



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 18th October 2017

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Present:

Sir Richard J. Collas, Kt, Bailiff and Presiding Officer

Law Officers

Miss M. M. E. Pullum, Q.C. (H.M. Procureur),

People's Deputies

St Peter Port South

Deputies J. Kuttelwascher, D. A. Tindall, B. L. Brehaut, R. H. Tooley

St Peter Port North

Deputies J. A. B. Gollop, C. N. K. Parkinson, L. C. Queripel, M. K. Le Clerc,
M. P. Leadbeater, J. I. Mooney

St Sampson

Deputies L. S. Trott, P. R. Le Pelley, J. S. Merrett, G. A. St Pier,
T. J. Stephens, C. P. Meerveld

The Vale

Deputies M. J. Fallaize, N. R. Inder, M. M. Lowe,
J. C. S. F. Smithies, S. T. Hansmann Rouxel

The Castel

Deputies R. Graham L.V.O., M. B. E., C. J. Green, B. J. E. Paint,
M. H. Dorey, J. P. Le Tocq

The West

Deputies A. H. Brouard, A. C. Dudley-Owen, E. A. Yerby,
D. de G. De Lisle, S. L. Langlois

The South-East

Deputies H. J. R. Soulsby, H. L. de Sausmarez, P. J. Roffey,
R. G. Prow, V. S. Oliver

Representatives of the Island of Alderney

Alderney Representative S. D. G. McKinley, O. B. E.

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (H.M. Senior Deputy Greffier)

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller)
Deputy P. T. R. Ferbrache (*absent de l'île*); Deputy L. B. Queripel (*indisposé*);
Alderney Representative L. E. Jean (*absent de l'île*);

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<i>The Assembly adjourned at 12.31 p.m.</i>	<i>1830</i>

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

The Senior Deputy Greffier: Billet d'État XIX of 2017.

To the Members of the States of the Island of Guernsey I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday, 18th October 2017 at 9.30 a.m. to consider the items listed in this Billet d'État which have been submitted for debate.

The Bailiff: Member of the States, good morning to you all.

Just before we start there are a couple of points I wish to mention.

10 You may have noticed that some of the microphones have been changed; they had been changed before our last meeting, I think that led to some confusion, because on the newer microphones the little red light that indicates whether the microphone is on or not, is not as bright as it is on the other ones, and I saw some people switching off their microphone when it was actually on. One or two people have perhaps removed the little fluffy thing on the end – I am
15 sure that is the technical name for it! – that does make it easier to see whether the light is on or not. If you do do that, it is very important you do not speak too close to the microphone, and certainly that you do not shout into it, because the fluffy thing is there to help with the sound reproduction. So just keep an eye on it. I am sure people will get used to it in time, but on the newer microphones the light is dull, or more dull than it is on the others.

20 The other thing I just want to mention is to clarify Rule 17(11) – that is the Rule that says a Member may interrupt another Member who is addressing a meeting, only on a point of order or on a point of correction. There was confusion at the last meeting. Deputy Le Pelley wanted to raise a point of correction after the Member who was speaking had sat down, and the Member objected, and he was entitled to do so.

25 I know there have been occasions where we have allowed that, particularly with closing speeches, and Members have been very happy to take points of correction after they have sat down, but the Rule does say that a Member may interrupt another Member who is addressing a meeting. So there is no provision for raising a point of correction after the Member has sat down. So if you wish to do that it is important that you correct the Member who is speaking really at the
30 time that the correction is made. Do not wait until the end because you will not then have an opportunity. One of the reasons for that, of course, if you raise a point of correction at that point the Member does not have the opportunity to reply because he has sat down and cannot make another speech.

35 Also, I do remind you, it is only points of correction; there is nothing about points of clarification, and correction does mean correction of a factual matter. We did have instances, particularly at the last meeting, where some people were trying to correct expressions of opinion. You may think that a Member's opinion is misguided or wrong, but people are entitled to hold

their opinions, that is why we have debate in a democratic Assembly. There should not be any attempt to restrict people expressing their genuinely held views and opinions. So points of correction should be for factual matters only, and should be raised at the time.

So I will take off my head-masterly role, and we will get on with the business.

Those who wish to do so may remove their jackets, and we will move to Statements.

The first Statement will be a general update from the President of the Committee *for* Education, Sport & Culture, Deputy Le Pelley, who has 10 minutes to present his Statement.

STATEMENTS

General update –

Statement by the President of the Committee *for* Education, Sport & Culture

Deputy Le Pelley: Sir, thank you.

I welcome this opportunity to update Members on progress and developments across all areas of our Education, Sport & Culture mandate.

I will do my best to cover as much as possible within this Statement – to steal a phrase from Deputy St Pier – I would hope this update offers no surprises, or at least only pleasant ones.

I would like to start by congratulating all our staff and students for recording a fantastic set of public exam results again this year. (**A Member:** Hear, hear.) Our GCSE and Level 2 results were the second highest ever recorded and although they have not published their final results yet, it looks like we are performing way ahead of both England and that other place to the south of here. Our students also maintained very high pass rates at A-level, International Baccalaureate, BTEC and other Level 3 courses again this year. Our primary progress and attainment data shows that we are maintaining our high standards and improvement of recent years.

Before Members ask why we need to change the system if our results are so good, I would just like to say we can always do better, and our transformation proposals are absolutely based on improved educational outcomes.

Of course, performance in public examinations and assessments is only one measure of our success. After all, we have committed within the Policy & Resource Plan to be a place where 'everyone has equal opportunity to achieve their potential'.

So what are we doing to make that a reality? Well, I will give Members a whistle stop tour of the main headlines.

September saw the start of the implementation of our new Bailiwick of Guernsey curriculum – the Big Picture. Our new curriculum has been developed by our teachers for our teachers with a view to preparing our children, and young people, for the opportunities and challenges of living and working in the 21st century.

We are extremely lucky to have been able to capture our on-Island expertise to create such a forward-looking and exciting opportunity to ensure we meet the needs of all our learners and, of course, provide that equal opportunity to achieve their potential.

We have made great strides in developing a more inclusive education system. We have been working closely with third sector partners, and parents, and carers, to create an environment where children and young people feel valued and listened to, where they are knowledgeable about inclusion and equality, and have access to learning which meets the needs of all, whilst exploring and celebrating diversity.

We must remember that retaining and recruiting high quality staff is perhaps the most important requirement of a successful education system. Even with the attraction of our new curriculum, this continues to be a challenge, especially when there is a national shortage of teachers in certain key subjects such as English, maths and science, and also when the cost of living in Guernsey continues to be high.

High quality staff need to be paid, and this is one of the major challenges facing us with regard to our 2017 expenditure and our budget limit for 2018.

85 More than 75% of the Committee's budget directly relates to pay. We need teachers and lecturers in front of learners; we need specialist staff in our education support services and special needs services; we need learning support assistants to ensure that our children are able to successfully access the education opportunities that will help them reach their full potential; we need caretakers to look after our school premises; we need school attendance officers, educational psychologists, careers advisors, development officers – the list goes on. And we need
90 the best we can get if we want to truly aspire to provide an excellent education service to all.

Sir, Members, we do take the opportunity to reduce our staff numbers whenever possible, we have combined roles, deleted posts, done things differently; yes our predecessors have even closed schools to try to bring this wage bill down. But all the time our children and young people's needs are changing and growing; they require different levels of support, our staff and
95 services are under pressure to ensure that we can provide that support and, of course, equal opportunity for all our children and young people to achieve their potential.

I thank the Policy & Resources Committee for recognising in the Budget Report that these so-called 'business as usual' pressures impact on our pay costs.

I would like to reassure Members that the Committee takes its budget responsibilities
100 extremely seriously. The main opportunities outlined within the PwC benchmarking report could potentially generate substantial budget reductions, but this is in the medium- to long-term run, and indeed most of them are intrinsically linked to our proposals for the transformation of secondary and post-16 education.

We agree that sustainable savings are best realised through the transformation of services
105 rather than simply cutting or reducing them. Decisions taken by this Assembly at the end of the year could help us unlock some of these savings opportunities, as long as our proposals are supported by the majority of Members and implementation is not delayed further. And, of course, we must make sure that whatever structure we agree, it does not prevent us from achieving our stated 20-year vision to be a place where 'everyone has equal opportunity to achieve their
110 potential'.

The Committee is continuing to carefully scrutinise the additional opportunities suggested by PwC for realising further savings in the long term, and welcomes the support from Policy & Resources by way of the proposed oversight group.

However, I cannot deny that, even with P&R's support, 2018 is going to present a real
115 challenge for us – many of these long-term transformational savings will not come through that quickly; the new funding agreement for the grant-aided Colleges will not have kicked in; it is difficult to address pupil teacher ratios mid-way through a school year without making staff redundant; even the idea of local management of schools, which we generally support, requires us to agree a structure before we can design an appropriate governance model.

120 One area of success that has also put additional pressure on our budget is the implementation of the States-funded entitlement to 15 hours of free pre-school education. The entitlement is now in its third term of operation, having been introduced in January 2017, and is proving extremely successful.

Members will be aware that I will be responding to a series of questions from Deputy Fallaize
125 shortly, so I will not steal his thunder, but I would like to confirm that the Committee has agreed to make no changes to the current scheme during this academic year. Good news that I hope Deputy Fallaize will agree to.

I would just like to touch on progress with our plans for the transformation of secondary and post-16 education.

130 We launched our proposals at the beginning of July and have received some excellent feedback from staff, students, parents, the wider community and States' Members. Parents have generally reacted positively to our proposals being mainly, and quite rightly, concerned with

knowing exactly where their child would be going, and what sort of education they can expect within our new structure.

135 Our staff are also looking for some level of certainty with regard to their jobs and future career options. As a direct result of staff feedback, we are now finalising a new staff transition plan which will allow us to appoint staff to our new secondary and post-16 structures at the same time, addressing one of their main concerns.

140 We have also changed some of the language we use which we think led to some of the initial confusion about our proposals, particularly for post-16 education – I can confirm that we are proposing a sixth form college, along with a further and higher education institute; we are proposing tried and tested structures – this is no experiment, our proposals are based on solid evidence of which structures will deliver the best educational outcomes for *all* our children and young people. We believe our proposals are also entirely appropriate for the Guernsey context, and support the States of Guernsey's priorities as set out in the Policy & Resource Plan.

145 I do not believe this Statement is the best vehicle for me to provide any further detail on our proposals. However, I feel it is important to keep Members and the wider community up to speed on some of the political developments. As Members are aware, the Committee's officers have been instructed to provide support to the group of Deputies wishing to see a two 11-18 school model, which would require the creation of two large schools of between 1,300 and 1,450 pupils each, more than doubling the size of our existing high schools, or adding several hundred more students and staff to the current Grammar School site.

150 The Committee's view is that the community would not be in favour of two such massive schools, and all the implications that might mean for the areas where these schools would be sited, and more importantly, the impact on the curriculum that could be provided in two small sixth forms. Policy & Resources has granted us an additional £93,000 to pay for experienced school staff to model curriculum options for these two schools and to engage architects, mechanical and electrical engineers, and traffic consultants to review at a high level how and where we could site such large schools, what size buildings they would require, and the possible impact on the surrounding area, as well as the transition for pupils and staff.

160 This work is progressing well, and we anticipate these Deputies using the information to construct an alternative proposal to bring to the States by way of amendment. To allow additional time for this work to be completed, we are now proposing to bring our proposals to the States for debate in December

165 This same group of officers are also busy completing the final detailed modelling of our preferred three-school plan, and ensuring that enhanced educational outcomes remain at the forefront of our proposals.

The Bailiff: Deputy Le Pelley, reluctantly, I will have to stop you there, you have exceeded the 10 minutes that are allowed under the Rules, and we did warn your Department or your Committee, or your officers, that this was likely to happen. So I will have to stop you at that point.

We now have a period of 20 minutes where questions are allowed. Not restricted to those matters contained in the Statement, but questions may be asked on any matter within the mandate of the Committee.

175 Yes, Deputy Tindall.

Deputy Tindall: Thank you, sir.

180 I will give Deputy Le Pelley the benefit of the doubt and assume that he was going to discuss sport and culture later on in his speech, but, as the Statement is required to give recent activities and forthcoming work, I would like to know, briefly, what those are in relation to sport and culture.

Thank you.

The Bailiff: Deputy Le Pelley.

185 **Deputy Le Pelley:** What about the Sport and Culture elements? (*Laughter*) I would like to reassure Members that we do not consider these to be our Cinderella services, in fact in many ways they are the jewels of our crown. (**A Member:** Hear. hear.) I think I have got one and a half minutes.

190 Members will be pleased to hear that work has begun on the development plans for Castle Cornet following the decisions on capital expenditure that we made here in the summer. As one of our most important heritage assets, one could describe it as the biggest jewel in our crown, a project of this size presents many challenges and we are currently developing the detailed project plan that will enable much needed maintenance and enhancement to take place over the next five years.

195 Members will be hearing more in the coming months as we consult about the plans we have been developing to ensure that Guernsey French is a part of the Island's future. We will be bringing proposals to this Assembly early next year.

We have also been pulling together the beginnings of the Island's Sports Strategy, working together with internal and external partners.

200 Our new Healthy Lifestyle Centre opened at Beau Séjour recently – the culmination of really successful cross-Committee working between staff from our own Committee and the Committee for Health & Social Care.

Members will have heard via the Island Games Committee that things are gearing up for 2021. As well as supporting the work for that group, we have re-aligned our property maintenance and development plans to ensure that our sporting infrastructure is ready for the start of the Games.

The Bailiff: Deputy Graham.

Deputy Graham: Thank you, sir.

210 Whilst I agree that LMS, or local management of schools, means many things to many people, if we can agree that it basically involves evolution of more autonomy for school governing bodies, would the President for Education, Sport & Culture agree with me that it is disappointing that three and a half years after the previous Department, in response to the resignation of Dennis Mulkerrin from the Committee, indicated in a public statement its intention in that term to introduce LMS. (**Several Members:** Hear, hear.)

The Bailiff: Deputy Le Pelley.

220 **Deputy Le Pelley:** Sir, LMS does indeed mean many different things to many different people, and I was brought up studying LMS on an English model which would not really fit with Guernsey. I do not think it is disappointing, I think what we have to come to accept is that we are on a pathway where LMS will, in some way – a Guernsey devolvement of responsibly will – actually happen, but it has to happen in the right sequence of events, right order of sequence of events.

225 We are working towards LMS, a Guernsey model of it, it will come into being, we hope, before the end of our current term, but we also want to make sure that everything is in place first. We need to have the governing bodies in place, we need to know which schools are going to actually be created and be in existence before we actually go down the final details of LMS. But, yes, it is on our worksheet, we are working to it, we are having discussions about it.

230 **The Bailiff:** Deputy Green.

Deputy Green: Sir, thank you very much.

235 The President for Education, Sport & Culture has welcomed the proposal in the Budget to form an oversight group, including Members of his Committee and Policy & Resources to help the process of identifying savings, and to realise those savings, but would he agree with me that it might have been better if there had been a proper collaborative approach from the very start of

this political term, between Policy & Resources and the Education, Sport & Culture Committee, on the savings, and on the identification and realisation of those savings, right from the very start, not 18 months into this political term?

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Sir, the working with the P&R Committee is welcomed, I have no problem with working with them at all, but I think what you need, what everybody in this building needs, to appreciate is that the PwC recommendations are, in fact, many recommendations that were actually proposed by the Education, Sport & Culture staff. It has been a very expensive exercise to actually have them come on board, and a lot of what they have done has actually ratified the good ideas that had been proposed by members of staff.

Yes, I think what is going to happen when we meet with P&R is that P&R are going to come to realise pretty quickly that a lot of the savings that have been highlighted are, in fact, medium to long term rather than short term fixes, that in doing some of these short term fixes you can make mistakes. I think, also, what P&R are going to realise is that some of the things that they think are going to be quick fixes are, in fact, going to be more difficult, and I do welcome working with them, so that they can actually see just how difficult our job is.

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

Following on from that question, the President for Education, Sport & Culture confirmed in his Statement this morning that his Committee takes its budget responsibilities seriously. With a forecast overspend for 2017 of more than £2 million, does Deputy Le Pelley believe they are taking this as seriously as they should be?

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Yes, thank you very much, Deputy Trott, for that question.

What I would point out to you is that at the beginning of 2017, P&R, who came in to advise us, through their financial whiz kids, that we were actually on budget ... when we got to the end of the first quarter, that self-same person then came in and said we were likely to be £500,000 over budget. We then carried out various things, which actually reduced our budget by the £500,000 overspend and we were quite comfortable with that. Then there was a change of staff, a new member of your P&R finance people came in, and actually explained to us that we were now looking at something going way out of control. With the information that we were given, at the time it was given, we have been extremely careful and very vigilant in what we were doing.

Some of the best savings were taken away from us. H&R – where we could have actually reduced some of our spending – that was taken away from us and put into the centre. The centre then made some of those savings, and guess what, they kept those savings for themselves. It was an Education saving, it became a central savings. IT, exactly the same: IT went into the centre, the savings went to the centre. We moved out of Grange House; the savings there, they are going to go to States' Property Services.

There have been lots of areas where we have made savings, or we could have made savings, but those savings have been taken away from us and allocated elsewhere. So I do not think you can really say that we have not taken our responsibilities seriously. We jolly well have.

The Bailiff: Deputy Merrett and then Deputy Yerby.

Deputy Merrett: Thank you, sir.

290 Could the President please confirm when Members and, indeed, the public at large can expect to see the evidence of the educational outcomes under the Committee's proposals for the transformation of secondary education?

The Bailiff: Deputy Le Pelley.

295 **Deputy Le Pelley:** I think, sir, that is all business that will be dealt with in December at another debate.

The Bailiff: It is still within your mandate, (**Deputy Le Pelley:** It is.) so the question is entitled to be asked.

300 **Deputy Le Pelley:** I have answered it, sir, the information will be given out running up to the debate in December.

The Bailiff: Deputy Yerby.

305 **Deputy Yerby:** Thank you, sir.

I have recently received a request from a parishioner asking for information asking that grade boundaries be made more easily accessible publicly. Given the transition to a new form of education, and our desire to achieve a world class quality of education, would the Committee undertake to publish, and publicise, a wider range of performance measures, including, 310 importantly, valid data on progress, as well as attainment within the schools?

The Bailiff: Deputy Le Pelley.

315 **Deputy Le Pelley:** Yes, indeed, and I think we would also benefit an awful lot from value added. I think the actual teaching body would very much like to see assessments being done, or reports being given, on where a student has actually started from at the beginning of their school career and where they have actually ended up. That is much more relevant to how efficient the teaching has been, rather than just a number of GCSEs, A- or O-levels, or GCE A-levels or GCSEs that they have actually passed. I am sure my Committee will take on board exactly what you have 320 said and I am sure we will be discussing it in the next six or so weeks.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

325 In response to Deputy Graham, Deputy Le Pelley said that LMS could only be achieved once the independent board of governors had been appointed. Would he not agree with me that in relation to the College of Further Education, such a body already exists, and yet there has been very minimal delegation of genuine autonomy on key areas such as hiring staff, and can he tell me when that is going to be addressed?

330

Several Members: Hear, hear.

The Bailiff: Deputy Le Pelley.

335 **Deputy Le Pelley:** Sir, the Education, Sport & Culture Committee is in regular contact with the Board of the College of Further Education. Deputy Meerveld is, in fact, our board representative on that and he has reported regularly that those talks have been ongoing. There has to be an agreement between both sides before you can move forwards, and we are progressing those talks.

340 **The Bailiff:** Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir

Sir, during his speech Deputy Le Pelley used the words 'belief' and 'view' several times. I am curious as to on what basis the Committee have the view that a two-school model would not be acceptable to the general public.

Thank you.

The Bailiff: Deputy Le Pelley.

350 **Deputy Le Pelley:** Sir, I think I can answer personally, and also on behalf of some of my members as well.

We did a terrific amount of canvassing in and around the Island parishes and the Island districts. I, for my part, took quite an active interest in education when I was doing the panning of the streets, knocking on doors in St Sampson's. The idea that St Sampson's High School would actually be increased to anything more than what it is now was seen as something quite frightful. Practically every door I knocked on, where education was debated, the idea of St Sampson's School taking anything more than 1,000 students, with all the knock-on effects that is likely to happen, with road congestion, the number of students moving to and from the school, a whole raft of various things were actually raised, and my own personal feeling is – and I think other people doing the same kind of exercise received the same kind of feedback – is that that would be resisted.

I do not know if the two-school modellers have actually gone out and spoken to the public and seen if they have got a different view.

365 **The Bailiff:** Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

Could the President please give me his views on whether or not he feels the Island would benefit from the implementation of an arts strategy? Also, does his Committee have any intention of developing and implementing an arts strategy?

Thank you.

The Bailiff: Deputy Le Pelley.

375 **Deputy Le Pelley:** Speaking personally, I would favour an arts commission. I am a trustee of the Arts Commission, we do actually have representation on that.

The Arts Commission exists. I think you are talking about an arts strategy – the Arts Commission is looking into that. It is part of its mandate and I am sure that they will be reporting back to our board, and our board will then be reporting back to the States. But it is work in progress.

The Bailiff: Deputy Gollop.

385 **Deputy Gollop:** Very early on, and commendably, the President for Education, Sport & Culture referred to his belief in inclusion, and equality, and integration. How far does he believe the board need to go to encourage integration between children with special needs and disabilities and the mainstream community, because recently Deputy Yerby and Deputy Ferbrache were on a *Phone-In BBC* where the issue came up several times as work to be done?

390 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: Sir, the Inclusion and Disability Strategy is ongoing with another Committee and we are happy to engage with them fully. I think we are happy to have as much inclusion as we possibly can, but I think we have to say that there are provisos to that. There are youngsters – and I was speaking to one just yesterday afternoon – that would struggle in a main school area, and also there are parents who do not wish to have all of their children in the main stream. We have to talk to absolutely everybody and make sure that the wishes of the students, the teachers, and the parents are all met. It is work that needs to be taken further. We are taking it further. Wherever possible we would like to have inclusion, but that this will not necessarily be every single student. We have to meet the needs and the requirements and the desires of everybody in this argument.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

Can the President please confirm that the funding to primary schools is allocated on a per class basis, as opposed to a per student basis, as I believe it is in the UK; and if that is the case, can the President please tell me if he thinks this is an adequate funding model, bearing in mind that, for example, St Martin's Primary School gained an additional 70 pupils, or thereabouts, without any additional classes, and therefore without any additional funding?

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: I would have to look into that, sir. I have not got the answer in my head of what the actual funding arrangements are. I will get my staff to reply to you in writing, if that is all right.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

The Committee's proposals for post-16 education are presumably being developed, having taken advice from post-16 leaders and practitioners. Is the President and his Committee prepared to share that advice with States' Members between now and the debate in December?

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Sir, we have taken advice from lots of people in post-16 education. There are two very strong lobbies at the present time. One is a lobby which is very much based at the Sixth Form Centre, which would like some form of 11-18 model, because it would actually suit what they are delivering at the present time, albeit through a mixed ability rather than a selection base.

If one was to go into a two-school model, then there would be far more opportunities for those people to maintain their positions and also their management allowances. On the other side of that we have the College of Further Education, who quite like their model, and would therefore like to see some form of tertiary college, and they have obviously given the evidence to support that.

What we have are two groups of people who are putting forward lots of evidence that actually support where they are coming from, and also markedly challenging where the other side is.

The information that we are getting is still being collated. I am sure that there will be an opportunity for us to share that with you before the December debate.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you.

445 Following on from a question on survey, can I ask practically what measures will be taken between now and the end of this political term to ensure greater integration, for example, between Le Murier, Les Voies and Le Rondin School? What papers or policies are the Committee considering that would bring about change and see greater integration over the remaining period of this political term?

450 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: That is work that is in progress. Officers have been asked to spec that up and to report back to us, and as soon as we have got papers ready to present to you they will be forthcoming as quickly as we can.

455 We have only got two and a half years of this current term left, I am aware that we have had 18 months already, and we do need to move on. There have been all sorts of distractions – I do not need to remind Members of exactly what they are, but we really do need to be given a bit of sea room so that we can just crack on and get this sorted; because at the moment all these deflections and things are just actually going to be, at the end, detrimental to the wellbeing of our youngsters.

460 We need to get ready the best package that we possibly can so that Guernsey children can have an education to be proud of and to let them compete with the children of the world really. We are not looking to compare ourselves with Britain or Europe. We want to be up there with the best in the world, and every aspect of that will be looked at. If any Deputy is offering to help we are more than happy to have them come and help.

The Bailiff: Deputy Merrett and Deputy Trott. I will not call Members of the Committee while there are other Members who wish to ask questions. You have an opportunity in Committee meetings to ask questions.

470 Deputy Merrett.

Deputy Merrett: Thank you, sir

Can the President confirm that in a meeting only yesterday his Committee agreed to share the evidence surrounding the ... of the proposed model of transformation of secondary education with Members? In addition, can he also confirm that the learning outcomes, whether it is 11-18 provision or 11-16 with a post-16 provision, should be the premise of the debate?

Thank you, sir.

The Bailiff: Deputy Le Pelley.

480 **Deputy Le Pelley:** Sorry, sir, I did not quite catch the last perhaps 20 words of that. We are happy to share; we did say that yesterday, we are happy to do that. If you would like to repeat the last phrase, I could answer that as well.

485 **Deputy Merrett:** Thank you, Deputy Le Pelley.

The Bailiff: May I suggest you do not speak too close to the microphone. I think speaking close to the microphone distorts the sound.

490 **Deputy Merrett:** Sorry. Thank you, sir.

The second part of my question was that should the debate in December fall around the premise of the best learning outcomes for 11-18 provision and the 11-16 provision with post-16, rather than just in how many schools that we are going to have, sir?

495 **Deputy Le Pelley:** I think, sir, that we are looking at the outcomes – not just the examination
results, we are looking at the outcomes across the whole *piste*, if you like, to make sure that
everybody is actually in a happier environment for learning, that they are actually comfortable
when they are actually doing their learning, and we mentioned, I think, earlier on the value added
that a youngster will get within the school. We are not looking just at what the final results are
500 going to be, about how many people actually get so many grade As at A-level. It has got to be
much wider than that; we have got to look at the wellbeing, the mind-set, of the students from 4-
19.

The Bailiff: Deputy Trott.

505 **Deputy Trott:** Thank you, sir.

The independent report undertaken by PricewaterhouseCoopers confirmed that teachers' salaries are, on a like-for-like basis, 30% higher here than they are in the UK. The lack of a truly comprehensive system is often cited as the reason for this premium. Does the President expect
510 teachers' salaries to normalise as a result of the decisions made by this Assembly with regard to the ending of selection and, if not, why not?

The Bailiff: Deputy Le Pelley.

515 **Deputy Le Pelley:** Sir, I am hoping that Guernsey itself will actually look at its wages across the higher paid, right across the whole board, because I think there are a number of people in this Island that are well paid – far too well paid, compared to the poorer members of society.

Getting into the position about teachers, yes, I am hoping that there will be some kind of levelling out. We cannot carry on going up and up and up at a pace that we are.

520 I am not sure that the 31% – I think that is the figure that was actually in the PwC report – is actually as accurate as it should be. We are not comparing like with like, we have to bear in mind that there are such things as London allowances for people that are teaching in the inner London area, there are different amounts of money paid for different out-of-London areas, so we do need to make sure that we are actually looking at like for like, but I do agree with you that we do need
525 to look at the gap, the wealth gap that is going on between the wealthy and the poor.

The Bailiff: That concludes the 20 minutes.

Disability and Inclusion Strategy – Statement by the President of the Committee *for* Employment & Social Security

The Bailiff: We will move on to the next Statement, to be given by the President of the Committee *for* Employment & Social Security on the Disability & Inclusion Strategy, Deputy Le
530 Clerc.

Deputy Le Clerc: Thank you, sir.

Thank you for allowing me to make a Statement today on the subject of the Disability and Inclusion Strategy. As some Members may be aware, in November 2015, following a Policy
535 Council update on the Strategy, and mindful of the impending restructure of Committees, the States resolved to direct the relevant Committee to report back on the Strategy no later than November 2017. Since May 2016, responsibility now falls to the Committee *for* Employment & Social Security.

The Committee intends for its next policy letter on the Strategy to include concrete
540 recommendations on the implementation of outstanding Resolutions. As such, it regrets that it

has not been able to meet the deadline for reporting back by next month. But I hope that, through this Statement, I can provide this Assembly with an interim update on progress.

Disability and inclusion is one of the five key priorities submitted by the Committee within the latest phase of the Policy & Resource Plan, and likewise proposed by the Policy & Resources
545 Committee as one of the 23 priorities of the States.

As the Policy & Resource Plan indicates, the 'inclusion' agenda is broad, ranging from work on disability to P&R's review of matrimonial laws – all the while, centred on the equal rights and fair treatment of all members of our society.

The Disability and Inclusion Strategy itself, which is our priority, is made up of around a dozen
550 individual work streams, many of which are large projects in their own right. I should note that some of these work streams are the responsibility of the Committee for Health & Social Care, for example capacity legislation, safeguarding vulnerable adults, and several frameworks for people with particular disabilities.

I will not be commenting on the HSC work streams, but understand that they are progressing
555 well, and I would like to take the opportunity to commend Deputy Soulsby, her Committee and staff, for their excellent work on projects such as the framework for people with dementia, and the framework for people with autism. (**Several Members:** Hear, hear.)

But returning to the Employment & Social Security responsibilities, I would first like to discuss
560 disability discrimination law. Such a law is a cornerstone of the Strategy and the UN Convention on the Rights of Persons with Disabilities, and an indication to disabled Islanders that we take their rights and inclusion seriously.

The Committee's responsibility is to bring to the States' proposals for a law that protects
565 against discrimination and promotes equality for disabled Islanders. When this project began, it was thought that Guernsey would develop its own bespoke legislation from scratch. However, on reflection, the Committee considers that adapting the non-discrimination legislation of another jurisdiction – an approach adopted for many other local law-drafting projects, especially in relatively new or complex areas of law – will achieve the aims of the Strategy within a more rapid and acceptable timeframe.

The Committee has drawn together a project team for this work, which includes ESS officers
570 and political sponsorship, as well as members of the Guernsey Disability Alliance and the Chamber of Commerce – the two groups whose members are most likely to be directly impacted by the new law – for whose time and commitment we are very grateful.

ESS, with input from the project team, intends to carry out a thorough review of relevant Laws
575 from six jurisdictions in order to identify a Law on which to largely base our own legislation, recognising that there is no single Law which is internationally upheld as the best way of preventing discrimination or promoting equality, and that any Law would need to be adapted to fit the Guernsey context.

While this approach will bring the work down to a manageable level, it is still a challenging and
580 complex project. In February this year a senior policy officer was seconded within ESS to lead on this work stream. We believe that assigning a dedicated resource is the only way to ensure progress, although in the same breath I have to acknowledge that there have at times been difficulties in fully protecting the officer's time for disability and inclusion work, because of essential competing demands; and we are now adding a second, half-time, officer to the project to add further support.

585 The second work stream I would like to mention is the development of an Equality and Rights Organisation, a statutory body that would promote equality, provide advice and education on best practice, and monitor compliance with legislation. In 2013 the States resolved to approve, in principle, the establishment of such an organisation, but to defer implementation until a business plan had been developed, stating in detail the functions, staffing resources, costs and charges for
590 such an organisation, and any additional funding required becomes available. Within our small and very stretched policy officer resource, we have, since August 2017, assigned part of the time of an officer to the development of a business plan for an Equality and Rights Organisation. It is

hoped that the business plan will be completed, and the States will provide the resources necessary to establish such an organisation, ahead of the commencement of any disability Law, so that it is able to raise awareness, advise on best practice, and provide support to businesses and Islanders in respect of the Law.

The States must lead by example when working towards a future where disabled persons and their carers are not excluded from, or denied access to, employment, goods, services or education on the basis of disability, or because they provide care for a disabled person. So, in August 2016 we commissioned the Business Disability Forum to review the entire operation of the States, with a view to establishing how the States could improve its operations and better accommodate people with disabilities. This is consistent with the Public Service Reform and the goal of improving customer experience across the States, and the resulting action plans have been presented to the Chief Executive's Management Team to progress and implement as a priority.

Great progress has been made on information and awareness raising. The second phase of the new signpost.gg website was launched in February of this year. It provides information on support services and activities for parents and carers of children with disabilities. I am pleased to say that the website has been well received. We will be making sure it stays up to date so it remains a valuable resource.

An online disability awareness training course was developed in 2016 by the States and third sector. The training aims to combat stereotypes and educate people on common misunderstandings. The training is available free of charge and has been circulated widely through the States and beyond. The training has been well received, and so far over 1,400 people have started the training with 981 people completing all modules.

One of the most useful resources that has been developed is a comprehensive database of accessibility information via *DisabledGo*. The *DisabledGo Guernsey* website includes reviews with factual accessibility information on over 600 venues, including visitor accommodation and public buildings. All of this information is available online to Islanders and visitors. Statistics show that visits to the website are split roughly 50/50 between on-Island and off-Island. This suggests that potential visitors to the Island are using the service to consider or plan a trip to Guernsey.

Recognising the importance of providing information for businesses in Guernsey in preparation for the Disability Discrimination Legislation, the States commissioned Guernsey Employment Trust to write a Good Practice Guide for Employers and an Employers' Disability Charter. The documents are available free online for businesses to access. In addition GET are delivering a number of training sessions and provide guidance on the Employers' Disability Charter. The training was oversubscribed and GET has arranged additional sessions.

In concluding this update, it is obvious that work has not progressed as quickly as was anticipated when the Strategy was approved by the States in November 2013. Many good things have happened since the Strategy began, but the flagship projects – disability discrimination law and an Equality & Rights Organisation – have still not become reality. Those are now our priority.

ESS has been responsible for progressing the strategy since May 2016. We, too, have not made the progress that we would have hoped for. But we have a good structure in place, we now have some, albeit limited, staff resource dedicated to the work and we have the co-operation and assistance of third sector partners.

The Committee needs no persuasion as to the need to improve the quality of life of disabled people and their carers, we are all committed to do so.

Thank you, sir.

The Bailiff: You may now have a period of 15 minutes for questions to be asked within the context of the Statement.

Deputy Green.

Deputy Green: Sir, thank you.

I thank the President for Employment & Social Security for the update, particularly the comments she made about the Equality and Rights Organisation. I think that was an important indication that she gave this morning.

Can I just ask her the obvious question, sir, which is that some four years or so since the States passed the Disability and Inclusion Strategy, why is it that we are still at the stage of considering the possibility of six different legal jurisdictions in terms of the Law that we actually want to implement ourselves? Why has it taken so long?

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

Well, as I pointed out in my Statement, ESS have only been responsible for this since May 2016, and I think it is fair to say that the resources were not allocated to the project prior to that, and as explained also we, perhaps, at ESS had not put the resources into the project ourselves. I do believe we were looking at a dedicated disability legislation, and we have now moved away from that to be a more encompassing legislation, and that is quite complex in itself, so that is why there have been further delays.

But I can reassure Deputy Green that this point has been reached in consultation with the third sector and the Disability Alliance that this is the way forward to go, and we will be putting our minds to it and putting the resources into it.

The Bailiff: Deputy Oliver.

Deputy Oliver: Sir, given that with the legislation that we have put the resources into, do we have a timeline when it might actually be completed yet?

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: I think it would be misleading of me to give an accurate timeline on that. As I say, we have got the project resources on it, but I think it is unlikely to come back within the next year. It may be longer than a year, but we would hope that we would have something back before the end of this term.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Sir, Deputy Le Clerc talked about more all-encompassing legislation. Could I ask her to clarify whether that means that the legislation will cover all forms of unlawful discrimination and not simply discrimination on the grounds of disability?

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Yes, my understanding is that the project team will be looking at the wider encompassing all forms of discrimination legislation, and taking into account other jurisdictions; and we know that Jersey are currently looking at their discrimination legislation, and again we will be guided by, perhaps, some of the work that they are doing.

The Bailiff: Deputy Oliver.

Deputy Gollop is, of course, on the Committee, so I will take questions from other Members first.

Deputy Oliver: Sir, sorry, with following on from Deputy Parkinson, will that include maternity and all of that, or are we just talking about more of the disability?

The Bailiff: Deputy Le Clerc.

700 **Deputy Le Clerc:** Well, we are already progressing some work on the maternity and equal rights, parental benefits, so I think that work is already progressing, so I am not sure it would be included in this piece of work, but we do know there are other works that we need to progress, and actually, we are preparing a policy paper at the moment to bring back to the Assembly in the very near future on parental benefits.

705 **The Bailiff:** Deputy Merrett.

Deputy Merrett: Thank you, sir.

The President referred to the States leading by example. With this in mind, can the President confirm how many Members have completed the disability and inclusion online training, and is the President happy with the take-up rates?

710 **The Bailiff:** Deputy Le Clerc.

715 **Deputy Le Clerc:** I cannot confirm how many people from this Assembly. I do believe that information is available. I started the training myself, and I was prompted after listening to the *Phone-In* to complete that training. It is very useful.

I think 1,400 ... when you consider the amount of people that work for the States of Guernsey itself, it could be improved.

720 But this is also free training available to the wider business community, and I think we, ourselves, as the States of Guernsey, should be promoting this far more and again perhaps, through the work with Deputy Merrett's Committee, that again, we could promote this to the wider business community.

The Bailiff: Deputy Inder.

725 **Deputy Inder:** Sir, at the family self-catering unit that we operate, I have had an accessibility statement attached to the unit for the past two years, and this year we have had two wheelchair users to the home as a direct consequence of that promotional activity.

730 In Deputy Le Clerc's Statement, she mentioned *DisabilityGo* and the 50/50 split between local users and, I think it was, UK users. Can I ask how is the Committee working with *VisitGuernsey* to engage with more tourists with varying mobility conditions, or issues, and to encourage them to actually visit the Island?

The Bailiff: Deputy Le Clerc.

735 **Deputy Le Clerc:** Sorry, sir, I did not quite catch all of that, liaising with which Committee, which area?

Deputy Inder: I will repeat it again.

740 **Deputy Le Clerc:** Sorry, sir.

The Bailiff: Again do not speak too close to the microphone. I think maybe that is distorting your voice.

745 **Deputy Inder:** Deputy Le Clerc mentioned the success of the *DisabilityGo* website and it had a 50/50 split between on-Island users and UK users, I believe. How is the Committee working with

VisitGuernsey to engage with more tourists with varying mobility and disability issues to come and visit our Island?

750 **Deputy Le Clerc:** Sir, I understand that in the last month there has been a huge initiative with *VisitGuernsey* on the disability front, and there was a seminar held, and actually it is for us, as well, to go on to those websites and have a look, and there is a lot of information there. So I would encourage everybody to do so and, again, to spread the good word.

755 **The Bailiff:** Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

760 It is disappointing that this strategy has not been developed as quickly as we had hoped, but would the President agree with me that there are improvements that shopkeepers and property owners could make now, even without a strategy being in place? I am talking about things like a handrail being put outside a building to help people get up the steps, and a chair being put in a shop for people to sit should they struggle to stand for long periods. We do not need a strategy in place for that, do we?

765 **The Bailiff:** Deputy Le Clerc.

Deputy Le Clerc: Deputy Lester Queripel is absolutely right, and I think that is where the work of the Guernsey Employment Trust and the Good Practice Guide for Employers is really beneficial.

770 As I said in my Statement, we have had some very successful training sessions, and we do realise that we need to do some more, but also the online training, if every business in Guernsey got their staff to do the online training session, I think it would enlighten a lot of people.

It is simple things like that – just putting a chair, how you approach people, how you speak with people – just key information there, and if we can get the numbers up on that 1,400, I think we would be making some huge advances.

775

The Bailiff: Deputy St Pier.

780 **Deputy St Pier:** Sir, I personally welcome the Committee's decision to extend their work from disabilities to equalities more generally, but it perhaps might be a useful opportunity for her to confirm, beyond doubt, that it remains her Committee's intention to seek the extension of the UN Convention on Disability Rights to Guernsey as and when we are in a position to do so.

The Bailiff: Deputy Le Clerc.

785 **Deputy Le Clerc:** Yes, absolutely, Deputy St Pier, but key to us being able to apply for that is the need for the legislation. So that has to be our priority – is to get the legislation in. Then we can move forward on the Convention.

The Bailiff: Deputy Leadbeater.

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Deputy Leadbeater: Thank you, sir.

Sir, the Co-op recently rolled out an initiative where they had an autism-friendly shopping visit, which I believe was very successful. Is the Committee working with other businesses in the Island to promote further initiatives such as this?

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The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: I cannot confirm about other initiatives specific to that. I think that is probably through some of the work that the Health & Social Care Committee are undertaking on the dementia friendly. But we are involved in all of that, and that was a success, and we would encourage more businesses to do that and participate.

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you.

Just in terms of leading by example, especially on the employment front, would the President agree with me that putting out adverts for positions within our own States, directing that a driver's licence is necessary for completion of the job, might not really be creating an inclusive environment and would discriminate against people with visual impairments not being able to apply for that job?

A Member: Hear, hear.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Sir, I am not aware of that particular advert, but I think that just goes to show that we have got a lot of work to do within the States of Guernsey ourselves and, again, I come back to some of the work that we will be doing, and the Business Disability Forum is working with the States of Guernsey and we need to ensure that those sort of things do not happen again in the future.

The Bailiff: Deputy Green.

Deputy Green: Sir, can I ask Deputy Le Clerc if there is any indicative cost of what the new Equality and Rights Organisation may be? I take the point that she said they are in the process of developing a plan for that at the moment, but I just wondered whether there is any indication of the cost of that, as worthy as it is; and whether her Committee is working closely with P&R to make sure that any new initiative like that, any new kind of service, will be and can be funded.

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: I have got no idea of the indication of costs at the moment, and that will be part of the business plan that the working group will be bringing forward, and we will be bringing back to the States. But I do know that we are working with other third sector organisations on this, but I am afraid I would have no more information, and we will have to wait for the business plan, that will be part of it. But I would just like to point out again that this is part of one of our top five priorities and is included in the 23 priorities that this States will be voting for in November in the Budget.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Just one point, sir.

Can the Minister tell me whether grants to business are intended in order to support new initiatives in the strategy?

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: I am afraid I cannot advise at this stage if there will be grants available, but I can say that I had early discussions with officers yesterday, and we are potentially looking at if

850 there is some quick fix that we may be able to do, with our benefits system, to help people make some small adaptations. So that is work in progress, but I cannot give any more information at this time.

855 **The Bailiff:** There is no-one else. Deputy Gollop, you may ask a question of your Committee President.

860 **Deputy Gollop:** I know I am on the Committee, but in relation to the wise questions of Deputy St Pier and Deputy Green, amongst others, made, there is a greater need to raise awareness of disability because of the UN Convention responsibilities there and the necessity to put that in place and also to fund the Equality and Rights Organisation; but would it not be good for Policy & Resources Committee to look at through the future, or Transformation Fund, to work closely with ESS in ensuring those funds are available to move the strategy forward? In other words, is Deputy Le Clerc able to liaise with both Policy & Resources and other Principal Committees to ensure that we deliver the strategy but also in conjunction with the other Principal Committees?

865 **The Bailiff:** Deputy Le Clerc.

870 **Deputy Le Clerc:** Deputy Gollop will be aware that we have regular meetings with Policy & Resources, we have regular meetings with Health & Social Care Committee, and other relevant Committees, and we will have those as regular agenda items to ensure that we work closely with them and keep them informed on what resources we might need.

The Bailiff: There is no one else.

Population Management – Statement by the President of the Committee for Home Affairs

875 **The Bailiff:** We will move on to the next Statement to be delivered by the President of the Committee *for* Home Affairs on population management.
Deputy Lowe.

Deputy Lowe: Sir, thank you, sir.
Sir, I make no apologies for making this very brief but important Statement this morning.
880 As Members will be aware, there has been considerable attention, and speculation, concerning how some of the issues related to the new Population Management Regime are being dealt with by the States of Guernsey and, more specifically, by the Committee *for* Home Affairs.

This perception of uncertainty in relation to the action my Committee is taking is not helpful, and has continued despite my recent public statement that the Committee *is* listening to those
885 who have concerns.

The Committee has already received a letter from the Population and Employment Advisory Panel, known more commonly as PEAP, highlighting areas which they wish the Committee to consider amending, and the Committee is meeting with them next Monday to ensure that the necessary evidence exists before placing a policy letter before the Assembly next month.

890 Sir, I hope that what I have said this morning reassures Members, industry and the public that my Committee *is* taking this matter seriously, and acting quickly, but not recklessly, by complying with the States' Resolution that any changes proposed must be evidence based.

Thank you, sir.

895 **The Bailiff:** Are there any questions arising from the Statement?

Yes, Deputy Tindall.

Deputy Tindall: Thank you, sir.

900 I would just like reassurance from Deputy Lowe that the Home Affairs Committee has sufficient resources to deal with the Population Management Law introduction due to the backlog that we have been notified previously.

Thank you.

905 **The Bailiff:** Deputy Lowe, I am not sure that arises from the Statement.

Deputy Lowe: It does not arise, but I am more than happy to answer it, sir, and it is not just that with the help of Policy & Resources – we are very grateful for their support, and they have helped and assisted us by having resources in there to clear the backlog through the transition period, which I have made you all aware of previously – but we are doing our utmost to get forward as quick as we can, and make sure that decisions are made in a reasonable and responsible manner.

The Bailiff: Deputy Gollop.

915 **Deputy Gollop:** Deputy Lowe has alluded to unhelpful comments from persons, but would Deputy Lowe and, indeed, her entire Committee welcome proper letters from employers, employees and people in business, generally, in various fields, to inform you of their perspective and perception of events, which include evidence rather than criticism?

920 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, Deputy Gollop.

I welcome that approach. In fact, I welcome that approach by all States' Members sitting in this Assembly, instead of actually going through the media, that if they have got evidence, that they actually go to the Population Management Office, or indeed to PEAP, or indeed to Home Affairs, because unless the evidence is provided, there is not anything that we can do about it.

925 I know that you will have seen it, because it has been in the public domain, where companies – and one company in particular, but there are others – have gone out there and said that they have not been able to get the staff, when actually we have checked the records and they have not even complied, or applied.

930 So, please, encourage people to get in touch – businesses and individuals – with the Population Management Office; or if it is a business, to engage with the representatives, who they selected and who this States approved, to be the independent connection between business and the States.

935 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Deputy Lowe, thanks the P&R for their support, and I think they have had an additional half a million pounds to assist the Population Office. Is that going to be a one off or is that likely to be re-occurring expenditure?

940 **The Bailiff:** Deputy Lowe.

Deputy Lowe: There is half a million pounds, but it is not all half a million pounds as such, because some we put back into the pot; so it is around £250,000, if I remember correctly.

We are having a complete review. We are hoping once the backlog has been cleared that things will settle down, but it is important for this economy that we send out the right message

that business is open, that Guernsey is open for business. Every time somebody goes to the media and publishes that there are great difficulties in population management, which we accept there are, it is not right, but remember businesses that are looking to come here want to come here on facts and not myths that have actually been reported.

A Member: Hear, hear.

The Bailiff: I see no one else rising. That concludes the Statements and we move on to Question Time.

Questions for Oral Answer

COMMITTEE FOR EDUCATION, SPORT & CULTURE

Primary School Education – Equal opportunities and access, per pupil expenditure and class sizes in both States' and Catholic schools; States' services available to home schooled children

The Bailiff: The first question is to be asked by Deputy Merrett of the President of the Committee for Education, Sport & Culture.

Deputy Merrett.

Deputy Merrett: Thank you, sir.

One of the policy priority areas identified by the Committee for Education, Sport & Culture, in its response to Phase One of the Policy & Resource Plan, is to develop a fully inclusive system, establishing equal opportunities for access to education. With that policy, in particular, in mind, and in the context of primary school education, would the President of the Committee provide details of the budgeted States' expenditure on primary school education for the current school year, per pupil attending the States' primary schools and per pupil attending the two voluntary Catholic primary schools?

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Mr Bailiff.

In responding to these questions, I would like just to confirm what we mean by fully inclusive system, establishing equal opportunity and access to education. Inclusion is not about everybody having the same, it is about everyone having access to the education they need, to allow them to achieve their potential. This may mean they require a different approach depending on their individual needs. With this in mind, I can confirm that the current cost per pupil in our primary schools, including central costs, and premises apportioned appropriately, are £7,145 and £7,121 in our voluntary Catholic schools.

The Bailiff: Are there any supplementary questions arising from that reply?
Deputy Merrett.

Deputy Merrett: Thank you, sir.

985 For clarity, could Deputy Le Pelley please confirm that the £7,145 in States' primary schools includes cap-ex and op-ex, and that the voluntary Catholic States' schools at £7,121 contains the same?

The Bailiff: Deputy Le Pelley.

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Deputy Le Pelley: Off the top of my head, sir, I cannot, but I will get that information to Deputy Merrett later today.

The Bailiff: Deputy Yerby.

995

Deputy Yerby: Sir, with reference to the matter of inclusion, if members of a denomination or indeed of another faith decided to open another faith-based school, would the Committee *for* Education, Sport & Culture authorise that?

1000 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: That is a very interesting question. I would have to take advice from my officers on that, and I will do, and let you know.

1005 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Would the President of the Committee agree with me that his comparison between the Catholic schools and all primary schools is not valid because the Catholic authorities pay for much – possibly all – of the capital costs associated with the buildings of the two Catholic schools? Whereas the cost he gave out on a per primary school child basis includes capital and revenue?

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The Bailiff: Deputy Le Pelley.

1015 **Deputy Le Pelley:** Sir, I think Deputy Fallaize is anticipating further questions that Deputy Merrett is going to ask, so if he can hang on he will probably find the answer contained there. If not, I will get a written reply to you.

The Bailiff: Deputy Fallaize.

1020

Deputy Fallaize: Thank you, sir.

I have another supplementary.

Deputy Le Pelley's reply refers to the provision of resources including in the Catholic schools. Now, in November 2013 the States resolved to direct the Education Department to discuss with the Catholic authorities whether it would be possible to move to the two- or three-form entry policy in the Catholic schools by federating or merging Notre Dame and St Mary and St Michael. Could Deputy Le Pelley advise the States how these discussions are progressing, please?

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The Bailiff: Deputy Le Pelley.

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Deputy Le Pelley: Sir, 2013 was three years before I took office, and I do not know exactly what happened between 2013 and 2016. The person to your immediate left would probably have a better view of that than I because he was on that Committee. Again, can I report back to you on that? I will need to take information from my officers and get back to you. At the present time, I am sure you are well aware the Catholic schools do operate single-form entries. In fact, I think

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Notre Dame actually has a combined one and two, but I will actually get the details and get back to you.

The Bailiff: Deputy Gollop.

Deputy Gollop: I appreciate ... *[Inaudible]* but I would like to know, please, how does the ESS Committee justify, on philosophical or policy grounds, the fact that parents who acknowledge to be devout Roman Catholics have a choice of education for their child whereas parents of other faiths, or none, have no such choice of catchment school?

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: If I was going to be cheeky I would say you would have to ask ESS that question, but I think you really meant ESC. *(Interjection)*

The question of where youngsters go – I think Deputy Merrett is going to be asking something along those lines a bit later on. I will need, again, to get the information from my officers to actually answer this question.

If anybody has got more detailed questions, please put them in writing. We are happy to give any information that anybody wants. You can even sort of stipulate if you want it in 400 words or 3,000, we do not mind, we will do our best to answer it; but answering questions like this, when I have not got access to the details, I cannot give you an answer straight off the cuff. I will endeavour to find out for you and get back to you.

The Bailiff: Deputy Merrett, is this your next question?

Deputy Merrett: It is, sir.

Just for clarity, Deputy Fallaize has no idea what my supplementary questions might be, but I will continue.

I believe that the voluntary Catholic schools cover their own expenses regarding maintenance and development of school buildings, so could Deputy Le Pelley confirm this is therefore a true comparison as the question –

The Bailiff: Sorry, this is not the second question I have got on my –

Deputy Merrett: Sorry, second supplementary, sir –

The Bailiff: So, it is a supplementary. Sorry, I thought you were asking your second question

Deputy Merrett: Second supplementary, sir.

The Bailiff: It is another supplementary, sorry. *(Interjection)* Could you start again, because we were both –?

Deputy Merrett: Certainly can, sir.

First of all, I would like to clarify that Deputy Fallaize has no idea of what my supplementary questions are *(Laughter)* because I believe he is listening ...

I believe that voluntary Catholic schools cover their own expenses regarding maintenance and development of school buildings, so could Deputy Le Pelley confirm that this, therefore, is a true comparison, or has the cost of maintaining and developing school buildings been removed from the figure given in answer to question one for the other primary States' schools? If it has not, then can I ask what are the current costs per pupil, compared like for like? So, for clarity, I mean what

are the costs per pupil comparing the same? So in this case I would suggest it means removing the cost of premises might be appropriate.

1090 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: I will ask my officers to do exactly that, sir, and provide Deputy Merrett and all other Members at the same time, with that information. I take it everybody else would like to know.

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The Bailiff: There are no more supplementaries, so let's move on to the second question, Deputy Merrett.

Deputy Merrett: Thank you, sir.

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Would the President of the Committee provide details of the current respective average class size by year for States' primary school classes and the two voluntary Catholic primary school classes?

The Bailiff: Deputy Le Pelley.

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Deputy Le Pelley: Mr Bailiff, the Committee's published admissions policy states, within the primary sector Amherst and La Mare de Carteret have a default class size limit of 25 children; all other primary schools have a default class size limit of 28 children. The limit for Vauvert includes children living in Herm. The maximum class size in any primary school is 30 children – this being at the discretion of the Director of Education, following consultation with the relevant head-teacher. There is no set minimum capacity for a class to be viable, but Education Services is obliged to manage its resources in an efficient and effective manner.

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Current average class sizes vary between primary schools. Currently La Houquette has the lowest average class size of 19.6 and St Martin's Primary has the highest at 26.5; St Mary and St Michael's Catholic Primary School has an average class size of 23.1, and Note Dame du Rosaire has an average of 22.6. The overall average class size in the States' primary sector is 23.4.

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I note that Deputy Merrett has requested a breakdown by individual year, within the time limit allowed for the answer. I will not be able to provide that full breakdown, but I am happy to provide this in writing to her and to other Members.

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The Bailiff: Deputy Green.

Deputy Green: Sir, Deputy Le Pelley referred to La Houquette Primary School in that last answer; can I remind him of the States' Resolution from 2013 which was to agree that – this was in 2013 – over the next five to 10 years, efficient and effective primary provision in the area served by Forest Primary School and La Houquette Primary School shall be revisited by a further Education Department. Can I ask whether his Committee since May 2016 have had any opportunity to consider the closer working together of those two schools?

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The Bailiff: Deputy Le Pelley.

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Deputy Le Pelley: Sir, the question is quite specific. I will give a detailed answer to that.

We have looked at the Forest and the Houquette School as an overarching thing, but we have not gone into any great detail, other than in one respect, and that was that La Houquette School did have one class of Year 3, I think they were at the time, students that were over the recognised limited. To enable that one particular class, that actually had three years of difficult class situations, to enable them to have a better deal, we actually employ an extra teacher to enable that year group to actually benefit and to catch up where it may have sort of fallen slightly behind,

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1140 which is why there is a very low average there at the present time, but that will work itself through
as that particular year group moves on an up through the age system. We are going to be
continuing to monitor exactly what happens at the Forest and the Houquette School. We are
aware of the 2013 request that we actually look at ... I think the suggestion at that time was that
every school should be a minimum of two-form entry. We are reviewing that.

1145 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1150 It was not quite a suggestion, it is that the States have a policy of two- and three-form entry
States' primary schools. Now, given what he has told us this morning about the average class size
at La Houquette, and given that there are two schools very close to each other, both operating as
single-form entry schools, certainly in some years, and given the budget challenges facing his
Committee, does he not agree with me that before the end of this term his Committee should
come to the States with proposals to merge La Houquette and Forest Primary?

1155 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: I agree that we should come back to the States and explain to the States
why we are or are not going to be doing that. I am not going to give any guarantee that we are
going to do either of the two things that he suggested, or the one that he suggested and one that
1160 I am suggesting. But we will actually report back within our term.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1165 In light of the figures that Deputy Le Pelley has kindly shared with us on average class sizes, or
actually the spectrum of class sizes, Deputy Le Pelley quoted La Houquette as having an average
class size of 19.6 and St Martin's as 26.5 – that is a large discrepancy. Would he not agree with me
that, given those figures and that discrepancy, the issue of whether primary schools are funded on
a class basis or on a per head basis is something that does need to be looked at and addressed if
1170 it is per class as opposed to per head?

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: I hear what Deputy de Sausmarez is saying, sir, and I agree to a very large
1175 extent with what she is implying. What I do have to remind you is that part of the previous answer
to Deputy Merrett was, the class size in any primary school is 30 children and it is at the discretion
of the Director of Education following consultation with the relevant head-teacher as to what
those average class sizes would be. Having said that, I understand what you are talking about per
capita rather than the size of the school.

1180 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1185 Again, given the relative differences of class sizes, one of the things that interests me is
planning applications for large developments of housing. Can the President please tell us whether
the Education department has any direct input into planning applications for large residential
developments with regard to class sizes and school capacities? And, if not, whether they should?

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: No, sir, I wish I could. With another hat on, I think representing St Sampson's, I would be very concerned at the number of houses that are being proposed for the Vale and St Sampson's area and what that actually might have as an impact on those localities and on the schools in those areas. I do not believe that we do have any particular impact. That might be something that you might want to ask the Committee that actually goes through the planning process. Obviously, Education has a right, like anybody else, or any other States' body, to actually put in observations and views, but to what extent they are actually acted upon, I would not know. Perhaps you would know.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, it was interesting, some of the figures that Deputy Le Pelley has mentioned in terms of class sizes and average costs per pupil. Deputy Green referenced the Billet of 2013 about transforming primary education, and in the lead up to that we had schedules provided by the then Education Department about what average class sizes would be, and they said they would be roughly, some of them, maximum would be about 25 in one school. Now, clearly, it seems like the class sizes have increased, but at the same time we are seeing that the average cost per primary school pupil is now £7,145. Well, we are told in that Billet of 2013 that the maximum average class sizes were £6,212. So I would like to know how we can square that circle between larger class sizes and at the same time larger costs per pupil.

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Well, sir, the answer to that question is going to be the actual cost of living, the cost of pay to teachers, the actual cost of repairs – all those figures actually go into the mix of actually running a school system. The provision of equipment etc. is all going up. So the actual cost is bound to rise. I think the question, in a way, would have been more helpful if it had been, 'How has it sort of evolved beyond and over RPIX?' or something like that, because a lot of those costs are actually fitted into the price of delivering things which has actually gone up over the last three or four years.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, yes, a supplementary to that.

Perhaps I did not make myself clear. I think the highest cost in the school was £6,212; in that Billet it actually says the average funding per child is £4,263. I know we have had some inflation in the last three years, but I do not think it has been that high.

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: I am quite happy to ask my staff. They are as hard pressed as you can imagine at this present time, but I am quite happy to ask them to re-go through those figures and if there is any difference, or any updates that we can give you, I am happy to do that; but I would remind Deputy Soulsby that when I was standing for President of Education she actually asked the question about would I close the Forest Primary School and I said no I would not, so looking at the merging of schools could put me in a difficult position because I have already stated openly that I would resist that. Sorry, that is maybe not an answer to hers particularly, but to others.

The Bailiff: You are only allowed two supplementaries, you have had your ...
Your third question please, Deputy Merrett.

Deputy Merrett: Thank you, sir.

I understand that for a child to be granted a place at either of the two voluntary Catholic primary schools funded by the States, they must demonstrate their affiliation to the Catholic faith, usually by means of baptismal certificate. Is the Committee satisfied that in terms of per pupil expenditure, and comparative class size, and access to all other education services provided, or funded, by the States that pupils attending the States' primary schools, and the two voluntary primary schools, are afforded the equal opportunity and access to education identified as one of the Committee's policy priority areas?

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Mr Bailiff, the simple answer is yes. I believe that the answers I have already given show all our children are afforded equal opportunity to access education. The only difference between a pupil attending one of the Catholic primary schools is that the States of Guernsey is not responsible for the maintenance and development of school buildings; this is the responsibility of the Diocese of Portsmouth. The States of Guernsey pays for the operational costs, including heating and lighting; the States of Guernsey pays for and employs the teachers, learning support assistants, school administration assistants, and the caretakers. The schools must abide by the same education policies, deliver the same Bailywick of Guernsey curriculum, staff go through the same performance management process, and the schools are inspected in the same way. To all intents and purposes, the children have the same educational experience whether they attend one of the States' primary schools or one of the voluntary Catholic primary schools.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

Deputy Le Pelley stated that the only difference between a pupil attending one of the Catholic primary schools is that the States of Guernsey is not responsible for maintenance and development of school buildings. Would the President agree with me there is another significant difference, being that there is a potential barrier to enter one of the two voluntary Catholic schools if the child concerned has not got a baptismal certificate or if affiliated or not with the Catholic Church?

If he agrees, sir, would Deputy Le Pelley consider removing such barriers to entry, to indeed ensure that any child, regardless of religious preference, can attend any States' funded school, including the two States' Catholic voluntary schools? If he does not agree with me, sir, could he please confirm that pupils wishing to attend one of the States-funded voluntary schools do not need to hold a baptismal certificate or indeed be Catholic or participate in any of the Catholic religious traditions?

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Sir, I think we need to bear in mind that the Catholic Church has a say in some of this as well, and for me to actually go and give any undertakings or any promises or anything at all would be very difficult without their approval or their support. So I am not going to make any promises at all. I am quite happy to talk to all of the primary school providers, whether they be Catholic or other, to see about what the admission policies are. But I am not going to give any undertaking just off the bat like that.

The Bailiff: Deputy Yerby.

Deputy Yerby: Does Deputy Le Pelley consider it appropriate in this day and age that any Church or other religious organisation should have a say in who accesses what States-funded education provision.

1295 **The Bailiff:** Deputy Le Pelley, your microphone, please.

Deputy Le Pelley: Sorry, it is one of those red lights you were talking about and I have not removed my fluffy thing. (*Laughter and interjections*) Right, I have lost the question. Could you repeat it? (*Laughter*)

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Deputy Yerby: Sorry. Is it appropriate that a Church or religious organisation should have a say over who accesses what States-funded education provision?

Deputy Le Pelley: Yes, I think they should. They have to abide by some of their own rules, and I think that it is only fair that they have an input in what happens within their education system. But we are an overarching body: we do actually make sure that the standards are maintained, we do inspect them, or we arrange for inspections to be carried out. Those inspectors report back to the States, the schools then come and report back to the Education Committee, and we are quite happy to share. All those reports are made public, so they are available to Members of this Assembly, as well as the members of public to actually see exactly what is what. The question is: do I think the Catholic Church should have an input in what goes on in the Catholic schools? Yes, I do.

The Bailiff: Deputy Gollop.

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Deputy Gollop: Sir, I am aware in a previous States that the Education Department, as it then was, tightened up the flexibility of pupils being able to access the two excellent Catholic flavoured primary schools, and indeed resisted appeals, even though, allegedly, the head-teacher was in favour of particular pupils entering. My question therefore, is how does ESC justify selecting pupils entirely on religious grounds for these schools?

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The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: I think the justification – (**The Bailiff:** Your microphone.) I will leave it on, sir, I think.

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I justify it because it is the Catholic schools that are actually operating the day-to-day running of the schools, and it is also the children of active Catholics that are actually attending the schools. So, I have every faith – (*Laughter*) I have faith in those schools delivering the appropriate education in a good manner. If people want us to look at any particular aspect of the education service that we are doing, we are always happy to receive questions and observations from other Members of the States. Please put them in to us in writing or put them down online and we will consider them. Absolutely everything is welcome. If anybody has a view they wish to express to us, or a question they wish to ask us, we are more than happy to answer as fully as we can.

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The Bailiff: Deputy Trott.

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Deputy Trott: Thank you, sir.

Sir, would the President of ESC agree with me that choice within the education system is a parental choice is a laudable position, whether religious or otherwise, whereas choice-based exclusively on the ability to pay is anything but.

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The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: I thought that meeting had finished last month, sir.

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I think parental choice is very important. I think that we need to live in a society where we are aware of everybody's religious beliefs, and we need to be a much more all-encompassing Island. I

do accept what you are saying about the parental choice being very important. We have had a debate some little time ago about ability to pay, and that is also a parent's choice; if they can afford to pay for something then they have that right. I think we may be coming on to things about home education as well, and that is also a choice which people should be able to make as well.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, following the supplementary questions from Deputies Merrett and Gollop, it is my understanding the admissions policy to the voluntary schools is actually set by the Committee, not by the Church. The Church are very willing to accept non-Catholics and would be keen to do so, particularly given that they do have capacity, and particularly given the constraints of capacity in the Vale School; they would be very happy to admit more.

Given that information, sir, will the President confirm that his Committee will urgently re-evaluate and re-consider the admissions policy to the voluntary schools, given that the Church are willing to accept non-Catholics?

Deputy Le Pelley: Happy to discuss that with them, sir, and to report back to this Assembly on how we are progressing.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Earlier Deputy Le Pelley said that before the end of this term his Committee would report to the States on whether, in their opinion, La Houguette and Forest should or should not be merged. Could he give an undertaking to the States that that report will include the same analysis in relation to the two Catholic primary schools and whether they should or should not be merged?

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Sir, I think it is fair to say that I think the Committee *for* Education, Sport & Culture is under terrific pressures to come within budget, and everything is going to have to be looked at. We are going to have Policy & Resources working with us to actually make as many financial savings as we possibly can; and if there are savings to be made by merging schools, and there is a very good case made out for why that should happen, and that case is far stronger than the opposing case, then yes we will have to go with it.

Times of austerity are still here. We want to maintain the standards, yes, we do. We want to make sure that our Education Service is second to none, or at least as good as everybody else's, but we have to bear in mind that there is so much money in the pot, and all of those things will have to be taken into consideration, and yes, we will be doing exactly that.

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Sir, having attended a dinner recently where a head-master of a Catholic school spoke, he mentioned a figure which I found quite surprising, that as many as two-thirds of the pupils are non-Catholics. It would be interesting to know what percentage of pupils in the primary schools are non-Catholics, it could actually be a majority.

Thank you, sir.

The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: If that was a question, sir, I will do my best to find out what the percentages are, but I think it was just an observation.

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The Bailiff: Your next question please, Deputy Merrett.

Deputy Merrett: Thank you, sir.

1405 Would the President of the Committee identify those educational services provided, or funded, by the States for children attending States' primary schools which are made available without charge to children who are being educated at home?

The Bailiff: Deputy Le Pelley.

1410 **Deputy Le Pelley:** This is question – (**The Bailiff:** Question 4.) question 4. The answer to that, sir, is this. The Committee for Education, Sport & Culture has a duty under the Education (Guernsey) Law 1970 to ensure the availability of efficient education throughout a statutory public education system. The responsibility for a child's education, whilst they are of compulsory school age, currently from 5-16 rests with their parents. Whilst most children attend a States' maintained
1415 school, a significant number will be educated outside this system in independent grant aided schools or at home.

Parents who choose to educate their children at home must be prepared to assume full financial responsibility, including bearing the cost of any public examinations. This is the same position as in the UK, for example in England and Wales, this means they are not able to access
1420 school services such as the Guernsey Music Service group and individual lessons delivered within the state school setting, educational psychologists and schools library service etc.

However, where there is available resource capacity, at Education Services discretion, some Committee-funded services may be able to be extended to such children, charged on a full cost recovery basis. Parents, carers of home educated children can, of course, access other States-
1425 funded public services, that are designed to cater for the needs of all Islanders such as the Guille Alles Library and the Careers Guernsey. Children from outside the States' schooling system who have achieved a suitable level of musical proficiency through private lessons can also access the Guernsey Music Centre, paying the usual registration fee.

I can also confirm that home educated children may come back into the States-maintained
1430 schools at any time during their education.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

1435 I have noted with interest that Deputy Le Pelley used the word 'choose', parents 'choose' to educate their children at home. Would Deputy Le Pelley agree with me that whilst some parents might indeed choose, others may feel disenfranchised by the States' education system, that they feel that it has failed their children and therefore they have concluded they had no choice other than to do what they feel is right for the children – to remove them from the state system that
1440 was not suitable for their individual child and to home educate them.

If so, sir, how many, or what percentage, are home schooled due to disenfranchisement of the state education system, and what is, and has been done, to try to offer them access to the educational environment that they need?

1445 If not, sir, what research has been done to enable Deputy Le Pelley to answer my question with such confidence? What research has Deputy Le Pelley based his answer on? To conclude my question, sir, how does Deputy Le Pelley know that this disenfranchisement of the States' education provision is not an underlying cause of some home school parents' choice?

1450 **The Bailiff:** I do not think that arises from the answer that was given in any way, but if Deputy Le Pelley wishes to answer it, he may.

1455 **Deputy Le Pelley:** I would just say, sir, that parents have the choice. The question of whether someone feels that they are disenfranchised or not is down to their interpretation of what they feel the situation is. I have no information on that at all that I can share with anybody. I do not know how many people feel disenfranchised, so I cannot answer that particular question. But I would actually say is that the Isle of Man, for example, and some other jurisdictions, do not have any home school provision whatsoever; you have the education service and you are required by law to attend that system and that is it. So the idea of having a home based option in Guernsey is something in the choice box which can be ticked.

1460 **The Bailiff:** Deputy Gollop.

1465 **Deputy Gollop:** Sir, how can it be seen as truly fair, equal or inclusive, or in favour of diversity, if children whose parents, ultimately, conclude that they would be best home schooled are denied school library facilities and the excellent schools music service?

A Member: Hear, hear.

1470 **The Bailiff:** Deputy Le Pelley.

1475 **Deputy Le Pelley:** Sir, where there is capacity, those parents may make an application and may get in. The Guille Alles Library is accessible to people whether they are home schooled, tutored or not. The school library service which actually goes out into schools and actually delivers set texts and book choices for topics and things; that is a service which goes to the central school, but there is nothing to stop a parent who is home schooling a child from taking that child into the Guille Alles Library and actually going through all of the stock that is in there and actually borrowing it as an individual. So, there is no restriction there.

1480 **The Bailiff:** Deputy Yerby.

1485 **Deputy Yerby:** Sir, given, first, that the States does provide financial support to, amongst others, Catholic schools and the colleges, which are not the mainstream of States' education provision, and, second, that some children who are opted out of mainstream education do so on the basis of disability, in the interests of inclusion would the Committee not agree that a review of the practical and financial support provided to home schooled children would be appropriate?

The Bailiff: Deputy Le Pelley.

1490 **Deputy Le Pelley:** The situation, sir, is that under the current Law that parents are responsible for the education of their children and if they wish to have access to all of the good things that the education of Guernsey offers, then they have to actually take part in sending their children to our schools. They do have the choice, they have the position in law where they can actually opt out, and that is a choice that they make, openly, wisely, with their own evidence-based decision; and if they decide that they want to step outside of the education service they are freely entitled to do so, but they do so with the knowledge that they are going to have to self-fund. There are no funds that we are, at the present time under the law, obliged to actually give them, to actually aid and assist them.

1500 **The Bailiff:** Deputy Yerby.

Deputy Yerby: Sir, given that it is our role to change Laws when they are not just and that there is no shame in us doing so (*Laughter*) (**A Member:** Hear, hear.) would the President either say whether he feels the current Law is fair and just, or whether a review of that position would be appropriate?

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The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Sir, I think a review of that position would be appropriate.

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We are actually about to come into inclusion and disability legislation and I would have thought this would have fitted quite nicely into the whole thing. So we are more than happy to play our part in that going forward.

The Bailiff: Deputy Oliver.

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Deputy Oliver: Sir, would the President agree that it is not just disability children that are home schooled? Many people are home schooled and it is a choice, it is the same choice if parents want to send their children to the colleges, or to be home schooled.

Deputy Le Pelley: Yes, sir, I fully agree.

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The Bailiff: Then your final question please, Deputy Merrett.

Deputy Merrett: Thank you, sir.

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Is the Committee satisfied that in terms of per pupil expenditure equal access to all other education services provided and funded by the States, that home educated children are afforded the equal opportunity and access to education identified as one of the Committee's policy priority areas.

The Bailiff: Deputy Le Pelley.

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Deputy Le Pelley: Sir, as previously advised, where families choose to opt out of statutory provision either through deciding to home educate or indeed attend a private school, then they also opt out of all Committee-funded education for their child. The Committee provides considerable support for families who decide to home educate. Full details of the home education policy and advice and guidance to parents wishing to educate is available on our website, which is www.gov.gg/homeeducation – and it looks like that. If anybody wants to borrow it afterwards, no problem.

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The Bailiff: Deputy Merrett.

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Deputy Merrett: Thank you, sir.

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Has Deputy Le Pelley considered that if some families felt they have no choice but to opt out of the States' statutory provision, it is not their intention to also opt out of all Committee-funded education? For example, if a child is being bullied in a classroom environment, a situation that may not have been resolved to the satisfaction of the child's parents, or it has affected the child's mental health, that consideration could still be given to providing equality of access to, for example, but not limited to, School Music Services who offer lessons on a one-on-one basis.

The Bailiff: Deputy Le Pelley.

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Deputy Le Pelley: Sir, I think it is all part and parcel of what we need to look into. We have already discussed the fact that there is going to be inclusion discussions going on, moving

forward, that will be something that we will be looking into, I am sure. I would not be surprised if that, in fact, before the end of term of this Government the whole of the Music Service is being ...
1555 we are being requested as a Committee to look into it. So we need to actually look into the whole thing in the round rather than in individual topics.

The Bailiff: Deputy Roffey.

1560 **Deputy Roffey:** Would the President not agree that if people are home educating not because of genuine choice but because they feel there are such difficulties in the school situation that they feel obliged to take their children out, then the real answer is not to extend financial help to those people but to tackle the problem in the States' sector and make sure that it is resolved.

1565 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: Agreed.

The Bailiff: Deputy Tooley.

1570 **Deputy Tooley:** Thank you, sir.

Reference has been made to the policy directive and procedure dated May 2017 and I am sure the President is also fully aware that the Committee has the power within the Education Law Section 45

To provide primary and secondary education otherwise than at school ...

1575 allowing them such power to the Children's Law, section 23, Children in Need, and section 24, The Duty of the States, which states:

It shall be the duty of the States to provide services to any child in need so as to promote the upbringing of the child by the child's family.

Would the President therefore agree with me that the policy directive may need further consideration prior to its review date of January 2018?

1580 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: Sir, I think we would be going at quite a rate of knots if we manage to get that done before January 2018. I take on board what Deputy Tooley has just said, and I will raise it with my board at its next meeting.

1585 **The Bailiff:** Deputy Tooley.

Deputy Tooley: Thank you, sir, I appreciate that.

1590 Additionally, the President makes reference to considerable support for families who home educate. Can the President justify this statement to the Assembly by clarifying exactly what support is made available, or does the Committee *for* Education, Sport & Culture simply regulate without resourcing?

The Bailiff: Deputy Le Pelley.

1595 **Deputy Le Pelley:** Sir, we certainly regulate, and I hope that we resource. I will actually ask my officers to give a detailed response in writing to that question, and we will share it with all Deputies at the same time.

The Bailiff: That concludes that series of questions.

**Pre-school education –
Universal access, attendance rates and rates of pay to providers**

1600 **The Bailiff:** We move on to more questions to be asked of the President of the Committee *for* Education, Sport & Culture, and this time by Deputy Fallaize. Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1605 In January 2017 the States introduced a publicly funded scheme to provide universal access to pre-school education for three- to four-year-olds. What was the percentage of three- to four-year-olds not attending a pre-school in the spring and summer terms of 2017, following the introduction of the States' scheme, and what were the equivalent figures in the years preceding the introduction of the States' scheme?

1610 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: Sir, following the introduction of the States-funded entitlement to 15 hours per week of pre-school education in January 2017, our latest figures for this September's new cohort show that just over 4% of all three- to four-year-old children are not accessing any pre-school place. For the first two terms of the new entitlement from January to July this figure was just over 5%. It is difficult to compare with previous years as we do not have such robust data as providers were not obliged to share attendance figures with us.

1620 However, from assessments we carried out when children started school in reception, we know that more than 12% were not attending pre-school in 2015-2016; in 2014-2015 the equivalent figure was 19% of three- to four-year-olds not attending a pre-school. These last two figures do not include those children at the private colleges.

I would hope that Members can see the hugely positive impact that the States-funded entitlement has had on our children attending pre-school in the year before they start school. **(Several Members:** Hear, hear.) We are currently collecting the first set of data on these children's entry level assessments, as they start in reception, to help us begin to measure the impact of the 15 hours entitlement, alongside the new quality standards framework for pre-school providers. Because of our small cohort size, it will take a number of years to establish robust longitudinal data on outcomes.

1630 **The Bailiff:** Your next question, Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1635 What was the percentage of three- to four-year-olds attending a pre-school for at least 15 hours per week in the spring and summer terms of 2017, following the introduction of the States' scheme, and what were the equivalent figures in the years preceding the introduction of the States' scheme?

The Bailiff: Deputy Le Pelley.

1640 **Deputy Le Pelley:** When calculating these figures for 2017 we must exclude those children attending pre-schools at the private colleges, who have decided not to be a part of the States-funded scheme, and so we do not have data on the number of hours that they attend. But, in 2017, 88.2% of the 574 children accessing the States-funded entitlement, were accessing a minimum of 15 hours per week. Based on a survey for the academic year 2015-2016, which the

1645 private colleges provided data for, 54.6% of children were accessing pre-school places for a minimum of 15 hours or more a week. Survey data for previous years is less robust, but indicates there has been a marked increase in the proportion of children accessing the minimum of 15 hours per week. It is good news.

1650 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1655 This indicates that one in three children who were previously unable to access the minimum recommended number of hours per week are now able to, as a result of the States' scheme. That being the case, would the President of the Committee agree with me that the figures entirely vindicate the decision made by his Committee not to restrict entitlement to this scheme beyond what was agreed by the States in the last term?

1660 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: Sir, I cannot say for what reason people were or were not accessing the system before, we do not know if people were not attending because they could not afford it, or they felt they were underpaid and could not afford ... we just do not know. But the good news is that this rate has gone up from 54.6% to 88.2%. I mean it is fantastic news, and it is going to give this particular cohort of youngsters, and every cohort that comes behind them, I am sure, a very big lift up, leg up if you like, into the education system, and it hopefully is going to have results right the way through every year up until, well through life really, I hope, because it is going to enable them to have a far better start, therefore to be able to progress at far faster rates.

1670 I am very happy with the service that is being provided at the present time. I think there are still bits and pieces of data that need to be looked at. The next lot of data, I think, is going to be being received in November. We will actually be coming back to the States and giving them an update on that data when it has been processed. I know where you are coming from, Deputy Fallaize, sir, through the Chair, because we did have a different point of view as to exactly where the provision should be sort of cut off, and how that provision should be provided. It is still being assessed, but at the present time we have no intention of changing anything for this year.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1680 It is fantastic news, and I commend Deputy Le Pelley and his Committee for not reducing entitlement.

1685 Now, in view of the success of this scheme in achieving its objectives, can the President of the Committee confirm that it will not seek the agreement of the States before the end of this calendar year, to limit the entitlement of the scheme with effect from September 2018?

The Bailiff: Deputy Le Pelley.

1690 **Deputy Le Pelley:** I can confirm that, sir, we will not be coming back to the States between now and January to say anything about this scheme, other than to report that it is an ongoing success, hopefully.

The Bailiff: Deputy Roffey.

1695 **Deputy Roffey:** Given the apparent very encouraging success of the scheme so far, and given that all of the stats show that people who are being instructed through pre-school education thrive better when they enter primary schools, I understand resource is limited, but will the 15

hours be reviewed, because it is still at the bottom end of many developed countries in terms of the number of hours of pre-school that are provided, and 20 hours would be more near the medium?

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The Bailiff: Deputy Le Pelley.

Deputy Le Pelley: Yes, indeed. I think one has to be very careful before making some kind of blanket statement without thinking of exactly what the implications might be. Jersey at the current time offers 20 hours per week; they are struggling, to actually, make that cost effective. So there are problems in increasing the availability without having the financial resources to pay for it. The Isle of Man, for example, does have pre-school, but it is all based in schools, so every school has a pre-school group, which is very closely linked into the primary school. We are looking at all those kind of models. We have to, that is our job. It would be very nice to actually raise the provision but it has to be done within a financial package, that I am pretty sure that P&R would be investigating very closely to make sure that we were not overstretching the mark.

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Fifteen hours seems to be a pretty good package at the present time. I would like to see it go on for a couple more years before we actually review it into whether we are going to do 20 hours or 30 hours. The UK is doing 30 hours and they are having big problems funding it, but then they have got many different ways of actually raising the funds to do it. But, yes, we will be keeping it under review.

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The Bailiff: Deputy Trott,

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Deputy Trott: Thank you, sir.

Sir, the scheme is already limited to family household incomes of less than £150,000 per annum. With a forecast overspend of £2 million should this ludicrously high ceiling be substantially reduced?

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The Bailiff: Deputy Le Pelley.

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Deputy Le Pelley: Yes, it comes down to what do you mean by 'universal', doesn't it? We have not got a universal system now, because the universality of it all would say there would be no barriers or no limits whatsoever. We do have a limitation of £150,000, that is joint income; I think the board, at the time when we discussed it first, were thinking that there should be parity between this provision and also what the allowance would be for disability carers, which I think is £95,000 or £96,000, we were certainly looking at that sort of area as being the cut-off point. We do need to investigate it further, but then it will be even less universal, and I think we would be coming back to this Assembly or this Chamber for further debate, we would certainly be talking it through with P&R when they are looking over our shoulder at our funding and how we spend our budget, and the answer is yes, it will be investigated. We want to give the best we possibly can, but it has got to be at a price that we can afford as a community.

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The Bailiff: Deputy Yerby.

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Deputy Yerby: Would the President agree with me that rather than arbitrary thresholds, the best way of making wealthier households pay more for universal services is to tax them more?

The Bailiff: Deputy Le Pelley.

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Deputy Le Pelley: Yes ... *(Interjections)* Yes.

The Bailiff: Your final question, Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1750 Since January 2017 the States have paid pre-school providers £5.90 per hour for each place taken as part of the States-funded scheme. This figure is not subject to a States' Resolution and can be adjusted by the Committee. Is the Committee considering adjusting the flat rate of £5.90 per hour in the foreseeable future?

1755 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: As I advised in my earlier statement, sir, the Committee is not proposing to make any changes to the scheme for the rest of this academic year.

1760 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Bearing in mind that the latest figures show that annual inflation is just under 3% and that the £5.90 flat fee has been in place since January 2017, would Deputy Le Pelley agree with me that his
1765 Committee should re-examine the case for increasing the £5.90 rate, at least at some point during 2018, to ensure that what is a public-private partnership can continue to work effectively?

The Bailiff: Deputy Le Pelley.

1770 **Deputy Le Pelley:** Yes, sir. In fact, I think the figure is now 3%, if I remember the actual reports from the paper yesterday and the day before. The Committee is currently discussing such items with the industry, and those talks are ongoing. I would not want to say anything now whilst we are actually talking to them, but it is being reviewed. We are looking at it, we are looking at everything.

1775 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Does the Committee President agree with me that it would be better to increase the flat fee to ensure that the scheme, which does provide universal access, can continue
1780 in its present form, rather than to allow providers to charge top-up fees in a way which obviously would exclude some families from some settings?

The Bailiff: Deputy Le Pelley.

1785 **Deputy Le Pelley:** As I have already said, sir, we are in discussions over this, I do not really want to go into more detail than that. We are actually talking to the industry.

The Bailiff: Deputy St Pier.

1790 **Deputy St Pier:** Sir, irrespective of the level of payment to the providers, could the President advise what steps his office are taking to identify and encourage those who are not currently accessing or utilising the scheme and encouraging them to do so?

The Bailiff: Deputy Le Pelley.

1795 **Deputy Le Pelley:** Yes, sir, we have about 4% – between 4% and 5% – of the current cohort that are not actually engaging. We do not know the actual reasons for that; it could be that there is a desire to have the children stay at home, parental choice, very similar to the idea that people might opt to home educate; it may be that there is the opportunity being given, or offered, by
1800 grandparents who wish to have some kind of relationship with these youngsters, and that may be

the choice of the parents to actually to do that. But officers are regularly attending various drop-ins and various other things, and trying to encourage people to take up their 15 hours that they are entitled to, but there may be reasons, that we have not uncovered yet, as to why they are not doing that. We are talking about 4% to 5%, it is very low.

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The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

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Does the President know what percentage of children whose families earn in excess of £150,000 per annum *are* attending pre-school?

The Bailiff: Deputy Le Pelley.

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Deputy Le Pelley: I do not know that answer. I will ask if that can be provided to you, Deputy Trott, and others at the same time, from the officers that are actually looking after that section of our mandate.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

Sustainability of the P2 bus service – Operating cost, fare income, passenger numbers, States' subsidy, discontinuation of service

The Bailiff: We move on to the next questions that are to be asked by Deputy de Lisle of the President of the Committee *for the* Environment & Infrastructure.

Deputy de Lisle.

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Deputy de Lisle: Thank you, sir.

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The four questions deal with the sustainability of the P2 bus service. The first question is what has been the operating cost of the P2 parish link bus service for the past year, and since starting the service, including the driver, fuel, maintenance, and the leasing of the small bus, per day and total for the year and the period in the service?

The Bailiff: Deputy Brehaut.

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Deputy Brehaut: Thank you very much.

I thank Deputy de Lisle for the questions regarding the P2.

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The P2 parish bus link service commenced operations on 16th November 2015, and is included, along with all of the other scheduled services and integrated school bus services, as part of the public Bus Service Agreement. Accordingly, the costs are subsumed within the overall contract costs, and it is not possible to produce a calculation representing the exact costs of operating the P2 service in isolation from all of the other services that are provided. However, we have estimated that the net cost of operating the P2 would be around £130,000 per annum. Given that the P2 has now been operating for almost two years, the total operating cost of the service since its introduction can therefore be estimated at approximately £260,000.

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The Bailiff: Deputy de Lisle.

Deputy de Lisle: On a supplementary, sir, I appreciate the figures given by the President, £130,000 costs per annum and £260,000 cost over the two years; is it not important though to

1845 have precise costs of operating for all services, but especially for a new trial service, Deputy Brehaut, I ask?

The Bailiff: Deputy Brehaut.

1850 **Deputy Brehaut:** They are as precise as we can get them. They are wrapped up within the bus contract, so this question could have been on the P2, or it could have been on the 93, or it could have been on the 92. For example, the P2 runs a smaller bus, a Mercedes Sprint; it is actually more fuel efficient, so to give an exact difference between that vehicle and a Dart, for example, which runs another route, is not quite as straightforward as it may superficially seem. The £130,000 is the figure that we have arrived at, and we believe is a reliable figure.

1855 **The Bailiff:** Deputy de Lisle.

Deputy de Lisle: I appreciate the staff providing that figure, sir.

1860 The second question is: how many passengers were carried on the service, and what was the fare income for the service over the past year and the period in service?

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

1865 In the last 12 months the P2 service has carried 12,855 passengers, in total, and £4,854 has been raised in fare income during that period. Since its inception in November 2015, 19,512 passengers have been carried, and £7,523 has been raised in fare income. Passenger numbers per service have grown from an average of just 1.6 when the route was first introduced in November 2015 to an average of 3.7 in November 2016, and when Deputy Inder asked similar questions to 1870 6.9 as of September 2017.

The Bailiff: Is this a supplementary?

Deputy de Lisle: If I can ask a supplementary on that.

1875 Working with the figures that have been given there, the compensation to the taxpayer is the income divided by the number of passengers, so we have got £4,854 divided by 12,855 trips. Now, that is just 38p per passenger on the P2 service, compared with 42p per passenger on the P1 service that was discontinued. But further, the estimated net cost of operating is £130,000 per year which, with 12,855 passengers in the last year, works out to just over £10 per passenger ride, or on 1880 the basis of two years' figures, when passenger numbers attained 19,512 the cost has been over £13 per passenger ride. So operating P2 service gives us 38p but costs us taxpayers over £13 a ride.

1885 **The Bailiff:** You have spoken for over a minute, and you have not come up with a question yet.

Deputy de Lisle: Thank you.

How can you justify that, Deputy Brehaut, surely a taxi service would be cheaper?

1890 **The Bailiff:** Deputy Brehaut.

1895 **Deputy Brehaut:** I have no problem justifying that, bearing in mind the speech made by my colleague earlier today, Deputy Michelle Le Clerc. The bus service is about inclusion, it is about reaching out to the community, it is about ensuring that people get to work, that people get to the doctors' surgeries. I will not say too much about that because there is another question

coming after this, but concessionary rates for students, and for OAPs – those are the people we are trying to reach who use it. Those people travel free of charge, so obviously those rides are not factored in to those that are paying, but the bus service must be seen as an extension, broadly, of social service; if you are doing a bus service for a profit you simply would not have a bus service.

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Several Members: Hear, hear.

The Bailiff: Another supplementary, Deputy de Lisle?

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Deputy de Lisle: No, there is not sir.

The Bailiff: Well, Deputy Gollop has a supplementary question, so Deputy Gollop.

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Deputy Gollop: I regularly use the P2, so I am getting my £10 worth, I believe, but I would like to ask the President, through you, sir, would he agree that in practice this service is the only route that currently serves Ruettes Brayes, Ville au Roi, Charroterie, when Colborne Road is closed, and Les Landes de Marché, North Friquet areas which are important residential and community hubs?

The Bailiff: Deputy Brehaut.

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Deputy Brehaut: Yes, obviously I would agree with that. There are two things that people ask for most out of the bus services, one is round Island routes when it is busy in the summer, and the other thing people say is we want buses of the right size doing the spine of the Island, reaching people that cannot ordinarily access a bus service, and that is what this service is trying to achieve.

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The Bailiff: Deputy Lowe.

Deputy Lowe: Following on from the supplementary from Deputy Gollop, that is slightly misleading, there is a bus actually at one end Landes des Marches No. 31, and the other end of Landes de Marches, which is No. 41 – does the President agree?

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Deputy Brehaut: Well, I agree that the P2 bus service runs close or adjacent to existing routes, but the destination is crucial for the PT with regard to doctors' surgeries and others.

I note the Deputy's interest as a member of the taxi federation and owner of a taxi company, that she may like to declare an interest in future.

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The Bailiff: Deputy Lowe.

Deputy Lowe: I think the president is totally out of order, that has nothing to do with the taxi business. I am here asking questions and giving clarifications of the buses, of which I use, and which the buses are costing an absolute fortune on the P2, where the rest are very successful. I would ask the President to retract that.

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A Member: Hear, hear.

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: Sir, I did not mean to cause any offence, (*Interjections*) but we frequently discuss the bus service, and I think it is only right that people declare their interest as perceived by – but if it has caused offence I will withdraw it, obviously.

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The Bailiff: At the end of Deputy de Lisle's question he did say, 'Would it not be better if there were a taxi service?' so he has drawn in the viability of the bus service against taxi service. So, the question of taxis is in play, and perhaps anybody who does have an interest in taxi service should declare that if they are asking any questions.

Deputy Brouard.

Deputy Brouard: Thank you, sir.

Would the President advise whether or not taxi buses may still be on the Committee's thoughts. It was something that was raised in the Transport Strategy, and is something I would very much like to see.

The Bailiff: I do not think that is something that arises from the answer to the question, it might arise in the supplement.

Deputy Brehaut: I do not mind answering that, thank you, sir.

Because the Transport Strategy did issue, actually, disability plates to get disability taxis out there, but the bus service is always under review, because we have inherited a bus service that does a particular thing, the Committee spoke about this recently with regard to circular routes as opposed to radial routes which may work better. So the bus service is always up for review, but bearing in mind that we have a contract doing a very specific thing at this time.

The Bailiff: Deputy de Lisle, your third question.

Deputy de Lisle: Thank you, sir.

To date, by how much has the States subsidised the cost of the P2 service?

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

On the basis of answers given to questions one and two above, the States will have subsidised the P2 service by a total of around £250,000 by November, when the service will have been in operation for two years. That is about 3.5% of the overall bus subsidy, that is the bus subsidy over two years, for the provision of the full network of 19 scheduled bus routes plus an additional 40 school bus services operated per day during term time.

To many people, the bus service is an essential service, for others it represents a cost effective means to travel for a variety of different reasons. The P2 does not currently operate during the morning peak, and it was initially trialled as a community orientated ... I beg your pardon, the P2 does not currently operate during the morning peak and was initially trialled as a community orientated service. It is therefore not surprising that a high percentage of passengers using the service are concessionary fares, for example people of pensionable age. The recent significant growth in bus passenger numbers experienced across the entire network up by 17% in just two years is testament to just how successful the current subsidised service has become.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Thank you, sir.

Just a supplementary there. Deputy Brehaut speaks of growth in the bus passenger numbers across the entire network. Now, is this not the result of family cards issued to cruise passengers and holiday makers, each for three people, a multiple of three, which the trade estimates falsifies the numbers by 40% to 50%. Can Deputy Brehaut tell the States what effect these family cards have on passenger numbers?

The Bailiff: Deputy Brehaut.

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Deputy Brehaut: Sorry, Deputy de Lisle is misleading the States in that regard, it does not have the effect he is implying. The machines on the buses are capable of reading a pass or a card, so every fare is broken down to the user group. We are aware of the significant increase in the summer months when people, for example, are buying family cards, but it would not be right to say that they grossly distort the figures, which can be broken down journey by journey.

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The Bailiff: Deputy de Lisle.

Deputy de Lisle: I just wonder why the department or the Committee are allowing family cards to tourists and not locals?

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Several Members: What?

The Bailiff: Deputy Brehaut.

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Deputy Brehaut: Sir, that is simply not the case.

The Bailiff: Deputy de Lisle, your next question.

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Deputy de Lisle: Sir, I would have expected the P2 service to do better financially than –

The Bailiff: No. You have already had two supplementary questions. Your fourth question.

Deputy de Lisle: Oh, thank you.

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Given the decision to discontinue the P1 service but to trial this alternate P2 cross Island route, can the President, Deputy Brehaut, give assurances that the service will be cut, should use of the service not improve to avoid continuing the service, as was the case for the axed P1 service, which cost the taxpayer £144,000?

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

When the P1 was discontinued after 13 months of operation, it was averaging less than two passengers per service, compared to the 6.9 passengers currently carried by the P2. The Committee considers that the P2 service is an important element of the current bus network, and provided it continues to maintain, or increase, its current passenger levels then it will be retained as part of the overall network service provision. The P2 is quite deliberately, and unashamedly, a community orientated service. It connects people with a variety of community based facilities, such as nursing and residential homes, the hospital, doctors surgeries, and out of town shops.

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The fact that the high percentage of passengers using the service are people of pensionable age, is proof that the service is doing what it is designed to do. Because States' policy dictates that people over the age of 65 can use the bus service free of charge, the P2 was never going to be a profitable route. But it is important to remember that the purpose of providing this service is not to generate profit. Looking at the service purely from a financial perspective is to miss the quantitative and qualitative benefits it generates for its users and the wider community.

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This Assembly is committed to the Policy & Resource Plan and the P2 helps with real social inclusion for many members of our community.

The Bailiff: Deputy de Lisle.

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Deputy de Lisle: Sir, if I can ask a supplementary on that, because this P2 service serves a more densely populated area than the P1, and yet at 38p per ride fare income, it does not do as well as the P1 was doing at 42p per ride per fare. Would Deputy Brehaut not agree that another review of that service, the P2 service, is necessary?

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: What I would say with the information we have in front of us, all of the bus service is up for review, but I see no reason at this time to take the P2 in isolation, especially when we have increased usage of a service. I would ask Deputy de Lisle, and all Members of this Assembly. It is a significant bus contract, it is £7 million over two years. Please get behind the bus service, promote it, get people using the service, because exchanges like this across the floor of the Assembly sometimes dent the confidence, and people do not see longevity in the P2 service, when we hope that it will be there for a significant period of time.

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The Bailiff: Deputy de Lisle.

Deputy de Lisle: A supplementary, sir.

Deputy Brehaut, it is the cost at a time of austerity, and this is a concern to the public, but my final question to you would be, do you not agree with me that the cost to taxpayers of over £13 per ride on the P2 is not sustainable and therefore the P2 service should be axed?

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: Sir, Deputy de Lisle is right, the contract comes at a cost. We, of course, pay a little but more at E&I because we have taken on the cost from Education of the school bus service. Perhaps Education would like that back at some point – I very much doubt it.

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We must move away from this idea of subsidies per seat, people who have paid their taxes and insurances for many years are entitled to get something back, I think, to continue to participate in society. We have to look at the bus service in the round, rather than in the very narrow band width, if I can put it that way, of trying to cost the average seats and the cost per ridership. It must be seen in the round and the broader benefit to the community.

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Thank you.

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The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I would be willing to write to the Committee with some ideas on enhancing usership for P2, perhaps with a few tweets here and there, but would the President agree with me that the success in developing the unlimited Puffin passes in increasing numbers has very much fulfilled elements of the Transport Strategy, and that things are on track for the progress of both?

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: You can ask a question any time you like, Deputy Gollop.
Can I point out the success of the Puffin Pass has been immense. We have on Island children that at the age of 14 get on a scooter, and if they do not do that it is the taxi of mum and dad. What we are seeing, over a very short period of time, is a high take up of Puffin passes. That means some children will never own a scooter now, the bus service has become so reliable. At the age of 14 they get their pass, and like my two children at the age of 13 and 16, they use the buses frequently, and will continue to. That is the key here, getting people on buses at a younger age.

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The Bailiff: Deputy Gollop.

2105 **Deputy Gollop:** Would the President also agree with me, bearing in mind we have flat fare passes and flat fares across the Island of £1 basic fare, that any Deputy or individual who chooses to travel from St Peter Port out West is getting a better deal from the taxpayer than us poor St Peter Port North representatives? *(Laughter)*

2110 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Anybody is welcome to go out west, and when they go I am sure Deputy de Lisle will put the kettle on. *(Laughter)*

2115 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, does Deputy Brehaut agree with me that the subsidy provided to Aurigny puts the subsidy provided to the P2 service into the shade?

2120 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Yes, I would agree with you,

The Bailiff: Right. That concludes that question.

2125 I have allowed Question Time to go on now for over an hour, and as there is only one more question I propose that we finish Question Time, as it is not exactly the heaviest of agendas for the remainder of the meeting.

COMMITTEE FOR HOME AFFAIRS

Proposal to merge Guernsey's Fire Brigade and Ambulance Service – Committee support

The Bailiff: So we will continue with Question Time, with the last question which is to be asked by Deputy Roffey of the President of the Committee *for* Home Affairs.
2130 Deputy Roffey.

Deputy Roffey: Thank you, sir.

On September 27th in response to a Rule 11 question concerning the PwC report on possible savings within both the Education, Sport & Culture and Home Affairs budgets, the Vice-President
2135 of the Policy & Resources Committee said the following:

The approach taken on the PwC project was very much a collaborative one; a team of consultants worked closely with those responsible for service provision throughout the project. The vast majority of ideas for savings through service changes came from those running the services and were challenged and developed by the team from PwC. It was our hope that this would lead to a series of opportunities that were roundly supported.

In view of that response, can the President of the Committee *for* Home Affairs confirm whether or not her senior staff supported the proposal to merge Guernsey's Fire Brigade and Ambulance Service, and if they did, can she explain in simple terms exactly why that recommendation was overruled at a political level?

2140 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you sir.

I can confirm that senior staff within the Committee *for* Home Affairs do support the proposal to merge Guernsey's Fire and Ambulance Services. The report on this subject published by the Chief Fire Officer in 2015 remains on the gov.gg website. The recommendation was *not* overruled at political level by the Committee *for* Home Affairs.

What has happened is that both the Committee *for* Home Affairs and the Committee *for* Health & Social Care agreed that the budgetary and non-clinical oversight for the Emergency Ambulance Service, which had been transferred by States' Resolution in February 2016 to the Committee *for* Home Affairs, should return to the Committee *for* Health & Social Care. This was agreed by the States in the P&R Plan debate in June 2017.

I reiterate what is already in the public domain, which is that we remain open to the idea of a merged Fire and Ambulance Service if it is established by the Committee *for* Health & Social Care that such a merger would result in the best outcomes for the overall transformation of health services.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

Can I ask: wasn't that reply really just an exercise in semantics, because the vote by the political board of Home Affairs to recommend that this Assembly divest them of responsibility for the Ambulance Service had exactly the same result as voting to reject the Chief Fire Officer's recommendation to merge it with the Fire Service by preventing it happening?

So can I ask, again, the President to tell us in just simple terms why they reached this conclusion? There is nothing sinister about my question I am just trying to understand the mind set of Home Affairs in this respect.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you sir.

Deputy Roffey is looking for something that is not actually there. We work very closely with Health & Social Services; they are the ones responsible for the Ambulance Service and our door remains open, and we work with Health & Social Services, if they wish to take that forward and we will work with them.

The Bailiff: Deputy Roffey.

Deputy Roffey: I think I have to ask the same supplementary again, because I am not sure it was answered. That is, when the Home Affairs Department decided to recommend to this Assembly that they should no longer be responsible for the Ambulance Service they must have known that that would stymie the recommendation supported by their own staff to merge these two services, realising considerable savings. Why, therefore, did they so recommend?

The Bailiff: Deputy Lowe.

Deputy Lowe: That is inaccurate, sir, totally inaccurate.

Also it needs to be borne in mind the PwC report, which has been well documented and published, about the £600,000 savings, left out the huge capital cost of between £5 million and £6 million – all the alterations that we would need and the equipment that we would need the different contracts that we would need. It is not just a simple case of just moving the ambulances across to the Fire & Rescue. All of that was part of the discussions which will still take place, if need be, with Health & Social Care.

The Bailiff: Deputy Soulsby.

2195

Deputy Soulsby: Sir, yes, I note the President appears to be placing the ball very much in the court of the Committee *for* Health & Social Care here, but although the Committee *for* Health & Social Care does have budgetary and non-clinical oversight of the Ambulance Service, as the President says, the Committee *for* Home Affairs is responsible for the Fire Service. Therefore, does she agree that no proper consideration of whether a merger makes sense without the input of the Committee *for* Home Affairs?

2200

The Bailiff: Deputy Lowe.

2205

Deputy Lowe: The Committee *for* Home Affairs, as the President will know, have actually asked to be kept involved and look forward to seeing if we can actually take that merger forward. It is the Health & Social Services that are responsible for the contract for the Ambulance Services and we are more than happy to be involved in that, and we welcome the staff still being involved with it, if Health & Social Care would be minded to invite us to do so.

2210

The Bailiff: Deputy St Pier.

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Deputy St Pier: Sir, the President has helpfully referred to the PwC report, and in that context, I am sure she is aware that the Budget Report contains a Proposition that the Committee *for* Home Affairs should provide a detailed assessment of the opportunities in that report and the implementation plan in June 2018 at the next review of the Policy & Resource Plan. Given that the PwC report specifically does include a recommendation in relation to the potential merger of the Fire and Ambulance Service, it would be quite useful to know whether her Committee currently would be supportive of that Proposition when it comes to the States next month, in terms of the requirement to come back with an implementation plan, including that recommendation.

2220

The Bailiff: Deputy Lowe.

Deputy Lowe: I thank the President of P&R.

2225

We are very mindful of the item that is in the Budget Report, and we do take that very seriously. We are also very mindful that we have a financial plan in place, and we are working on a three year plan which will enable some of the savings to take place that are part of that PwC report, which actually goes further than the questions that have been raised this morning.

2230

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2235

Just so that I can understand this, is Deputy Lowe saying that in her opinion, and in the opinion of her Committee, if there is a case for the Ambulance Service to be merged with the Fire Service then really now, following the States' Resolution made earlier this year, it is a matter for the Committee *for* Health & Social Care to at least make the initiative in that respect?

The Bailiff: Deputy Lowe.

2240

Deputy Lowe: You are absolutely right, Deputy Fallaize, and we have written to Health & Social Care, and they will be aware of that. We have had joint meetings. I mean we get on well with Health & Social Care, we have met the whole Committee, we have made it aware of how we could assist with that, but they are also looking at their health transformation programme. So it is what is best and cost effective for the States of Guernsey.

2245

The Bailiff: Deputy St Pier.

2250 **Deputy St Pier:** Sir, the President referred in the response to a previous question in relation to the potential capital costs of this, which, of course, is very relevant information, which was omitted from the PwC report, as she said. Would she welcome the support from my Committee in working with both her Committee and the Committee for Health & Social Care, in terms of being able to progress this work and, in particular, of course, the provision of the appropriate capital funds to enable it to happen?

2255 **The Bailiff:** Deputy Lowe.

2260 **Deputy Lowe:** If that was the route that Health & Social Care wanted to go down, because I mean they are the ones looking at it, we are the ones that are actually saying the door is still open for us, they may not choose to go down that route. That is what has got to be looked at as the best possible way forward for cost effectiveness for an Ambulance Service for the future. We are not involved with those negotiations with the contract, and that is over to Health & Social Care, but if it was a case of the capital costs to go down the route for the Fire & Rescue, well, of course, we would be looking to P&R to see what assistance they could give for us.

2265 **The Bailiff:** Deputy Soulsby. All right Deputy Yerby then, if you are giving way to Deputy Yerby. Deputy Yerby.

2270 **Deputy Yerby:** Sir, many of these questions have been about what is best for the Ambulance Service and as a member of HSC I appreciate that, but the annual reports of the Fire and Rescue Service imply that there is less and less responsive work and more and more preventive and social service type work done by their service, and I wonder does the President envisage that there is a long-term future for a Fire and Rescue Service as a stand-alone or combined entity, or will it become something else?

2275 **The Bailiff:** Deputy Lowe.

2280 **Deputy Lowe:** I think it is fair to say that the Emergency Services, rightly so, are all working together, and the Fire & Rescue are very much trained now as first responders, that has got to be good news. There is a saving then, obviously, for other States' Committees, including Health & Social Care, if we are able to assist at a scene of an accident, that might mean that they are actually not needed to go into A&E.

The Bailiff: Deputy Soulsby.

2285 **Deputy Soulsby:** Sir, yes, the opportunities identified in the PwC report have been recognised as having potential to generate longer-term service efficiencies and significant expenditure reductions. Therefore, would the President agree that there are broader considerations needed than simply the relevance to health outcomes?

2290 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Yes, I totally agree.

The Bailiff: Well, that, Members, concludes Question Time. We move on to legislation.

Billet d'État XIX

ORDINANCES LAID BEFORE THE STATES

**The Beneficial Ownership of Legal Persons (Guernsey) (Amendment) Ordinance, 2017;
The Companies (Guernsey) Law 2008 (amendment) Ordinance, 2017;
The North Korea (Restrictive Measures) (Guernsey) Ordinance, 2017**

2295 **The Senior Deputy Greffier:** The following Ordinances are laid before the States: the Beneficial Ownership of Legal Persons (Guernsey) (Amendment) Ordinance, 2017; the Companies (Guernsey) Law 2008 (amendment) Ordinance, 2017; and the North Korea (Restrictive Measures) (Guernsey) Ordinance, 2017.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**No. 23 of 2017 The Animal Welfare (Guernsey) Order, 2017;
No. 24 of 2017 The Animal Welfare (Amendment) Regulations, 2017;
No. 17 of 2017 The Population Management (Employment Records) Regulations, 2017;
No. 18 of 2017 The Population Management (Employment Permit
Applications) Regulations, 2017;
No. 19 of 2017 The Population Management (Resident Certificates and
Permits) (Fees) Regulations, 2017**

2300 **The Senior Deputy Greffier:** The following Statutory Instruments are laid before the States: No. 23 of 2017 The Animal Welfare (Guernsey) Order, 2017; No. 24 of 2017 The Animal Welfare (Amendment) Regulations, 2017; No. 17 of 2017 The Population Management (Employment Records) Regulations, 2017; No. 18 of 2017 The Population Management (Employment Permit Applications) Regulations, 2017; and No. 19 of 2017 The Population Management (Resident
2305 Certificates and Permits) (Fees) Regulations, 2017.

The Bailiff: I have not received notice of any motion to annul any of the foregoing.

COMMITTEE FOR HOME AFFAIRS

I. Liquor Licensing: Permitted Hours – Approved

Article I.

The States are asked to decide:

Whether, after consideration of the Policy Letter dated 5th September 2017, of the Committee for Home Affairs, they are of the opinion:

- 1. To amend the licensing hours for Category 'A', Category 'C', Category 'D' and Category 'E' to 11am – 12.45am on Christmas Day*
- 2. To amend the licensing hours for Category 'A', Category 'C', Category 'D' and Category 'E' to 12noon – 12.45am on Good Friday*

The Senior Deputy Greffier: Article I, The Committee *for* Home Affairs – Liquor Licensing: Permitted Hours.

The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

The current licencing hours were agreed by the States of Guernsey in 2005. Following representations from members of the trade, the Committee *for* Home Affairs considered the hours for Christmas Day and Good Friday could be amended to reflect a better balance between the on sale hours for pubs, cafes and restaurants, and the off-licences, supermarkets and corner shops.

The Committee consulted widely during the preparation of this policy letter and we acknowledge that some members of the public, and indeed some licensees do not wish to open on Christmas Day and Good Friday; but we feel that, if agreed, this policy letter will give the hospitality trade a choice in how they trade on those days.

I ask Members to support the report.

The Bailiff: Yes. Deputy Tindall.

Deputy Tindall: Thank you, sir.

I just wanted to ask for confirmation. In paragraph 2.2 it says:

... in order to avoid the current [practicalities] the Categories A, C, D, E and G. the permitted trading hours... should be amended ...

But G is not included in the Proposition, so I just wanted clarification on that that point, please, sir.

Thank you.

The Bailiff: Deputy Gollop.

Deputy Gollop: Perhaps I am a bit of a dinosaur, sir, but I did not really see the necessity of policy or resources to be expended on this issue.

I know we are living in an age when people want freedom of choice, and freedom of movement, and freedom of purchase, but of course, there are at least two issues to consider over these dates. The first is that although Good Friday is probably the more rational of the two, for our society, coming within the Easter break, it nevertheless is seen by, perhaps, a minority, but an important minority, as being a very special day in the Christian calendar, and perhaps the saddest of days, and therefore there would be potential conflict in some areas if hospitality was over indulgent.

As for Christmas Day, I think perhaps the community has less religious scruples about Christmas Day. But there are other issues with Christmas Day. If one gave freedom of choice for licenced establishments to open up beyond the traditional early morning opening and festive lunch, one would see the old arguments about, perhaps, some family members who wanted to get away from the Christmas pudding and the Christmas Monopoly, being tempted to go out in the evening and indulge themselves outside, that might disturb our happy homes.

So I would probably, on this occasion, prefer not to sanction this.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Grateful, though I am sure they are, I do not think the families of Guernsey need Deputy Gollop's guidance on when they should be allowed to visit licenced premises. He said there was no need for resources to be expended on this policy letter; well, clearly, it will not have taken a

great deal of time for it to be drafted. The reason that it is necessary for these proposals to be laid before the States is because the present arrangements are wholly unfair, and completely unnecessary, and why should we retain on the Statute Book all of these sorts of unnecessary and illiberal provisions (**A Member:** Hear, hear.) when we can sweep them away?

I think this policy letter is to be welcomed. I commend the Committee for laying it before the States, and I look forward to voting for it.

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, I think it is damaging. These policies are damaging to people that have to work, and need time off.

I note also that the St Peter Port Constables want the *status quo* retained. I think that is very important, because they, of course, have the responsibility, or some responsibility in this area for those particular hours. I just wonder whether, in fact, these initiatives have gone to public consultation. Because it seems to me that it is a sort of whim that is coming from the board members, and yet there has been no attempt to outreach and find out how the public feel about this particular issue.

Here we are, trying to do something about alcoholism in this Chamber, with all sorts of policies (*Laughter and interjections*) to deal with it – perhaps not literally within here, but through this Chamber to the outside problems that are always spoken about and reported in the media! – trying to retain a balance, if you like, and spending all sorts of money actually trying to do it, and yet here we are going full out to try and extend the hours for Good Friday and also Christmas Day – when, in fact, we should be permitting people to enjoy, as far as possible, and have the time off work.

So, I would ask that we leave well alone, please. This is family time, the kids will not have their parents at home in many cases, and I think we should respect these particular days and the time off that they provide for family time.

Thank you, sir.

The Bailiff: Deputy Le Tocq.

Deputy Le Tocq: Sir, students of the New Testament will know that Jesus's first miracle was to turn water into wine, and religious people have been trying to turn it back ever since then. (*Laughter*)

I do not consider myself to be very religious. Some might consider me to be like that, but, obviously this is a question of balance. This is quite a minor thing, really, in this day and age.

I know that some people were concerned when other aspects of licencing hours were liberalised. I do not believe that has turned Guernsey into a place where drunkenness is seen everywhere. We have got an alcohol problem, but retaining these current limitations is not going to help it in any way. We need to tackle those things in different ways. I tried to bring about these changes when I was Home Minister, but I was overruled by my then board, I am very glad that the current President of Home Affairs has seen the light on that matter.

The Bailiff: Deputy Roffey.

Deputy Roffey: Sir, I support this, and I see it as part of a process that has been going on for a long time now. When I first came into this Assembly in 1982 we had an enormous body of legislation that was clearly motivated and stimulated by religious considerations. I do not think that is appropriate. I have every respect for people of faith, whatever faith they may be, living personally, themselves, by the credos that they believe in. I think the time where that is imposed upon the broader population, on the basis that we believe this therefore you should do it, has long gone.

2410 This is a tiny measure, but it is a part of that, and I think there are probably a few more bits of tidying up like that to do. We used to restrict what people could do on a Sunday, we used to restrict all sorts of things. I remember when we extended the nightclub hours on a Saturday night, a Member got up and said that would mean people would be dancing on a Sunday, as if that was a real sort of reason for not doing it. I think we are more secular today, people have their own beliefs but they should not be imposed by this Assembly on the broader community.

2415

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, it is just a follow up from what Deputy Roffey was just saying, the detailed plan on the Home Affairs page on gov.gg refers to the need for a complete review of existing liquor licencing legislation and the intention to return to the States with proposals. I was just wondering whether this was still the intention of the Committee, and whether there will be further legislative amendment expected in this term.

2420

2425 **The Bailiff:** Deputy Tooley.

Deputy Tooley: Thank you, sir.

We have heard a few people talk about Christmas Day and Good Friday as family days, and of course they are; and they are certainly, within my family, days when people are not allowed to leave to go off and enjoy themselves on their own. *(Laughter)* I do not want any of that kind of nonsense going on.

2430

But Christmas Day and Good Friday, and all bank holidays, can be incredibly isolating days for those without family, or for those in separated family where their nearest and dearest are, by court order or by family arrangement, elsewhere. Those people do not necessarily want to rely on what they see as charity. Those people want to maintain their independence, and by changing this Law we open our public homes, our public houses, for those people to go and be in company with others, and perhaps enjoy a little Christmas cheer at that time. So I see no issue whatsoever with making the changes that the Home Affairs Department are suggesting.

2435

Thank you.

2440 **The Bailiff:** Deputy Leadbeater.

Deputy Leadbeater: Thank you, sir.

It is refreshing to hear speeches, such as Deputy Fallaize and Deputy Tooley in support of this. Deputy de Lisle is, I think, completely over reacting. Yes, okay it is a special day, these are special days within the Christian calendar, but are we supposed to make allowances for special days with every faith calendar? I do not think so. I think the Committee in general is not in favour of rules for rules sake. These publicans, and hoteliers, and restaurateurs, have been granted licences so they are responsible people; we should give them the opportunity to pick and choose what they think suits their clientele, their business, so they can still operate within a reasonable and respectable fashion.

2445

I would like to pick up on a point that Deputy Tooley has just made: there are a lot of seasonal workers Deputy de Lisle referred to the fact that people would be forced to work on these days. Now businesses will open at different times, and you could have somebody working lunchtime that by the time they finish at 2.30 p.m. everywhere is closed. They could be in a situation where they are a guest worker, they have got to go back home to their little box room and they have got nothing else to do. This is about equality, it is about choice. So I cannot see any reason for the whole Assembly not to get behind this.

2455

Thank you.

2460 **A Member:** Hear, hear.

The Bailiff: Deputy Lowe will reply to the debate.

Deputy Lowe: Thank you, sir.

2465 I do not think there is anything that I need to reply to, to be honest. All I ask is that Members support this report, and staff will be protected. Nobody will be forced to actually go into these places. It is bringing the opportunity for licensees to operate to the hours that suit them. So I ask Members to support this.

2470 **Deputy Lester Queripel:** Can we have a recorded vote, please?

Deputy Lowe: I have just seen Deputy Soulsby stand up. Yes, we regularly review and we will continue reviewing the licensing.

2475 **Deputy Tindall:** Sir, I also asked a question.

The Bailiff: Deputy Tindall asked a question.

2480 **Deputy Lowe:** She did, and I did not quite catch it, so I have just asked my colleagues what it was you actually asked. Could you just ask me that question again, please?

Deputy Tindall: Yes, of course.

2485 **Deputy Lowe:** You mentioned lots of the letters that were listed in the report, but I think there was one missing, and I was not sure which one it was you were referring to.

Deputy Tindall: Yes, thank you, sir.

2490 In paragraph 2.2 it says, 'in order to avoid the current practical difficulties categories A, C, D, E and G are to be amended,' I am paraphrasing, 'but within the Propositions G is omitted'. I just wanted clarification on that.

The Bailiff: So G is also omitted from the recommendation.

Deputy Lowe: Right, okay.

2495

Deputy Tindall: Yes, thank you, sir.

The Bailiff: The Propositions are consistent with the recommendations, but the recommendations are inconsistent with paragraph 2.2.

2500

Deputy Lowe: Yes. Yes, indeed.

2505 I will have to check that out. It might mean that we will have to actually amend that to see why G has been excluded. It is something you have spotted and, clearly, we have missed. I can only apologise for that. I will come back to you and let you know exactly why. If it is an error that it has been missed, or if it is a case that it was not meant to be there ... but I would think it is meant to be in the back because it is obviously in the report in the first place.

The Bailiff: H.M. Procureur, are you wanting to assist with this?

2510 **The Procureur:** I do not have the legislation in front of me but, sir, under 2.1 it does state that licenced premises are divided into categories and G is a passenger vessel licence, so I wonder if it was simply put into 2.2 in error. Sorry, sir, off the top of my head I am not sure.

The Bailiff: Yes. I cannot imagine there are many licenced passenger vessels operating on Christmas Day, although perhaps there may be some on Good Friday.

The Propositions stand. There has been no Proposition to amend the Propositions so we go to the vote on the Propositions as they are. (**Deputy Lowe:** Yes, sir.) There may be an opportunity to amend the legislation when that comes back before the Assembly. It will require an amending Ordinance. That may be the time to correct it, if it is simply an oversight.

Deputy de Lisle: Sir, I did ask the question as to whether there had been public consultation.

The Bailiff: Has there been ...?

Deputy Lowe: We did make it known that we were actually looking at this publicly. We actually put out a statement that we were reviewing Good Friday and Christmas Day, that was well reported, in fact, I was interviewed on it at the time, and we have consulted widely, not only with the trade, but also with all the Douzaines as well. It is not a case of we have just gone ahead with it, we have just gone to the licensees; we have actually gone beyond that as well.

The Bailiff: We go then to a recorded vote on the two Propositions. I put both to you together. Propositions 1 and 2, recorded vote.

There was a recorded vote.

The Bailiff: Well, it seems those Propositions were carried. While they are counting can we just move on to the next Article, please, Greffier?

POLICY & RESOURCES COMMITTEE

II The Income Tax (Guernsey) (Employees Tax Instalment Scheme) (Amendment) Regulations, 2017 – Approved

Article II.

The States are asked to decide:

Whether, after consideration of the Report dated 29th August 2017, of the Policy & Resources Committee, they are of the opinion to approve, in pursuance of section 81A(5) of the Income Tax (Guernsey) Law, 1975, as amended, the draft Regulations entitled 'The Income Tax (Guernsey) (Employees Tax Instalment Scheme) (Amendment) Regulations, 2017', and to direct that the draft Regulations shall have force of law with effect from 19th October 2017.

The Senior Deputy Greffier: Article II, Policy & Resources Committee – the Income Tax (Guernsey) (Employees Tax Instalment Scheme) (Amendment) Regulations, 2017.

The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, there is a very brief and, I believe, self-explanatory policy letter, which simply introduces, far greater flexibility in the way that employment taxes and instalment tax codings are distributed to employees.

I encourage Members to support it, sir.

The Bailiff: There is no one seeking to debate it. We go straight to the vote on the Proposition. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

COMMITTEE FOR HOME AFFAIRS

III. Trading Standards: Offers, Sales and Price Comparisons – Approved

Article III.

The States are asked to decide:

Whether, after consideration of the Policy Letter 'TRADING STANDARDS: OFFERS, SALES AND PRICE COMPARISONS', dated 17th July 2017, they are of the opinion:

- 1. To note the contents of that Policy Letter giving further detail as to the legislative provisions relating to offers, sales and price comparisons proposed to be enacted as a result of Resolution XIX of 18th February 2016.*
- 2. To agree that the requirements of Paragraph 1A of Resolution XIX dated 18th February 2016 will be satisfied by those proposed legislative provisions.*

2550 **The Senior Deputy Greffier:** Article III, Committee for Home Affairs – Trading Standards: Offers, Sales and Price Comparisons.

The Bailiff: The President of the Commu- ... Committee, *(Laughter)* Deputy Lowe.

2555 **Deputy Lowe:** That fits the bill for trading standards, actually, sir.
Thank you, sir.

During the debate in February 2016 on trading standards, an amendment was proposed by Deputy Soulsby, seconded by Deputy Laurie Queripel, which directed the Department, that is Commerce & Employment, which held the mandate for trading standards at the time, to consider proposals for the introduction of legislation concerning offers, sales and price comparison, in order to give further statutory protection to the consumer, and to report back to the States.

2560 In May 2016 the Trading Standards Service was placed under the mandate of the Committee for Home Affairs, and in October 2016 the Committee considered a briefing paper prepared by the Chief Trading Standards Officer, which reported on the work done in response to the amendment.

2565 I am pleased to inform Members that the Committee for Home Affairs is satisfied that the introduction of the requirement to give a price indication, as set out in the original Resolution, Billet XIX of 18th February 2016, provides the necessary consumer protection which the Committee believes the amendment sought to achieve. The policy letter we are debating today includes examples of the type of offers, sales and price comparisons commonly seen in our shops, for example, comparison with a previous price, or comparison with a competitor's price. The Committee for Home Affairs is satisfied that the trading standards legislation, as originally proposed, will prohibit unfair trading practices such as claiming the current selling price of a product is less than its previous selling price when that is not the case. Or that a product is on sale at a price less than a competitor's price when that is not the case. We are also satisfied that the
2570 Trading Standards Service will have the powers to take appropriate enforcement action, if necessary, but in the first instance would develop and introduce information, training and advice packages for businesses, so they will understand the new legislation, and are helped to comply

with it. A complimentary public awareness campaign will also be run to help Islanders understand the new rules and their rights.

2580 As this work began under the mandate of Commerce & Employment Department, while preparing the policy letter we have consulted on its contents with its successor, the Committee *for* Economic Development, and it had no comment to make.

Deputy Soulsby was consulted on the draft policy letter, and expressed the view that the aims of the amendment had been addressed, and when consulted, Deputy Laurie Queripel had nothing
2585 further to add to Deputy Soulsby's comments.

If the Proposition is agreed, we can proceed to implement the direction given in the second paragraph of the Resolution, agreed in February 2016. That is to prepare the legislation necessary to introduce the wide framework of statutory consumer protection powers I have already outlined. My Committee would be pleased to be in that position, as we believe the proposed Consumer
2590 Law will be of benefit to the businesses and consumers in Guernsey.

The Committee *for* Home Affairs is unanimous in commending this policy letter to the States, and I would ask that all Members support this Proposition.

Thank you, sir.

2595 **The Bailiff:** Deputy Tindall.

Deputy Tindall: Thank you, sir.

I rise to declare an interest in this matter, as I am a director and member of Citizens Advice Guernsey, a company limited by guarantee. I wish to support these Propositions, it is another step
2600 on what appears to be a very long road to having consumer protection for our Islanders. As Deputy Harwood put it in the debate on the Propositions in February 2016, this legislation is about 150 years overdue. The Committee *for* Home Affairs policy plan under Phase Two of the P&R Plan says:

The primary purpose of the Committee *for* Home Affairs is to support a high standard of living, and quality of life, by maintaining and promoting a safe, stable and equitable society which values public protection and justice, and respect the rights, responsibilities and potential of every person.

And goes further to say that:

The Committee also seeks to achieve this through the delivery of key areas of policy including consumer protection.

2605 That this is a key priority of the Committee *for* Home Affairs is reassuring. However, I note the policy letter only addresses the successful amendment laid by Deputy Soulsby and seconded, according to *Hansard*, by Deputy Rob Jones, and although due back before May 2017, and written in July 2017, it does not identify any progress in the drafting of the legislation, or indeed, the Committee's views on prioritisation of the legislation as a whole.

2610 In the light of the Committee's statement, I would ask the President to advise the Assembly of this. The introduction of such legislation has been the longest running objective for Citizens Advice and of course others, and has advised that it remains a priority to introduce legislation in the same way as has our sister Island, Jersey, through the Discrimination (Jersey) Law 2013, and as has the UK for many years.

2615 The December 2015 policy letter, to which this one refers, includes the number of consumer complaints made to Trading Standards in 2014, and also enquiries to the Citizen's Advice Bureau, as it was then. Citizen's Advice, as it is now, in their 2015 and 2016 annual reports, advised that numbers of the requests for consumer advice to Citizen's Advice has more or less remained the same at 10% of the total enquiries, namely 1,059 in 2015 and 1,069 in 2016. These statistics, in my
2620 view, indicate that many Islanders continue to suffer from little consumer protection legislation in Guernsey, although I am pleased to say that the introduction of the Financial Ombudsman is a start.

I find that, as States Members, we are continuously being asked to consider legislating for situations which we do not yet have the grounding in basic legislation. For example, I have been asked if the States would consider passing legislation to recognise the actions of artificial intelligence, or AI, to give us a competitive advantage to other jurisdictions. But how can we do this when we still do not protect the rights of real people who contract with other real people.

Now, this can also be said of other legislation, both high priority for their Committees, such as any discrimination Law, mentioned this morning, and also the Capacity Law, which I believe, is needed, before we consider any specific rights, such as the right to die. Considering all these points I, personally, think we need to take a hard look at our legislative drafting process so we can go further, quicker, in order to have a foundation for innovative projects. It is this lack of information about the priority and the delay in getting this matter to the States that concerns me, and this feeling of yet another discussion on the matter is actually just a means of delaying the outcome.

So, whilst it is good that this subject is on our agenda, when we celebrate, sir, the 40th anniversary of Citizen's Advice next year, it is hoped we will be celebrating the enactment of this legislation, rather than waiting another 40 years to provide the protection our Islanders deserve.

Thank you, sir.

The Bailiff: Deputy Gollop, your microphone.

Deputy Gollop: Yes.

I have got a little background in some of this. A long time ago I was, for 18 months, President of the St Peter Port Traders Association, but I was also an active member, and briefly secretary, a long serving member of the Committee of the Consumer Groups that were led by long serving Members of this States, Roy Bisson and Roderick Matthews, and later on Douzenier Peter Wilson. The gist of those groups was that they wanted, as Deputy Tindall has outlined, a more rigorous legislative and policy base for consumer standards and trading standards. So I do very much commend this policy letter.

I must admit one of the things that had slipped by my political radar in the dying days of the last Assembly was the transfer of responsibilities from Commerce & Employment to the Home Affairs, because it does not seem automatically a fit for Home Affairs, and would have thought that it would be better with Economic Development, although, of course, it is a regulatory function rather than a promotional function. So perhaps in the past it was perceived that trade and industry type committees were perhaps too generous to the sector, whereas Home Affairs has a different role.

I am aware that Deputy Merrett, and others, have talked about the need for a new retail strategy, and I was at an interesting presentation only a few weeks ago by a leading figure of the John Lewis Partnership, who said that the Island undersold its retail capability, and we needed more awareness of retail issues. But part of that, of course, goes to the political work and the understanding of the retail context.

I welcome this as far as it goes. I am amused by it. I wondered at first if it was going to affect happy hours, and things like that, in public houses, but it appears not to be particularly focussed on that, but you hear buy one get one free ... It is like the old joke of the charity who offered as first prize a night out with John Gollop and the second prize, two nights out with John Gollop – (*Laughter*) no well maybe not. It depends what you want. Introductory offers, half-price sale, making a series of price reductions, never ending sales, comparison with another trader's price. I would say that many of those sins in the market place that you see, are actually more common place with, dare I say it, some of our brand leading UK high street chains that come and go in Guernsey than local traders. It very much needs to tackle every retailer in Guernsey.

I would point out that paragraph 7 on the penultimate page is particularly significant: a comparison of recommended retail price or VAT GST inclusive price. Deputy Le Pelley earlier said that one of the reasons why he had to be cautious about extending pre-school education was the

2675 lack of finances of the Assembly compared to our competitors or neighbours. Of course, we neither have a VAT or GST, but I am afraid some retailers have a penchant for charging it within their price work, so I would very much persuade Home Affairs to look at that.

2680 Two concerns that I have about it is, Deputy Tindall said we are waiting 150 years for this, well maybe we are now – well not at the 11th hour, but we are at the 12th hour, because the retail scene is changing, and in a way the biggest problem for retailers and consumers in Guernsey who want to avail themselves of local retailers, is not the unfair trading practices of retailers, but the big wide world of the internet. Therefore, any legislation needs to be fair and proportionate to local retailers who, after all, have significant overheads, and are contributing to the Island's economy.

2685 One would assume that this legislation also applies to external retailers who apply for sale on the Island, either at trades fairs, or through internal advertising on the Island, so I would hope very much it would cover non-local retailers who are competing in the market.

2690 My second point is that it talks about comparison retail, but I think we need a bigger retail strategy, so that we bring the retailers on board as to what their rights and responsibilities are, and I would hope that this exercise will consult widely within the retail sector, and to the Chamber of Commerce and related bodies.

The Bailiff: Deputy Roffey.

2695 **Deputy Roffey:** Sir, for the sake of transparency, I just wanted to declare that I am a director of a large local retailer, and therefore could be perceived to have an interest in this subject.
(Interjections)

The Bailiff: Thank you.

2700 Deputy Lowe will reply to the debate.

Deputy Lowe: Thank you very much, sir.

2705 The question was asked by Deputy Tindall about the priority. It is a priority for us, but of course you must bear in mind that you have all received email of late following a question posed by Deputy Fallaize about legislation and priorities, because it is stacking up a bit, the Law Office is extremely busy; there will be huge ramifications on the outcome of Brexit, where everything else is going to have to be parked.

2710 So I cannot answer your question exactly how you would probably like me to answer it, because it depends on what is taking place more so outside of this Island than within. But, that said, it is one that we will be putting forward as fast as we can, because it will affect so many people, it is so outstanding, it is not one we are going to sit on, but we are going to be reliant of the Law Offices.

The Bailiff: We vote then on the two Propositions. Those in favour; those against.

Members voted Pour.

2715 **The Bailiff:** I declare them carried.

Article I:

Carried – Pour 34, Contre 3, Ne vote pas 0, Absent 3

POUR

Alderney Rep. McKinley
Deputy Kuttelwascher
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Leadbeater
Deputy Trott
Deputy Le Pelley
Deputy Merrett
Deputy St Pier
Deputy Stephens
Deputy Meerveld
Deputy Fallaize
Deputy Inder
Deputy Lowe
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Paint
Deputy Dorey
Deputy Le Tocq
Deputy Brouard
Deputy Dudley-Owen
Deputy Yerby
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Prow
Deputy Oliver

CONTRE

Deputy Gollop
Deputy Mooney
Deputy De Lisle

NE VOTE PAS

None

ABSENT

Deputy Ferbrache
Deputy Laurie Queripel
Alderney Rep. Jean

The Bailiff: I can formally announce the result of the voting on the liquor licensing Propositions: 34 votes in favour with 3 against. I declare those carried.

Greffier, we move on to the final item.

POLICY & RESOURCES COMMITTEE

IV Schedule for Future States' Business – Approved

Article IV.

The States are asked to decide:

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 7th November 2017 and subsequent States' Meetings, they are of opinion to approve the Schedule.

2720

The Senior Deputy Greffier: Yes. Article IV, Schedule for Future States' Business.

The Bailiff: Deputy St Pier.

2725

Deputy St Pier: Sir, as ever, Members do have this before them, and I do believe it is self-explanatory. Merely to draw attention to Members three fairly substantial items for the meeting commencing on 8th or certainly as soon as the special meeting for the Budget has completed its business, assuming that that has not completed on the 7th. Those three items being the

2730 Employment & Social Security Up-rating, the Report on Brexit, and the States' Assembly & Constitution Committee's report associated with the Island-wide voting proposals, and that, sir, I suspect, will take up a good chunk of the remainder of that week.

The Bailiff: There are no amendments.
Those in favour; those against.

Members voted Pour.

2735 **The Bailiff:** I declare it carried.
That concludes the business for this meeting of the States of Deliberation.

The Assembly adjourned at 12.31 p.m.