants), whilst 5 are taking gap years.

**Staff**

As the College's most important resource, we continue to put a great deal of emphasis on the recruitment of the highest quality teaching staff. This year one member of staff was appointed from the island and five from England.

Upper School teaching appointments from September 2013:

**Miss Elizabeth Willcocks** (Director of Music) took her Music degree at Melbourne University. She was Head of Music at Queen's Gate school, London before completing a Masters in Applied Music Education at Roehampton University. Elizabeth, who is French horn specialist, has taught previously at The Ladies' College.

**Andrew Lumley** (Modern Foreign Languages) came late to teaching after a first career in international banking. He originally read Modern Languages at Salford University and completed his PGCE with the Open University. He teaches French, Spanish and German and joins us from Sir Joseph Williamson's School in Rochester, Kent.

**Toby Le Lacheur** (Mathematics, NQT) was Senior Prefect and Senior Cadet at the College before gaining an MSc in Physics from the University of Bath. He subsequently worked in finance for seven years in London and Guernsey before undertaking his PGCE in Physics and Mathematics at Oxford Brookes University last year.

**Adrian McManus** (Chemistry) read Chemistry at Exeter University before carrying out postgraduate research at the University of Oxford, where he also played for the university football team. He subsequently taught at University College School in London and a variety of HMC schools including Winchester, Eton and Charterhouse.

**Edward Vincent** (Design & Technology) graduated in Industrial Design from Loughborough University and was a freelance graphic designer who has worked at Hurstpierpoint College in East Sussex as a visiting designer and St John's School, Leatherhead as Officer i/c the CCF Navy section.

**Mrs Julie Dittmar** (MFL) teaches French, German and Spanish and was previously Head of MFL and a member of the Senior Leadership Team at Huntcliff School, Cleveland. She has also coached hockey, organised Mandarin classes and been involved in the Duke of Edinburgh programme during her career.

Staff who left in July 2013:

**Peter Harris** (Director of Music) after 32 years

**Dr David Raines** (Head of Science Faculty, Chemistry) after 31 years

**Miss Karine Labbé** (MFL) after 7 years (licence expiry)

**Martin Wesley** (Design Technology) after 7 years (licence expiry)

**Dr Elaine Ryder** (Mathematics) after 5 years (licence expiry)

**Miss Carine Hélie** (MFL) after 3 years

### **Sporting and Extra-Curricular Highlights**

- National Public Schools Fencing Champions for the 6<sup>th</sup> year in a row
- 4<sup>th</sup> nationally in the Bisley Cadet rifle shooting competition and winner of the Cottesloe Cup for 'best small school' in UK
- The Hockey 1<sup>st</sup> XI reached West of England finals (top 8 schools)

- Andrew Oxburgh and Andrew Clark were selected for the England U16 and U18 hockey squads respectively
- The Football 1<sup>st</sup> XI were the highest placed Guernsey school in the Channel Islands league
- The U13 and U15 football teams won their island league competitions and the U13 and U16 football teams won their island cup competitions
- The Cricket 1<sup>st</sup> XI beat the MCC and Victoria College, Jersey, and won the 450 Cricket Festival 20:20 Competition, all at College Field
- The Senior Athletics Team beat Victoria College, Jersey for the first time in 11 years
- Danny Ray (U15 1500m) and Alastair Chambers (U12 80m hurdles) qualified for the England Schools Athletics Championships
- The U13 and U15 cross-country teams won both island championships
- Our Year 7, 8, 9 & 10 swimming teams won their year group trophies in the Island Swimming Competition
- Over 180 boys were involved in the Combined Cadet Force (CCF) which provided guards of honour for island ceremonial parades throughout the year
- Two major music concerts and the annual choir trip to St Malo
- Four major art exhibitions
- Over 30 weekly clubs and activities (Bell Ringing and Circus Skills new this year)
- 39<sup>th</sup> Elizabeth College Summer Orchestral Course held in August involving 225 pupils from Guernsey and UK schools
- Winners of the Guernsey Junior Youth Speaks Competition, the Channel Islands Junior BWCI Maths Challenge, the Guernsey Junior De Putron Challenge and the Channel Islands Senior De Putron Challenge
- Six students took part in British Schools Exploring Society Expeditions to Arctic Norway (3) and the Namibian Coast (3)
- College trips to Kenya, Malaysia, France, Italy, Austria, Germany, Spain and the UK
- Over £10,000 raised by pupil activities for island, UK and global charities

### **Community Benefit**

The College recently undertook an audit of all activities which involve community benefit. See Appendix III for further details.

### **Key Initiatives in 2013**

**The 450<sup>th</sup> Anniversary Foundation Appeal** successfully raised sufficient funds for the building of the new F G Manchester Refectory (opened in April) and Performing Arts Suite below (opened in September) in what has been renamed the Colborne Building (after Sir John Colborne who re-founded the College in 1824). An additional Reception classroom has also been built at the Junior School (Acorn House) and funding is in place for the creation of a new Mathematics Faculty at the Upper School which is due to be constructed over the summer of 2014.

We have enjoyed two terms' worth of **450<sup>th</sup> Anniversary Celebrations** so far during 2013, events included the Anniversary Ball for 450 guests in Beau Sejour, a production of the Elizabethan Blackadder, a 450-themed pupil curriculum week, the 450 Cricket Festival, the 450 Music Proms on College Field, the inaugural 450 Kenya Trip (see below), the 450<sup>th</sup> Anniversary College photograph, an Elizabethan Day at the Junior School and the 'Rubies, Ruffs and Royalty' drama production at Acorn House.

The **450 Kenya Trip** involved 3 staff and 18 Sixth Form students setting up a development service project with primary schools and the Turi Children's Project (a facility for children in dire poverty) in the Highlands region of Kenya. The first year's project involved our pupils teaching, the construction of an outdoor playground and the provision of much-needed educational equipment. The trip will now take place on an annual basis.

We have initiated a pilot of the **Extended Project Qualification** for our higher ability Sixth Form students this year. This involves the production of a project journal, write-up and presentation by students on an academic subject of their choice. The EPQ, which is the equivalent of an AS qualification and graded likewise, develops independent learning skills and provides further stretch and challenge in the Sixth Form curriculum.

We have invited the UK's Independent Schools Inspectorate (ISI) to carry out a full **Overseas Schools Inspection** of the College in March 2014. This will encompass both the Junior and Upper Schools. An inspection report will be subsequently made publically available.

The successful introduction of the **Parent Portal** as part of our iSAMS school administration system. This allows parents to remotely access reports, gradings, timetables and various other types of information relevant to their childrens' education. We have also significantly developed the use of texts and emails to communicate more effectively with parents.

The instigation of **collaborative links with La Mare De Carteret High School**. This initially involved being the host school for LMDC's Assistant Head, Claire Leitheiser's NPQH qualification project; a very useful initiative to survey and improve our Gifted and Talented Provision in English and Mathematics. The collaboration has since involved a joint study skills session for Gifted and Talented pupils from both schools at the Guilles Alles library.

The introduction of voluntary **Parental Workshops** for parents of pupils in Years 9 and 10. These are conducted by a UK specialist called Alicia Drummond and have proved very popular and successful in helping parents to deal with the various adolescent issues affecting their sons.

Appendix I**Year 11 GCSE Results 2013: Subject Grades**

(Grades achieved by number of pupils)

<b>Subject</b>	<b>Entries</b>	<b>A*</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>Art</b>	21	0	6	14	1	0	0
<b>Biology</b>	43	20	11	9	3	0	0
<b>Business Studies</b>	22	2	4	12	4	0	0
<b>Chemistry</b>	43	25	8	8	2	0	0
<b>Citizenship</b>	19	0	8	7	4	0	0
<b>Classics</b>	4	0	1	1	1	1	0
<b>DT Graphics</b>	6	0	1	2	3	0	0
<b>DT Materials</b>	14	1	4	5	3	1	0
<b>Drama</b>	5	0	1	3	1	0	0
<b>English</b>	23	0	1	5	17	0	0
<b>English Language</b>	54	14	15	19	5	1	0
<b>English Literature</b>	54	18	16	20	0	0	0
<b>French</b>	56	12	9	7	11	14	3
<b>Geography</b>	45	10	20	11	4	0	0
<b>German</b>	5	1	1	2	0	1	0
<b>Greek</b>	1	1	0	0	0	0	0
<b>History</b>	28	10	9	9	0	0	0
<b>ICT</b>	14	1	4	4	4	1	0
<b>Latin</b>	5	4	1	0	0	0	0
<b>Latin Literature</b>	5	4	1	0	0	0	0
<b>Maths</b>	77	33	17	15	12	0	0
<b>Statistics</b>	24	16	8	0	0	0	0
<b>Music</b>	4	2	1	1	0	0	0
<b>Physics</b>	43	20	13	6	4	0	0
<b>Religious Studies</b>	77	13	27	26	9	2	0
<b>Science (Core)</b>	34	3	6	10	11	4	0
<b>Science (Additional)</b>	33	3	3	11	14	2	0
<b>Spanish</b>	14	4	1	0	2	7	0
<b>PE</b>	16	2	7	4	3	0	0
<b>Cumulative %</b>		<b>29</b>	<b>54</b>	<b>80</b>	<b>95</b>	<b>99</b>	<b>100</b>

**Upper 6th (Yr 13) A2 Results 2013: Subject Grades**

(Grades achieved by numbers of pupils)

<b>Subject</b>	<b>Entries</b>	<b>A*</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>U</b>
<b>Ancient History</b>	1	0	0	1	0	0	0	0
<b>Art</b>	5	0	2	2	1	0	0	0
<b>Biology</b>	12	3	3	5	1	0	0	0
<b>Business Studies</b>	8	0	0	5	1	1	1	0
<b>Chemistry</b>	8	1	6	1	0	0	0	0
<b>Classics</b>	4	0	0	3	1	0	0	0
<b>D&amp;T (Graphics)</b>	5	0	1	3	1	0	0	0
<b>D&amp;T (Materials)</b>	3	0	1	1	1	0	0	0
<b>Economics</b>	9	1	3	2	2	1	0	0
<b>English Literature</b>	6	2	0	4	0	0	0	0
<b>French</b>	1	0	0	0	0	1	0	0
<b>Geography</b>	19	3	7	6	1	2	0	0
<b>History</b>	8	2	3	2	1	0	0	0
<b>Mathematics</b>	25	6	8	7	3	0	1	0
<b>Further Maths</b>	5	2	1	2	0	0	0	0
<b>Music</b>	1	0	0	1	0	0	0	0
<b>PE</b>	5	0	1	0	3	0	1	0
<b>Photography</b>	6	1	1	2	0	2	0	0
<b>Physics</b>	16	0	6	4	3	3	0	0
<b>Psychology</b>	2	0	1	1	0	0	0	0
<b>Religious Studies</b>	6	0	1	2	2	1	0	0
<b>Cumulative %</b>		<b>14</b>	<b>43</b>	<b>78</b>	<b>91</b>	<b>98</b>	<b>100</b>	<b>100</b>

Appendix II**ELIZABETH COLLEGE LEAVERS' DESTINATIONS 2013**

<b>University Courses</b>
Accounting and Finance at London School of Economics
Aeronautical Engineering at Loughborough University
Ancient History and Archaeology at Reading University
Architecture at University of Kent
Art Foundation at the City & Guilds Art College in London
Astrophysics at Aberystwyth University
Bioarchaeology at University of York
Biology at York University
Building Surveying at Reading University
Business Management at University of Manchester Metropolitan
Chemistry at St Andrews University
Chemistry at York University
Civil and Structural Engineering at University of Sheffield
Civil Engineering at Birmingham University
Computer Science at Aberystwyth University
Economics at Kent University (after gap year)
English with Study in North America at Exeter University
Environment and Development at London School of Economics
Extended Architecture at University of East London
General Engineering at Durham University
History and Archaeology at Southampton University
History at the University of Southampton
History at University of Aberdeen
Interior Architecture and Design at Arts University Bournemouth
Journalism at the University of Portsmouth
Law at Lancaster University
Law at the University of Kent
Law at the University of Southampton
Marine Technology at Plymouth University
Mathematics at Exeter University
Mathematics at the University of Bath
Medicine at Brighton and Sussex Medical School
Medicine at Nottingham University
Medicine at the University of Southampton
Navigation and Maritime Science at Plymouth University
Physical Geography and Geology at Plymouth University
Physics at Oriel College, Oxford University
Product Design at University of the Arts London

Psychology at the University of Liverpool
Studying at the University of Gloucester
Applying to university in 2013 (gap year)
<b>On Island Employment and Other</b>
Accountancy
Applying to Aviation College
Associate at PWC
At Ravenscroft
Head Start Scheme at PWC
In IT
Photographer and Designer at the Living Room
Trainee Quantity Surveyor at RG Falla
Trainee Underwriter at Ortac Ltd



### Appendix III

#### **COMMUNITY BENEFIT**

The **Education** of over 850 island pupils aged 3 to 18, 161 of which are funded by the States as Special Place Holders at the Upper School. The College provides a high quality and distinctive education based on academic excellence and is a key factor in providing parental choice and attracting professionals to the island, as well as having provided many of the island's leading figures in the community.

**Friday's Footprint** is an island-wide project for all school pupils run from the College's English Faculty which aims to promote creative writing and poetry through the publication of pieces on a dedicated website and regular competitions.

**Art Exhibitions of pupils' work** have been held in public venues, for instance the recent exhibition at the Princess Elizabeth Hospital. The Art Department also offers life drawing classes to pupils from other schools.

**Collaboration with other island schools.** Recent examples have included local primary schools visiting the Learning Support Centre as an example of good practice and INSET training being offered to teachers from other schools. A collaborative link has also been established with La Mare De Carteret High School involving one of their Assistant Heads using the College as the host school for her NPQH qualification project, the mentoring of the LMDC Geography Department and a joint Year 10 Gifted & Talented study skills project with Guilles Alles library.

Providing free **teaching work experience/shadowing** in various departments for individuals who are considering teaching as a future career (recently English, Art, Mathematics and Science).

The College is offered as an **Examination Centre** to non-College pupils for GCSEs and A levels on a non-profit making basis.

#### **The Combined Cadet Force (CCF)**

- loan of equipment and provides personnel to support the activities of the island's Army Cadet Force, Sea Cadets and Air Training Corps.
- provides cadet 'guards of honour' at various annual island ceremonial services such as Battle of Britain, Remembrance, Liberation Day, Queen's Birthday Parade.
- CCF Drum Corps performs at island events such as the Remembrance Day dinner for all island ex-servicemen in College Hall
- provides cadets and logistical support at various annual charitable fund raising events on behalf of charities such as Cancer Research, Help for Heroes, Royal British Legion, Everest Challenge.

The **Upper School Choir** performs in church services annually in St Malo and provides carol concerts for the island's disabled at Government House and Le Platon residential home every December.

The **Junior School Choir** performs regularly for local nursing homes and charitable groups such as Highfield House, Summerland House, Cheshire Homes and Round Table.

The **Kenya Link** which involves Sixth Form students and staff supporting the Turi Children's Project and Sungwita primary school in the highlands region of Kenya through an annual 10 day trip. Such support includes the teaching of literacy and numeracy, the provision of school equipment and the construction of playground facilities for the school.

The **Ruskin Group** is an environmental action and awareness student group involved in various island projects, recently including the Beachwatch project (responsibility for Petit Port) and the clearance of invasive weeds from L'Eree headland.

The **Sports Leadership Programme** involves many Sixth Form students assisting most island primary schools and local sports clubs with weekly games and PE programmes, often after school and at weekends.

The **Community Service Programme** has recently included pupil visits for elderly people, working in Oxfam, dog walking for the GSPCA, coaching for the Sarnia Sword Club and literacy support at Amherst and Vauvert primary schools.

Many pupils and staff provide **voluntary support** for island youth groups and sports clubs such as the Scouts, the Guernsey Sailing Trust and Yacht Club, the Sarnia Sword Club and Rangers FC.

The **Summer Orchestral Course** is a week-long, non-profit making music course in August annually attended by over two hundred island, UK and overseas pupils to promote involvement with orchestral music, culminating in three free concerts for the public in St James.

The **Southbank Sinfonia** at Beechwood - hosting music workshops for pupils from Blanchelande Junior School, Amherst and Notre Dame Primary Schools.

The **use of College buildings and facilities** for various purposes:

- music rehearsal facilities for the Guernsey Jazz Orchestra, Welsh Boys Aloud and the WI Choir
- College Hall for visiting drama groups
- the College car park/tennis court for Spurgeon Baptist Church (Sunday mornings) and weekend/evening charitable events at St James
- College and Memorial Field for cricket fixtures and training facilities for the Guernsey Cricket Board
- College and Memorial Field for football matches and training facilities for Rangers Football Club
- the Memorial Field pitch for Guernsey Hockey Club fixtures and training
- swimming pool and classrooms for the Guernsey Life Saving Club

- the Sports Hall for the Fencing Academy (open to all island pupils) and 5-a-side football teams
- the indoor range for local shooting clubs
- Beechwood car park for events at Government House
- Beechwood gym for Vauvert primary school's football marathon
- Acorn House hall for a yoga group
- College classrooms for a summer language course
- Le Marchant Room for island festivals such as the Literary Festival

The **Pre-School** donates childrens' clothing on an on-going basis to primary schools in Sri Lanka as part of the Bridge to Sri Lanka charity.

**Fund-raising support for charities (over £15,000 per year)** through annual charity days and events (Red Nose Day, Children in Need, Sports Relief Day, Jeans for Genes, Lepra), encouraging pupils to partake in island charitable events and the general support of other activities. Other charities recently supported include Male Uprising Guernsey, the Pink Ladies, Les Bourgs Hospice, Help a Guernsey Child, Walk for Wildlife, Action Aid, Barnardos (Pre-School 'Toddlerthon'), Macmillan Trust, Shoe Box Appeal, Farm Africa, the Tumiani Fund, Surovi School (Bangladesh) and the Philippines Disaster Fund.

**The Gatehouse Gallery** (opened October 2013) which shows public exhibitions by local artists and acts as a public venue for island arts festivals such as the photography and literary festivals.