

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 8<sup>th</sup> DAY OF MARCH, 2016**

**The States resolved as follows concerning Billet d'État No VII  
dated 2<sup>nd</sup> February 2016**

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

**THE AIRPORT FEES (GUERNSEY AND ALDERNEY) REGULATIONS, 2016**

In pursuance of Section 1 (1)(d) of the Fees, Charges and Penalties (Guernsey) Law, 2007, "The Airport Fees (Guernsey and Alderney) Regulations, 2016", made by the Public Services Department on 21<sup>st</sup> January 2016, were laid before the States.

**THE ELECTORAL ROLL (AVAILABILITY) RULES, 2016**

In pursuance of the powers conferred on it by Article 35 (2) of the Reform (Guernsey) Law, 1948, as amended, "The Electoral Roll (Availability) Rules, 2016", made by the States' Assembly and Constitution Committee on 25<sup>th</sup> January 2016, were laid before the States.

J. TORODE

HER MAJESTY'S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 15<sup>th</sup> DAY OF MARCH, 2016**

**The States resolved as follows concerning Billet d'État No VII  
dated 2<sup>nd</sup> February 2016**

**(adjourned from 8<sup>th</sup> March 2016)**

**EDUCATION DEPARTMENT**

**THE FUTURE STRUCTURE OF SECONDARY AND POST-16 EDUCATION**

I.- After consideration of the Policy Letter dated 8<sup>th</sup> January 2016, of the Education Department:

1. To agree that the current selective admission of students to States' secondary schools and the grant-aided Colleges based predominantly on the 11 Plus examination shall be replaced with effect from September 2019 (for new Year 7 students) by non-selective admission to States' secondary schools based predominantly on a feeder system from primary schools and that the States' secondary schools shall set students by ability as appropriate.
  - 1A. That 11 to 16 education in the States' sector shall be provided in three schools, ideally of a broadly comparable size but in any event of a size capable of securing equality of opportunity for all students
  - 1B. To direct the Committee *for* Education, Sport & Culture to publish by 2017 a policy for the identification and support of the most able, gifted and talented children in Guernsey and Alderney; and the desired outcomes from such a policy, the measurement of those outcomes and any resources required.
  - 1C. To direct the Committee for Education, Sport and Culture to review and publish by December 2017 a policy for managing disruptive behaviour in order that classroom disruption is minimised and those who need extra support to engage in education are accommodated and helped without detriment to the education of others; along with the desired outcomes from such a policy, the measurement of those outcomes and any resources required.
2. To direct that as soon as practicable, but in any event during 2016 or 2017, the Committee *for* Education, Sport & Culture shall submit a policy letter to the States with the capital and revenue implications and recommendations in respect of:

- a) the optimum changes to the education estate which are necessary to give effect to the States' policies contained in Propositions 1 and 1A, provided that the Committee shall first have considered the following options:
    - i) redeveloping a secondary school at La Mare de Carteret; and ceasing 11 to 16 education at Les Varendes and consolidating post-16 education, including sixth form studies and the College of Further Education, at Les Varendes and Les Ozouets; and
    - ii) maintaining 11 to 19 education, i.e. including a sixth form, at Les Varendes; and ceasing 11 to 16 education at La Mare de Carteret.
  - b) any changes to the education estate which are considered necessary in relation to the facilities and services other than the secondary school previously proposed as part of the redevelopment of the site at La Mare de Carteret, e.g. pre-school, primary school, communication and autism centre, enhanced sports facilities and community facilities.
  - c) any changes to the education estate not incorporated in a)i) and ii) above which are considered necessary to develop the College of Further Education, the need for which has been recognised by the States on several occasions and is referred to in that Policy Letter.
  - d) the role, consistent with Proposition 1, of the grant-aided colleges (Blanchelande College, Elizabeth College and The Ladies' College) in the provision of secondary education and detailed proposals for any new funding arrangements with those grant-aided colleges together with the rationale for the quantum of grant-aid recommended.
3. To agree that pending the completion of any capital works approved by the States following their consideration of the policy letter envisaged in Proposition 2, it may be necessary to provide funding both to maintain the existing schools at La Mare de Carteret and to ensure the recruitment and retention of secondary school teachers.
  4. To delegate authority to the Policy & Resources Committee to provide funding from the Capital Reserve and the Transformation and Transition Fund, as appropriate, to the Committee *for* Education, Sport & Culture to allow the Committee *for* Education, Sport & Culture to give effect to Propositions 1, 1A, 2 and 3 and to direct the Policy & Resources Committee to report to the States within six months of any use of this delegated authority.

S. M. D. ROSS

HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 16<sup>th</sup> DAY OF MARCH, 2016**

**The States resolved as follows concerning Billet d'État No VII  
dated 2<sup>nd</sup> February 2016**

**(adjourned from 8<sup>th</sup> March 2016)**

**HEALTH AND SOCIAL SERVICES DEPARTMENT**

**CAPACITY LAW**

III.- After consideration of the Policy Letter dated 16<sup>th</sup> December, 2015, of the Health and Social Services Department:-

1. To approve the proposals set out in that Policy Letter, and specifically to approve:
  - a) the introduction of a general capacity test (sections 3.2-3.4),
  - b) the exclusion from the legislation of the decisions listed in paragraph 3.6.1,
  - c) the introduction of legal protection for decision makers on the basis set out in section 3.7,
  - d) the creation of a criminal offence of wilful neglect and ill treatment (section 3.8),
  - e) the creation of statutory Advance Decisions to Refuse Treatment (section 4.2) and Lasting Powers of Attorney (section 4.3), and
  - f) the introduction of Deprivation of Liberty Safeguards as proposed in section 5.2.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.
3. To note the additional resources required from 2017 to support the implementation of this legislation, which will be prioritised as part of the transformation programme for Health and Social Care.
4. To note the potential impact on the Legal Aid budget, and to direct the Committee *for* Health and Social Care to report to the States of Deliberation on this issue when the implications are clearer and before the legislation is presented to the States for approval.

## SOCIAL WELFARE BENEFITS INVESTIGATION COMMITTEE

### COMPREHENSIVE SOCIAL WELFARE BENEFITS MODEL

IX.- After consideration of the Policy Letter dated 30<sup>th</sup> November, 2015, of the Social Welfare Benefits Investigation Committee:-

1. To agree, subject to funding being available, from January 2017 or as soon as possible thereafter, and subject to indexation as will in due course be proposed by the Committee *for* Employment & Social Security:
  - a. the rent rebate scheme be closed over a transitional period of 3 years;
  - b. the short-term rates and long-term requirement rates for supplementary benefit be as set out in paragraph 87 of that Policy Letter, except that the single non-householder long-term requirement rate shall be £128.63 (instead of £105.16).
  - c. the capital cut off limits for eligibility for supplementary benefit shall be as set out in paragraph 113 of that Policy Letter;
  - d. the provisions in the supplementary benefit legislation concerning assumed income on capital shall be repealed;
  - e. the system of maximum rent allowances within the supplementary benefit system be extended to include maximum rent allowances for families with 1, 2, and 3 or more children at the rates set out in paragraph 126 of that Policy Letter;
  - f. the assumed contribution from a non-dependent adult living in the household of a person receiving supplementary benefit shall be £75 per week;
  - g. a non-householder rent allowance of a maximum £75 per week shall be introduced for non-dependent adults receiving supplementary benefit who are living in the household of another person;
  - h. an extra needs allowance be introduced to the assessment of supplementary benefit, as set out in paragraphs 142 to 152 of that Policy Letter.
2. To direct the Committee *for* Employment & Social Security to report to the States of Deliberation, no later than October 2017, with recommendations for reform of the arrangements for winter fuel allowances to householders receiving supplementary benefit.
3. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

4. To transfer responsibility for implementation, or arranging for implementation, of such of the above propositions to the Committee *for* Employment & Social Security following dissolution of the Social Welfare Benefits Investigation Committee with effect from 1<sup>st</sup> May 2016.

J. TORODE

HER MAJESTY'S GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 17<sup>th</sup> DAY OF MARCH, 2016**

**The States resolved as follows concerning Billet d'État No VII  
dated 2<sup>nd</sup> February 2016**

**(adjourned from 8<sup>th</sup> March 2016)**

**CULTURE AND LEISURE DEPARTMENT**

**AMENDMENTS TO THE VALE COMMONS ORDINANCE 1932 – PROTECTING  
ORGANISED SPORTING AND LEISURE ACTIVITIES ON L'ANCRESSE  
COMMON**

II.- After consideration of the Policy Letter dated 15<sup>th</sup> December, 2015, of the Culture and Leisure Department:-

1. To increase the annual grant payable by the States, acting through the Committee *for the* Environment & Infrastructure, to the Vale Commons Council to £40,000 annually (to be adjusted each year by any rise in RPIX) commencing in 2017 for a period of 25 years, to be applied for the maintenance of the Vale Commons in accordance with the Ordinance relating to the Vale Commons, 1932 as amended, and subject always to compliance by the Council with the conditions of such grant
2. To direct that from 2017 the Policy & Resources Committee shall include in the recommended cash limit of the Committee *for the* Environment & Infrastructure the amount set in accordance with Proposition 1, exclusively for the payment of the annual grant to the Vale Commons Council.
3. To authorise the Culture and Leisure Department and the Environment Department, on behalf of the States, to enter into an agreement settled on the 11<sup>th</sup> of March, 2016 between the Vale Commons Council, L'Ancrese Golf Club, Royal Guernsey Golf Club and Golf Course Management LBG, which agreement includes reference to such grant, contains the conditions of such grant, acknowledges that it does not fetter the discretion of the States in connection with their above decision, the States' Grant nor any other matter, and records that it does not prejudice or affect any of the rights, powers or duties of the States of Guernsey as a legislature, government, regulatory, licensing, permitting or other similar authority.

S. M. D. ROSS

HER MAJESTY'S DEPUTY GREFFIER

## COMMERCE AND EMPLOYMENT DEPARTMENT

### FINANCIAL MEASURES TO MITIGATE THE LIKELY ADVERSE CONSEQUENCES UPON EXISTING MILK DISTRIBUTORS OF THE DAIRY BEING FREE TO SELL MILK AND MILK PRODUCT TO ANY COMMERCIAL CUSTOMER

IV.- After consideration of the Policy Letter dated 17<sup>th</sup> December 2015, of the Commerce and Employment Department:-

1. To agree the payment of ex-gratia payments of financial mitigation to existing milk distributors as set out in the succeeding propositions.
2. To agree that the payments to existing milk distributors shall be determined on the basis of sub-paragraph (h) of paragraph 4.3 of that Policy Letter, namely: - “The distribution mechanism proposed is based on total milk sales and the proportion of the total milk sales revenue that is made by each distributor. This approach weights the allocations, taking into account different business structures - i.e. the proportion of milk sales conducted via doorstep or commercial and wholesale customers - and the different revenues arising from each type of sale.”.
3. To agree that no existing Milk Distributors shall receive payments exceeding £40,000.
4. To note that, as is stated on the KPMG report entitled ‘Financial mitigation for milk distributors’ attached as Appendix 1 to that Policy Letter, the midway point of the difference between the current and future market valuation of existing Milk Distribution businesses is £750,000; and to agree that the aggregate sum paid to all existing Milk Distributors shall be as close as is reasonable possible to, but in any event shall not exceed, £750,000.
5. To agree that the payments to be made to existing Milk Distributors shall be drawn from the existing cash balances of the States Dairy.
6. To note paragraphs 5.6 and 5.7 of that Policy Letter, namely: “Should a financial settlement payment be approved, the Department considers that it is essential that any payments paid to milk distributors are explicitly given on the basis that they are in full and final settlement of all claims in this matter. The Department is advised that distributors wishing to take a settlement should be required to sign an agreement by which they clearly waive their right to seek further damages through civil action.”.
7. To direct the Treasury and Resources Department to administer the payments to existing Milk Distributors as set out in the preceding propositions; and further to direct that every effort must be made to make such payments by no later than 30<sup>th</sup> June 2016.



## HEALTH AND SOCIAL SERVICES DEPARTMENT

### REVIEW OF ADOPTION LAW – SECOND PHASE

V.- After consideration of the Policy Letter dated 16<sup>th</sup> December 2015, of the Health and Social Services Department:

1. To agree that The Adoption (Guernsey) Law, 1960 and all relevant legislation relating to adoption be repealed.
2. To agree that new primary legislation relating to adoption be enacted based, insofar as reasonably practicable, on the provisions of the Adoption and Children Act 2002 including, for the avoidance of doubt, provisions to implement or enable the implementation of the following specific matters and principles:
  - a. that the paramount consideration of public authorities shall be the child's welfare, throughout his or her life (as set out in paragraphs 5.1-5.6);
  - b. that public authorities shall have regard to a child welfare checklist, consistent with that in The Children (Guernsey and Alderney) Law, 2008, to ensure that decision making has regard to appropriate aspects of a child's welfare, in particular avoiding delay in finding permanence (as set out in paragraphs 5.7 – 5.13);
  - c. that adopters must be at least 21 years of age to adopt a child (paragraphs 6.12 – 6.16 refer);
  - d. that adopters must have been habitually resident for at least one year **or** at least one adopter must be domiciled in Guernsey or Alderney (as set out in paragraphs 6.17 – 6.24);
  - e. that in order to qualify for adoption, a child must have lived with the prospective adopter(s) for at least three months prior to the granting of an Adoption Order, or other such time period(s) as the States may prescribe by Ordinance (as set out in paragraphs 7.2 – 7.11);
  - f. that the court should have power to make Placement Orders which, once made, restrict any further opportunity for birth family to contest an adoption save for an exceptional and significant change in circumstances, ahead of the child being placed with prospective adopters (as set out in paragraphs 7.12 – 7.22);
  - g. that consent of the parents to the adoption of their child may be dispensed with if the welfare of the child requires it (as set out in paragraphs 7.23 – 7.29);

- h. that the Health and Social Services Department (and its successor Committee) shall be required to:
- investigate a child's circumstances when notice of intention to adopt is given; and
  - in 'non-notice cases', monitor the child's welfare under private fostering provisions as a child living with somebody who is neither a relative nor has parental responsibility for him;
- i. that the Health and Social Services Department (and its successor Committee) shall be required to discharge or provide the following functions and services:
- maintain an Adoption Panel with an independent chair and specialist advisors;
  - provide information, advice and support to prospective adopters and adoptive families;
  - undertake assessment of children and prospective adopters;
  - provide advice and support to birth families;
  - maintain information relating to adopted children and their birth families; and
  - Any other functions or services as may be prescribed in secondary legislation.  
(as set out in paragraphs 9.3 – 9.6);
- j. that the Health and Social Services Department (and its successor Committee) is enabled to authorise other agencies, besides the Department itself, to provide any of the functions of an adoption agency (as set out in Section 9);
- k. that the provision of an adoption support service be provided to those prescribed by regulations (as set out in Section 10);
- l. that the right is granted to prescribed adopted children and adoptive parents to request an assessment for adoption support services at any time (as set out in Section 10);
- m. that the Health and Social Services Department (and its successor Committee) is required to consider requests for access to information from any person with the paramount consideration being the adopted person's welfare and the wishes of any person named in the records sought. The only person with a right to information being the adopted person (as set out in Section 11);
- n. that the court is empowered to grant a Special Guardianship Order that gives the carer(s) overriding parental responsibility without entirely severing the child's legal relationship with birth parents (as set out in Section 12 refers); and

- o. that suitable provision is included for adoptions with an international element, to comply with the Hague Convention of Inter-Country Adoption, with similar safeguards applied to adoptions from non-Hague countries (as set out in Section 13 refers).
3. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

## **STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

### **CODE OF CONDUCT – SUBMISSION OF REPORTS TO THE STATES**

VI.- After consideration of the Policy Letter dated 14<sup>th</sup> January, 2016, of the States' Assembly and Constitution Committee, to amend Section 34 of the Code of Conduct for Members of the States of Deliberation to delete all the words after the second occurrence of the word "Committee" and replace them with "who, in turn, shall submit that report to the Presiding Officer for inclusion in a Billet d'État with the recommendations of the Panel".

## **SCRUTINY COMMITTEE**

### **LEGACY REPORT FOR THE TERM OF OFFICE MAY 2012 TO APRIL 2016**

VII. - After consideration of the Policy Letter dated 8<sup>th</sup> January, 2016, of the Scrutiny Committee to note the Legacy Report for the term of office May 2012 to April 2016.

## **PUBLIC ACCOUNTS COMMITTEE**

### **LEGACY REPORT FOR THE TERM OF OFFICE MAY 2012 TO APRIL 2016**

VIII.- After consideration of the Policy Letter dated 8<sup>th</sup> January, 2016, of the Public Accounts Committee to note the Legacy Report for the term of office May 2012 to April 2016.

J. TORODE

HER MAJESTY'S GREFFIER