

# **RESPONSES FROM COMMUNITY, BUSINESS AND PROFESSIONAL ORGANISATIONS**

A Supplementary Document to

## **Managing Guernsey's Population**

**The Public Response to the  
Consultation Document**

June 2011



**STATES OF GUERNSEY**

**Population Policy Group**

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POLICY COUNCIL			
DATE REC'D	22 MAR 2011		
ACTION	DPP		
CM	/	HPR	
DCM	/	ECON	
CE	/	SAPD	
DCE	/	SPO	
HIR		SPC	
PEAD		HA	
HHR		MA	



March 21<sup>st</sup> 2011

Dear Sir

Consultation on 'Managing Guernsey's Population'

I am writing to you today in response to the above consultation document on behalf of the 'Association of Guernsey Banks'.

Of course, this document mainly concerns itself with controlling the immigration/emigration of those who currently have no entitlement to residence; and how long those who have residential qualifications could stay off island before losing their rights. It deals with those issues in a clear manner, but does not of course address the wider issue of population control.

Rather than respond via the 'Questionnaire Booklet', I have chosen to simplify our response and only comment where AGB is not in agreement with the point being made.

10b – Objectives of a new Regime

Entrepreneurial business builders need to be encouraged in order to add to the need to diversify the workforce.

15b – Level 2 Employment Permits

Issuing permits for 4 years (in effect reducing from 5), could have a very negative impact on those wishing to come to Guernsey on a temporary basis. From an employers point of view, it is extremely rare for those currently on 5 year licences to complete the full term and typically they start to look for the next role 2 years or so before they have to leave.

We believe that a 4 year licence would in effect become 3 and given the expected lower levels of productivity at the start and end of that period of employment, the benefit to the employer may be around 2 ½ years of optimum performance – which isn't much.

A consequence of the global banking crisis seen over the past 3 years has been a decline in the number of participants in our sector (from over 50 to 36); together with a 15% fall in actual staff employed over the past 5 years. Making it less attractive to come to Guernsey and thereby more difficult to recruit from outside the Island will only encourage group level decision makers to look elsewhere.

There seems no logical reason to reduce this timeframe from 5 years.



**15h – Other Comments**

Built within the approval process to extend an individual's permit up to the 'first milestone' and in effect provide permanent residency, needs to be a component which recognizes the financial contribution to Guernsey of the employer. That could be in the form of direct taxation in the case of a Bank, or indirectly by enlarging or upskilling the workforce; or both.

The Jersey methodology seems to include this flexibility. Many Banks have offices in both islands and there is a risk that over time senior roles and top talent gravitates from Guernsey to Jersey where individuals then acquire multi jurisdictional responsibilities and control.

**18b – Residence Permits: Uncontrolled Properties (Open Market)**

Consideration for a minimum amount of tax to be paid should be considered.

I hope you find our response of some help.

Yours truly,

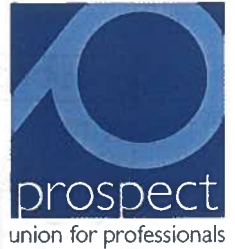


Stephen Watts

Chairman – Association of Guernsey Banks  
Managing Director, EFG Private Bank (Channel Islands) Ltd



ASSOCIATION OF  
GUERNSEY CIVIL  
SERVANTS



Advocate Elizabeth Dene  
Senior Executive Officer  
Policy Council  
The States of Guernsey  
Frossard House  
La Charroterie  
St Peter Port  
GY1 1FH

8<sup>th</sup> June 2011

Dear Advocate Dene,

**Ref:** Population Policy Group's Consultation – AGCS response.

I have been asked by the Executive Committee of the Association to thank you for the opportunity to comment on the Population Policy Group's consultation document and to confirm their agreement that their response is published in full in your feedback report.

I understand that you have already received the Association's response.

Yours sincerely

Simon G Wood  
*Executive Officer*

AGCS Answers to PPG Questionnaire  
April 2011

- 10a yes  
10b N/A  
10c N/A
- 11a Yes  
11b Yes  
11c N/A
- 12a Yes  
12b Yes  
12c Yes  
12d Does this mean that the new regime will be a “stand-alone” States Department?
- 14a Yes  
14b N/A  
14c Yes  
14d Yes  
14e Yes  
14f N/A  
14g N/a  
14h Yes  
14i Yes  
14j Yes but only for those in employment  
14k Yes  
14l N?A
- 15a Yes  
15b Generally yes, but we can see claims for extensions for over four years e.g. projects over-run  
15c Yes  
15d Yes  
15e How flexible will the new regime be in cases where an employee has left employment at very short notice and need to be replaced quickly?  
15f Yes  
15g Yes  
15h N/A
- 16a Keep the status quo  
16b Yes  
16c Yes  
16d Yes  
16e Except in unusual circumstances  
16f Yes  
16g N/A
- 17a Yes  
17b Yes  
17c This section is necessary to prevent States Departments circumventing the law
- 19a Yes  
19b Yes but there may have to be evidence based finding, possibly with an outside agency e.g. MAPPA

AGCS Answers to PPG Questionnaire  
April 2011

19c N/A

20a Yes

20b Yes

20c There are approx 1600 Essential Licence holders on the Island. If all took up the option to live in Local Market accommodation, this would take up approx 6.7% of Local Market stock.

20d Key Worker exemption

20e N/A

20f N/A

21a The problem here is that children of different nationalities are criminally responsible at different ages.

21b N/A

21c N/A

22a Yes

22b Yes

22c Yes

22d N/A

22e N/A

23a Yes

23b N/A

24a Yes

24b N/A

25a Only if the other Islands adopt the same regime.

25b N/A

Deputy Bernard Flouquet  
Chairman  
Population Policy Review Committee  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey  
GY1 1FH

POLICY COUNCIL			
DATE REC'D	03 MAY 2011		
ACTION	DPP		
CM	✓	HPR	
DCM	✓	ECON	
CE	✓	SAPD	
DCE		SPO	
HIR		SPC	
PEAD		HA	
HHR		MA	

28<sup>th</sup> April 2011

Dear Deputy Flouquet

### Population Policy Review

The Association of School and College Leaders, the professional body that represents the vast majority of the Senior Leaders of Guernsey 11-18 Schools, has grave concerns regarding the impact the proposals contained within the Population Policy Review will have on our ability to attract and retain quality staff and ultimately continue to provide a first rate education system for the young people of the Bailiwick.

Within the current Housing Policy the issues of recruitment and retention of staff to provide the best quality education for our young people has been emphasised in recent years. The impact of high calibre staff being required to leave our schools when students half way through their examination courses has led to a lack of continuity for our young people at a critical stage in their education. Within the current minimum five year licence term it is shown that staff rarely remain on island for the full five year term resulting in higher levels of staff turnover than experienced in UK schools. A reduction in the period of time that non-local teachers are able to work at our schools will make it harder to recruit the best staff and necessitate them to begin seeking further employment after only two years. This will produced even less continuity and greater disruption for students at a critical stage in their examination courses. The ultimate effect of this discontinuity will be to affect the grades that our young people will be able to achieve, the outcomes our schools are able to achieve and their ability of our students to gain entry to the Further and Higher Education establishment of their choice.

At a time when the States is charged with using resources more efficiently and reduce costs we are surprised that a policy that will increase by a minimum of 25% the costs of recruitment and relocation is being considered. The reduction in the period of time that non-local teachers are employed within our schools will require the Education Department to recruit staff more frequently.



The impact will be to significantly increase the costs of advertising, interviewing and relocation for posts in our schools. These costs are currently a considerable element of the Education Department budget and as a result of the proposed policy the demand on the department budget of these costs will increase significantly. With the States currently looking to reduce the spending of all departments a policy that increases this element of the Education Department budget will result in an even greater reduction in other elements of the budget and ultimately impact upon the quality of education that can be provided for the young people of the Bailiwick.

The purpose of this proposed policy is to provide employment opportunities for locals. Our view is that policy will be counter-productive as the impact will be produce lack of continuity in the education of our students by reducing our capacity to recruit the highest calibre teachers. The impact will be to reduce our ability to provide the highest quality education and ultimately to produce a work force that is able to maintain an island economy to ensure future prosperity.

As an association we urge you and the Policy Review Committee to seriously consider and review the impact the proposals contained within the policy document will have in providing the highest standards of education for the young people of the Bailiwick and ultimately produce a workforce that is able to the future guarantee continued economic prosperity for the island.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A King', written in a cursive style.

Adrian King  
Chairman

Natasha Keys  
Policy Council  
Sir Charles Frossard House  
Charroterie  
St Peter Port  
GY1 1FH

24<sup>th</sup> May 2011

Dear Natasha,

Further to our discussions on this, please find below Chamber's response to the Consultation.

As you know our main focus in the Consultation has been to encourage as many of our members as possible to respond. Because Chamber's membership is so large and diverse, our own response is inevitably quite succinct. It addresses just the issues where we feel we can make a representative response on behalf of the whole of Chamber, and we hope that this will be useful to you.

- Chamber considers that the Level 2 and 3 permits need to be for five and eight years respectively rather than the four and seven year periods that have been suggested.
- The Open Market is of vital importance to Guernsey and the retention of the existing system is strongly supported. Chamber would welcome an early and high level commitment to the retention of the Open Market in its present form.
- The proposed Advisory Panel that will determine which occupations qualify for which types of permit needs to have diverse membership. Chamber would like to be consulted on and involved in its formation.
- Population management needs to be considered within the context of a States overall strategy, including a consideration of what population levels should be, and this matter should be considered as an urgent priority.
- **Retention of residency rights:** Chamber considers it essential that qualified residents should always retain a right to return to Guernsey after a period of absence, even a lengthy one. Businesses need staff to be able to work in the UK / overseas to gain essential skills and experience, and they must not be deterred from doing this by a concern that they will lose their Guernsey residential qualifications.
- **Criminal record checks:** Whilst Chamber can see the benefits of having these for all new residents, our understanding is that there are some practical difficulties in obtaining them from some jurisdictions. Also that other jurisdictions simply do not provide them at all. Requirements on employers for these checks therefore need to be flexible and applied reasonably and appropriately.

POLICY COUNCIL			
DATE REC'D	21 JUN 2011		
ACTION	DRP		
CM	✓	HPR	
DCM	✓	ECON	
CE	✓	SAPD	
DCE	✓	SPO	
HIR		SPC	
PEAD		HA	
HHR		MA	



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- **Statutory Official:** Chamber supports the proposal that this Office be created as it should remove political influences from the decision-making process, and should improve the speed and consistency of decision-making.

Yours Sincerely

A handwritten signature in black ink that reads "David Thompson". The script is cursive and fluid.

David Thompson  
Head of Population Sub Group  
Guernsey Chamber of Commerce



CHANNEL ISLANDS GROUP OF

# Professional Engineers

Allan Le Feuvre  
CIGPE Group Chairman  
c/o Guernsey Electricity Ltd  
Electricity House  
Northside, Vale  
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The Population Policy Group  
Sir Charles Frossard House  
La Charroterie  
St. Peter Port  
Guernsey  
GY1 1FH

27<sup>th</sup> April 2011

Dear Sir/Madam

**Channel Island Group of Professional Engineers (CIGPE) – Population Strategy Consultation**

First of all we would like to thank you again for giving CIGPE the opportunity to meet with key members of the PPG to discuss our concerns.

As discussed in the meeting on 24<sup>th</sup> March, we would like to raise a number of points on behalf of CIGPE's membership:

1. CIGPE members felt that the Open Market - Part A is largely self regulating due to the limited number of properties available. Provided that the number of properties is controlled correctly, there is no reason to change the set-up of this sector.
2. Our members have suggested limiting the number of people living in Open Market Type B and Type D accommodation in line with the size of property.
3. The proposed level 2 work permit duration of 4 years is insufficient. It is very costly, time-consuming, disruptive and generally difficult to recruit, relocate and retain highly specialized staff. This is especially the case in the field of 'Professional Engineering'. The most capable/qualified people will be in a position to choose from a number of employers and cutting the permit time from 5 years to 4 would be a reduction in the package we can offer in Guernsey.

We are of the opinion that either the 4 year period is increased (ideally to 6 years) or that a mechanism is put in place by which – if the position remains on the level 2 permit list – the employer has an option to obtain a permit extension for another 2 years.

CIGPE fully understands the PPG's concerns of challenges on the grounds of Human Rights legislation, but we believe that Guernsey would benefit from retaining highly specialized professionals for 6 years, rather than replacing them every 4 years.

4. Work permits should (as is the case now) be closely linked with a particular company. Concerns were noted that under the new proposals employers would not have the security offered by a company related permit.
5. The new regime should be capable of providing regular population statistics including the number of young local people who do not return from attendance at services which are not available on-Island such as university education. Measures should be taken to attract qualified young Guernsey people back to the Island.
6. With regard to the 'right to return' of qualified residents, our members felt that an individual who has spent a significant part (7-14 years), of their childhood in Guernsey should not lose the right to return to the Island.

CIGPE represents the engineering community in Guernsey and has a wide membership across a multitude of industries. If you would like to involve the engineering community in a future consultation, please do not hesitate to contact a member of the CIGPE Committee.

Yours faithfully



Allan Le Feuvre  
Chairman  
Channel Islands Group of Professional Engineers

## RESPONSE FROM THE CONFEDERATION OF GUERNSEY INDUSTRY

### 10 - OBJECTIVES OF A NEW REGIME

Q10a	Do you agree with the objectives as described in paragraph 10.1 above? If not, which do you disagree with and why?
Yes	
Q10b	Are there any other objectives, not covered by those listed above, which you believe that the new regime should be aiming to achieve? If so, please describe them.
Yes	
More emphasis should be placed on developing and adopting a skills strategy for the island's workforce to reinforce its importance in population control. ie:ensuring an adequate on island talent pool is available instead of relying on off island recruiting.	
Q10c	Are there any further comments that you wish to make in relation to what is covered in Section 10 of this Consultation Document? Please provide us with those comments.

### 11 - LEGISLATIVE AND POLICY FRAMEWORK

Q11a	Do you agree that population management policies should be determined by reference to the strategic objectives of the States? If not, how do you think they should be determined?
Yes	
Very important to link this to advice and input from private sector businesses.	
Q11b	Do you agree that population management policies should be published and made available to the general public? If not, why?
Yes	
Q11c	Are there any further comments that you wish to make in relation to what is covered in Section 11 of this Consultation Document? Please provide us with those comments.

### 12 - POLITICAL AND ADMINISTRATIVE RESPONSIBILITY

Q12a	Do you agree that political responsibility for the new regime should rest with a Sub-Committee of the Policy Council? If not, what alternative would you propose?
Yes	
Q12b	Do you agree that a Statutory Official should be established who would be responsible for day-to-day decisions under the new regime? If not, who do you think should have this responsibility?
Yes	
It is very important to have someone with the right skills for this post. Clearly defined mandate is critical and non political affiliation is a given	
Q12c	Do you agree that an Advisory Panel, with members drawn from the community, would be a useful source of independent expertise to advise the Sub-Committee and the Statutory Official? If not, why?

Yes
This body should have "teeth" to ensure that its input is taken on board. The make-up of individuals on this panel has to be clearly thought out. Also, it should not be a job for life for members and an appropriate term should be determined.

Q12d	Are there any further comments that you wish to make in relation to what is covered in Section 12 of this Consultation Document? Please provide us with those comments.
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#### 14 - PERMITS FOR LONG TERM RESIDENCY

Q14a	Do you agree that a continuous period of residence of 7 years represents a reasonable point at which somebody should reach the first milestone and therefore be able to reside in the Island permanently if they so choose?
Yes	

Q14b	If no to Question 14a, what period between 5 and 8 years do you feel would be more reasonable? Can you explain your reasons?

Q14c	Once someone has reached the first milestone and acquired a Permanent Residence Permit (but has not yet become a Qualified Resident), do you agree that they should not have the right to return to Guernsey after a period of absence? If not, why?
No	Some flexibility needed here....if a person is transferred off island to gain additional training with a view to returning to the island with better skills, this perhaps should be allowable providing the employer discusses it with the statutory officer ahead of the transfer.

Q14d	Do you agree with the proposal that somebody should reach the second milestone and acquire the status of Qualified Resident after a continuous period of residence of 14 years? If not, after what period of time would you propose?
Yes	

Q14e	Do you agree with the proposal that individuals should reach the second milestone and acquire the status of Qualified Resident after the same period of continuous residence regardless of the circumstances of the individual concerned? If not, what circumstances do you believe should make a difference and why?
Yes	

Q14f	Once someone has reached the second milestone and become a Qualified Resident, do you agree that they should have the automatic right to return to Guernsey if they choose to move away at some point? If not, why?
Yes	

Q14g	If yes to Question 14f, do you believe that they should lose that automatic right to return if their period of absence is significant? If so, after what period of absence do you think that right should be lost? Why?
	This should be added to the above...a time limit of more than 5 years but less than 10 should apply.

Q14h	Do you agree that any existing Qualified Resident who is not currently resident in the Island, but who decides to return in the future, should be required to obtain a Qualified
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	Resident Certificate for the purposes of monitoring? If not, can you explain your reasons?
Yes	

Q14i	Do you agree that any existing Qualified Resident who is, or wishes to be, employed in the Island, should be required to obtain a Qualified Resident Certificate? If not, can you explain your reasons?
Yes	

Q14j	Do you believe that existing Qualified Residents, who are not currently required to obtain any document under the current regime (e.g. those who are not, and do not intend to be, in employment), should be required to obtain a Qualified Resident Certificate for the purposes of monitoring? Please explain your reasons.
Yes	
This is the only way to determine the population level in the island without using a census survey.	

Q14k	Do you agree with the proposed list describing those periods of time spent off Island which will be considered to be "ordinary residence"? If not, which do you disagree with and why? Are there any additions that you believe should be made to the list?
Yes	

Q14l	Are there any further comments that you wish to make in relation to what is covered in Section 14 of this Consultation Document? Please provide us with those comments.

## 15 – EMPLOYMENT PERMITS

Q15a	Do you agree with the proposals set out in paragraphs 15.5 and 15.15 – 15.18 for issuing Level 1 Employment Permits? If not, can you explain your reasons?
Yes	

Q15b	Do you agree with the proposals set out in paragraphs 15.7 – 15.10 and 15.19 – 15.22 for issuing Level 2 Employment Permits? If not, can you explain your reasons?
No	Some flexibility has to be shown here. Some professional groups will be put at a competitive disadvantage, such as the accounting profession as there is a disparity between what is proposed and what is in use in Jersey. If the Skills strategy determines a real need in a particular profession, then longer term permits must be allowed at least until the need is alleviated by on island training.

Q15c	Do you agree with the proposals set out in paragraphs 15.12 and 15.23 – 15.28 for issuing Level 3 Employment Permits? If not, can you explain your reasons?
No	The 3 year cap will be very difficult to deal with in the growing industry, particularly where training of an individual has led to them being promoted to a supervisory level. It is difficult to get local staff to stay in these positions for any length of time and foreign workers are often better suited to supervising their countrymen. It will be expensive to train up new people just to lose them in 3 years.

Q15d	Do you agree with the proposed application process as detailed in paragraphs 15.33 – 15.40? If not, can you explain your reasons?
Yes	

Q15e	Do you agree that holders of Employment Permits should be able to apply to change job,
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# STATES OF GUERNSEY

## Managing Guernsey's Population: a Consultation Document

	as long as the new post is also identified in the published policies as one which will attract an Employment Permit? If not, can you explain your reasons?
Yes	

Q15f	Do you agree that anyone who has been issued with an Employment Permit should be able to hold more than one job if they are content to do so? If not, can you explain your reasons?
Yes	

Q15g	Do you agree with the proposals for the issuing of subsequent permits as detailed in paragraphs 15.51 – 15.57? If not, can you explain your reasons?
No	
	Again, some flexibility needs to be given as mentioned previously for the same reasons

Q15h	Are there any further comments that you wish to make in relation to what is covered in Section 15 of this Consultation Document? Please provide us with those comments.

### 16 - RESIDENCE PERMITS – FAMILY CONNECTIONS

Q16a	Do you agree with the proposed definition of immediate family members as defined in paragraph 16.5? If not, why? Who would you define as an Immediate Family Member?
Yes	

Q16b	Do you agree that the holders of Level 1 and Level 2 Employment Permits should be able to accommodate certain immediate family members, as defined in paragraph 16.5, within their household? If not, can you explain your reasons?
Yes	

Q16c	Do you agree that the holder of a Level 3 Employment Permit should not be able to accommodate certain immediate family members? If not, why?

Q16d	Do you agree that the holders of Permanent Residence Permits and Qualified Residents should be able to accommodate certain immediate family members as defined in paragraph 16.5 within their household? If not, why?

Q16e	Do you agree that immediate family members should be required to continue to live within the household of the individual with whom they have the close relationship until that Family Member becomes a Qualified Resident? If not, can you explain your reasons?

Q16f	Do you agree that every individual who is currently permitted to live in the Island under the existing provisions for “members of a household” should be required to obtain a Temporary Residence Permit under the new regime? If not, why?
Yes	

Q16g	Are there any further comments that you wish to make in relation to what is covered in Section 16 of this Consultation Document? Please provide us with those comments.

### 17 - RESIDENCE PERMITS – UNCONTROLLED PROPERTIES (STATES OWNED)

Q17a	Do you agree that any individual living in States owned properties should be subject to the same requirements as any other member of the community with regards to their requirement to obtain the relevant Permit? If not, why?

Q17b	Do you agree that the States, as an employer and a landlord, should be subject to the same population management requirements as any other employer or landlord in the Island? If not, can you explain your reasons?

Q17c	Are there any further comments that you wish to make in relation to what is covered in Section 17 of this Consultation Document? Please provide us with those comments.

### 18 - RESIDENCE PERMITS – UNCONTROLLED PROPERTIES (OPEN MARKET)

Q18a	Do you believe that there should be provision in the new regime to allow an individual to live in the Island for any reason other than being a Qualified Resident, filling a skill or manpower shortage or having a close family connection? If so, for what reasons and why?
Yes	
Wealth creators contribute significantly to the island economy not the least of which would be entrepreneurial activities as well as providing seed capital and expertise advice to budding local entrepreneurs.	

Q18b	If yes to Question 18a, and if you have listed any which relate to economic contribution, do you believe that there should be a minimum level of contribution in order to be eligible to live here? Can you explain your reasons?
Yes	

Q18c	Do you believe that the size of the Open Market population is sufficiently well managed due to the fact that there are only a limited number of properties available?
Yes	

Q18d	Do you believe that it would be appropriate to place restrictions on who can be accommodated within a Part A Open Market property? If so, what restrictions would you propose and why?
Yes	
Only wealth creators should be permitted to live in this category	

Q18e	Are there any further comments that you wish to make in relation to what is covered in Section 18 of this Consultation Document? Please provide us with those comments.

### 19 - UNFORESEEABLE CHANGES IN CIRCUMSTANCES

<b>Q19a</b>	Do you agree that policies should be made public regarding what options might be available to Permit holders should they suffer an unforeseen change in their circumstances? If not, why?

<b>Q19b</b>	Do you agree with the proposed course of action described in each of the circumstances listed above? If not, which do you disagree with and why?

<b>Q19c</b>	Are there circumstances, other than those set out in this section, which you think should be covered under a clear and published policy? If so, please describe them and explain your reasons.

<b>Q19d</b>	Are there any further comments that you wish to make in relation to what is covered in Section 19 of this Consultation Document? Please provide us with those comments.

## 20 - RESTRICTING WHERE AN INDIVIDUAL CAN LIVE

<b>Q20a</b>	Do you agree that provision should be included within the new regime to prevent Level 3 Employment Permit holders from living independently? If not, can you explain your reasons?
Yes	

<b>Q20b</b>	Do you agree that, in general, there should be no restriction on where the holders of Level 1 and Level 2 Employment Permits may live? If not, what justification do you have?
No	
Bottom end of the local market should be restricted to local residents only.	

<b>Q20c</b>	If yes to Question 20b, do you agree that there should be some provision for the Statutory Official to restrict where the holders of Level 1 and Level 2 Employment Permits can live, where there is an identified need to protect specific parts of the housing market for those Qualified Residents and existing licence holders who most need them? If not, why?
Yes	

<b>Q20d</b>	If yes to Question 20c, do you agree that any restrictions placed on where the holders of Level 1 and Level 2 Employment Permits can live should be aimed at protecting the lower quartile of the housing market? Are there other objectives which you think such restrictions could be aimed at achieving?

<b>Q20e</b>	Do you believe that any of the "other options" outlined in paragraphs 20.23 – 20.38 provide any advantage over any of the others? Can you explain why?

<b>Q20f</b>	Are there any further comments that you wish to make in relation to what is covered in Section 20 of this Consultation Document? Please provide us with those comments.
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## 21 - CRIMINAL CONVICTIONS

Q21a	Do you agree that criminal conviction checks should be included as part of the application process for a Permit to live in Guernsey? If not, why?
Q21b	If yes to Question 21a, do you agree that criminal conviction checks should apply to everybody requiring a Permit, regardless of their circumstances? If not, who do you think should be exempt and why?
Q21c	Are there any further comments that you wish to make in relation to what is covered in Section 21 of this Consultation Document? Please provide us with those comments.

## 22 - OTHER CONDITIONS

Q22a	Do you agree that there should be no maximum age restriction for Employment Permit holders, but that this should be built into the new regime as a condition which could be applied at some point in the future, if there is a legitimate reason for doing so? If not, can you explain why?
Q22b	Do you agree that employment options for family members should remain unrestricted within the new regime? If not, why?
Q22c	Do you agree that it would be inappropriate for the population management regime to define who can and cannot have access to certain public services? If not, can you explain your reasons?
Q22d	Are there any other conditions which you believe should be applied to certain groups of people in order to benefit the Island in general? If so, which conditions should be applied to whom, and for what reasons?
Q22e	Are there any further comments that you wish to make in relation to what is covered in Section 22 of this Consultation Document? Please provide us with those comments.

## 23 - ESTABLISHING AN APPEALS REGIME

Q23a	Do you agree that an applicant should be able to appeal against a decision of the Statutory Official to an independent Appeals Tribunal? If not, what appeal mechanism would you propose?
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Yes	

Q23b	Are there any further comments that you wish to make in relation to what is covered in Section 23 of this Consultation Document? Please provide us with those comments.

## 24 - OFFENCES AND SANCTIONS

Q24a	Do you agree that a combination of civil and criminal sanctions should be adopted as part of the enforcement regime? If not, why?

Q24b	Are there any further comments that you wish to make in relation to what is covered in Section 24 of this Consultation Document? Please provide us with those comments.

## 25 - OTHER ISLANDS OF THE BAILIWICK

Q25a	What are your views on how the other islands of the Bailiwick, and the residents of those islands, should be integrated with the new population management regime?

Q25b	Are there any further comments that you wish to make in relation to what is covered in Section 25 of this Consultation Document? Please provide us with those comments.

Fort George Estate Company Limited

9<sup>th</sup> February 2011

Deputy Bernard Flouquet  
Chairman of the Population Policy Group  
The States of Guernsey  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
GY1 1FH

POLICY COUNCIL			
DATE REC'D	14 FEB 2011		
ACTION	PP		
CM	/	HGB	
DCM	/	POHC	
CE		HHR	
DCE		REAO	
COT&R		DOC	
ERPLA		GAO	
HPR			

All correspondence to:  
PO Box 44  
Admiral Park  
St Peter Port Guernsey  
GY1 3BG

Dear Sir,

I am writing to you in my capacity as Chairman of Fort George Estate Company Limited and on behalf of the residents of Fort George, comprising 125 houses listed on Part A of the Register (Open Market). Some of us are currently suffering severe financial and other distress due to the uncertainty caused by the States PPG review which has now blighted this sector of the Guernsey property market. As we are sure you are aware, the Open Market has been seriously compromised, despite the qualified reassurances given publicly by you and other senior deputies.

We are of the opinion that it would be unlawful for the States to interfere with the rights enjoyed by the Open Market sector. In fact, your publication, "The Development of the Open Market", states;

*"The Housing Authority also considered whether the size of the Open Market should be contracted and noted that, although such a move would increase the number of Local Market houses, it did not believe it was possible to legislate to remove Open Market designation from existing registered properties."*

Therefore, we suggest that the States take immediate action on completion of the consultation process to confirm there will be no change to the Open Market housing sector (now or in the future) in order to restore faith in Guernsey as a viable destination for wealthy individuals, who, contrary to the analysis portrayed in your review document, contribute substantially to the economy of this island.

Yours faithfully,



Mark A Graves  
Chairman  
Fort George Estate Company Limited



**GUERNSEY ASSOCIATION OF ROYAL NAVY  
& ROYAL MARINES**

Patron, His Excellency The Lieutenant Governor, Vice Admiral Sir Fabian Malbon. KBE  
Member of the Association of Guernsey Charities No. 236

Formed in 1947

23 March 2011

The Population Policy Group,  
States of Guernsey,  
Sir Charles Frossard House.

Dear Sirs,

The Guernsey Association of Royal Navy and Royal Marines have seen a copy of the Royal British Legion's submission on behalf of all ex Servicemen in Guernsey and support fully its recommendations.

The Association would add that adoption of these recommendations by the States of Guernsey would remove the discrimination currently experienced by the children of some ex Servicemen especially those officers and men who have served a full career of 35 years. It would also align Guernsey with the Housing Law of our sister island, Jersey.

We think it is important to remember that Guernsey men and women have served their country in every conflict since World War Two, from Korea to Iraq, and are continuing to do so in Afghanistan. The Association believes that members of the States of Deliberation should be cognizant of this service.

*John Voute*  
*P.A. Voute*

(Captain P.A. Voute CBE Royal Navy),  
President of GARNRM.

POLICY COUNCIL			
DATE REC'D	24 MAR 2011		
ACTION	DP		
CM	/	HPR	
DCM	/	ECON	
CE	/	SAPD	
DCE	/	SPO	
HIR		SPC	
PEAD		HA	
HHR		MA	

**From:** Jon Heaume [REDACTED]  
**Sent:** 30 March 2011 21:29  
**To:** Population and Migration Questionnaire Email  
**Subject:** GAT Response: Population Review  
**Attachments:** Population Consultation - GAT Response.xlsx

Dear Sirs

Attached is the response of the Guernsey Association of Trustees, to the Population Review Consultation.

In addition six specific questions were asked of GAT members, and the responses are given below.

Please feel free to ask for any additional explanations by email to [jonheaume@hotmail.com](mailto:jonheaume@hotmail.com) if you wish.

Yours faithfully  
 J Heaume

#### SIX QUICK QUESTIONS:

1. Should GAT press for Level 2 Employment Permits, to be for 5 years rather than 4? Definitely, with 4 year licenses people leave after 3 years, bad for continuity a teacher and nurse problem as well.

2. Are members content that the training and skill acquisition after a period of up to 4 years under a Level 2 Employment Permit should be lost (apparently many such people move on to Jersey to take up permanent posts there). In other words should it be possible to upgrade a Level 2 Permit to a Level 1 Permit AT THE INSTANCE OF THE EMPLOYER, without the Statutory Official having any say in the matter? That would be a big advantage. On balance GAT members feel that a case should be made by the employer to the Statutory Official, but that it should be possible to retain skills rather than waste them and have to start all over again trainign another person. Either way, it is one member of the population, whether the same person stays or another perosn takes his/her place. The difference is, of course, that the 7 year clock gets reset to zero.

3. Are members content that after 7 years with a Level 1 Employment Permit, there is no further requirement to contribute to the Island's economy or welfare, and so long as the individual doesn't go "absent" he/she can stay for ever, occupying a house that could have been occupied by someone who needs to work? GAT members do not like this but we do not believe a major issue majority who stay would continue working/contributing to the island.

4. If members are seeking an Employment Permit for a potential employee, are they likely to seek Level 1 Permits (7 years) every time? To do so, members will need to satisfy the Statutory Official that the issue of the Permit addresses "persistent and enduring skills shortages where it is unlikely that those skills will be easily sourced, either on Island or globally, in the foreseeable future". Depends how difficult to obtain Level 1 as compared to Level 2 but probably would go for Level 1. However, one might expect that a Level 1 Permit will become a rarity.

5. When applying for a Level 2 Employment Permit are members content to have to satisfy the Statutory Official that the post is one:  
 (i) Where the post requires specific skills which are not available in Guernsey, but where that skills shortage is likely to be able to be met in the foreseeable future; or  
 (ii) Where the skills required are held by Qualified Residents or Residence



Permit holders, but the number of people resident in Guernsey with those skills is insufficient to fill the total number of posts requiring a similar or identical skill set. Yes to both

6. Are members content with the Employment Permit application process? Are you happy that the only posts available for Employment Permits will be published in a list? And that this list may change from time to time? While it may be useful to have a list of the common acceptable posts, posts should not be confined to what is on the lists. Other applications need to gain approval by their own merits. Cannot cover everything on the list, there will be one offs.

Jon Heaume  
[REDACTED]

Chairman  
Guernsey Association of Trustees  
Guernsey  
[REDACTED]

Q#	Question	Summary	GAT Response
<b>10</b>	<b>OBJECTIVES</b>		
10a	Do you agree with the objectives as described in paragraph 10.1 above? If not, which do you disagree with and why?	<i>Effective, legally robust, compliant with Human Rights, in keeping with States Strategic Plan, give States right to respond to changing circumstances without changing legislation, avoid complexity and bureaucracy, readily yield statistics, transparent</i>	Yes
10b	Are there any other objectives, not covered by those listed above, which you believe that the new regime should be aiming to achieve? If so, please describe them.		Encourage "Rentiers" so long as they DO bring wealth to the Island
10c	Are there any further comments that you wish to make in relation to what is covered in Section 10 of this Consultation Document? Please provide us with those comments.		
<b>11</b>	<b>LEGISLATIVE AND POLICY FRAMEWORK</b>		
11a	Do you agree that population management policies should be determined by reference to the strategic objectives of the States? If not, how do you think they should be determined?	<i>A new regime will need to be established in law, but it will be "driven" by policies set by the States. Those policies will be responsive to the Island's needs as they change over time and the policies will be made public to ensure that the system is transparent.</i>	Yes
11b	Do you agree that population management policies should be published and made available to the general public? If not, why?		Yes
11c	Are there any further comments that you wish to make in relation to what is covered in Section 11 of this Consultation Document? Please provide us with those comments.		
<b>12</b>	<b>POLITICAL AND ADMINISTRATIVE RESPONSIBILITY</b>		
12a	Do you agree that political responsibility for the new regime should rest with a Sub-Committee of the Policy Council? If not, what alternative would you propose?	<i>Setting policy will be the political responsibility of the States. A new Statutory Official will administer the population management regime in accordance with policy directions from the States.</i>	Yes
12b	Do you agree that a Statutory Official should be established who would be responsible for day-to-day decisions under the new regime? If not, who do you think should have this responsibility?	<i>As is the case with States Income Tax and States Social Insurance departments.</i>	Yes
12c	Do you agree that an Advisory Panel, with members drawn from the community, would be a useful source of independent expertise to advise the Sub-Committee and the Statutory Official? If not, why?		Yes
12d	Are there any further comments that you wish to make in relation to what is covered in Section 12 of this Consultation Document? Please provide us with those comments		

13	<b>SYSTEM OF PERMITS</b> Employment permits	<p><i>Employment Permits will be issued for those who are permitted to live in the island for employment reasons. There will be different types of Employment Permit with different conditions attached to them, including conditions on which posts and Individuals would be eligible to receive them and restrictions on the period of time for which the Permit holder can continue to live in the island.</i></p>	
	Residence permits	<p><i>Residence Permits will be issued for those who are permitted to live in the island for reasons other than their employment. There will be different types of Residence Permit depending on the length of time which the Individual is permitted to live in Guernsey.</i></p>	
	<p>This section of the document is simply designed to introduce the concept of an Employment and Residence Permit based system. Discussion of who may require a Permit, the various conditions that might be associated with such permits and options associated with long term residency are covered in the sections 14 – 22 of this document. For this reason, consultation questions related to the Permit system are contained in each of those relevant sections.</p>	<p><i>It could be argued that in order to be able to effectively manage the size and make-up of the island's entire population, everybody who is permitted to live on the island should be required to obtain some form of Permit. However, requiring everybody to obtain a Permit would be a substantial administrative undertaking. It would also be a radical departure from the situation as it stands today and may therefore, in some instances, represent a cultural shift which the public find difficult to accept.</i></p> <p><i>It is proposed that certain groups of people will not need to obtain a Permit. These will include tourists; those in the island for very temporary periods of employment e.g. entertainers; and people who are required to come to the island to work for short periods on an intermittent basis.</i></p>	<p>Could damage the Open Market</p>
14	<b>PERMITS FOR LONG TERM RESIDENCY</b>	<p><i>Present system is too complex and may not be Human Rights compliant. An Individual who has lived continuously and lawfully in Guernsey for 7 years will have reached the first milestone. They will acquire the right to continue living in Guernsey permanently if they so choose and will be issued with a Permanent Residence Permit. (Open Market Residents are considered separately, in Section 18.)</i></p> <p><i>An Individual who has lived continuously and lawfully in Guernsey for 14 years will have reached the second milestone. They will be defined as a Qualified Resident and will be issued with a Qualified Resident Certificate. (Open Market Residents are considered separately, in Section 18.)</i></p> <p><i>Resident Certificate. Views on whether this requirement should extend to all existing residents are sought as part of this consultation.</i></p> <p><i>In specific circumstances, certain periods of time spent off-island will be considered in the same way as if the individual had been resident in the island during that period, e.g. time spent in full time education.</i></p> <p><i>In certain circumstances, existing residents would have to obtain some form of Permit or Qualified Resident Certificate. Views on whether this requirement should extend to all existing residents are sought as part of this consultation.</i></p>	
14a	Do you agree that a continuous period of residence of 7 years represents a reasonable point at which somebody should reach the first milestone and therefore be able to reside in the island permanently if they so choose?	<p><i>In specific circumstances, certain periods of time spent off-island will be considered in the same way as if the individual had been resident in the island during that period, e.g. time spent in full time education.</i></p>	Yes

14b	If no to Question 14a, what period between 5 and 8 years do you feel would be more reasonable? Can you explain your reasons?		
14c	Once someone has reached the first milestone and acquired a Permanent Residence Permit (but has not yet become a Qualified Resident), do you agree that they should not have the right to return to Guernsey after a period of absence? If not, why?	<i>Although an individual who has reached the first milestone and acquired a Permanent Residence Permit will have the right to continue living in the island permanently if they so choose, it is proposed that if they decide to break that period of permanent residency and move away from the island before they have reached the second milestone (which is explained below), they will not have the automatic right to return to live in Guernsey at a later point. Proposals regarding rights to return to the island after somebody has reached the second milestone are explained later in this section.</i>	Yes
14d	Do you agree with the proposal that somebody should reach the second milestone and acquire the status of Qualified Resident after a continuous period of residence of 14 years? If not, after what period of time would you propose?	<i>The second milestone is the point after which the community believes that it is reasonable to acknowledge a person's status as an "islander" or "citizen" because of the contribution and commitment that they have made having lived in the island for a significant period.</i>	Yes
14e	Do you agree with the proposal that individuals should reach the second milestone and acquire the status of Qualified Resident after the same period of continuous residence regardless of the circumstances of the individual concerned? If not, what circumstances do you believe should make a difference and why?	<i>The PPG therefore proposes that an individual will reach the second milestone and become a Qualified Resident after a continuous period of residence in the island of 14 years</i>	Yes
14f	Once someone has reached the second milestone and become a Qualified Resident, do you agree that they should have the automatic right to return to Guernsey if they choose to move away at some point? If not, why?	<i>if the pool of Qualified Residents who can automatically return to the island to live is allowed to continue to increase in an uncontrolled manner, then it is impossible to ensure that changes in the population are managed in a way that benefits the community in the future.</i>	Depends how long they are away for, and why they have moved away. We don't like automatic rights, per se.
14g	If yes to Question 14f, do you believe that they should lose that automatic right to return if their period of absence is significant? If so, after what period of absence do you think that right should be lost? Why?	<i>Once an individual has been away from the island for a significant period of time, made their home and life elsewhere and has therefore not continued to contribute to the island financially or personally, there is a view that they should not have the automatic right to return to the island later in life.</i>	Yes. See above. Depends on circumstances - cannot be prescriptive - but we would say that 5 years away should forfeit any rights to return.
14h	Do you agree that any existing Qualified Resident who is not currently resident in the island, but who decides to return in the future, should be required to obtain a Qualified Resident Certificate for the purposes of monitoring? If not, can you explain your reasons?	<i>a) Existing Qualified Residents who are not currently resident in the island but who decide to return in the future. In the case of the first group, the PPG proposes that any existing Qualified Resident who is not currently resident in the island, but who decides to return in the future, will be required to obtain a Qualified Resident Certificate. There will be no conditions attached to the Certificate, but it would be issued to improve the monitoring of the size and make-up of the population.</i>	No. Too much bureaucracy.
14i	Do you agree that any existing Qualified Resident who is, or wishes to be, employed in the island, should be required to obtain a Qualified Resident Certificate? If not, can you explain your reasons?	<i>b) Existing Qualified Residents who are, or wish to be, employed in the island who are currently required to obtain a Right to Work document. In the case of the second group, the PPG proposes that any existing Qualified Resident who is, or wishes to be, employed in the island, will be required to obtain a Qualified Resident Certificate.</i>	Yes - all residents of Guernsey should be "logged in" in order to facilitate effective population management

- |     |   |   |   |
|-----|---|---|---|
| 14j | Do you believe that existing Qualified Residents, who are not currently required to obtain any document under the current regime (e.g. those who are not, and do not intend to be, in employment), should be required to obtain a Qualified Resident Certificate for the purposes of monitoring? Please explain your reasons. | c) <i>Existing Qualified Residents who are not currently required to obtain any document under the current regime. With respect to the third group, before drawing their own individual conclusions and coming up with final proposals, the members of the PPG are keen to gauge the views of the public on whether or not an existing Qualified Resident, who is not currently required to obtain any document under the current regime and who is not – and does not intend to be – in employment, should be required to obtain a Qualified Resident Certificate.</i> | Yes.  |
| 14k | Do you agree with the proposed list describing those periods of time spent off island which will be considered to be "ordinary residence"? If not, which do you disagree with and why? Are there any additions that you believe should be made to the list?   | <i>There will be situations where an individual may spend some time off-island and the PPG proposes that, in some specific circumstances, they will be considered to have been "ordinarily resident" in Guernsey during that time. Their residence will be considered to be continuous as though they had not left the island. In the case of children, their parents must be resident in the island during these periods</i>   | Yes.  |
| 14l | Are there any further comments that you wish to make in relation to what is covered in Section 14 of this Consultation Document? Please provide us with those comments.   |   | Yes but greater clarity over the terms for issue of seven-year permits is required. |

15 EMPLOYMENT PERMITS		
15a	Do you agree with the proposals set out in paragraphs 15.5 and 15.15 – 15.18 for issuing Level 1 Employment Permits? If not, can you explain your reasons?	<p><i>Level 1 Employment Permits will be issued for a period of 7 years to address persistent and enduring skills shortages where it is unlikely that those skills will be easily sourced, either on island or globally, in the foreseeable future. If the circumstances of the Permit holder do not change during that 7 year period, they will acquire the right to continue living in Guernsey permanently if they so choose and will be issued with a Permanent Residence Permit.</i></p> <p>Terms of issue of 7 year permits should be made clear, so as to remove the uncertainty and sense of "lottery" about licences that exists at the moment.</p>
15b	Do you agree with the proposals set out in paragraphs 15.7 – 15.10 and 15.19 – 15.22 for issuing Level 2 Employment Permits? If not, can you explain your reasons?	<p><i>Level 2 Employment Permits will be issued for a period of up to 4 years either (i) Where a post requires specific skills which are not available in Guernsey, but where that skills shortage is likely to be able to be met in the foreseeable future; or (ii) Where the skills required are held by Qualified Residents or Residence Permit holders, but the number of people resident in Guernsey with those skills is insufficient to fill the total number of posts requiring a similar or identical skill set.</i></p> <p>People usually leave a year before their licence expires, and so the Level 2 Employment Permits should be for a maximum of 5 years - otherwise they will in practice be for 3 years and that is too short. Also, the terms of issue of such Permits should be made very clear and give a sense of certainty.</p>
15c	Do you agree with the proposals set out in paragraphs 15.12 and 15.23 – 15.28 for issuing Level 3 Employment Permits? If not, can you explain your reasons?	<p><i>In both cases, it should be possible, if required, to source a replacement Employment Permit holder with relative ease, because the skills required are not in short supply globally. Ordinarily, the holder of a Level 2 Employment Permit would not acquire any residence rights.</i></p> <p><i>Level 3 Employment Permits will be issued for a period of up to 1 year to fill posts where there is not a need for a high level of skill, but where there is a need for additional manpower over and above that which can be sourced from within the island. Such a Permit could be issued up to 3 times for the same person without any breaks in residence. The holder would acquire no residence rights.</i></p> <p>Yes.</p>
15d	Do you agree with the proposed application process as detailed in paragraphs 15.33 – 15.40? If not, can you explain your reasons?	<p><i>Before an Employment Permit is granted, the potential employee will be required to provide the following information: - A job offer, from an employer, for a post which is identified in the published policies - Details of their relevant qualifications and experience - Details of any criminal convictions - Evidence of English language skills where appropriate for the post - Details of any existing connections to Guernsey, e.g. close family members already resident in Guernsey - Their age - Details of the people who will be accompanying them if permitted - Details of any criminal convictions for those accompanying them.</i></p> <p><i>The employer will be required to: - Confirm the details of the job offer, thereby acting as the "sponsor" of the Employment Permit holder - Demonstrate that it has not proved possible to fill the post with somebody who is a Qualified Resident or Residence Permit holder - Confirm that they have taken up references and carried out appropriate criminal records checks for the potential employee.</i></p> <p>Yes.</p>

15e	Do you agree that holders of Employment Permits should be able to apply to change job, as long as the new post is also identified in the published policies as one which will attract an Employment Permit? If not, can you explain your reasons?	<i>It is proposed that holders of Employment Permits will be able to apply to change job at any time during the life of their Permit, as long as the new post is also identified in the published policies as one which will attract an Employment Permit. A Permit will only be issued for the balance of the original Permit duration.</i>	Yes, for Level 1 and 2 Permits. No for Level 3 Permits, because of the work an employer will have to go to to get the Permit in the first place, which needs to be rewarded by certainty that the employee will stay for the year.
15f	Do you agree that anyone who has been issued with an Employment Permit should be able to hold more than one job if they are content to do so? If not, can you explain your reasons?	<i>This proposal reflects the current arrangements and the PPG has not found any evidence to suggest that these arrangements are having a negative impact on the employment situation in the island.</i>	Yes.
15g	Do you agree with the proposals for the issuing of subsequent permits as detailed in paragraphs 15.51 – 15.57? If not, can you explain your reasons?	<i>For example, an individual who leaves the island having lived here for 4 years by virtue of a Permit would need to spend at least 4 years away from the island before they would be eligible to obtain an Employment Permit for a subsequent period of residence. Similarly, an individual who leaves the island having lived here for 1 year, would need to spend at least 1 year away from the island before they would be eligible to obtain an Employment Permit for a subsequent period of residence.</i>	Yes.
15h	Are there any further comments that you wish to make in relation to what is covered in Section 15 of this Consultation Document? Please provide us with those comments.	<i>Looking back at the island's historical skills shortages, for the year ending 31st March 2009, 88% of employment related licences were short term licences issued to fill manpower shortages. Only 2% were issued for essential employment posts for 15 years i.e. those which give rise to an expectation of permanent residence in the island. From this, it can be seen that the most significant number of Employment Permits are likely to be issued for posts that fill manpower shortages i.e. Level 3 Employment Permits. At the other end of the scale, the number of Level 1 Employment Permits issued is likely to be limited.</i>	Conversions from 4 year to 7 year Permits should be encouraged where the employer wants it. If a good person leaves, the employer only has to find someone else, and so there is no net effect on the population, and yet a huge drain on local resources, and waste of training etc, etc.

16 RESIDENCE PERMITS – FAMILY CONNECTIONS		
	<i>Temporary Residence Permits would be issued to enable immediate family members to live with a Qualified Resident or the holder of a Permanent residence Permit or Employment Permit (other than a Level 3 Employment Permit).</i>	
16a	Do you agree with the proposed definition of immediate family members as defined in paragraph 16.5? If not, why? Who would you define as an Immediate Family Member?	<i>Under the new regime, immediate family members will be defined as on Individual's: a) Spouse / Partner, b) Parents and Parents-in-law, c) Children, d) Grandchildren</i> Yes.
16b	Do you agree that the holders of Level 1 and Level 2 Employment Permits should be able to accommodate certain immediate family members, as defined in paragraph 16.5, within their household? If not, can you explain your reasons?	Yes.
16c	Do you agree that the holder of a Level 3 Employment Permit should not be able to accommodate certain immediate family members? If not, why?	Yes.
16d	Do you agree that the holders of Permanent Residence Permits and Qualified Residents should be able to accommodate certain immediate family members as defined in paragraph 16.5 within their household? If not, why?	Yes.
16e	Do you agree that Immediate family members should be required to continue to live within the household of the individual with whom they have the close relationship until that Family Member becomes a Qualified Resident? If not, can you explain your reasons?	<i>The Family Member must live within the family home of the individual with whom they have a close family relationship.</i> Yes.
16f	Do you agree that every individual who is currently permitted to live in the Island under the existing provisions for "members of a household" should be required to obtain a Temporary Residence Permit under the new regime? If not, why?	Yes.
16g	Are there any further comments that you wish to make in relation to what is covered in Section 16 of this Consultation Document? Please provide us with those comments.	
17 RESIDENCE PERMITS – UNCONTROLLED PROPERTIES (STATES OWNED)		
17a	Do you agree that any Individual living in States owned properties should be subject to the same requirements as any other member of the community with regards to their requirement to obtain the relevant Permit? If not, why?	<i>The occupants of States owned properties would be subject to the same requirements as any other Island resident.</i> Yes.
17b	Do you agree that the States, as an employer and a landlord, should be subject to the same population management requirements as any other employer or landlord in the Island? If not, can you explain your reasons?	Yes.
17c	Are there any further comments that you wish to make in relation to what is covered in Section 17 of this Consultation Document? Please provide us with those comments.	



<b>18</b>	<b>RESIDENCE PERMITS – UNCONTROLLED PROPERTIES (OPEN MARKET)</b>		
18a	Do you believe that there should be provision in the new regime to allow an individual to live in the island for any reason other than being a Qualified Resident, filling a skill or manpower shortage or having a close family connection? if so, for what reasons and why?	<i>From a population management perspective, an individual's impact on the population is the same regardless of the type of property in which they live. It does not matter where a person lives in the island, what matters is simply that they do live here. There are a number of assumptions and perceptions about Open Market residents and what they bring to the island. Many of those perceptions are not correct. This section raises the question of whether there should be provision in the new regime to allow an individual to live in the island for any reason other than being a Qualified Resident, filling a skill or manpower shortage or having a close family connection. The question of how the new regime should apply to residents of Open Market properties forms part of this consultation, hence there are no options or proposals for change at this time.</i>	Yes. However, OM units of accommodation must be made to "work" for the island. This is a big subject, which merits a separate paper.
18b	if yes to Question 18a, and if you have listed any which relate to economic contribution, do you believe that there should be a minimum level of contribution in order to be eligible to live here? Can you explain your reasons?	<i>The question, from a population management perspective, is whether there should be provision in the new regime to allow an individual to live in the island for any reason other than being a Qualified Resident, filling a skill or manpower shortage or having a close family connection. If so, then those reasons need to be considered and the relevant Residence Permit made available as part of the new population management regime.</i>	Absolutely not! You can't just demand a minimum amount from people. The better way to achieve the result is that persons living in OM would be deemed to be resident for tax purposes. Again, this merits inclusion in the separate paper.
18c	Do you believe that the size of the Open Market population is sufficiently well managed due to the fact that there are only a limited number of properties available?		Yes.
18d	Do you believe that it would be appropriate to place restrictions on who can be accommodated within a Part A Open Market property? if so, what restrictions would you propose and why?		Yes. Immediate Family Members as defined in 16.5.
18e	Are there any further comments that you wish to make in relation to what is covered in Section 18 of this Consultation Document? Please provide us with those comments.		
<b>19</b>	<b>UNFORESEEABLE CHANGES IN CIRCUMSTANCES</b>		
19a	Do you agree that policies should be made public regarding what options might be available to Permit holders should they suffer an unforeseen change in their circumstances? if not, why?	<i>If the circumstances under which a person is permitted to live in the island change, in certain situations the conditions under which the permission was originally granted may be changed to allow them to remain in the island.</i>	Yes.
19b	Do you agree with the proposed course of action described in each of the circumstances listed above? if not, which do you disagree with and why?	<i>Relationship breakdown with children, Bereavement, Serious illness, Victims of abuse.</i>	Yes.
19c	Are there circumstances, other than those set out in this section, which you think should be covered under a clear and published policy? if so, please describe them and explain your reasons.		
19d	Are there any further comments that you wish to make in relation to what is covered in Section 19 of this Consultation Document? Please provide us with those comments.		

20	RESTRICTING WHERE AN INDIVIDUAL CAN LIVE		
20a	Do you agree that provision should be included within the new regime to prevent Level 3 Employment Permit holders from living independently? If not, can you explain your reasons?	<i>Restrictions on the occupation of property will apply to Level 3 Employment Permit holders and may be applied to the holders of Level 1 and Level 2 Employment Permits at the discretion of the Statutory Official to protect specific parts of the housing market. The PPG proposes that restrictions on where the holder of a Level 3 Employment Permit can live should continue to be used. Under the current Housing Control regime, anybody on a short term employment related licence is not permitted to live independently and the PPG believes that this restriction should be carried through into the new regime for the holders of Level 3 Employment Permits.</i>	Yes.
20b	Do you agree that, in general, there should be no restriction on where the holders of Level 1 and Level 2 Employment Permits may live? If not, what justification do you have?	<i>However, the PPG proposes that, as a general principle, there should be no restrictions on where an individual can live attached to Level 1 and Level 2 Employment Permits (such as the present "Rateable value" minima which are applied). In reaching its proposals, the PPG is mindful that the individual will have skills and / or experiences which are in short supply within the island and has therefore been identified as being essential to Guernsey's economy.</i>	Yes.
20c	If yes to Question 20b, do you agree that there should be some provision for the Statutory Official to restrict where the holders of Level 1 and Level 2 Employment Permits can live, where there is an identified need to protect specific parts of the housing market for those Qualified Residents and existing licence holders who most need them? If not, why?		Yes. There needs to be some flexibility, but broadly if a person is needed in Guernsey for his or her skills, then he/she shouldn't be penalised by having to pay more for a house than a person of equivalent skills who has local Residence qualifications.
20d	If yes to Question 20c, do you agree that any restrictions placed on where the holders of Level 1 and Level 2 Employment Permits can live should be aimed at protecting the lower quartile of the housing market? Are there other objectives which you think such restrictions could be aimed at achieving?		
20e	Do you believe that any of the "other options" outlined in paragraphs 20.23 – 20.38 provide any advantage over any of the others? Can you explain why?		
20f	Are there any further comments that you wish to make in relation to what is covered in Section 20 of this Consultation Document? Please provide us with those comments.		

<b>21 CRIMINAL CONVICTIONS</b>			
21a	Do you agree that criminal conviction checks should be included as part of the application process for a Permit to live in Guernsey? If not, why?	<i>Requiring a criminal conviction check on everybody who requires a Permit to live in Guernsey should be considered to be reasonable because: The application will be made, in most cases, before the individual has established themselves in Guernsey - The applicant will know that previous criminal convictions will be one factor to be taken into consideration in deciding whether or not to issue a Permit - The applicant will have provided this information so will know which convictions have been disclosed - The existence of a criminal conviction will not automatically lead to refusal of a Permit - Any information provided will be balanced against the reasons for the application, particularly the strength of any connections with Guernsey - The applicant will have the right of appeal against any decision on whether or not to issue a Permit.</i>	Yes.
21b	If yes to Question 21a, do you agree that criminal conviction checks should apply to everybody requiring a Permit, regardless of their circumstances? If not, who do you think should be exempt and why?	<i>Infringing these [Human Rights] could only be justified on the basis that refusing a Permit was a proportionate response in the interests of "public safety" or the "prevention of disorder or crime".</i>	Yes.
21c	Are there any further comments that you wish to make in relation to what is covered in Section 21 of this Consultation Document? Please provide us with those comments.		
<b>22 OTHER CONDITIONS</b>			
22a	Do you agree that there should be no maximum age restriction for Employment Permit holders, but that this should be built into the new regime as a condition which could be applied at some point in the future, if there is a legitimate reason for doing so? If not, can you explain why?	<i>Some jurisdictions apply a maximum age at which somebody can move to that jurisdiction for employment purposes. The main advantage in doing so is to assist in balancing the demographic make-up of an ageing population. Another reason cited is to ensure that an individual has the opportunity to contribute financially, through their taxes, for the services that they may want to draw upon as they themselves become older. The PPG does not believe that there is enough evidence at this time to ensure that the advantages would outweigh the disadvantages of any such measure.</i>	Yes. It is wise to have the flexibility of introducing controls in future.
22b	Do you agree that employment options for family members should remain unrestricted within the new regime? If not, why?	<i>The PPG does not propose that a provision for restricting the employment options of family members should be included within the new regime.</i>	Yes.
22c	Do you agree that it would be inappropriate for the population management regime to define who can and cannot have access to certain public services? If not, can you explain your reasons?		Yes.
22d	Are there any other conditions which you believe should be applied to certain groups of people in order to benefit the island in general? If so, which conditions should be applied to whom, and for what reasons?	<i>There will be no restriction on the work that the holder of a Temporary Residence Permit can undertake and no conditions restricting access to public services. There will be provision in the new Law to place a maximum age limit on applicants for Employment Permits which could be activated by the States in the future if there is a need to do so.</i>	
22e	Are there any further comments that you wish to make in relation to what is covered in Section 22 of this Consultation Document? Please provide us with those comments.		

<b>23 ESTABLISHING AN APPEALS REGIME</b>	
23a	Do you agree that an applicant should be able to appeal against a decision of the Statutory Official to an independent Appeals Tribunal? If not, what appeal mechanism would you propose?
23b	Are there any further comments that you wish to make in relation to what is covered in Section 23 of this Consultation Document? Please provide us with those comments.
<b>24 OFFENCES AND SANCTIONS</b>	
24a	Do you agree that a combination of civil and criminal sanctions should be adopted as part of the enforcement regime? If not, why?
24b	Are there any further comments that you wish to make in relation to what is covered in Section 24 of this Consultation Document? Please provide us with those comments.
<b>25 OTHER ISLANDS OF THE BAILLIWICK</b>	
25a	What are your views on how the other islands of the Bailiwick, and the residents of those islands, should be integrated with the new population management regime?
	<p><i>As part of this consultation process, the Population Policy Group (PPG) is seeking to ascertain the views of those living in the other islands of the Bailiwick, as well as the views of the community in Guernsey, about how the other islands of the Bailiwick and their residents might be included within, or otherwise interrelate to, the new population management regime.</i></p> <p>GAT is opposed to Alderney and Sark being drawn into this. The bureaucracy of it seems unjustified, but more so, this should be left to the Islanders themselves. It is wrong for Guernsey to take a dominant position over Alderney and Sark. Let them manage their own affairs.</p>
25b	Are there any further comments that you wish to make in relation to what is covered in Section 25 of this Consultation Document? Please provide us with those comments.

# Guernsey Care Managers' Association

Deputy Bernard Flouquet  
Chairman of the Population Policy Group  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
GY1 1FH

19 April 2011

Dear Mr Flouquet,

## Managing Guernsey's Population Consultation Document

As representatives of virtually 70% of the private care home sector in Guernsey, members of the Guernsey Care Managers' Association have studied the consultation document in great depth. A sub-committee was formed to consider its implications for our sector. Details of members of the sub-committee can be found in Appendix C.

Please find enclosed a copy of the joint response as well as evidence of the care homes that are represented by the Guernsey Care Managers' Association.

We are grateful for the opportunity to respond to the document and would like to commend the PPG for the way such important issues have been presented. If our members can be of any further assistance in any way, they will be very happy to meet and discuss their response to the consultation paper with the Population Policy Group since the issues raised are of such importance.

Yours sincerely

Mrs Liz Cozens  
Secretary

POLICY COUNCIL			
DATE	REC 20 APR 2011		
ACTION	OP		
CM	MPR		
DCM	ECON		
CE	SAPD		
DCE	SPO		
HIR	SPC		
PEAD	HA		
HHR	MA		

# **Guernsey Care Managers' Association**

## **Joint Response to Consultation Document**

# **Managing Guernsey's Population**

Secretary: Matron Liz Cozens  
Blanchelande Park Nursing & Residential Home  
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# Guernsey Care Managers' Association

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## Appendices

- A Members of the GCMA**
- B Employment Survey within the Private Care Home Sector**
- C Members of the Population Management Sub Committee**

# **1. Summary of the response from the Guernsey Care Managers' Association**

## **Level 1 Employment Permits**

We can only agree with the proposals for Level 1 permits provided managers and trained nurses are included in this category.

## **Level 2 Employment Permits**

- ❖ The private care sector is required by HSSD Care Standards to maintain specific quotas of NVQ qualified staff. This warrants special arrangements to be made for the sector.
- ❖ The GCMA recommends that Level 2 permits should be issued to all NVQ or equivalent qualified care workers coming to work in the Guernsey care sector.
- ❖ The GCMA strongly urges the PPG to amend the term of the Level 2 employment permits to a minimum period of five years instead of the proposed four years.
- ❖ The criteria of four years for Level 2 permits is contrary to the existing recognised criteria for care staff as set out in the housing departments' policy letter of 15 July 2008.



## **Level 3 Employment Permits**

We can only agree to the proposals if:-

- a) NVQ or equivalent qualified carers are classified as Level 2 and given a minimum 5 year permit.
- b) The sector could rely on a three year permit being granted without the requirement to apply year on year, subject to the employer demonstrating a training and development pathway for the individual. The requirement of employers to provide training to unskilled care staff is demonstrated in the HSSD Care Standards for Care Homes.

## **Demography**

The demographic outlook for the island places a special responsibility to ensure that adequate resources are provided for care of the elderly. As the number of elderly people increase and the working community decreases, steps must be taken to ensure the private care sector will maintain adequate staff, wherever they may be sourced.

## **Issue of Permits**

It is recommended that permits may be issued after the employee's arrival, subject to satisfactory CRB checks.

## **Level Playing Field**

There are many instances whereby provisions for employment in the Private Care Sector have been inferior to those granted to the public sector, or industries such as Hospitality, Horticulture and Construction. It is time to recognise the valuable and essential contribution made by this sector for the benefit of the elderly and vulnerable residents that we serve.

## **2. The Guernsey Care Managers' Association**

The association was formed in 2005 primarily to discuss the problems arising from employing non-locals and the restrictions of the Housing Control Law. The association is active in drawing together the managers and owners of the homes to debate issues of common interest. Principal among these issues has been the difficulty encountered in maintaining a skilled workforce in Guernsey.

The association's members currently represent 14 of the 21 private nursing and residential homes in Guernsey, covering 429 of the 620 beds in the sector. That is virtually 70% of all beds available. Appendix A shows a breakdown of members and the number of nursing and residential beds provided.

### **Liaison with Government**

Since its formation, the GCMA has worked together with government departments such as Housing, Social Security and Health and Social Services in the past two years. It has helped the Director of Older People's Care and Support to establish a policy for older people, taking account of the demographic changes that are anticipated over the coming 30 years.

### **Training and Education**

Training is essential to the sector since members are required by the HSSD Standards for Care Homes, to meet quotas of qualified staff. The public sector benefits from the training that is provided to student nurses. The association also promotes education and employment in the sector by actively participating in special schemes such as Entry into Care, places for people returning to work through the rehabilitation officer and it takes part in the Careers Fair. Specialist training such as care for those suffering from dementia is provided by members of the association.

### **Employment in the Private Care Sector**

The GCMA has carried out a survey of its members to help analyse its workforce. This was based on a questionnaire originally designed by the Housing Department. Members provided data showing the breakdown of employees in various categories such as qualified nurses, carers, domestic and other staff. The data shows the proportions with employment-related housing licences, those in open market accommodation, living under spouse licences and those not needing a licence. Source of questionnaire.

Further information was obtained in relation to the movement of staff during the year 2010. The detailed results are shown in Appendix B and are summarised below.

### **EMPLOYEES IN THE PRIVATE CARE SECTOR**

	<b>Employment-related housing licence holders</b>	<b>Open Mkt</b>	<b>Spouse Licence</b>	<b>Not needing employment-related housing licences</b>
No. in Survey	73	47	27	178
Estimate for entire sector	150	96	55	365
% breakdown	22%	15%	8%	55%

### **STAFF TURNOVER IN 2010**

	<b>Turnover during 2010</b>	<b>Employment Related Licence</b>	<b>Open Mkt or Spouse Licence</b>	<b>Not needing employment-related housing licences</b>
No. in Survey	50	16	9	25
Estimate for entire sector	103	33	18	52
% breakdown	15%	32%	18%	50%

### **Demographic Effects for the future**

The demographic shift that is anticipated over the coming 30 years will cause twice the number of elderly people to rely on half the number of working residents. Thus difficulties in regard to human resources will increase four-fold. The Private Care Sector is co-operating with States Departments in an attempt to prepare for this. For instance, many training and employment initiatives are being embraced to develop relevant skills among the local population.

### 3. Response to Specific Questions

#### Section 15 - Employment Permits

**15a** *Do you agree with the proposals set out in paragraphs 15.5 and 15.15 - 15.18 for issuing Level 1 Employment Permits? If not, can you explain your reasons?*

We can only agree with the proposals provided managers and trained nurses are included in the category. We anticipate that the anticipated key worker strategy will include these personnel.

The criteria for allocating Level 1 permits are understandably stringent and include there being persistent and enduring skill shortages on island or globally, in the near future. There is at this time a shortage of skilled practitioners in the care sector that will increase significantly given the demographics of the western world. The GCMA therefore recommends that the authorities consider the allocation of Level 1 permits to trained nurses and associated professions coming to work in the Guernsey care sector. Anything less than this would be a retrograde step from the current arrangements and in view of the demographic prospects, that is unacceptable.

The current situation in regard the granting of housing licences to senior nurses is as follows:-

***Senior Positions and Assessors:***

*All managers of residential or nursing homes are eligible for a seven year housing licence once they achieve Registered Managers Level 4 NVQ accreditation. Also, any member of staff who holds an A1 NVQ Assessor qualification is also eligible for a seven year licence.*

***Source of information:*** Letter issued by Housing Control to all nursing and residential homes dated 15 July 2008.

It is noted that in 15.1 nurses, teachers and wealth creators are mentioned in relation to skills in short supply. Nurses appear to fall out of the reckoning thereafter.

The concessions granted to Level 1 permit holders are very generous, particularly in regard to permanent residence thereafter.

- 15b Do you agree with the proposals set out in paragraphs 15.7- 15.10 and 15.19 -15.22 for issuing Level 2 Employment Permits? If not, can you explain your reasons?**

No.

**NVQ or equivalent Qualified Care Staff**

The consultation paper proposes issuing a Level 2 permit for up to four years. Four years is simply not long enough because it shows no commitment from the island to those considering coming to work here. Those that do so will undoubtedly consider it a maximum three year posting because of the time they will need to allow themselves to find alternative employment.

If the four year permit is approved then the sector will experience a reduction in what is available at the present time. The current situation in regard the granting of housing licences to Care Staff is as follows:-

***Care Staff:***

*Short term licences can be issued for five years duration provided that the Housing Department is furnished with the appropriate documentation to confirm that the applicant has achieved NVQ Level 2 or Level 3 (or an HSSD recognized qualification) accreditation.*

*Source of information: Letter issued by Housing Control to all nursing and residential homes dated 15 July 2008.*

*This letter goes on to state: 'in reaching this decision the Board concluded that the grant of a five year licence where a person held a relevant qualification recognized the commitment that the employee and employer had made to the provision of care for older people.*

The GCMA therefore recommends that the authorities consider the allocation of Level 2 permits of five years duration to qualified carers coming to work in the Guernsey care sector. Anything less than this would be a retrograde step from the current arrangements and in view of the demographic prospects, that is unacceptable.

## **Training**

The Care Standards for Care Homes, issued by HSSD state in regard to staff training:

### **Standard 28**

A minimum ratio of 50% trained members of staff at NVQ level 2 or equivalent is on duty at all times, excluding the registered manager.

### **Standard 30**

The registered person must ensure that a staff training and development programme is in place which ensures that staff fulfil the aims of the home and meets the changing needs of service users. This standard states that all staff should complete their induction programme by the twelfth week of their employment. This to include training and induction in a range of fifteen areas of competence, these include fire and emergency procedures, health and safety awareness, basic first aid etc.

The standard goes on to state that within six months of employment staff should receive training in a further eleven areas, these include handling of medication, risk assessment, procedure on abuse etc.

### **Standard 31**

Staff should receive formal supervision at least six times per year and those sessions should include all aspects of practice, philosophy of care in the home and career/personal development of the staff member.

The GCMA fully supports these requirements and over recent years the sector has made significant strides towards achieving higher standards of care but this has been achieved at a considerable cost to the employer. Recently, managers have experienced severe difficulty in maintaining the required quotas of qualified staff. This provides strong evidence that skilled carers are in short supply in Guernsey, demonstrating the need to offer at least level 2 permits for this class of worker.

### **Period of Level 2 Permit**

At a recent presentation we were advised that the four year term was adopted because of the correlation with immigration control. Whilst understanding that there are some merits in adopting this position it does not follow that there is sufficient evidence that a four year employment permit is workable.

In contrast to the level 1 permit, level 2 would give no enduring rights to reside in Guernsey. This is the important difference between the two levels; not the relative period for which they are granted. Bearing in mind the requirement of training and the length of time needed to train senior carers, the GCMA strongly urges the PPG to amend the term of the Level 2 employment permits to a minimum period of five years instead of the proposed four years.

### **Disincentives**

Furthermore, 15.20 implies that it would be virtuous to dispense with people in whom we have invested time in training. This represents a vast waste of expertise and resources at a time when the island needs to retain skilled employees.

Para 15.21 displays a disincentive for people to come to Guernsey and would be disadvantageous to the private care sector.

**15c** *Do you agree with the proposals set out in paragraphs 15.12 and 15.23 - 15.28 for issuing Level 3 Employment Permits? If not, can you explain your reasons?*

We can only agree to the proposals if:-

- c) NVQ or equivalent qualified carers are classified as Level 2 and given a minimum 5 year permit.
- d) The sector could rely on a three year permit being granted without the requirement to apply year on year, subject to the employer demonstrating a training and development pathway being in place for the individual. The requirement of employers to provide training to unskilled care staff is demonstrated in the HSSD Care Standards for Care Homes.

**15d** *Do you agree with the proposed application process as detailed in paragraphs 15.33 -15.40? If not, can you explain your reasons?*

Yes, but with reservations. This section states how important it is for the new regime to be supported by efficient and flexible administrative processes. However, the association does experience severe time delays in obtaining a response to the recently introduced CRB checks. This is and will continue to have an impact on the ability to secure staff appointments whether from the on island population or otherwise.

**15e** *Do you agree that holders of Employment Permits should be able to apply to change job, as long as the new post is also identified in the published policies as one which will attract an Employment Permit? If not, can you explain your reasons?*

Yes

**15f** *Do you agree that anyone who has been issued with an Employment Permit should be able to hold more than one job if they are content to do so? If not, can you explain your reasons?*

Yes, provided the number of hours worked is controlled by the primary employer.

**15g** *Do you agree with the proposals for the issuing of subsequent permits as detailed in paragraphs 15.51-15.57? If not, can you explain your reasons?*

No. Permit holders should be allowed to return after a period of one year's absence. This would enable the skills developed to be retained more easily.



- 15h Are there any further comments that you wish to make in relation to what is covered in Section 15 of this Consultation Document? Please provide us with those comments.**

### **Demography**

Whilst recognising the importance of using local labour in all areas of island employment it must be acknowledged that the demographics of the island indicate that we will face a significant shortfall in the size of the local workforce to meet the growing numbers of elderly requiring care and support, this we are advised is due to peak in approx 2039. By this time, the Guernsey Older Person's Strategy points out that the number of elderly people requiring care will double, whereas the available workforce to serve them will be half what it is today. That represents a fourfold reduction in resources.

This is a problem being faced by the western world so it is more than likely that there will be a shortfall in the world's population of working age to care for the elderly. Guernsey will be competing more than ever for people with the skills needed to meet the local shortfall. This will only be overcome by ensuring that we promote Guernsey as an attractive place to come and work. This includes paying people at attractive rates and in providing them with the opportunity for further skill attainment. This must be matched by ensuring that the immigrant worker is made to feel welcome and is allocated accommodation and/or residence permits that make it worthwhile coming to Guernsey.

### **15.32 Permits Must Be Issued Before Employee's Arrival**

This is completely impractical to implement due to timescale of issuing CRB checks, which could take weeks to many months to come through. No potential employee would wait for this and no employer could recruit off island on this basis. It is recommended that permits may be issued, subject to satisfactory CRB checks.

### **3. Response to Specific Questions**

#### **Residence Permits -Uncontrolled Properties (Open Market)**

**18a** *Do you believe that there should be provision in the new regime to allow an individual to live in the Island for any reason other than being a Qualified Resident, filling a skill or manpower shortage or having a close family connection? If so, for what reasons and why?*

Yes. The status quo should be allowed to remain, provided they have at least one wealthy, elderly relative. (Joke!)

**18b** *If yes to Question 18a, and if you have listed any which relate to economic contribution, do you believe that there should be a minimum level of contribution in order to be eligible to live here? Can you explain your reasons?*

No.

**18c** *Do you believe that the size of the Open Market population is sufficiently well managed due to the fact that there are only a limited number of properties available?*

No.

**18d** *Do you believe that it would be appropriate to place restrictions on who can be accommodated within a Part A Open Market property? If so, what restrictions would you propose and why?*

No.

We need to maintain the status quo for those employees who want to remain in Guernsey medium/long term, who are unable, or do not wish to establish residency rights. The GCMA Employment survey shows that 14% of GCMA employees live in Part A open market properties. Any transitional arrangements to alter this would have to be managed carefully without causing potential crises in some care homes

### **3. Response to Specific Questions**

#### **Restricting Where an Individual Can Live**

**20a** *Do you agree that provision should be included within the new regime to prevent Level 3 Employment Permit holders from living independently? If not, can you explain your reasons?*

No. It infringes the human rights of the individual.

**20b** *Do you agree that, in general, there should be no restriction on where the holders of Level 1 and Level 2 Employment Permits may live? If not, what justification do you have?*

Yes

**20c** *If yes to Question 20b, do you agree that there should be some provision for the Statutory Official to restrict where the holders of Level 1 and Level 2 Employment Permits can live, where there is an identified need to protect specific parts of the housing market for those Qualified Residents and existing licence holders who most need them? If not, why?*

No. It infringes the human rights of the individual.

**20f** *Are there any further comments that you wish to make in relation to what is covered in Section 20 of this Consultation Document? Please provide us with those comments.*

There are many instances whereby provisions for employment in the Private Care Sector have been inferior to those granted to the public sector, or industries such as Hospitality, Horticulture and Construction. It is time to recognise the valuable and essential contribution made by this sector for the benefit of the elderly and vulnerable residents that we serve.

#### **The Private Care Sector compared to other industries**

In regard to manpower shortages, the existing Housing Laws discriminate in favour of three sectors: Horticulture, Hospitality and Construction. The care sector has no favourable status at present. Examples of this include:

- a) Hotels are able to allocate in-house rooms for occupation by staff without the need for licences. These Declaration of Local Residence (DLR) arrangements enable foreign staff to stay indefinitely. This ought to be available to all Care Homes.
- b) Tax on Real Property is applied to Care Homes as if they are Hostelries, irrespective of their social function. It is as if they are any other commercial venture. This is inconsistent with the favourable treatment given to Hostelries under the current Housing Laws.

When considering the skills required in the Private Care Sector, one immediately thinks of those related to personal care. However, in order for a care home to function effectively, other disciplines are essential, such as Housekeeping and Catering. The supply of suitable locally qualified applicants is insufficient, but the hospitality industry recruits people with the same skills and has benefited from favourable treatment in the past. We believe that the Private Care Sector should be given favourable consideration with regard to the granting of employment permits and the ability to house employees in rooms within their premises irrespective of whether the property was originally designated as open market.

# GUERNSEY CARE MANAGERS' ASSOCIATION

19/04/2011 09:43

## APPENDIX A MEMBERSHIP

Company	Nursing	Residential	Total	Members	Non-members
Appletrees Residential Care Home	0	15	15	15	
Blanchelande Park Nursing Home	20	21	41	41	
Browhill Nursing Home	13		13	13	
Chateau des Tielles Nursing and Residential Home	22	4	26	26	
Chateau du Village Nursing Home	39		39	39	
Cooldevy House Residential Home		19	19	19	
Gardenia Lodge Residential Home	0	25	25		25
Green Oaks Nursing Home	16	0	16	16	
Hermanus Retirement Home		30	30		30
Highfield Care Home	24	19	43	43	
La Grande Lande Residential Home		21	21		21
Le Platon Residential Home		25	25	25	
Les Nicolles Lodge		32	32		32
Les Ormes Care Home	25		25		25
Maison de Quetteville		29	29	29	
Maison L'Aumone Residential Home		55	55	55	
Orchard House		15	15	15	
Saumarez Park Manor Residential Home		35	35	35	
St Johns Residential Home	10	35	45		45
Summerland Nursing Home	58		58	58	
Sundew Villa		13	13		13
	227	393	620	429	191
				69.2%	30.8%

## APPENDIX C

## MEMBERS of POPULATION MANAGEMENT SUB COMMITTEE

Name	Representing
John Ashby	Le Platon Residential Home
Paul Bailey	Saumarez Park Manor Residential Home
Jim Madden	Blanchelande Park Nursing & Residential Home
Guy Mitchell	Chateau des Tielles Nursing and Residential Home
Tony Tallon	Green Oaks Nursing Home
Nick Trott	Chateau du Village Nursing Home &
Tony Woodland	Coolderry House Residential Home
	Summerland Nursing Home



Guernsey Financial  
Services Commission

J N VAN LEUVEN QC  
Director General

Deputy B M Flouquet  
Chairman – Population Policy Group  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey  
GY1 1FH

28 April 2011

Dear Deputy Flouquet

I refer to the consultation ('Consultation') being undertaken by the Population Policy Group entitled *Managing Guernsey's Population*, which has been the subject of careful consideration within the Commission's executive. This submission has been reviewed by the Commissioners.

The Commission welcomes the Consultation. Whilst the Commission is, and should remain, apolitical, the Consultation concerns a number of issues crucial to the community, including (apparently) the eventual abandonment of the current housing control regime and its replacement by a system of residence and employment permits. It is felt appropriate that the Commission should comment on aspects of the proposals, for the reasons set out below.

The Commission presently employs 99 full and part-time staff. Of these, some 4 employees are holders of 15 year licenses, and some 3 are the holders of, or benefit from their spouses', 5 year licenses; and 2 are on short-term licenses. It is possible that some of our employees hold a compassionate license, but which their right to work documents, produced to us as a condition of employment, would not disclose. The Commission does not believe that any of its staff fall into that category. So you will appreciate that the Commission employs relatively few non-residentially qualified persons.

The Commission is, manifestly, a significant employer in Guernsey. The Commission is also the regulator of the most significant, by numbers and revenues, cohort of private sector employers – those engaged in financial services.

Continued...2/

The Commission has extensive experience of the operation of the housing control regime, having for many years advised the Housing Department, and its predecessor Authority, on housing license applications in and for the finance sector and regulated professions. It also advises the Guernsey Border Agency, formally the Customs and Immigration Department, on the grant of permits under the immigration regime.

The Commission agrees with that premise of the Consultation referring to the housing control regime being unfit for the delivery of population policy. In its origins the regime was framed to secure sufficient dwellings for local persons as against the demands from outsiders – many seeking to escape from the austerity of post-war Britain – to settle here. However, over time the regime moved away from its original purpose so as to become, effectively, a proxy for a number of policy objectives, principally migration, population and employment controls, and in none of these has it operated satisfactorily, and is increasingly unfit to deliver their respective purposes. Furthermore, housing control continues to distort Guernsey's housing market to which its original objectives have long since become subordinate. In recent years the number of 'local market' dwellings in Guernsey of all sizes and descriptions has significantly increased, perhaps to the point where there is no shortage except by reference to price, and whilst prices – compared to mainland averages – have remained high, Guernsey's housing market has demonstrated stability which other countries would find enviable.

For some years it has not been the Commission's experience that employment in the finance sector has been particularly constrained by availability of accommodation, though needs, wants and expectations have obviously varied. Relevantly, the state of Guernsey's housing market in recent times does not appear to have inhibited the development of the finance sector, and whilst the Commission can point to no particular statistics tending to that conclusion, its experience in administering aspects of the housing control regime, together with its involvement with industry, would argue for such a conclusion.

The Commission is of the view that the finance sector will continue to be the principal engine of Guernsey's economy for many years. All sectors of the finance industry report business levels being well sustained, and some are evidencing modest growth, and this despite the most serious global financial crisis for decades. The Commission can identify a number of trends which are important in considering population growth, and particularly (but not exhaustively) as respects the finance sector.

Continued...3/



*Firstly*, the finance sector will inevitably be required to up-skill as financial services businesses drive for higher returns, and so greater profitability. The Commission, as regulator, will continue to encourage the recruitment and retention of better skilled and more experienced staff in the finance sector, and will increasingly require its employees to train for raising the quality of services provided. This is not peculiar to Guernsey; it is happening everywhere, but will have a particular effect on the structure of Guernsey's population. From the point of view of the Consultation, the important thing to recognise is that Guernsey's financial services sector is done no favours by those who advocate a policy of recruiting or retaining staff on the basis that, because they are locally qualified as against those who are not locally qualified, they should be preferred. What will increasingly matter is to recruit and retain those who deliver more value, and so revenue, to their businesses.

*Secondly*, some back office – that is non-productive, and so non-revenue generative – and support facilities are moving off-Island, because they are relatively expensive to maintain here. In this, the high cost of accommodation, coupled with local salary expectations, are relevant.

*Thirdly*, the Commission believes that mobility of employees will be an increasing feature of business, indeed life, and younger persons now recognise that, in order to progress, experience elsewhere, whilst not essential, is certainly desirable. Whilst some young persons remain in Guernsey and can have immediate employment in the finance sector, many are working elsewhere before returning, some even until middle age or retirement.

*Fourthly*, as a contrary, and in many ways unsatisfactory, countervailing factor, the increasing costs of higher education in the UK – which is to where the vast majority of Guernsey students turn – are becoming burdensome, and the Commission foresees increasing pressure to deliver locally not only professional qualifications but also foundation degrees, which combine academic study whilst continuing employment. We believe this trend will come to have a significant effect on the nature and extent of education and training facilities as Guernsey's young population pursue education and training here rather than away.

The Consultation assumes that a permit system is the best means of achieving population control. However, many of the problems around housing licenses – for example, the criteria for their issue - also apply to a permit system. It may therefore have been helpful to consider alternative approaches. For example, at one end of the spectrum one option would be to leave the process to the market, given that both the relatively high prices of houses in Guernsey and the specialised

Continued...4/

nature of the local employment market may act as automatic factors for population control. Indeed, good arguments could be made for leaving these matters to the operation of the markets, provided that economic and planning policies were co-ordinated and effective. Another option, albeit at the other end of the spectrum, would be to introduce quotas. Whatever their respective merits, these – and possibly other – alternatives are not considered in the Consultation. This seems a missed opportunity. Also, there is no attempt at justification for population control – its maintenance is taken as a given. The Commission wonders whether the displacement of the current *quasi-dirigiste* approach has been considered, and if so, what alternatives were considered, and what of these (presumably) were rejected, and, if so, on what grounds.

The Commission's experience is that housing licences, other than for the very short term, in practice cover three license periods – up to 3 years; 5 to 7 years and 15 years. At present, it appears that a housing license for 3 years can be obtained, albeit with a degree of difficulty. However these are of limited business use as, in practice, they give only around 1 full year of employment given the time required to (a) settle in after entry, and (b) prepare for and/or exit before the 3 years is up. The proposals for a 4 year employment permit therefore are thought helpful.

In contrast, at present it appears that, whilst a housing license for up to 5 and even up to 7 years can be obtained with a good reason, anything over 7 years is rare for reasons which are readily understandable. Under the proposals, a 4 year employment permit will be not too difficult to obtain, but a 7 year employment permit will be relatively difficult to obtain as it will bestow 'first milestone' residence rights. This will deter qualified workers coming to Guernsey, as now they will only be able to stay for 4, rather than 5, years, as (in effect) at present. Whereas currently they can then ask for a 2 year extension, in the future they would have to ask for a 3 year extension to create the 7 year period. The purpose of this appears to be to make it less easy to come to Guernsey for up to 7 years, and to enshrine 4 years as the alternative. If so, this will make Guernsey less attractive for businesses, and the finance sector could suffer as a result.

The Commission suggests giving one employment permit for up to 7 years. This would not be sufficient of itself to reach 'first milestone' residence, and would (probably) not give residency rights for ECHR purposes. A single 7 year period is much simpler, as it would remove arguments about (up to 7 year) extensions, and is a better length of time for business continuity than 4 years.

If 7 year employment permits give 'first milestone' residence rights, then the purpose of the 14 year residence permits are questionable from a business perspective. The loss of residency within the 14 year period, if away from the Island, is unhelpful to business people who may well need to work either in the UK or in other jurisdictions –for example, several law and finance firms in Guernsey operate in several jurisdictions, including Jersey and 'onshore' jurisdictions. Also,

Continued...5/

although mitigated by the fact that many young people will have grown up in Guernsey, and so will meet the 14 year requirement, other young professionals arriving here (and not meeting the 14 year requirement) will be penalised for moving away within the 14 year period. This will deter such people from settling in Guernsey. We suggest that a 7 year permit should give full residence rights, perhaps coupled with other qualifying conditions. We do not, in this letter, explore what they might be.

In summary, the Commission suggests that there would be two employment permits (other than very short-term) – one for up to 7 years and one for over 7 years. The first would impliedly carry no longer term residence rights; the second would bestow ‘full’ residency rights. This is a simpler process to administer than that proposed, and would be of benefit to businesses as it would remove the current problem of 3 year housing licences, give certainty around licence extension for up to 7 years, and avoid the regressive aspects (at least for the 5 to 7 year period) of other current proposals.

Finally it is not clear from the Consultation how permits will achieve the population objective of the States, unless the Statutory Official is to be charged with a specific population mandate, which is doubted. If, for example, each business can prove its own case, then in theory there may be population growth in aggregate. However if the Statutory Official were to be charged to execute e.g. a quota system, then population control would be effective, although not without, risk of ECHR challenge. These complex, but key, issues are not addressed in the Consultation.

Population control makes outsourcing away from Guernsey a necessity in many cases. This creates management issues that, unless appropriately and deftly handled, can increase regulatory risk, e.g. around money laundering controls. The current proposals will not reduce the risk as permits are designed to limit population, so that outsourcing will inevitably continue. This will also continue to identify Guernsey as a high cost centre, with limited employment depth.

Anecdotal evidence suggests that Guernsey suffers from a shortage both of local high quality compliance staff in the finance industry and of client relationship managers. This has both a business and a regulatory cost. These gaps are usually filled through the use of 3 year housing licences (or the use of ‘open market’ accommodation). The extension of the 3 year period to 4 years would help here, though perhaps a better solution would be to offer licences of up to 7 years. The Commission believe that, whilst the *de facto* removal of the 3 year time period in favour of 4 years would support regulatory compliance, a better solution would be to apply an up – to 7 year time period.

Other than identified above, in general the current system does not create material regulatory issues, although there is a high cost of ‘work around’ for local finance firms in terms of training costs, the use of temporary consultants, and staff turnover. More generally, population limits make it more difficult to diversify away from finance, given that economies of scale – such as

Continued...6/

they are – exist in this industry. In addition, the current system – and the system proposed – makes it almost impossible to import permanently young people without very specific skills to Guernsey. This is a loss to the Island, given the ability of some young people to innovate, especially in the virtual world. And, of course, they, as a cohort, are less inhibited from travelling and working elsewhere.

Generally the Commission has been able to work within the current parameters, although this has not always been easy, and restricts significantly the talent pool.

One of the historic problems with housing licences has been the difficulty of interpreting objective ‘high level’ qualifying requirements - for example how does one define, and then prove, let alone remediate, a ‘skills shortage’? The Consultation does not tackle this issue, so the Statutory Official will be liable to the same charges of (lack of) opacity, and subjectivity, as currently apply.

The current process can, at least in theory, be politicised, as the Consultation concedes, and the appointment of a Statutory Official would help in this regard. However, given that the intention is to make the appeals tribunal a low cost solution, the authority of the Statutory Official could relatively readily be undermined by multiple appeals. The alternative would be to only allow access to the Royal Court; but this raises issues of fairness and cost, as the Consultation identifies. We are not convinced that the Consultation sufficiently considers these issues, and addresses the arguments.

Finally, in all this the Consultation fails to address the crucial issue of the benefits and burdens to Guernsey’s economy of identifying the maximum population the Island could sustain, and carefully managing an increase in population to that figure. The Commission’s sense – and it must be admitted there are no statistics in this regard – is that Guernsey’s economy will come to suffer in circumstances in which the number of economically productive, and so revenue generative, individuals decline as a proportion of the population. Whilst it is accepted that this is an extremely sensitive issue, our neighbour, yet competitor, Jersey has both a significantly higher population and more space in which to develop. So the pressure there is less acute. To produce more land, both for housing and business, Guernsey may either build upwards or reclaim, and in any case the impact of increased population on services, facilities and utilities would need to be considered. We sense no public appetite for any of these, even though they are part of Guernsey’s addressing its greatest challenge, bar none.

At present, despite to whatever the community and its government aspire, financial services are the principal component of economic activity. Whilst the nature and extent of that industry will change no other comparable economic contributor can be identified – at least by the Commission. That simple fact argues persuasively for facilitating upskilling, and encouraging employment for continuity, so as to assist in adding value, and this irrespective of all those other factors that inform business decisions to locate or remain in Guernsey.

Continued...7/

Throughout the ages Guernsey's community has demonstrated a remarkable ability to adapt to, and take advantage of, prevailing circumstances. Nothing that is put in place by the States should inhibit Guernsey's ability to continue in that way. The Commission can only be disappointed that the Consultation is, apparently, failing to address these crucial contextual issues, and that little or no public debate has been encouraged by its public distribution.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a series of loops and a final flourish.

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 Tel: (01481) 253713 Fax: (01481) 254015 e-mail: gga@cwgsy.net

The Chairman  
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 Sir Charles Frossard House  
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 La Charroterie  
 St Peter Port  
 GUERNSEY GY1 1FH

24 March 2011

Dear Deputy Flouquet

**Managing Guernsey's Population: A Consultation Document**

Thank you for giving my Association the opportunity to respond to the recently published Consultation Document.

Our response is primarily concerned with the Level 3 Employment Permit which is a direct replacement for the 9 month seasonal workers permits that are currently used by our industry. Our members are extremely concerned about the proposed new one year Permit.

**LEVEL 3 EMPLOYMENT PERMITS**

**Temporary Residency**

My Association is very much against the proposal that a Level 3 Employment Permit would be issued for a period of up to 1 year (rather than a 9 months maximum). We note that this could be re-issued twice without the need for a break of residency, thus making a total and maximum stay of three years. However, after the three years, the person would have to leave for three years before returning - if they stayed for one year they would need to leave for one year and if they stayed for two years would need to leave for two years.

Such an arrangement would be totally unacceptable to businesses in the horticultural industry. Growers in our industry have had 9 month licences for their seasonal staff for many years and this works very well for both their businesses and also for the staff. A system of 9 months work, followed by 3 months away from the Island, means that a seasonal cycle can be continued year after year with the same staff returning for the spring and summer season. Continuity of staff for the industry is of paramount importance and, in many cases, seasonal staff return to take up important places within the business of a grower in semi-skilled and supervisory positions. Also, by being able to welcome back these dedicated and reliable people year on year, the need to train staff on a yearly basis is unnecessary.

POLICY COUNCIL			
DATE REC'D	25 MAR 2011		
ACTION	DPP		
CM	<input checked="" type="checkbox"/>	HPR	
DCM	<input checked="" type="checkbox"/>	ECON	
CE	<input checked="" type="checkbox"/>	SAPD	
DCE	<input checked="" type="checkbox"/>	SPO	
HIR		SPC	
PEAD		HA	
HHR		MA	

It should be noted that in many cases the seasonal staff have homes (or are building homes) and families in their country of birth. I therefore emphasise again that they are more than happy to work in Guernsey for the allocated period of 9 months and then return to bond with their families. In fact, in some instances, seasonal staff have been known to take a short sabbatical during their 9 month contract to return to see their families.

The number of permanent local people employed in the horticultural industry during 2009 was in the region of 257 with some 144 short term licences being granted for seasonal staff. As an industry we make every effort to employ local people by advertising in the media and at the Job Centre with limited success. However, we are unable to employ all our staff year round so it is vital to top up with licensed staff to meet the short-fall.

#### **Family Members**

It should be noted that by housing the staff whilst working in Guernsey, growers have more control over their movements and we would, therefore, have no problem that a holder of a Level 3 Permit would not be permitted to be accompanied by any family members whilst working in the Island's horticultural industry.

#### **Flexibility**

We agree with the proposal that some flexibility would be advantageous in special circumstances. However our main requirement is for renewable licences for up to 9 months.

#### **Issuing the Permit**

Although we would agree that a permit should be issued before the individual sets foot on the Island to work, we would add that growers know some months prior to the start of their season as to when they require staff. Therefore it is very important that there is no delay in issuing such permits in order that flights can be secured at the best possible fares and accommodation can be reserved well in advance.

We also agree that anyone who has been issued with an Employment Permit should be able to hold more than one job if they, and their main employer (in this case the grower), are content to do so. However in the very busy period of the growing season there may be little time for them to pursue another job.

Finally, we would ask that you take our views into consideration in the hope that some provision is given to be able to continue to obtain our seasonal labour on a 9 month contract basis with the same experienced people being given the opportunity to work in Guernsey, if they wish to do so, in the future.

I would add that without the continuance of our seasonal staff, year on year, growers will not have a business in the future, which would jeopardise a number of key export businesses and the local staff they currently employ. Initiatives, such as the successful 'Guernsey Grown' scheme, would also be affected.

Yours sincerely

  
A R Dorey  
PRESIDENT



The Chairman  
Population Policy Group  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
GUERNSEY  
GY1 1FH

28<sup>th</sup> March 2011

Dear Sir

#### **Population Policy Consultation**

Thank you for the opportunity to respond to the recent consultation paper. The Guernsey International Business Association ("GIBA") has considered the matters raised at some length. The responses to some issues will vary according to the imperatives of different sectors of the financial services industry and these issues will be addressed by the various individual sector associations in their own responses. GIBA will, therefore, respond only on matters of strategy and where the finance sector has common agreement.

Although there is some commonality of approach and philosophy with the existing Housing Control Law, we are of the view that the proposals represent a significant improvement on the existing law. Nonetheless, we do not believe that these proposals truly represent any methodology of controlling or *managing* the population of Guernsey, as the proposals suggest, and it is somewhat dangerous for them to be promoted in this way. The size and the profile of the population are determined by births, deaths and net migration. The Government of Guernsey does not seek to influence the birth rate in any way. Given the inevitable demographic changes, it could choose to seek to boost the birth rate indirectly through economic incentives and through the provision of enhanced childcare infrastructure. If the objective of the States is, truly, the manage population then these are worthy of examination. The Government does not seek to influence the death rate other than indirectly through the quality of healthcare provision.

Migration in Guernsey is made up of emigration (some enforced through the Housing Control Law and some voluntary) and immigration (some controlled via the Housing Control Law and some uncontrolled as a result of existing entitlement to residence). The forerunner of the Population Policy Group, the Labour Utilisation Strategy Group ("LUSG"), noted that some 30,000 individuals who are presently not resident in Guernsey hold an entitlement to residence yet the Housing Control Law seeks to influence the residence of only a few thousand individuals. It is important to note that the proposals in the consultation, even if approved in full, would address only certain elements of migration. Again, the LUSG noted that Guernsey's population was determined primarily by economic growth, with a lag. It is unlikely that the new proposals will do much to alter that state of affairs. It is a blunt instrument and will only control residency in similar ways to those available today. However, the proposals do appear to be simpler, more transparent and are probably fairer. Overall, GIBA is in favour of the proposals in the round.



The main area where GIBA would seek an amendment to the proposals as set out in the Consultation document is in relation to the proposed four-year period for the non-renewable, short-term licences described in the Consultation document. We note that, in reality, when holders of the present five-year licences are approaching the fourth anniversary of their licence, they will tend to leave the Island to take up their next job, rather than leaving this to the very end of their five-year tenure. We believe that, should the licence term be reduced to four years, permit holders would, as a regular matter, leave their positions at the end of three years. Effectively, the tenure of a short-term licence/permit holder would be reduced from four years currently to three years. This is a very large proportionate decrease (25%) in the average tenure of a short-term licence/permit holder, which would certainly render the benefit of these shorter-term licences to employers considerably less than now. Recognising that there is no specific legal reason for four years to be preferred over five years, we would urge that the period for the short-term permit be left at five years. We appreciate that this means that the structure of the permit terms would be five years, seven years, fourteen years, and that this does not leave a very large space of time between the term of the short-term permit and that of the permit which leads to the first milestone, we would argue that there is no particular disadvantage arising from this change.

In relation also to the proposed four-year permits (which, again, we recommend should be five-year permits) we assume that it will be possible for a case to be made during the term of the initial permit for conversion to a seven-year permit if the individual should prove to be a particularly strong performer and, therefore, capable of taking up a role which would qualify for a seven-year permit. It would be appreciated if the potential for some flexibility in this sense could be confirmed.

It is important that any individual granted a seven year permit should be required to be in employment for the full seven year period. We believe it appropriate that this should cause the individual to be tied to an employer requiring a permit (although not necessarily the original employer). This should, therefore, operate in a similar way to the present Housing Control Law. Further, GIBA believes that any second seven year period should also require the individual to make an economic contribution to the island, albeit not one tied to an employer requiring a permit. Given the likely seniority of the individual concerned this could be measured via a minimum annual income tax liability. In the event that this, or an equivalent, threshold is met then GIBA agrees with the proposal that, upon achieving the 14 year threshold, then the individual has the right of return. However, in the event that the threshold is not met in any one of the second seven years then GIBA believes that a third milestone should be introduced for that individual, being a 21 year milestone. Without the threshold being met in each of the second seven years then the individual would have no right of return until they had completed 21 years of continuous residence without a break. The logic behind this is that it is entirely possible that an individual in middle or later life could come to the island but give only 7 years of economic contribution before having the entitlement to residence and state support in old age. We believe that 14 years of economic contribution is more appropriate to gain this status.

The question of which roles would qualify for seven-year permits versus those which would only qualify for four-year (we recommend five-year) permits is, of course, key. We do not believe that Government is necessarily best suited to making that determination in the "control-economy" method suggested. Faced with such an approach it is unlikely that many of the happy coincidences that have allowed Guernsey's economy to flourish in recent decades would have been allowed to come to fruition. GIBA believes that the existing process of skills shortages being identified by the commercial sector and then adjudicated by Government is a better approach.

There are also instances where the present Law and, indeed, the proposals cause businesses that are attracted to the island to be deterred from establishing here because they do not already have any presence on the island and this "foothold" seems to be embedded in the existing and proposed processes. In other words, businesses that presently have no presence on the island but wish to establish on the island have no mechanism to establish aside from employing local people as key senior personnel. This is particularly the case for businesses in sectors that are not already present on the island. A significant opportunity exists to attract a small number of high value, low footprint businesses that are currently absent from the island. We believe that the proposals

should be drafted in such a way that the immigration of such businesses can be easily facilitated by Government.

We would note that at present the constraints around the availability of fifteen-year licences are greater than the business community would argue is necessary to meet businesses' needs. As the granting of the new seven-year permits would lead into the ability of the permit holder to reach the second milestone, therefore effectively replacing the current fifteen-year licence, we would comment that an increased degree of flexibility with regard to the granting of the seven-year permits is required. The current approach encourages certain firms to base high-calibre employees in offices other than their Guernsey offices (e.g. in Jersey) which we believe is to the detriment of the overall economy of Guernsey. In this context, we believe that the definitions making reference to "globally scarce skills" in 15.5/15.6 of the Consultation document may be overly restrictive.

In addition to the above points, we set out as follows GIBA's responses on the specific questions in the Consultation document:

10a. Yes but we believe that there will be occasions when the objectives outlined will conflict with one another and consideration needs to be given to this with flexibility built into the legislation to account for such circumstances.

10b. We believe that an additional objective of the new regime should be to encourage entrepreneurial incomers and to attract high-value, low-footprint businesses presently absent from the island.

11a. Yes.

11b. Yes.

12a. Yes.

12b. We agree with the concept of establishing the role of Statutory Official but we believe that decisions should be made by a committee which comprises the Statutory Official, co-opted members of the commercial sector and a political representative. This committee should not be advisory but should be the decision making forum.

12c. Yes

14a. Yes.

14c. Yes.

14d. Yes.

14e. Yes.

14f. Yes, but the second seven year period should have an annual minimum economic contribution, or otherwise a third milestone is triggered, being 21 years before a right to return is attained.

14h. Yes

14i. Yes but do question what the cost of operating such a process would be, and suspect that it would not be cost-justified.

14j. Yes but do question what the cost of operating such a process would be, and suspect that it would not be cost-justified

14k. Largely yes, however many of these, such as to obtain experience or for placements/secondments will need very careful and explicit control. We are concerned that this area could be exploited and abused. A secondment or placement should be for a period of no more than, say, 6 months, also with a cumulative maximum period during any permit.

15a,b,c. Please see our comments set out above. Further, whilst it may be relatively easy to define appropriate "technical" skills, we are concerned that the framework may not adequately identify entrepreneurial or business development skills, skills which have been key to the islands success over recent decades.

15d. Yes.

15e. Yes.

15f. Yes.

15g. Yes.

16a. Yes, but we recommend that the proposals encompass the residence "en-famille" of *dependents* only, rather than specific relations (that may not be dependent). This is to account for non-dependent parents or grandchildren and for, say, dependent nephews in the event of guardianship.

16b. Yes.

16c. Yes.

16d. Yes.

16e. Yes.

16f. Again, we have no strong view but do query whether the cost of operating this aspect of the system will be justified by the data it allows to be collected.

17a. Yes

17b. Yes

18a. We do believe that the continued operation of the open market is very beneficial to the Island and that it should continue. With regard to the application of any new criteria for someone wishing to live in the open market, we believe that consideration for a minimum amount of tax to be paid by any such person merits consideration. We will provide a follow-up submission, both with regard to at what level such a minimum level of tax might be set and also with regard to whether any of the other possible reasons for granting an open market resident permit would allow the minimum tax requirement to be waived in specific cases or for specific categories.

18c. Yes.

18d. See 18a.

19a,b. Yes.

21a,b. Yes.

22a. Please see our comments above.

22b. Yes.

22c. Yes.

23a. Yes, but should not be adjudicated by lawyers – adjudication should be by others, *guided* by lawyers.

Yours faithfully

Paul Meader  
Chairman

# The Guernsey International Insurance Association (GIIA)

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29<sup>th</sup> March 2011

The Chairman  
Population Policy Group  
Sir Charles Frossard House  
La Charroterie  
St. Peter Port  
Guernsey  
GY1 1FH

Dear Sir

## Managing Guernsey's Population January 2011 Consultation Document

POLICY COUNCIL			
DATE	REC'D	30 MAR 2011	
ACTION:		DPP	
GM	✓	HPR	
DCM	✓	ECON	
CE	✓	SAPD	
DCE		SPO	
HIR		SPC	
PEAD		HA	
HHR		MA	

We write in response to the above consultation document on behalf of The Guernsey International Insurance Association ("GIIA"), which represents the combined interests of its members which consist of both Guernsey's non-domestic insurers and Guernsey insurance managers.

Our association's members employ in excess of 500 staff in the finance industry in Guernsey. The ability of our members to attract and retain staff with relevant skills, experience and contacts is vital to the continuing success of our sector. The industry has done a great deal to develop local skills and to encourage local staff to gain international experience, but in a fast-moving international sector, the ability, where appropriate, to attract and retain people from outside the Island with key skills and experience and high level industry contacts remains crucial. Our sector is highly competitive and other jurisdictions, including the Isle of Man, are very keen to take advantage of any weakness. Our members' clients can usually move very easily and rapidly to other domiciles if conditions in Guernsey become unfavourable. Any proposal which inhibits the ability to attract and retain staff or results in unnecessary churn of employees is unwelcome to our members and will damage competitiveness in the global market.

The Association has not provided a response to all the questions within your consultation document, as the level of detail posed by these questions is best answered by individual members. Rather we have sought to advise you of the common concerns of our members so that you can consider these for the industry as a whole.

In respect of the objectives of the consultation (detailed on page 39 of your document), we agree with these objectives, and would also recommend that other key objectives should be to ensure a fair treatment of all island residents (whether or not permit holders), and for any new regime to be long-lasting, and not overly bureaucratic. To this end, we note that you want the primary objective to give the States an ability to manage the size and make-up of the population. You will be aware, however that the States will not achieve this objective through these proposals, as the future success of the islands economy will depend on growth, which will, in turn, require increased immigration to address the specialist skills shortages which this will generate. Therefore the States may be able to manage the rate of growth of the population, and may even be able to have input into the make-up of the population, but it will not be able to control the increasing demand on scarce resources and overcrowding which will be an inevitable consequence of continued prosperity.

In terms of the Employment Permits, much greater clarity is needed in your consultation document as to the way in which the Housing Department will evaluate and rate applications for consideration of Employment Permits. The existing approach to issuing housing licences is fundamentally flawed in that there is inconsistency and a lack of transparency in the way in which decisions are taken regarding the issuance of such licences. In order for the system to be fair, unbiased and transparent, it is critical that the Housing Department is clear as to both the requirements for obtaining a Level 1 permit, and is also open and transparent in its decision-making around the approval or not for such permits.

In relation to Level 2 permits, our comments above also apply, and we suggest that these should be issued for 5 years, rather than 4 years to be consistent with current practice, and to allow holders to provide a meaningful contribution to the economy for at least 3-4 years (after which they will be looking to move away from the island). A four-year permit would only allow 2-3 years of productivity, which is too short for a skilled person.

You may be aware that the insurance industry in Guernsey, and in particular the captive insurance industry, is the fourth largest in the world, and is at the forefront of innovation, quality and service to major international companies. Our industry provides a vital role to major corporations in managing and controlling risks in a world where both natural and man-made disasters, political instability and uncertainty appear to be on the increase.

As a consequence, the ability of the industry to attract and retain the best people internationally is vitally important for the continued success and development of the sector. Such individuals should be viewed as a source of competitive advantage to industry and as a major source of benefit to the Island's economy. Licence holders typically pay large amounts of income tax, pay tax on the acquisition of property, and often provide significant income to local builders, estate agents, financial institutions and other service providers. Increasingly, incomers bring their pension funds with them, providing a permanent income tax stream to the Island.

Whilst this response is only a summary of the common concerns of our Association members, I and the GIA Committee would be happy to meet with you and your team to discuss in more detail any aspect of the consultation, or to consider alternatives, should you consider that this would be helpful.

Yours faithfully



Martin Le Pelley  
Chairman

# GUERNSEY INVESTMENT FUND ASSOCIATION

The Chairman  
Population Policy Group  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
Guernsey  
GY1 1FH

28 April 2011

POLICY COUNCIL			
DATE REC'D	03 MAY 2011		
ACTION	DPP		
CM	<input checked="" type="checkbox"/>	HPR	
DCM	<input checked="" type="checkbox"/>	ECON	
CE	<input checked="" type="checkbox"/>	SAPD	
DCE		SPO	
HIR		SPC	
PEAD		HA	
HHR		MA	

## Population Policy Consultation

Thank you for providing us with the opportunity to respond to the Consultation Document. The Guernsey Investment Fund Association ("GIFA") has considered the document at some length specifically with the requirements of the local funds industry in mind.

We agree that the current Housing Control Law is no longer viable given that it was introduced for a different purpose and that it cannot fulfil the island's population management requirements. We do however, consider it reasonable to expect the States of Guernsey to put in place a strategy to assist with the control and management of the population, however, we do not consider the proposals as they are currently drafted goes anywhere near towards providing a method of managing or controlling the population of Guernsey. It is our belief that without more statistics becoming available these proposals will not provide the strategic mechanism to deliver the objectives sought by the States of Guernsey. Recommendations have been made in the consultation document, which appear to have no clear data upon which they have been made.

For instance, we would like to see the States of Guernsey introduce a workforce development plan in order to provide fund industry employers, who employ a high number of finance sector employees, with access to staff requirements. This would in turn assist the industry to develop business plans for future growth. The current situation relies on the availability of attracting staff with the right qualifications who are not always available on island and which are often subject to a short licence application which is granted without the knowledge of industry needs.

As far as we are aware, there have been no discussions between the PPG and the industry to ascertain the staffing requirement of the industry. Clearly, if there was a way of measuring the number of people required in each sector of business then this could be relevant for all business sectors. The knock on affect would be to provide statistical data for accommodation requirements for the island as a whole.

GIFA is concerned that the proposals to maintain the population and resource usage at equilibrium is a matter for disaster given the demographic time bomb which is looming. Surely to ensure there is enough economically active people to support the growing aged population there will have to be significant population growth.

Currently the size of the workforce is determined by economic growth and it is our opinion that the new proposals will do little more to alter the current state of affairs. Furthermore, it only appears to control residency in a similar way to what it does today. We believe that should the States of Guernsey introduce a system for control of the workforce numbers then the licence application process would also become more streamlined and accountable.

We note that the proposals as set out in the Consultation Document recommend that the current non-renewable, short term licence be reduced to a four year period rather than five years as it is currently. Our understanding is that holders of five-year licences when they are approaching the fourth anniversary of the licence, seek other employment prior to the expiry of the licence, which results in their leaving the island to take up a new position sometimes after completing only four years of the term. We are concerned that a further reduction in the term of a non-renewable licence would have an even more disadvantageous affect on business continuity than the five year licence situation already currently does. We strongly recommend that you retain the five year term of non-renewable licence.

Furthermore, we would like to see a method for extending the five year licence to a seven year permit in certain circumstances where an individual proves to be a particularly strong candidate and therefore capable of taking on a role which would qualify for a seven year permit. We would expect that an employer would have to make a good case for the extension.

We note that your proposals seek to introduce a seven year licence which can be extended by a further seven years but it is not clear how you will process this for more mature persons who might reach retirement age before the fourteen year period is up. For instance is it intended that they would be able to stay Guernsey into their retirement. We assume that the seven year renewable licences will replace the current fifteen year licence and we would urge the States of Guernsey to introduce a greater level of flexibility with regard to granting the seven year licences. We believe that the definitions making reference to "globally scarce skills in 15.5/15.6 of the document may be overly restrictive.

GIFA would back any proposals within the Consultation Document to encourage the establishment of business from a small number of high value entrepreneurs with hitherto unknown names which did not previously have a presence in the island.

We do not underestimate the threats that have been aimed at the island by the European Economic Union ("EU") in recent months, however, as a body we have worked tirelessly to ensure that the powers with influence within the EU fully understand our business practices and we believe that we can continue to stand our ground as an industry to be proud of. We are concerned that the proposals could be considered a knee-jerk reaction to the potential threat from the European Court and counsel the States of Guernsey to have faith in our industry.



**In addition to the above points we set out below the GIFA responses to the specific questions in the Consultation Document:**

- 10a     yes**
- 10b     Ensure the regime attracts suitable staff to encourage businesses to grow.**
- 11a     yes**
- 11b     yes**
- 12a     yes**
- 12b     yes**
- 12c     Yes, but how would this be achieved and from which section of the community would those people be chosen?**
- 13       This is overkill and would have a negative affect on the open market and aggravate local residents.**
- 14b     yes**
- 14c     yes**
- 14d     yes**
- 14e     yes**
- 14f     Agree that it should depend upon why they have left the island for a period of time.**
- 14g     Agree that 3 years would seem a reasonable cut off time.**
- 14i     Need to issue a new certificate in order to control the period of absence.**
- 14j     No**
- 14k     yes**
- 14l     Agree that greater clarity over the flexibility of the issuing of seven year licences is required. If the process remains the same then nothing will be achieved.**
- 15a     Terms of the issue of 7 year licences should be made very clear so as to remove any uncertainty about licences as exists today.**
- 15b     Agree that the level two licences should remain at 5 years and that the terms of issue should be totally transparent.**
- 15c     yes**
- 15d     Yes we think this is an obvious follow on process to ensure accurate monitoring.**
- 15e     yes**

- 15f    yes
- 15g    yes
- 15h    Agree that the level 2 licence (permit) should be 5 years and that it should be convertible to 7 years in the right circumstances.
- 15i    The authorities were reluctant to issue many 15 year licences and the industry has had to rely on a higher number of 5 year licences as a result.
- 16    yes
- 16a    yes
- 16b    yes
- 16c    We don't think this should be ruled out completely
- 16d    yes
- 16e    yes
- 16f    yes
- 16g    Does this policy continue to deal with children of open market residents?
- 17a    yes
- 17b    yes
- 18a    Agreed whilst the open market is beneficial to us and should be continued so should the residents be benefitting the island as well as themselves.
- 18b    We don't consider a minimum level of contribution as being such a bad thing as long as it is reasonable. OM residents already "do deals" with the local tax office. OM residents should be prepared to contribute something towards the island's economy in return for living here.
- 18c    We understand that the OM has less properties available than were originally offered. We think there is room for perhaps a few more really top end value properties to attract a small number of really high net worth clients to the island as long as they are contributing effectively to this economy.
- 18d    yes in certain circumstances.
- 19a    yes
- 19b    yes
- 19c    Possibly the elderly or sick relatives.
- 20a    Will presume that level 3 licence holders will continue to be eligible to live in open market property.

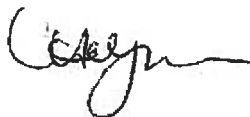
- 20b yes
- 20c For example gardeners who are running their own businesses (necessary to the island but without local or required skills).
- 20d yes, we currently have two official markets, open and local. However, there is effectively a third market which has been created by essential workers who occupy local market housing. Although the mechanism for control has historically been via rateable value of property, the high demand for the higher end of the local market property has pushed up local market property values. Restrictions could go some way to controlling escalating local market property price values.
- 20c No
- 21a yes
- 21b yes
- 22a Depends upon certain circumstances
- 22b yes
- 22c yes
- 23a yes
- 24a Certainly civil sanctions. We are not aware of any criminal sanctions that would be appropriate.
- 25a We don't consider there to be a need for population control in the other islands. For Guernsey to interfere would be just because they could and this is an unacceptable reason.

The Funds' industry would like to work with the States of Guernsey to develop these business plans.

The industry has succeeded in growing over the last two decades despite a lack of policy to support the need for qualified and experienced staff to make this happen and these proposals, as far as we are aware, do not go anywhere near towards redressing this situation.

Furthermore, we are not aware of any formal gathering of statistical information upon which employers could benefit.

Yours faithfully



Jurat Constance Helyar-Wilkinson  
Executive Committee Member



The Guernsey Society of Chartered  
and Certified Accountants

Please reply to:

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*Mrs Sandra Beaton*  
*Le Moigne*  
*Val au Bourg*  
*St Martin's*  
*Guernsey*  
*GY4 6EP*

*T: +44 (0)1481 236661*  
*E: gscca@gscca.gg*

Our Ref: JC/jde

25 March 2011

Deputy Carla McNulty Bauer  
Population Policy Group  
Sir Charles Frossard House  
La Charroterie  
St. Peter Port  
Guernsey  
GY1 1FH

Dear Deputy McNulty Bauer

Please find below my response on behalf of the Guernsey Society of Chartered and Certified Accountants ('GSCCA').

The GSCCA provides an active forum for promoting the interests and concerns of those in the accountancy profession. Its activities range from the provision of training courses and seminars, dissemination of information, consultation and review of new legislation, regulations and other matters, and lobbying the States on matters of concern. The GSCCA represents qualified and trainee accountants on the island and also acts as a forum for the major accountancy firms.

We have 995 members, of which 225 are training to become qualified accountants. In this respect we are the largest professional society on the island.

Our membership splits between accountants working for an Accountancy Firm (mainly working in audit and tax) and those working as Accountants within other businesses, i.e. banks, fund managers, insurance managers, trust companies and non financial businesses such as the States of Guernsey and Specsavers.

The dominance of the Finance Industry in Guernsey has resulted in a very high proportion of accountants to those of the general population, e.g. we have almost 1,000 members out of a c. 62,000 population.

When one considers the c. £600 billion assets managed within Guernsey and the need to account, audit and provide tax advice for these assets and their structures, one can easily see why there is such a high proportion.

In terms of the role of the Accountant, we can be seen throughout the life cycle of a typical investment in Guernsey, i.e.

- We provide the tax and structuring advice on set up;
- We account for the investment;

- We provide audit assurance to the investor throughout the investment's life; and
- We distribute/liquidate the investment

I also note the increasing complex environment we operate in and the increased specialisations which are required in our profession.

As there is such a high demand for Accountants which cannot be satisfied from the local workforce alone, it is a fact that the profession needs to draw on people from outside the Island to work in the profession, as both trainees and qualified accountants.

As an example the profession takes approximately 60 graduates a year on chartered/certified training contracts. We estimate there are only 180 local graduates returning to the island each year and we cannot hope to attract 33% of them!

As a result, population control and housing licences are extremely important in the accounting world. I cannot stress highly enough the need for the profession to bring over, train and retain non locals to ensure we can provide the accounting services the finance industry needs.

I also note the immense contribution our members have made in building and growing the finance industry and the vital importance of our membership in the continuing success of this sector.

With this background in mind, I make the following observations:

1. I note that the proposed four-year period for the non-renewable, short-term licences is a reduction from the current practice of issuing short term licences for up to and including a five year period. I note that, in reality, when holders of the current five-year licences are approaching their fourth year, they will tend to leave the Island to take up their next job, rather than leaving this to the end of the five years. I believe that, should the licence term be reduced to four years, permit holders are likely to leave their positions at the end of three years. Effectively, the short-term licence/permit would be reduced from four years currently to three years. This is a very large proportionate decrease (25%), which would reduce the benefit of these shorter-term licences to firms and to Guernsey. Recognising that there is no specific legal reason for four years to be preferred over five years, I cannot see why short-term permit cannot be left at five years. The document itself states that the risk to successful legal challenge to those ordinarily resident for a period of 5 years or less is remote.
2. Also In relation to the proposed four-year permits, I assume that it will be possible for a case to be made during the term of the initial four years for conversion to a seven-year permit if the individual should prove to be a particularly strong performer, and therefore capable of taking up a role which would qualify for a seven-year permit. This flexibility should be confirmed as we know of cases where this has happened in the past and the individual has gone on to be a great contributor to Guernsey plc.
3. I would note that the Consultation document is not clear on which roles would be considered suitable for the seven-year permit. The question of which roles would qualify for seven-year permits versus those which would only qualify for four-year is key. I note that at present the constraints around the availability of fifteen-year licences are greater than the profession would argue is necessary to meet population control needs. We would hope that there would be an increased degree of flexibility in the granting of the seven-year permits as compared to the current approach for fifteen year licenses. The current approach encourages certain firms to move or base high-calibre non local employees in offices other than their Guernsey offices (e.g.

in Jersey) which we believe is to the detriment of the overall economy of Guernsey. In this context, I believe that the definitions making reference to "globally scarce skills" in 15.5/15.6 of the Consultation document may be overly restrictive. I think it important that the Island recognises contributions that these individuals can bring. Again we are all too aware of cases where very good people have left the island to join firms in Jersey and the UK because of this inflexibility.

In addition to the above points, we set out as follows GSCCA's responses on the specific questions in the Consultation document in the attached appendix.

Finally, I note that whilst Guernsey's Immigration rules are outside of the scope of this review, these are used in effect to manage population. I would suggest their review is also undertaken alongside, or after, this consultation. Our Immigration laws appear much stricter than that of the UK and Jersey and are again leading to staff leakages.

I would very much welcome an opportunity to discuss my response with you and the working group. This is an area I am passionate about as I feel it fundamental to the continued success of the island.

Yours sincerely

John Clacy  
**Vice President**  
**GSCCA**

## **Appendix One**

We set out below the GSCCA's specific responses to the questions raised in the consultation document:

- 10a. Yes.
- 10b. We believe that an additional objective of the new regime should be to encourage entrepreneurial incomers.
- 11a. Yes.
- 11b. Yes.
- 12a. Yes.
- 12b. Yes.
- 14a. Yes.
- 14c. Yes.
- 14d. Yes.
- 14e. Yes.
- 14f. Yes.
- 14h. We have no strong view.
- 14i. We have no strong view but do question what the cost of operating such a process would be, and suspect that it would not be cost-justified.
- 14k. Largely yes, however we wonder whether absence from the Island due to imprisonment should be an agreed reason for temporary absence.
- 15a,b,c. Please see our comments set out above.
- 15d. Yes.
- 15e. Yes.
- 15f. We have no strong view.
- 15g. Yes.
- 16a. Yes.
- 16b. Yes.
- 16c. We have no strong view.
- 16d. Yes.
- 16e. Yes.
- 16f. Again, we have no strong view but do query whether the cost of operating this aspect of the system will be justified by the data it allows to be collected.
- 17a. We wonder whether, for certain roles considered by the Island to be strategically key - such as nurses - the requirements set out in 17a may in fact be unnecessarily restrictive.
- 17b. See 17a.
- 18a. We do believe that the continued operation of the open market is very beneficial to the Island and that it should continue.
- 18c. Yes.

18d. See 18a.

19a,b. Yes.

21a,b. Yes.

22a. Yes.

22b. Yes.

22c. Yes.

23a. Yes.

24a. We are neutral on this point.

25a. We have no strong views.



POLICY COUNCIL			
DATE REC'D	01 APR 2011		
ACTION	DPP		
CM	✓	HPR	
DCM	✓	ECON	
CE		SAPD	
DCE		SPO	
HIR		SPC	
PEAD		HA	
HHR		MA	



31 March 2011

The Chairman  
Population Policy Group  
Sir Charles Frossard House  
La Charroterie  
St Peter Port  
GY1 1FH

Dear Sirs

### Managing Guernsey's Population

The Guernsey Branch of the Institute of Directors is pleased to provide its response to the consultation document Managing Guernsey's Population.

This response represents the views of the IoD as an organisation with over 650 members who are resident in Guernsey. It cannot represent the views of each of those individuals and accordingly we have encouraged our members to submit their own responses to the consultation both as individuals and as directors of their businesses. For this reason this response does not answer each individual question set out in the consultation document. It focuses on matters which the IoD as an organisation believes are important for any consideration of population management in Guernsey.

The IoD welcomes the move by the Policy Council to establish the Population Policy Group to review this subject. It has been clear for some time that the Housing Control Laws which were introduced for a different purpose are not an acceptable or effective tool for managing Guernsey's population. We agree the Housing Laws should be replaced by a new regime.

We understand that that this consultation is only about the regime needed to manage the size of the population. It does not seek to set a policy on what the size population of Guernsey should be or how it is made up. Nor does it consider the even more important issues which will arise from the changing demographic profile of the population. We agree that it is appropriate to consider the population management regime separately from these other issues but we believe the States should also develop a policy for a target size and make up of the population and should undertake a comprehensive review of the implications for the island of the changing demographic profile.

As an organisation we recognise the importance for the new population management regime to enable businesses to recruit and retain sufficient staff with the right skills and experience for the economy to continue to prosper. We also recognise the importance for the island to retain its unique culture which would be threatened by excessive immigration (or excessive emigration of 'Guernsey people' however they might be defined.)

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**Vice Chairman:** Anne Ewing, Les Annevilles Farm, Rue des Annevilles, St Sampson, Guernsey, GY2 4XQ t. 132188  
**Secretary:** Jo Watts, Jones Watts Ltd, 41 Commercial Arcade, St Peter Port, Guernsey, GY1 1LB t. 740 071  
**Treasurer:** Stephen Henry, Investec Bank (Channel Islands) Limited, PO Box 188, La Plaiderie, St Peter Port, Guernsey GY1 3LP t. 723506  
**Committee Members:** Ian Kirk, t. 723191; Martyn Mann, t. 253081; Mark Palfrey, t. 252111, Steve Falla, t. 240600; John Stares, t. 232790, Mark Trenchard, t. 704281, Dave Clark, t. 812001, Sean Cheong, t. 723191  
**Administration:** Shirley Horsepool, BDO Limited, P O Box 180, Place du Pre, Rue du Pre, St Peter Port, Guernsey, GY1 3LL t. 746079



**Guernsey Branch**

2/...

In principle we agree that it is right to seek to move to a more transparent regime where each individual can clearly understand the extent of his rights to live and remain in Guernsey. The regime should also be easy to explain and understand. It is recognised the need to treat marginal and unique cases fairly may mean in practice there needs to be additional complexity in drafting detailed procedures but we believe the debate on the principles of the new regime should focus on the bigger issues. These are the policies which will be used to decide the majority of cases and will therefore have the biggest impact. The proposals which the PPG plans to publish in summer 2011 should focus on the main principles and avoid getting drawn into excessive detail.

Similarly we consider that the debate should focus on identifying the right regime for the longer term and not be distracted by the inevitable complexities of the transition from the current system. The transitional provisions will be important but they should be determined after the vision for the new regime has been agreed. For this reason we agree with the approach of the consultation document not to address transitional arrangements and we would advocate the same approach for the proposals the PPG makes in summer 2011.

The new regime is being designed in a period when the island has enjoyed close to full employment for many years and the environment is one where there is general agreement that there is a need to control excessive growth in the population. The new regime should be designed to last for a significant period and it is conceivable that the economic circumstances of the island may change significantly over that time. There should be flexibility in the system to deal with different economic and social environments which are not foreseeable now. (For example a period of economic decline might lead to much higher unemployment among the local population or to net emigration and a falling population. It is difficult to foresee such circumstances now, but in future it may be desirable to restrict the ability of permit holders to take a second job.)

We support the proposal to establish a Statutory Official to administer the regime. However we caution that the governance regime must be carefully balanced to ensure sufficient operational independence from the Policy Council and States while permitting adequate oversight of policy decisions.

We agree with the proposal that the States as an employer and landlord should be subject to the same population management requirements as any other employer or landlord. The States has to compete with other sectors for staff and there should not be artificial barriers hindering the transfer of staff between public, private and voluntary sectors.

Our individual members will have a wide range of views about what changes should be made to the open market sector. We recognise that much of the debate about this sector has not been directly about population management per se but more about the difficulties of making any changes to the current position.

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**Members:** John Stares, t: 232790, Mark Trenchard, t. 704281, Dave Clark, t. 812001, Sean Cheong, t. 723191  
Richard Le Tocq, t. 707932  
**Administration:** Shirley Horsepool, BDO Limited, P O Box 180, Place du Pre, Rue du Pre, St Peter Port, Guernsey, GY1 3LL t. 746079



Guernsey Branch

3/...

We believe that there is a place for a regime which allows individuals to move to Guernsey if they have the ability to contribute significantly to island life economically or in other ways. Currently there is a lack of clarity of the policy which supports the open market and we believe it would be beneficial for the States to revisit this policy and clarify it. We are aware that some commentators have voiced the opinion that any debate about the open market sector is damaging for the economy. We believe that it would be more damaging for Guernsey in the long term to allow uncertainty over the status of the open market sector to continue without the States agreeing an explicit policy towards it.

The PPG has made it clear that it believes the management of Guernsey's population is a separate issue from immigration policy which is linked in with the regime in the UK and other British Isles under the Immigration Act 1971. We have also been advised that the Home Department believe it is part of their remit to use the immigration policy to help minimise any increase in the population of the island and to protect the jobs of existing residents. This appears to us to be very confused and inconsistent. There should be a single population management policy to address concerns about the size of Guernsey's population. Immigration policy should be restricted to those matters which Guernsey is required to administer under the Immigration Act and not seek to be a second tier of management of the size of the local population. We note that the Minister for the Home Department is a member of the PPG which should make it a straightforward matter to eliminate this inconsistency.

We trust these observations will be of help to the PPG. Should you wish us to explain any of them in more detail please contact Mark Thompson on 741872 or [mrthompson@kpmg.guernsey.gg](mailto:mrthompson@kpmg.guernsey.gg)

Yours faithfully

  
Mark Thompson  
Chairman  
IoD Guernsey Branch

**Chairman:** Mark Thompson, KPMG Channel Islands Ltd, PO Box 20, 20 New Street, St Peter Port, GY1 4AN t.721000  
**Vice Chairman:** Anne Ewing, Les Annevilles Farm, Rue des Annevilles, St Sampson, Guernsey, GY2 4XQ t. 132188  
**Secretary:** Jo Watts, Jones Watts Ltd, 41 Commercial Arcade, St Peter Port, Guernsey, GY1 1LB t. 740 071  
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**Members:** John Stares, t: 232790, Mark Trenchard, t. 704281, Dave Clark, t. 812001, Sean Cheong, t. 723191  
Richard Le Tocq, t. 707932  
**Administration:** Shirley Horsepool, BDO Limited, P O Box 180, Place du Pre, Rue du Pre, St Peter Port, Guernsey, GY1 3LL t. 746079



## ISLANDS CHILD PROTECTION COMMITTEE

### Managing Guernsey's Population

#### Response from the Islands Child Protection Committee (ICPC)

Thank you for giving the ICPC an opportunity to respond to the consultation on population. It is a very well produced document and we are looking forward to seeing it progress.

The ICPC is the primary strategic planning mechanism for inter-agency child protection within Guernsey and Alderney.

The Committee consists of the following:

- 1.Senior representative(s) of the Health and Social Services Department
- 2.Senior representative(s) of the Education Department
- 3.Senior representative(s) of the Home Department
- 4.The Chief Officer of Police or his representative(s)
- 5.Children's Convenor
- 6.A Medical Practitioner from primary care
- 7.The lead paediatrician for child protection
- 8.A senior representative of the States of Alderney
- 9.A senior representative of a voluntary agency working with children in Guernsey and Alderney.

For the purpose of this consultation the ICPC has responded to sections that impact on the delivery of child protection in the Bailiwick.

Section	Comments
10b	<p>The ICPC agrees in principle with these objectives; however the new regime needs to commit to a joined up approach to long term planning to meet the skills deficit alongside a consistent approach to retaining highly skilled staff that undoubtedly provide essential specialised services. This would enable services to develop and plan long-term. Undoubtedly the Skills Strategy Development Group is addressing this but it would be helpful to have this as an objective of the new regime.</p> <p>At present due to a high turnover of social workers employed from off island, service delivery has at times been stilted and inconsistent. This lack of continuity impacts both on the service user and the social work teams. Recent reviews of cases in the Bailiwick have indicated that the continual changes in staff managing complex child protection cases is one of the key factors which inhibits fulfilling the child protection plan in a timely manner. Having discussed the high staff turnover with HSSD HR department it was identified that staff on average stay for two years but then leave for posts elsewhere. The Munro Review of Child Protection (DFE Dec 2010) identified that stability of a staff group, lower staff turnover and reduced vacancies make a significant difference to child protection outcomes.</p>
10b	To ensure that long-term strategic planning is effective there is a need for policies to



## ISLANDS CHILD PROTECTION COMMITTEE

	reflect the need for retaining skilled and experienced staff to maintain consistency in service delivery.
15	The limits on how long a family can stay in Guernsey can also impact adversely on children within that family, particularly if there are already concerns about a child. The forced relocation inevitably means changes of health visitor or school and school nurse, social worker and other professionals, which can delay children receiving the services they need, risks omissions in communications with the new area and, in the most extreme cases, could enable abuse to continue for longer than would have been the case if the family had not moved, as a new enforcement agency would need to ensure that it had sufficient evidence to act.
14a	It is felt by the ICPC that social workers and other child protection specialists should automatically be awarded a minimum of 7 year licences. This would enable a worker to establish themselves and their families to island life, be inducted to the local laws and practice and thus provide them opportunity to plan and progress. Through this commitment the Bailiwick would achieve a high standard of service delivery with motivated and loyal staff.
20b	Yes – allows choice and flexibility, we have found that when a high TRP is applied it has resulted in staff staying for the first 2 years when they are in receipt of rent/mortgage allowance, but then realising they are unable to remain on the island due to the high accommodation costs.
22c	Yes – this would have the impact of creating a 2 tier society resulting in the potential for poverty, abuse and neglect for those who cannot afford to access services.

-----  
**David Hughes**

**Independent Chair ICPC**

**19<sup>th</sup> May 2011**

## Response to “Managing Guernsey’s Population”

*In replying to this consultation document on behalf of teachers on the island, I will initially respond to the questions as posed and then add any further comments which we may feel have not been effectively covered.*

### **10. Objectives of a new regime:**

#### **10 a**

We agree with the objectives as posed.

#### **10b**

No

#### **10c**

The new regime should not only be transparent and robust, it must be capable of responding quickly to change.

### **11. Legislative and Policy Framework**

#### **11a**

We agree in general terms that the population management policies should be in line with the States Strategic Plan but that assumes that the SSP is sufficiently flexible to adapt to changes in circumstances and that the Population Management policies will be able to reflect change. The suggestion that the States will define the areas for which inward migration will be possible sounds like a recipe for delaying economic or public sector development and increasing the bureaucracy surrounding development rather than reducing it.

#### **11b**

Yes, in the interests of transparency and effective policy delivery.

#### **11c**

It would be of great concern if the policies surrounding who could and could not enter the island were in the hands of a very few officers or politicians.

### **12 Political and Administrative Responsibility**

#### **12a**

We have great concerns about the suggestion that the political responsibility for the new regime should rest with, what could be, an unelected sub-group of the Policy Council. We would prefer to think that such an important group would be drawn from the whole States and would be elected.

#### **12b**

The person responsible for day to day decisions regarding the policy should be, as currently, an employee of the States. They should be answerable to a Political Board.

**12c**

We fail to see the need for an Advisory Board as we would imagine that that is why we elect people to the States.

**12d**

We would, however, have expected to see in this section reference to an independent Appeals Body. We would also have expected reference to some form of scrutiny to ensure that policy in such an important area of island life was being followed and was effective.

**13 System of Permits**

We welcome the move away from using regulation of property occupation to regulation of those who can live and work in the island.

**14 Permits for long term residency**

**14a**

We agree that 7 years is certainly long enough for someone to reach the first milestone.

**14b**

N/A

**14c**

We agree that those who have only reached the first milestone should not have an **automatic** right to return after a period of absence from the island but we think that that absence should be significant in time if it is to have that effect. (Long enough to demonstrate that the permit holder is establishing a home elsewhere.)

**14d**

It would appear that the right gained by staying 15 years is the right to return without restriction. We believe that market forces will control those who return so we are unclear as to the advantage of maintaining a difference between the two levels of qualification.

**14e**

In the interest of equality, if the qualifying route is length of time living and working on the island there would seem to be no reason to differentiate between residents in the way in which they acquire that right.

**14f**

We believe that anyone who has achieved qualified status should be able to return to the island should circumstances merit it.

**14g**

See above

**14h**

If the purpose of this regime is to manage the population of the island then clearly it is essential that all those resident in the island should possess a certificate/permit of some kind. The suggestion of providing this information on a smart card (as in Jersey) connected to registration with Social Insurance/Tax seems to have merit.

**14i**

See above

**14j**

See above

**14k**

Yes

## **15 Employment Permits**

In general terms, it seems to us that this suggestion is unnecessarily complicated. We fail to see the need for 3 levels of employment permit.

We agree that, when it is demonstrable that a post cannot be filled locally that an employment permit should be issued. This employment permit should be subject to a condition placed upon the employer to fully investigate the possibility of providing training locally to ensure that, should the post fall vacant again, suitable candidates will be available on-island.

There seems no value in employing someone for a short period of time only to replace them with someone else from off-island doing the same job. The cost of repeated induction, for example, adds to the costs of any employer.

Permits of long length should NOT, in general terms, be issued for posts of seniority where it can be shown that this will cause a block for local employees who can reasonably be expected to reach those posts within a foreseeable future. (ie Seniority should not, in itself, be a reason for providing a longer length of permit.)

We find the justification for a Level 2 permit the most difficult one to accept. We certainly do not accept that a permit holder should need to be absent from the island for a length of time equal to that he spent on-island before being allowed to return. As mentioned above, there seems to be no good reason for replacing a permit holder with a further permit holder from off-island when there is no local candidate. We therefore disagree fundamentally with section 15.20 If such a condition Were placed, for example, upon teachers we believe that the recruitment problem which the island has been suffering from for years could only become worse and the costs thereto, which we believe currently run not far off £1m per annum, could only increase.

We do, however, accept the need for a short-term permit. As with the other permits, these should be subject to clear demonstration that these posts cannot be filled locally and in times of unemployment we believe that population management should look to ensuring persuading the



unemployed to train for those posts previously requiring short-term permit holders. If it is demonstrable that, despite effective recruitment and training the jobs require repeated provision of permits, those permits should be extendable without restriction and those employees should also be entitled to reach the stage of qualified resident.

## **16. Family Connections**

### **16a**

We agree with the current definition but careful consideration must be given to the way in which such people might become eligible to make use of the various social support mechanisms on the island. For example, it would surely not be right for someone to move an elderly relative across and then for that person to become eligible for long-term care support, for which residents have been paying social Insurance for many years.

### **16c**

In the interests of population management we understand the requirement to restrict those allowed to accompany short term permit holders.

### **16d**

See 16a above

### **16e**

If this is a population management tool then it should not be used to manage house occupation but, if the new entrant to the island is not living with the resident why would they be granted a residence/work permit?

### **16f**

Yes, see 14h above

## **17 Residence permits-uncontrolled properties (States owned)**

### **17a**

Since this is a tool for population management rather than home occupation, yes.

**17b** Yes, see above

### **18a**

The island seems to have always been open to the residence of people who contribute to the island in ways other than their employment or their family connections.

We believe that, in the interests of maintaining a buoyant economy and a healthy tax-take we would be unwise to close the doors to such residents.

### **18b**

We think that this is an area where we should have a second tier of permit.

If someone wishes to come to the island for financial reasons then it would be sensible to ensure a minimum contribution to the economy and then they should be subject to the same qualifying periods as other employed residents. If their contribution to the island drops below the required level, before they acquire full residential rights, then it would be reasonable to assume that, like someone whose employment is no longer required on the island, they would be required to leave.

#### **18c**

This policy is to do with population management not home occupation and therefore this question is not appropriate.

The population of those who come to the island for financial reasons will maintain the high value for high value properties (currently often generally designated Open Market). We cannot see a need for maintaining a register of properties in either a Local or Open market under these proposals.

#### **18e**

We have listened to concerns from Open Market residents concerned that their investments might suffer under these proposals. Although this might be the case we would remind them that all investors are frequently reminded that the value of their investments may occasionally go down as well as up.

Market forces will, in general, maintain the value of the larger properties and these will remain restricted by nature of the fact that the planning regime of the island is so effective.

### **19 Unforeseen Changes in Circumstances**

As stated earlier we believe that this policy must be flexible. We believe that transparency regarding what options might be available to a resident under a change of circumstances can only be applauded.

### **20 Restricting residence**

As this is a policy for population management rather than housing occupation there would seem to be no reason for restricting where and individual might live. An exemption with respect to short term permit holders might be seen to be appropriate since it might ensure that employers are obliged to provide adequate residence for their employees. It would be essential that this residence were regulated to prevent exploitation.

### **21 Criminal Convictions**

**21a** It would seem wise to include criminal conviction checks as part of the application process but it would also seem to be important that a test of reasonableness should be applied before deciding the impact of any conviction on the ability of any individual to live on the island. As with other comments, we believe that all prospective residents should be treated equally.

## **22 Other conditions**

It would be wrong to discriminate against applicants on the grounds of their age, gender, racial background, sexual orientation etc. As mentioned in 16a, it might be necessary to reconsider entitlements to social benefits dependent on contributions made or make arrangements with other countries for reciprocal arrangements.

## **23 Establishing an Appeals regime**

### **23a**

Yes

### **23b**

It is essential that the appeals system should be seen to be robust, independent and fair. As stated in section 12, we believe that accountability should rest with a political body and that therefore any final appeal would be against their decision.

## **24 Offences and sanctions**

### **24a Yes**

**24b** It seems from the examples posed that there is no consideration for expulsion from the island following repeated disregard for the system. This seems rather strange and does not allow for effective Population Management if one can stay on-island if one is prepared to pay the fines!

## **25 Other islands of the Bailiwick**

### **25a**

It would seem absurd if inhabitants of Alderney and Herm were not included in this legislation. Residents there should be able to establish residency rights in the same way as Guernsey residents IF they are subject to the same system of Permits.

As Sark residents do not contribute to the Guernsey exchequer and are treated as separate in all legislation it would seem strange for them to be included.

### **Final comments.**

We welcome this attempt to update the system of population control on the island. My greatest concern as a representative of the teachers on the island is the impact that it might have on the education system serving our youngsters.

For many years we have struggled to persuade youngsters to train to teach in our secondary schools and, as such have had to rely on a regularly changing group of transient staff. Although we do not question their ability in general terms this has had an impact.

1. The field of applicants for posts is always limited. Teaching is not a job where most people expect to remain in a single school for only a few years.

2. The repeated changeover of staff leaves the schools in a constant state of flux, it is hard to establish routines and expectations where you are constantly going through a period of induction with large portions of your staff.
3. The children who present the most challenge within our schools are often from unsettled backgrounds. It is frequently pointed out that these children rely on school as their fixed point, their constancy. Here in Guernsey it is hard to provide that solidity, particularly since the longer licences are issued according to seniority, ie to those staff who have LEAST contact with the children rather than those who have most impact.
4. The ability to extend a permit should exist. It may not be possible to foresee an impending shortage and it would be foolish, particularly with teaching, to close the door on good practitioners simply because the rules say we must!
5. The argument is often made that short-term licences allow the employer to establish the effectiveness of an employee and enable them to release them at the end of the contract easily if they are not effective in their job. This must not be used as a reason for establishing short term permits. Better appointment processes and employee management techniques are the way to deal with lack of capability in the workplace.

*Finally, I have also been asked to comment on the document itself and the consultation experience. The document was very long and seemed unnecessarily wordy. We would have been greatly helped by the publication of a brief synopsis which could have been widely circulated and would then, very probably, have generated more interest.*

*We were very fortunate to manage to arrange a consultation meeting and found that very helpful; perhaps these briefing meetings could have been held earlier in the process and then followed up after people had become better informed.*

*I have also been asked to point out that we appreciate the research and work that has gone into this process and look forward to the next stage of the consultation when you have had chance to respond to the comments raised.*



# ROYAL AIR FORCES ASSOCIATION

(Incorporated by Royal Charter)

(Registered under the War Charities Act, 1940 and the Charities Act, 1960)

Patron: His Excellency The Lieutenant Governor

All Correspondence to be addressed to:-

THE HON. SECRETARY  
R.A.F. ASSOCIATION H.Q.  
FOSSE ANDRE  
ST. PETER PORT  
GUERNSEY, GY1 1XZ.  
Tel: 01481-721558

29th MARCH 2011

POLICY COUNCIL			
DATE REC'D	31 MAR 2011		
ACTION	DP		
CM	/	HPR	
DCM	/	ECON	
CE		SAPD	
DCE		SPO	
HIR		SPC	
PEAD		HA	
HHR		MA	

Deputy Bernard Flouquet,  
Chairman, Population Policy Group,  
Sir Charles Grossard House,  
La Charreterie,  
St Peter Port.  
GY1 1FH.

Dear Sir,

ref: Population Consultation Document

I have the honour to inform you that in the Population Policy Group Consultation document Part 3 Section 14.76 "Periods of time spent off island" all members of the Guernsey Branch of the R.A.F. Association unanimously support and endorse this proposal.

Anyone leaving the island to serve in H.M. Forces for Queen and Country should NOT lose their rights of residency during this period of Service.

Hoping this information will help to make this become Law in Guernsey.

Yours faithfully,

ALAN BRUNGER.  
PRESIDENT, (GUERNSEY) BRANCH



## MANAGING GUERNSEY'S POPULATION

### THE STATES OF GUERNSEY'S POPULATION POLICY GROUPS' CONSULTATION DOCUMENT

#### A RESPONSE BY THE ROYAL BRITISH LEGION, GUERNSEY

**THIS RESPONSE BY THE ROYAL BRITISH LEGION, GUERNSEY IS MADE IN RESPECT AND ON BEHALF OF ALL EX SERVICEMEN WHO ARE GUERNSEY CITIZENS AND THEIR FAMILIES.**

**PRELIMINARY NEGOTIATIONS BETWEEN MAJOR GENERAL F.G. CALDWELL, OBE MC., ON OUR BEHALF AND THE STATES OF GUERNSEY NOTWITHSTANDING, THIS DOCUMENT IS THE DEFINITIVE, FORMAL RESPONSE BY THE ROYAL BRITISH LEGION, GUERNSEY.**

POLICY COUNCIL			
DATE REC'D	22 MAR 2011		
ACTION	DPP		
CM	✓	HPR	
DCM	✓	ECON	
CE	✓	SAPD	
DCE	✓	SPO	
HIR		SPC	
PEAD		HA	
HHR		MA	

### **Introduction.**

Guernsey has good reason to be proud of those of its citizens who have served in Her Majesty's Armed Forces. Many have given distinguished service and bought honour to their Island. Some risked their lives during the occupation and scaled cliffs to glean information that would help in our eventual liberation, another won the Victoria Cross and in recent times one has gone on to further serve as our Lieutenant Governor. They have, almost without exception, shown their love of their Island home by returning to it upon retirement.

The States of Guernsey showed little inclination to make any concessions to returning servicemen and they were left to their own devices to find homes on the island and then only if they met and complied with the Housing qualifications in force at that time. Many were thus disadvantaged since, unless their children followed them in a relatively short period of time, they could not return and occupy local market properties.

The Guernsey public hold our serving military personnel and ex servicemen in high regard and take pride in their achievements. They turn out in numbers to honour the fallen each November, they show great generosity to the annual Poppy Appeal and support our local CCF and ACF contingents, our three Service Association and other Regimental and Corps Associations. Our Lieutenant Governors have traditionally been selected from one of the three Services and the Island enjoys a very privileged relationship with the Crown.

For all of the aforementioned reasons we welcome this opportunity for the States of Guernsey to make life much easier for ex-servicemen when, on completion of their service, they choose to return to the Island that they have always considered home, by adopting a much fairer system in order to house such individuals and their families.

Our detailed proposal follows overleaf.



### **Section 10. Objectives of a new regime.**

While we broadly agree with the objectives listed under Section 10 we feel that one major objective has been omitted. We consider that a further objective should be to define the manner in which those Guernsey citizens who have served in the Armed Forces of the Crown, and their families, should be regarded on completion of such service and their return to the Island. We further feel that such ex-servicemen and their families should not be penalised in any way in regard to their eventual return to the Island, their qualifications for the right to work or to purchase property on the local market.

We feel specifically that the where you propose, under Section 14 Para 14.76, that there will be situations where an individual may spend some time off-island and that, in some special circumstances, they will be considered to have been "ordinarily resident" in Guernsey during that time and go on to further state that these situation will include "Time spent in the service of HM Forces" that the proposal should include the children of such personnel.

Similarly, we propose that children born out of the Island during a parent's service in HM Forces should be deemed to have been born in Guernsey. Such children are already granted British Nationality and their birth, in whichever country their parent is serving, is registered with the British Embassy or equivalent in that country. We feel that such children should also be granted Guernsey citizenship at birth.

If these proposals were to be accepted then the children of those serving in HM Forces would, in most cases, already be Qualified Residents when the parent's career with HM Forces ends and he/she returns to Guernsey. By this time the children could themselves be serving in HM Forces or pursuing their own career elsewhere. It would be entirely impractical for that child to surrender their career in order to follow their parent back to Guernsey at the same time. As a Qualified Resident they should be able to return to Guernsey at any time to live with or near their parents.

### **Summary.**

We feel that the new regime should recognise the need to make appropriate policies and priorities in respect of Guernsey men and women serving in HM Forces, together with their children, as one of their objectives.

We ask that those islander serving in HM Forces and their children will, for the period of such service, be considered to be "ordinarily resident" in Guernsey.

We ask that children born to islanders serving in HM Forces should be deemed to have been born in Guernsey for the purpose of being considered "ordinarily resident" in the island from birth.

We feel that it would be wrong to impose any restriction on return to the island in respect of any ex-servicemen and their children irrespective of the length of absence from the island.



*EH LeQuesne*  
Island President

*TRemfrey*  
Chairman  
Northern Branch

*DG Wyatt*  
Island Chairman

*JFBrehaut*  
Chairman  
Western Branch

**Royal College of Nursing, Guernsey Branch**

**Response to the States of Guernsey 'Managing Guernsey's population, A Consultation document, January 2011'**

Seven year permits for essential staff should result in a reduction in staff turnover and lead to a saving of money. It would we believe also lead to an improvement in service development, delivery and ultimately quality and value. Frequent changes of staff also means the states are paying out repeated relocation expenses for staff coming to and leaving Guernsey.

Children of Permit holder's represent the workforce of the future. If educated in the Island they will understand the heritage and culture of the Bailiwick. Money spent on their education will therefore be reinvested in the Island.

Services such as health needs a certain number of fifteen year licenses attached, if needed( i.e.no suitable local candidate), to key positions (stake holders) These post's need post holders who have a vision for services, and are then around long enough to see them implemented and evaluated.

Currently there is an inequity in the application of permits. Staff in HSSD accommodation can remain as long as they want and gain local status. Staff with families cannot stay in HSSD accommodation and face the upheaval of moving when their permits expire. This is not an attractive option for staff interested in more senior posts. Many staff who enquire about jobs never submit applications when they find out about short five year licences.

Four year permits would make an already difficult retention and recruitment problem worse. i.e. Staff currently on 5 year licences start to seek new jobs after two years and are usually gone around three years. Four year permits would shorten this period further, resulting in increased recruitment and retention costs. Also existing staff will spend most of their time inducting new staff. (Even more than they currently do)

Article 8 of the European Convention on Human Rights, must be adequately adhered to, however this does not mean that the needs of the Bailiwick population cannot be also met.

A process must be put in place that offers staff, who leave at the end of permits, an exit survey. A sample question may be 'Would they have stayed beyond their permit length if they had been allowed to do so?' This will provide some hard evidence rather than hearsay. Other important information that is not captured is how many staff on 15 year permits settle permanently in Guernsey? It has been suggested that a significant number may retire off island.

Rules surrounding permits must be transparent, consistently applied and decisions easily scrutinised. Decisions made must also refer to the relevant articles of the law and European Conventions.

Suitably anonymised records of exceptional and compassionate permits must be available to ensure transparency.

Clear delineation of circumstances that would result in deportation, or indeed, that would prevent the issuing of a permit in the first place.

Kenny Lloyd

Chair

Royal College of Nursing (Guernsey Branch)



# ROYAL SIGNALS ASSOCIATION

## Guernsey Branch

Chairman  
Alec S Forty  
Les Quarantes  
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The Chairman  
Population Policy Group  
Sir Charles Frossard House  
La Charroterie  
St Peter Port GY1 1FH

28 March 2011

Dear Sir,

### Population Policy Consultation

I submit the enclosed submission for consideration by the Population Policy Group.

Yours faithfully

Alec S Forty  
Chairman

POLICY COUNCIL			
DATE REC'D	29 MAR 2011		
ACTION	PP		
CM	<input checked="" type="checkbox"/>	HPR	
DCM	<input checked="" type="checkbox"/>	ECON	
CE	<input checked="" type="checkbox"/>	SAPD	
DCE		SPO	
HIR		SPC	
PEAD		HA	
HHR		MA	



## **ROYAL SIGNALS ASSOCIATION**

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## **THE STATES OF GUERNSEY**

### **POPULATION POLICY GROUP'S CONSULTATION DOCUMENT**

#### **Submission by the Royals Signals Association, Guernsey Branch**

Section 2 para 2-3 of the Consultation Document requires any person not ordinarily resident in the island before June 1940 to have a licence before occupying any dwelling house on the island.

Guernsey-born men and women have a proud record of service in HM Armed Forces and this can involve lengthy absences, together with their partners, during which children may be born away from the island.

The Guernsey Branch of the Royal Signals Association includes many ex-members of our Corps and also of other Corps and Regiments who have no Guernsey Branch of their own. It therefore represents an unusually wide cross-section of ex-Army personnel and it appears that, over the years, different decisions may have been made at the end of their service regarding the residential rights they and their children experienced on return to Guernsey.

As things stand, such persons and their children need to seek licences in order to occupy local market dwellings and take up work in their native island. Bearing in mind that their absence has been due to service for their Queen and Country, this is a situation that cries out to be changed.

We understand that the States of Jersey consider such people and their children to hold the status of local residents throughout their service and this eliminates the need for them to seek licences on their return.

On behalf of Guernsey-born ex-service men and women, we make a heartfelt request for this matter to be rectified and for them and their children to be classed as 'ordinarily resident' in Guernsey throughout their service.