



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 7th February 2018

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

Volume 7, No. 4

ISSN 2049-8284

*Published by Her Majesty's Greffier, The Royal Court House,
St Peter Port, GY1 2NZ. © States of Guernsey, 2018*

Present:

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

Law Officers

R. M. Titterington, Q.C. (H.M. Comptroller)

People's Deputies

St Peter Port South

Deputies P. T. R. Ferbrache, 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, L. B. Queripel,
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 Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

The Clerk to the States of Deliberation

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

Absent at the Evocation

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

Business transacted

Evocation	283
Convocation	283
Statements	283
Scrutiny Management Committee – General update by the President	283
States’ Assembly & Constitution Committee – General Update by the President	290
Questions for Oral Answer	297
Policy & Resources Committee	297
States of Guernsey Statistical Unit and the employment of economists	297
Committee <i>for</i> Economic Development.....	300
Inter-Island Ferry Service	300
Billet d’État VI	303
I. Election of the President of the Committee <i>for</i> Education, Sport & Culture – Deputy Fallaize elected.....	303
<i>The Assembly adjourned at 11.42 a.m. and resumed its sitting at 11.49 a.m.</i>	<i>318</i>
Billets d’État VI and VII.....	318
II. & I. Committee <i>for</i> Education, Sport & Culture – Election of Members – Debate commenced	318
Billet d’État V	324
I. Guernsey Legal Aid Service – Appointment of the Legal Aid Administrator – Ms L H Haywood appointed.....	324
II. Employment and Discrimination Tribunal (Guernsey) (Amendment) Ordinance, 2018 – Approved	325
III. Employment and Discrimination Tribunal – Panel Members reappointed – Mrs Tina Jane Le Poidevin designated as Convenor of the Tribunal Panel; Mrs Christine Diane Le Lièvre designated as Deputy Convenor of the Tribunal Panel	325
Appointments laid before the States	326
Office of the Financial Services Ombudsman – Chairman and Board appointed	326
Ordinances laid before the States	326
The Venezuela (Restrictive Measures) (Guernsey) Ordinance, 2017; The Beneficial Ownership of Legal Persons (Guernsey) (Amendment) (No. 2) Ordinance, 2017	326
Statutory Instruments laid before the States	327
The Beneficial Ownership (Definition) (Amendment) (No.2) Regulations, 2017; The Beneficial Ownership of Legal Persons (Nominee Relationships) Regulations, 2017; The Registration of Non-Regulated Financial Service Businesses Bailiwick of Guernsey) (Fees) Regulations, 2017; The Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and Estate Agents) (Bailiwick of Guernsey) (Amendment) Regulations, 2017; The Protected Cell Companies and Incorporated Cell Companies (Fees for Insurers) Regulations, 2017; The Financial Services Commission (Fees) Regulations, 2017;	

The Health Service (Medical Appliances) (Amendment) Regulations, 2017;	
The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2017;	
The Social Insurance (Benefits) (Amendment) Regulations, 2017;	
The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2017;	
The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No.5) Regulations, 2017; The Fire Services (Fees And Charges) (Guernsey) Regulations, 2017;	
The Public Highways (Temporary Road Closures) (Fees and Penalties) (Amendment) Order, 2017;.....	327
Legislation for Approval.....	328
VIII. The Electoral System Referendum (Guernsey) Law, 2018 – Approved.....	328
Billets d’État VI and VII	331
II. & I. Committee <i>for</i> Education, Sport & Culture – Election of Members concluded – Deputy Graham; Deputy Tooley; Deputy Roffey; Deputy Dorey elected.....	331
Billet d’État V	331
Legislation for Approval.....	331
IX. The Parochial Church Property (Guernsey) Law, 2015 (Commencement) Ordinance, 2018 – Approved.....	331
X. Income Tax (Guernsey) (Approval of Agreement with the Bahamas) Ordinance, 2018 – Approved.....	333
<i>The Assembly adjourned at 12.31 p.m. and resumed its sitting at 2.30 p.m.</i>	<i>333</i>
Billet d’État VI.....	333
III. Transport Licensing Authority – Election of a Member – Deputy Le Pelley elected	333
Billet d’État V	334
IV. Longer Working Lives – Action Plan – Propositions carried.....	334
V. Guernsey Economic Vision: Investment, Growth and High Value Employment – Motion withdrawn	362
Procedural	368
<i>The Assembly adjourned at 5.24 p.m.</i>	<i>369</i>

States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Vice-Admiral Sir Ian Corder, K.B.E., C.B.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Greffier

EVOCATION

CONVOCATION

The Greffier: Billets d'État V, VI and VII. 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, 7th February 2018 at 9.30 a.m. to consider the items listed in these Billets d'État, which have been submitted for debate.

5

STATEMENTS

Scrutiny Management Committee – General update by the President

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

We start today with two Statements, the first to be delivered by the President of the Scrutiny Management Committee, Deputy Green.

10

Deputy Green: Thank you, Mr Bailiff, for giving me this opportunity to update the States on the activities of the Scrutiny Management Committee.

At the beginning of this political term, the Scrutiny Management Committee determined that we would follow a primarily two-pronged approach to the scrutiny of significant matters of policy and finances across the public sector.

15

First of all, we wished to continue to do a programme of major evidence-led reviews of substantial policy issues and financial matters. These major reviews, by their very nature, tend to be conducted over a number of months and are longer term, granular deep dives into policy, finances and other matters.

20

Secondly, we also felt it important and appropriate to conduct a series of regular public hearings with Committee Presidents to help the SMC track what progress Committees are making within their mandated policy areas, and with their management of resources, in order to help us to hold them to account publicly and also to help indicate any significant areas that might justify major reviews that I mentioned a moment ago. This has been a significant focus of our efforts thus far.

25

Sir, the first major review that we commenced this term was on the States of Guernsey's Bond issue. For that review, the Committee engaged KPMG to do the independent review of the Bond issue and their report was published on the 26th May.

30 A Scrutiny Panel was formed to conduct a public hearing with the President of the Policy and Resources Committee and the States' Treasurer on the 12th October last year and a *Hansard* transcript of that hearing has been subsequently published.

I believe, sir, that the public hearing conducted by the Bond Scrutiny Panel on this matter has provided the additional transparency and accountability on this issue that can only really be attained effectively in our system by a Scrutiny public hearing with its ability to question both
35 senior politicians alongside the most senior of public servants.

Sir, we have also made substantial progress with our second major evidence-based review, which is a review of policy and financial matters surrounding the concept of in work poverty. The second call for evidence has now been concluded and work is continuing on this review.

40 A panel chaired by the Vice-President of the Scrutiny Management Committee will continue to oversee this review process and the Committee intends to bring a report to the States on this matter in the third quarter of 2018 which should include specific and constructive policy proposals for debate. It is also likely, or it is possible, that public hearings will be conducted on specific aspects of this work at the appropriate time.

45 Sir, major reviews in the future should be commenced shortly including a review of the governance and frameworks around States' financial grants to third parties. It is my view that the SMC does now need to apply a greater degree of focus and attention to its major reviews from now on to ensure that meaningful progress is achieved in 2018.

50 Sir, in terms of the public hearings we have held the general approach to scrutiny within the new States' term will continue to be one that is committed to the work of scrutiny being done in public. We have already conducted a total of 12 public hearings with local political leaders.

We consider that these routine hearings are a vital part of the transparency and communication agenda for the States, and we have been generally pleased with the level of cooperation that we have received from those States' Committees.

55 Since the last time that I updated Members on the activity of the SMC, which I believe was in June of last year, my panels have conducted public hearings as follows:

60 As I have already alluded to, in October 2017 we held a public hearing with the Policy & Resources Committee on the States of Guernsey Bond issue; again in October 2017, a routine session with the States' Trading Supervisory Board; in November 2017, a routine session with the Committee for Environment and Infrastructure; in December 2017, a snap public hearing with the Committee for Education, Sport & Culture on matters of significant public interest surrounding a discontinued Social Media campaign; and in January 2018, we conducted a public hearing on the degree of progress made by this States and the previous Government on implementing the Disability and Inclusion Strategy.

65 Sir, by virtue of these public hearings, we have achieved, in my view, at least two things. First of all we have helped to raise substantially the profile of the specialist scrutiny function within Government as well as developing what effective scrutiny can potentially do; and, secondly we have also helped to raise the profile of many public policy issues that the States is currently involved in, including, amongst others, the development of the States' Asset Management Plan, the Hydrocarbons project and issues around the implementation of the Disability Discrimination
70 Law.

Sir, these hearings have also established the expectation that Committees will be held to account for their major decisions in a public setting, and there is evidence that this practice is already starting to have a tangible effect on Committees of the States. 'Will this decision pass the Scrutiny test?' is now openly discussed in various Committee meetings. I am grateful for the
75 positive feedback that my colleagues and I have received from Members of the States on this.

Sir, moving forward, the Committee will seek to use emerging technological solutions to provide wider access to public hearings in line with the activities of other States' Committees.

When it is sensible and economic to do so, the Committee will consider live streaming events. When this does not make practical sense, we will consider producing a video record of proceedings.

Indeed, the recent public hearing focusing on the Disability and Inclusion Strategy was digitally recorded and the Committee will be making this video record of proceedings available via the States' website in the next few days. It is important to note that this is in addition to the *Hansard* transcript produced by the Committee after every hearing. The complete record of our public hearings to date on *Hansard*, are available to review at any time on the gov.gg website.

In addition, sir, the ongoing work of Financial Scrutiny Team has been overseen by the Financial Scrutiny Panel which is chaired by Mrs Gill Morris. The Financial Scrutiny Panel has a key role in continuing to actively scrutinise matters of substantial financial value.

In particular I can announce today that the Financial Scrutiny Panel intends on conducting a major review in relation to the States' policy on rent allowances for, and recruitment of, key public services' staff in the near future.

It should also be noted that the SMC intends on continuing its dialogue with representatives from the States' Treasury shortly on developing a truly shared understanding of the Financial Scrutiny Panel's role and function in respect of the States' audit process due to a lack of clarity encountered hitherto.

The Legislative Review Panel continues to conduct effectively its regular and important parliamentary duties in examining draft laws and ordinances.

The sub panel of the Legislative Review Panel that has been considering reform of the legal framework around election expenses is also expected to reconvene once the referendum on the electoral system has taken place in October of this year.

Sir, looking forwards, the Scrutiny Management Committee still has to face a number of challenges, including a limited budget, powers, and personnel, whilst also encountering a heavy burden of high expectations from members of the community and from States' Members.

It still must be acknowledged, in our view, that scrutiny – properly so called – is not just the preserve of the Scrutiny Management Committee.

I will make no apology, sir, for repeating my belief that each Committee of the States and each individual States Member are, or should be, public scrutineers. The function of the SMC will work best if all States' Committees, and indeed all individual States' Members, remember that good scrutiny at all levels is good government.

Indeed, recent events on a number of States' Committees have caused the SMC some concern on how effectively Committees have been conducting that scrutiny role on a regular basis, and I believe that it is important that my Committee provides some comfort to the public in the coming months that Members of Principal Committees in particular are indeed acting as genuine and active scrutineers in their political roles.

To provide this assurance, we will be looking at certain Principal Committees and reviewing the activities of the political Members on their so-called scrutiny responsibilities in this regard going forwards.

Sir, I will be writing to the States' Assembly and Constitution Committee in the next few days to explore the case for creating an obligation for Government bodies to respond to formal recommendations flowing from major Scrutiny reviews within a period of two calendar months to create a more useful dynamic following the publication of our report and recommendations.

Sir, in conclusion, having reflected on the experiences of the last 20 months or so, I believe that the SMC must now place more of its focus and resources into our major, long-term reviews in order to ensure that we can continue to contribute positively to the policy agenda and the financial practices of the States and, ultimately, to help to make Government operate better in the longer run.

Inevitably, the SMC needs to adopt a strategic approach to its work. We cannot realistically hope to scrutinise anything and everything under this system of government; but we must concentrate our efforts on where we can secure most benefit. Thank you.

130 **The Bailiff:** Members, we can now have a period not exceeding 20 minutes for questions to be asked on any matter within the mandate of the Committee.

Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

135 Sir, when I was a Member of the previous Scrutiny Committee we had an issue with a Rule that we felt was hindering the judicial process. I think it was Rule 56 or 58 and there was talk of the next Scrutiny Committee reviewing that Rule with the intention of amending it. I am wondering if Deputy Green please can give us an update on that?

140 **The Bailiff:** Deputy Green.

Deputy Green: Yes, sir, I can. The previous Scrutiny Committee, that Deputy Lester Queripel and I both served on, produced a report called the Marshall Review and one of its recommendations was indeed to tackle one of the Rules of Court that was perhaps perceived as a barrier to wider dissemination. As I understand it sir, there has been a practice direction issued by the Royal Court in relation to that particular Rule which has helped to mitigate the position fairly substantially. I probably cannot say much more than that in terms of how that has been operating in practice since then, but certainly the Marshall Review, and the implementation of the recommendations of the Marshall Review, is one of the ongoing things that my Committee is looking at doing. We may well do further work on that in due course.

The Bailiff: Deputy Yerby.

Deputy Yerby: Deputy Green touched on something close to my heart when he spoke about Committee Members as scrutineers. Would he agree that in reviewing this, the Scrutiny Management Committee would benefit from looking at what training would enable Members to fulfil this more effectively, as well as where Members may have fallen short at present?

The Bailiff: Deputy Green.

160

Deputy Green: I am very glad that Deputy Yerby raised that because in the original draft of my speech I had put something in about that and I took it out because I thought it would be too controversial. *(Laughter)* I agree with her entirely. I think the induction process could do with a piece of work on that, and ongoing training I think would be absolutely vital. But what I can say, sir, is that the Committee will be discussing this certainly at our meeting next week and we will be taking this forward.

The Bailiff: Deputy Trott.

170 **Deputy Trott:** Sir, the States of Guernsey Bond issue was a consummate market success. *(Interjections)* Does the President of the Scrutiny Management Committee believe his group did enough to get this important message across to our community, *(Laughter)* in particular with regard to the ongoing benefits derived and if not, sir, why not?

175 **The Bailiff:** Deputy Green.

Deputy Green: Thank you. I thank Deputy Trott for that question, sir.

I do not think it is necessary for the Scrutiny Management Committee to broadcast the apparent qualities of the Bond issue because Deputy Trott does it every five minutes anyway. *(Laughter)*

180

I think the real question, sir, is what we achieved with that Bond review and with the Bond hearing. As I said in the speech, I think what we did achieve was an additional level of accountability and clarity about exactly what had happened there.

185 Both the KPMG report and the public hearing that we held with Deputy St Pier and the States' Treasurer in October did provide a greater level of clarity and accountability about exactly what had happened there. Anyone can pick up that report, anyone can see the *Hansard* and evidently that was a robust scrutiny process.

190 I know why Deputy Trott makes the point, and it is one that is based on some evidence, but the *Hansard* transcript gives a clear picture of what really happened.

The Bailiff: Deputy Tindall.

Deputy Tindall: Thank you, sir.

195 Irrespective of all our duties to scrutinise legislation does the President agree with me that the scrutiny of legislation is treated as the Cinderella service provided by Scrutiny and it should instead be given a greater role in the process of government as it has in many other countries?

The Bailiff: Deputy Green.

200 **Deputy Green:** I am entirely sympathetic to my colleague's views about this when we sat together on the Legislation Review Panel, and again I think one of the earlier drafts of my speech did include – there was a need to cut down the original version, sir, but I had originally put in a reference to trying to enhance the role of legislative scrutiny, I am entirely in agreement with Deputy Tindall on this. I think with the greatest of respect to those politicians who were behind
205 the States' Review Committee, I think possibly some aspects of the scrutiny of legislation could do with some further analysis and some further enhancement.

The Bailiff: Deputy Gollop.

210 **Deputy Gollop:** Sir, it was very heartening to hear the President's statement, particularly in relation to some work being done maybe on rent allowances for staff, because a question I had is how far on the present level of resources, notwithstanding the able abilities of Mrs Morris, is Deputy Green's Scrutiny Management Committee able to continue the excellent work done by previous Public Accounts Committees in effectively being not just a scrutiny watchdog but an
215 audit commission as well?

The Bailiff: Deputy Green.

220 **Deputy Green:** The approach that we have taken hitherto on financial scrutiny is that we have seen it as part and parcel of general scrutiny and I believe the whole logic of bringing together public accounts with scrutiny was to enable us to look at discrete areas of policy and the financial considerations at the same time rather than kind of segregating things unnecessarily. But I think what I said in my speech was that the focus going forward should be more on our long term reviews, because I think they give us the opportunity to look at policy in detail and the financial
225 considerations of those policies in detail at the same time, and that is what we are going to continue and try to do.

The Bailiff: Deputy Inder.

230 **Deputy Inder:** Sir, I thank Deputy Green for his update.

I remember when he gave his update last year, I think I got to my feet and asked him, it was not necessarily a criticism, but I was asking him whether he could do some more snap hearings.

What I did not realise was I would be in the middle of one 11 months later. He described it as a discontinued social media campaign.

235 What I noticed about this more on a tactical level there is a trial element of it and towards the end there was the Chief Information Officer, the Head of Policy & Resources, the Chief Executive Officer, they laid some evidence that those that were the Members of ESC could not counter and I wonder if he could re-consider how it might be laid out in future. Because in the final statements there was a fairly substantial piece of evidence and certainly four of the Members could not
240 counter in any way. Apart from that, I thought the questioning from Deputy Green and certainly ex-Deputy Harwood was extremely good and I was grateful for weirdly sitting through the process.

The Bailiff: Deputy Green.

245

Deputy Green: Well, I thank Deputy Inder for that feedback, that is appreciated.

I know the point he is trying to make. I think when you analyse what happened there you have to take into account the fact that it was a snap hearing done at very short notice, when the matters in question came to note in the public domain. It was only a few days later that we were
250 actually in that hearing. I think it is wrong to expect to encounter perfection in those circumstances. We did what we could in the circumstance. It was always going to be a bit rough and ready on two or three days' notice, but I take the point that he is making.

I think in the final analysis the factual conclusions that were made were fair, and we had certainly tried to be even-handed on the basis of the evidence that we had heard. If there were,
255 arguably some procedural elements that were perhaps not ideal, I think the ultimate kind of factual conclusions largely remedied that actually.

But I do take the point that Deputy Inder makes in the event that we do hold another snap hearing in the future then obviously we will actually have a better protocol in place for the details of running that in the future, we kind of did not have that before December and we have learned
260 ourselves from the experience.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Sir, I wonder if the President of the Committee might be able to give
265 some clarity about the delineation of his Committee's role and also that of the internal audit. Having sat on two Committees recently that have hit a – for want of a better word – a crisis point, and required the uses of both the Internal Audit and the Scrutiny Management Committee, certainly there seemed to be a confusion from Members that I sat alongside as to which particular function to use or process to go down in order to assist the Committees. I wonder if I could have
270 some clarification there please?

The Bailiff: Deputy Green.

Deputy Green: Well, they are different functions. The Scrutiny Management Committee clearly
275 has a mandate to scrutinise policy and financial matters, legislation and public services; whereas Internal Audit is ultimately a body that answers to the States' Chief Executive but Committees of the States can and do request internal audits.

I think the crux of what Deputy Dudley-Owen is asking, sir, is the apparent discrepancy
280 between what happened between the two Committees she sits on, in fact, or did. (*Interjection*) Indeed, we are not quite there yet. As I understand it with the situation with Economic Development when that matter came to public light, an Internal Audit review had already been commenced, whereas in relation to the situation at Education that was not the case, and part of the justification for holding the snap review was because there was not an Internal Audit process commencing in relation to the Education situation.

285 But I take the point, and we will be giving that further thought as a Committee in due course,
in terms of how they work together despite the fact that they are separate entities.

The Bailiff: Deputy Yerby.

290 **Deputy Yerby:** In the interests of encouraging broader based scrutiny, would the Scrutiny
Management Committee consider it within its remit to produce guidelines of even a legal
framework for the regular release of say minutes, or abridged minutes, agendas, or other data by
all Committees?

295 **The Bailiff:** Deputy Green.

Deputy Green: Sir, that is an interesting question. I would have to take that back to my
Committee. We would also probably have to speak with, I would have thought, the States'
Assembly & Constitution Committee on that. That is an interesting suggestion, I like the sound of
300 it but I think we would probably need to think about that.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, in light of Deputy Green's answer to Deputy Dudley-Owen. Can he
305 confirm that Scrutiny Management Committee still receives Internal Audit reports in the way that
the Public Accounts Committee used to do?

The Bailiff: Deputy Green.

310 **Deputy Green:** Yes, indeed we do. That is absolutely the case, and this reminds me of... the
current practice, sir, is that a summary of Internal Audit reviews are released but the actual Internal
Audit reports themselves are not, and I believe the Deputy Soulsby when she was Chair of the
Public Accounts Committee held the same view as I do, which is that actually there would be merit
in a general presumption in favour of disclosure of Internal Audit reviews, but that is not the case.
315 But we do routinely receive them, yes.

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.
320 Just on a note in terms of internal audits, during the Scrutiny Management hearing on the
Disability & Inclusion Strategy what was mentioned was the disability audits that had taken place
across the States, I just wanted to confirm whether the President and his Committee had received
those audits, and would be using those audits when scrutinising the work of different Committees
in terms of looking forward to the Disability & Inclusion Strategy and the implementation of the
325 legislation.

The Bailiff: Deputy Green.

Deputy Green: Sir, as far as I am aware I do not think we have received them yet. I think we
330 are certainly chasing to receive them. So hopefully we will receive them.

No, I absolutely agree with what Deputy Hansmann Rouxel said. I think in the ongoing regular
meetings with Committees obviously their compliance with the principles and objectives of the
Disability & Inclusion Strategy is an important thing. The States obviously can be an exemplar in
this area. We would certainly want to get hold of those audits and question Committees on them
335 in due course, yes.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you again, sir.

340 In the States of Jersey Assembly, which is a different place of course, they have a system of
scrutiny panels from a wide variety of non-ministerial back benchers, and I believe the Scrutiny
Management Committee here benefited enormously from the services of Deputy Rhian Tooley
who contributed to the anti-poverty of employees – relative poverty report process. Does the
345 President think there is greater scope for including Members on panels who are not necessarily
full Members of the Scrutiny Management Committee, especially given that there are more
Members without portfolio perhaps at the moment?

The Bailiff: Deputy Green.

350 **Deputy Green:** Sir, yes I do indeed, and our mandate encourages us to do, and Deputy Mark
Dorey served on the Scrutiny Panel in relation to the Bond. Deputy Tooley served on the in-work
poverty matter. When we get going on our next major review, which I have already emphasised
we really need to focus on and drive through, I will certainly be wanting States' Members who are
not on the Scrutiny Management Committee to come and serve with us, because I think that is
355 the strength of our system. But it is not just States' Members, it is also members of the
community, and we have had a number of people who have served on those two major reviews so
far, who have provided great assistance to us. So we will continue to use expertise and time of
people both in the States and outside to augment and supplement what we have got on the
Committee.

360

The Bailiff: I see no-one else rising.

States' Assembly & Constitution Committee – General Update by the President

The Bailiff: We will move on to the next Statement to be delivered by the President of the
States' Assembly & Constitution Committee, Deputy Fallaize.

365

Deputy Fallaize: Thank you, sir.

As Members will recall, in 2017 the States supported the Committee's main proposals in
relation to holding a referendum on Guernsey's voting system. The intention is that the
referendum will be held on the 10th October this year, allowing the electorate to determine their
370 future electoral system ahead of the next General Election. Coincidentally I am required to make
this Statement at the same meeting of the States at which the draft Projet – the Electoral System
Referendum (Guernsey) Law, 2018 – will be considered.

If the legislation is approved, the Committee will return to the States promptly with a policy
letter containing recommendations for the membership of the Campaign Group Assessments
375 Panel. This is the independent Panel which will be appointed by the States on a recommendation
from the Committee and will then be responsible for assessing applications from members of the
public or Deputies who wish to lead any of the five campaign groups – that is one for each of the
options on the ballot paper – which we hope will be appointed.

Provisionally the Committee envisages these campaign groups being appointed in June to
380 allow adequate time to prepare their campaigns for an official campaigning period from the start
of September to the day before the referendum.

On behalf of the Committee, I chair a Referendum Steering Group which has been formed to
assist with the administration of the project over the next nine months. It includes officers with

385 responsibilities for the electoral roll, communications and of course the practical running of the referendum itself. The Group – and the Committee – will be working closely with the Douzaines on the arrangements for the referendum. I would like to place on record our appreciation for the valuable assistance the Douzaines will provide in the holding of the referendum.

390 The Committee has limited resources and the referendum must remain its primary focus. However, other work is being progressed and will result in policy letters coming before the States in the next few months.

In the first quarter of this year the Committee will publish a policy letter containing interim proposals for changes to the Code of Conduct for Members of the States.

395 First in response to requests from other States' Members, it will suggest changes which will enable Members, should they wish, to organise their workloads with the assistance of employees or associates who do not work for the States. Second it will suggest changes to ensure the Code meets international standards in relation to bribery and the corruption of public officials.

400 This policy letter of interim measures is being presented in advance of the comprehensive review of the Code which the Committee will be undertaking in 2018. The terms of reference for the review will be drafted over the next couple of months and the Committee will consult with Members of the States, and seek feedback from members of the public, regarding the effectiveness of the Code and the current procedures which support it. Indeed the Committee has already begun gathering evidence in relation to this work, including from Deputy Trott who visited the Committee to share his experiences some weeks ago. The Committee will look at how complaints against members of parliament are dealt with in other jurisdictions and will take into account a report which I understand is being prepared by the Panel of Members appointed by the Bailiff to consider alleged breaches of the Code.

405 Periodically the Committee reviews the Rules of Procedure of the States. In the first half of this year it will bring a policy letter to the States proposing amendments to the Rules. I would like to take this opportunity to invite Members who may have suggestions on such amendments to write to the Committee setting out their thoughts and to thank those who have already done so and assure them that their suggestions are under consideration.

410 Following a review of St James Chambers, the Policy & Resources Committee requested the States' Assembly & Constitution Committee to examine the case for establishing the role of a States' Greffier or States' Clerk, a role which has existed in Jersey in support of their parliament for several decades. This work is at an early stage but should not take too long to complete.

415 After the referendum, the Committee intends to undertake a comprehensive review of the States of Election, including the process for electing Jurats and the conditions which apply once they are elected. This will inevitably include consideration of replacing age restrictions with term limits.

420 A particular area of interest to the Committee in recent months has been data protection, especially in light of the General Data Protection Regulations which will come into force in 2018. The Committee is working with staff from the Policy & Resources Committee to ensure that Members have adequate training to understand the data protection obligations placed upon them, whether in their role as Committee Members or individual Deputies.

425 The Committee is exploring other training opportunities for Members, in order to introduce a programme of ongoing training and development throughout the political term rather than restricting it to the period immediately following a General Election. In this matter the Committee has received much useful advice from other Members, and looks forward to working with them to improve what is available in this and future terms.

430 Another Member approached the Committee recently with concerns about safety when working alone potentially on contentions matters. The Committee has now issued a Lone Working Protocol and is grateful to several Members who have provided positive feedback on it.

435 Finally, the Committee has met and corresponded with a number of Members on various other matters which fall within its mandate. It is grateful to Members for their continued engagement and reminds them that they are welcome to attend meetings as observers. The Committee has

also continued with its commitment to be open in its work by allowing the media to attend its meetings.

Thank you, sir.

440 **The Bailiff:** Yes. We now have a period of questions.
Deputy Tindall.

Deputy Tindall: Thank you, sir.

445 Having attended a Commonwealth Parliamentary Association morning programme last week in Jersey to encourage women and young girls to participate in politics, and given the 100 year anniversary yesterday of the right for some women to vote in the UK, can the President confirm what his Committee is doing to increase the number of women standing as candidates in 2020?

450 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

455 Well, as Deputy Tindall will be aware, not without some controversy, the previous Committee which I chaired went to quite considerable efforts to encourage more women to stand for election. Nothing at the moment has been done in relation to 2020, but I am very hopeful that a similar exercise will be run in 2020. The outcome was that more women did stand for election, and more women were elected. Clearly it is not for a Committee of the States to have any influence over who the public choose to elect, but the more people we can encourage to stand for election, the greater the pool of candidates, the greater choice the electorate have. Previously there have been a notable lack of women standing for election.

460 **The Bailiff:** Deputy Inder.

Deputy Inder: Thank you, sir.

Just through you, sir, thanking Deputy Fallaize for the update on work with SACC.

465 I think he expressed that he had taken some counsel from a number of Members, but I just wanted to remind him that Deputies Prow and myself went to see him and Deputy Dorey about the declaration of interest at Committee meetings on 49(1) where we considered the word 'special interest' as a little bit too loose. If you take it to the line, it seems one of the areas which I thought within that meeting, I would not say made a commitment, but between himself and Deputy Dorey
470 I think they were going to look at that area of our declarations. Personally, I would prefer the word used to be possibly a 'pecuniary' interest. 'Special' interest to me seems far too subjective and often in any meeting that I have been any one of the Committee Members could have left the room –

475 **The Bailiff:** Your minute for asking the question is up.

Deputy Inder: Thank you, sir.

480 **The Bailiff:** I think there is a question in there, Deputy Fallaize. (*Interjection*)

Deputy Fallaize: Thank you, sir.

Yes, I acknowledge that Deputy Inder and Deputy Prow came to see the Committee. If the Committee favoured changing that Rule then it would be included in the policy letter proposing amendments to the Rules of Procedure which I referred to earlier.

485 As it happens the Committee is not going to recommend any changes to those Rules. The Committee effectively was faced with two options. One was to liberalise the Rules, which the Committee does not favour and does not consider would be in the public interest. The other was

490 to seek advice from the Law Officers about whether the existing Rules could be clarified but not liberalised, and the advice received by the Committee was that nothing particularly could be done to clarify things unless the Committee was in favour of liberalising them.

As I say, the Committee will be proposing amendments to the Rules in the not-too-distant future, and Members who wish to propose amendments to that policy letter and consequently other amendments to other Rules will be free to do so.

495 **The Bailiff:** Deputy Dudley-Owen.

Deputy Dudley-Owen: Yes, sir.

500 Just revisiting the referendum, sir, I wonder if the President can give us a flavour of the process and the criteria against which the Committee will rate applications received from various campaign groups made to the Campaign Groups Assessment Panel.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

505 Well, it will be the Panel which will determine the campaign groups and not the Committee. But the Committee has begun work on a document which effectively would be advice and guidance to the campaign group. Essentially the task that the Panel will face is to appoint the person or the group of people for each option which they consider best able to argue effectively in favour of that option. Now clearly that will include what the plans are of those people or that group, how they would envisage spending the money that will be made available to them; how they will publicise their preferred campaign, etc.

510 I do not think I can say too much more than that because the Project includes – which we are debating later at this meeting – quite a lot of information and proposals in relation to the campaign group. So I can answer further questions on it at that time, but that will essentially be the task that faces the Panel. I should add that the Panel will be appointed by the States on a recommendation from the Committee, which will come forward shortly.

The Bailiff: Deputy Trott.

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

Sir, I am heartened to learn of SACC's intention to carry out a comprehensive review, including recommendations to this Assembly on Code of Conduct matters.

525 Would the President agree with me that the current Code of Conduct complaints process for States' Members, probably unintentionally, permits vexatious and totally unjustified publicly announced complaints to be made, but without any sanctions, or controls around such behaviours, and is clearly therefore not fit for purpose, and correspondingly not in the public interest?

The Bailiff: Deputy Fallaize.

530 **Deputy Fallaize:** Thank you, sir.

I agree with Deputy Trott, the current Code in several respects is not fit for purpose. One of the reasons is the reason that he has highlighted. But another reason, paradoxically, is that there is too much of a barrier against making complaints. That has nothing to do with whether the complaints are made public initially. But essentially to make a complaint either a Deputy has to lodge it, and that is fraught with all sorts of difficulties, or a member of the public does.

Potentially there may not be very many members of the public who would be prepared to lodge complaints even where there are clear breaches of the Code. So there are two sides to this coin that the Committee needs to resolve. The Code needs to be made more reasonable for the

540 Member who has been complained against, but also it needs to be made, frankly, easier for genuine complaints to be initiated, if not publicly announced, until *prima facie* evidence has been established.

The Bailiff: Deputy Le Tocq.

545 **Deputy Le Tocq:** Sir, to arise on the back of that because it occurred to me maybe I should have written to the Committee, but I wonder if the President has any comments to make on the timing of complaints and the means in which they are communicated, because a complaint was made against me and against another Member of this Assembly in the purdah run-up to the elections, and the way in which, through the Bailiff's office, this was communicated, it was very difficult and awkward. We both got re-elected but there was a difficulty I think in terms of those types of issues.

The Bailiff: Deputy Fallaize.

555 **Deputy Fallaize:** Yes, I agree with that as well. I think the issue here, people sometimes say that the Code of Conduct needs reform. I do not actually think there is a great deal wrong with the Code of Conduct. What there is that is wrong is the procedures which underpin the Code of Conduct. Deputy Trott has highlighted one, Deputy Le Tocq has highlighted another.

560 Clearly cases need to be progressed in a timely manner. In fairness, I think a different panel is now in place from the time when Deputy Le Tocq is talking about, and that panel I think has gone to greater efforts to ensure that its business is discharged in a timely manner. But anything which could be done in terms of the procedures to ensure that happens in the future would be a good thing.

565 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

570 Would the President of SACC make my day by saying as part of the review that has taken place and the report that they are bringing back, there may be under the Rules of Procedures some that would be rescinded, and that we will have a Rule Book that is actually reduced in size rather than being increased, as it has been over the years, and be more meaningful? Too often we see Rules are suspended and debate is stifled because of the amount of Rules that we have got in there.

575 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Well, I do not think it is in the Committee's gift to prevent the States from suspending the Rules. I think the Reform Law allows the States to suspend the Rules of Procedure.

580 I am not aware, although I am speaking slightly off the top of my head, of any Rules of Procedure which the Committee is proposing to rescind, other than where they are proposing to rescind them and replace them. But of course that policy letter and the Propositions attached to it will be capable of amendment, and if Deputy Lowe wishes to prepare an alternative Rule Book which cuts out the many superfluous Rules which she has identified, then I am sure the States will be only too pleased to welcome her efforts in that regard.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

590 Thank you, Deputy Fallaize, for the update.

I am slightly confused as to actually what SACC are asking us to do with regard to the review. Going back to Rule 49 and the 'special interest' one of the problems with that is it excludes Members from debating at that Committee meeting, which I do not think is in the public interest. But is he saying that SACC have already made their mind up on this, or is he still inviting representations on this particular Rule?

595

Thank you, sir.

The Bailiff: Deputy Fallaize.

600

Deputy Fallaize: Thank you, sir.

Representations are always gratefully received, but the Committee, after quite prolonged correspondence and dialogue not only with Deputy Prow on this issue, came to the conclusion that there was no need or there was no case to liberalise the Rule of Procedure which concerns him, nor indeed on the advice of the Law Officers to clarify it. What I will say is that the Committee in its policy letter will explain its reasoning for having reached that conclusion, which will in effect bring the issue into the ambit of the States' debate and allow those Members who disagree with the Committee to lay amendments if they so wish.

605

Ultimately the Rules of Procedure are a matter for the States; that is respected by the Committee. The Committee is charged with laying its advice before the States, and will do so in that policy letter.

610

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

615

Thank you, Deputy Fallaize, for your update.

In terms of the Code of Conduct, would the Committee be looking at behaviour of States' Members on social media, particularly in regard to making spurious accusations against other Members of the Assembly, and then allowing a thread of vitriol to ensue on their own personal Facebook page which is publicly available? Then if the Code of Conduct is not able to deal with those kinds of behaviours, because the Member is taunting other Members, lay a Code of Conduct – they clearly do not believe that the Code of Conduct is fit for purpose – that specific reference to use of social media should be looked at in terms of the Code of Conduct.

620

Several Members: Hear, hear.

625

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I thank Deputy Hansmann Rouxel for the question and understand the point she makes.

630

I do not think the fault here is with the Code. Clearly the fault is with the Members concerned, but the fault is not with the Code.

I think that the type of conduct which Deputy Hansmann Rouxel has just described – and I am speaking in the abstract rather than about any particular case – there is quite a strong case for saying that that conduct, if it has happened, breaches the Code. So it is not that the Code materially needs to be changed; the issue is who is going to lodge a complaint against the Code. Any Member now is free to lodge a complaint. A Member of the States is free, a member of the public is free. What I am saying is that I think that there are unintentional barriers in the way both of States' Members and members of the public from making complaints.

635

I think it would be better, for example, if there was somebody like a Commissioner for Standards who had the powers to initiate cases. Not to hear cases or try cases on his or her own, but able to initiate cases, which could be kept private until proper investigations had been made. I

640

think it is that sort of reform which would encourage stronger observance of the Code rather than changing the terms of the Code itself.

645 **The Bailiff:** Your minute and a half is up.
Deputy Merrett.

Deputy Merrett: Thank you, sir.
I would like to ask the President if his Committee has a timeline regarding the terms of office
650 of Jurats, especially the time served in office.
Thank you, sir.

The Bailiff: Deputy Fallaize.

655 **Deputy Fallaize:** No, I am afraid I do not. If I was to speculate, it would be speaking entirely
personally and off the top of my head. Although, why not? (*Laughter*) It normally works!
I would say probably it would be counterproductive to propose term limits of less than let's say
seven years. Possibly term limits of 10 years would be appropriate.

I think the issue is that where Jurats are elected and potentially could serve 25 years or 30
660 years, I know that there are many members of the electoral college who are uncomfortable with
that. It is much better to have term limits than it is to have restrictions based on age. There is just
no case for having restrictions based on age, but if that is going to be abolished, and I am sure
there is strong support for that, term limits I think will have to be introduced to guard against the
States not wanting to elect potentially very good candidates but then put them in office for 20
665 years or 30 years or however long.

The Bailiff: Deputy Leadbeater.

Deputy Leadbeater: Sir, the President of SACC has confirmed that he believes that vitriolic
670 exchanges on social media do breach the Code. Would he also agree that sarcasm against 100 or
so protestors against a two-school model would also breach that Code?

The Bailiff: Deputy Fallaize.

675 **Deputy Fallaize:** Sir, I can – despite having been branded as an enemy of Guernsey, which is
not something everybody can claim – I want to place on record that I entirely respect the right of
the protestors to demonstrate, and I think I have been careful not to make any critical comments
about them or their campaign and I will not.

I think that, to be honest, I do not know – it has been reported to me – what was said by other
680 Members in criticising that campaign. I am afraid that I am not a frequent user of social media,
and so I cannot comment on exactly what was said.

But again, if any Member of the States or any member of the public feels that any part of the
Code of Conduct has been violated, then I would invite them to make complaints through the
procedure which exists.

685 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, yes, does Deputy Fallaize agree with me that there should be set out
what the roles and responsibilities of Deputies are?

690 **The Bailiff:** Deputy Fallaize.

695 **Deputy Fallaize:** I think that the Code of Conduct probably does set out the roles and responsibilities of Members. However, if Deputy Soulsby is of the view that the Committee needs to look at that more closely, then it is happy to do so. It has been suggested to me that it would be of great benefit to the electorate in advance of a general election to understand better what the roles and responsibilities of Deputies are. I have to say I think that is nonsense. I do not think it would make any difference at all to the outcome of general elections, because people will choose to vote for the reasons which they always have. But it may be of assistance to Members themselves when discharging their various roles to have a greater understanding of what those roles and responsibilities are. So the Committee is certainly happy to look at that.

The Bailiff: Deputy Merrett, and this will probably be the last question.

705 **Deputy Merrett:** Thank you, sir.

I thank Deputy Fallaize for answering my question earlier, but he did answer it quite literally. What I meant, sir, for clarity is when he envisages it being returned to the States regarding the election of Jurats with particular reference to the time served in office. But the time I was requesting is: when will it be returning to the States, sir?

710 Thank you.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: I am sorry, I misunderstood Deputy Merrett's question.

715 I think it will not be in 2018, with the review of the Rules of Procedure and the review of the Code of Conduct. Unless the Committee is able to obtain more resources – he says looking at the President and Vice-President of the Policy & Resources Committee – I think it is likely to be some time in the latter part of 2018. Certainly it needs to be in this States' term. But I think the latter part of 2019 is the most likely timetable.

720

The Bailiff: The 20 minutes allowed are now up.
So we will move on to Question Time.

Questions for Oral Answer

POLICY & RESOURCES COMMITTEE

States of Guernsey Statistical Unit and the employment of economists

The Bailiff: The first questions are to be asked by Deputy Gollop of the President of the Policy & Resources Committee.

725 Deputy Gollop.

Deputy Gollop: Sir, as always I am lacking an electronic or paper copy of the replies, but I ask them anyway. I ask Deputy St Pier three questions and I thank you, sir, for the opportunity.

730 Following the mixed but partially favourable recent Standard & Poor Review and Credit Rating, an issue emerged about the size and scope of our economic data. Does Policy & Resources wish to emulate and replicate the Jersey approach to enhancing a statistical unit in order to improve internal political decision-making based on robust evidence data and modelling?

The Bailiff: Deputy St Pier will reply.

735 **Deputy St Pier:** Sir, the data produced by the Data Analysis Services Team is subject to a programme of continuous improvement. Significant developments have been made in both the range and quality of data available. This includes the recent restatement of GDP, and the development of the award winning rolling electronic census, which gives us unparalleled access to data on our local population.

740 However, there are still areas of ongoing improvement, and the unit continues to progress this programme including working on developing the corporate performance management framework. The outputs of the team are used by analysts in strategy and policy and finance teams who feed data and analysis into policy development and strategic business cases.

745 There has also been investment in demographic and economic forecasting tools, which have already helped inform policy, including the Medium Term Financial Plan, and the debate on secondary education.

In short, the data and models we have available have been and continue to be extended and improved in recognition of the importance of robust analysis in policy making.

750 **The Bailiff:** Are there any supplementary questions? No.
Deputy Gollop, your next question.

Deputy Gollop: My next question, sir, thank you, is: in recent years at least one, if not more, trained respected economists have left States' direct employment. Is it now the right time for the States to employ in some manner additional able professional economists and statisticians to aid economic development and also investment in social and infrastructural capital and fiscal policy?

755

The Bailiff: Deputy St Pier.

760 **Deputy St Pier:** Sir, there are numerous officers who have both formal and informal economic and statistical training and expertise supporting the Committee *for* Economic Development, and the Policy & Resources Committee, and of course other service areas across the States. Beyond the boundaries of the States there are many people with professional skills and knowledge on whom we can and on whom we do call. As a prime example our Data & Analysis Unit gratefully received assistance, free of charge, from the UK Office of National Statistics in order to finalise the new methods for calculating GDP.

765

A single professional individual employed by the States of Guernsey is not the only solution to our need for economic and statistical support and it is not the approach we have taken. Instead we are seeking to build economic expertise across the States to provide resilience.

770 **The Bailiff:** Any supplementary questions? Deputy Gollop.

Deputy Gollop: As a Member of ESS I am very conscious of the excellent services we get from the Economics & Statistical Unit who do the work of more than their numbers might imply. But does the President still consider that many Deputies here would benefit from added economist insights as to the implications of their policy making?

775

The Bailiff: Deputy St Pier.

780 **Deputy St Pier:** Sir, as ever there is always a balance to be struck between the resources which we could deploy and the cost of doing so, and I think we have to recognise in a community of our size with a Government of our size that the current provision, I believe, remains adequate for our current need. But it is something obviously we need to keep under constants review as our requirements change.

785 **The Bailiff:** Deputy Yerby.

Deputy Yerby: Deputy Brehaut and I learned at a recent CPA conference that the Pacific Islands benefit from what they call a floating budget office which is staffed by officers from various of the Islands supported by some of the larger jurisdictions within the Commonwealth to provide independent fiscal and economic analysis at the time each of the Islands considers their budget and other relevant policies. Does Deputy St Pier consider that Guernsey – (*Technical interference*) I beg your pardon, I do not know what that is – and the other Islands of the Channel Islands would benefit from a similar set up?

795 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, Deputy Yerby makes a very good point, and certainly I think as part of our ongoing commitment to greater working and sharing particularly with our larger neighbour to the south, Jersey, that we should consider what resources we can use. Clearly they do have, as was implicit in Deputy Gollop's original question, a significantly larger commitment to data analysis and statistics, and we should tap into that when it is appropriate for us to do so.

The Bailiff: Your third question, Deputy Gollop.

805 **Deputy Gollop:** Thank you, sir.

Further to the latest useful Annual Independent Fiscal Policy Review by Dr McLaughlin and Professor Wood would the employment of economists or indeed economic consultants assist in developing ways we can usefully maximise public revenues and expenditure without weakening our economic growth or competitiveness advantage.

810 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, the recently published Annual Independent Fiscal Policy Review highlighted an issue raised by the revision of GDP. The way we measure our economy has changed, and the more internationally comparable measure indicates that we actually collect less revenue than we thought, relative to the size of our economy. Although of course the amount collected has not changed. This change in measurement means that the monetary value of the limit on aggregate income, that we set ourselves in the fiscal framework, has increased substantially. These changes generate two questions. Where should our revenue limits be placed in the long term, acknowledging the pressure we face from the aging population? And where should we aim to position our revenue collection in the medium term, given that there is no additional money available without increasing taxation?

820 These are of course core questions fundamental to Government, and will require careful analysis to ensure a fair and balanced debate. We will almost certainly wish to make use of economic advice and analysis during this process and the Policy & Resources Committee will be considering carefully how best to take this debate forward.

The Bailiff: Supplementary, Deputy Gollop?

830 **Deputy Gollop:** But would the President agree that in many area of policy from provision of extra care and housing right the way across to major projects such as a longer runway or other infrastructural investments, we as States' Members do not really know from advice given what the quantum of economic benefit those developments would have on the wider economy?

835 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I think that was a statement rather than a question.

The Bailiff: I think he asked if you would agree. *(Laughter and interjections)*

840

A Member: Yes.

Deputy St Pier: In terms of do I feel it is necessary for Members of the States, I think was in essence the point, in requiring additional resource in order to analyse the policy options put to them by the various Committees of the States: I think there is sufficient support and resource through the States currently to assist Members as when that is required. So I think the answer is probably no.

845

COMMITTEE FOR ECONOMIC DEVELOPMENT

Inter-Island Ferry Service

The Bailiff: We move on to the next series of questions which are to be asked by Deputy Gollop of the President of the Committee *for* Economic Development.
Deputy Gollop.

850

Deputy Gollop: Thank you very much. I appreciate that to a certain extent it crosses other mandates.

855

To Deputy Parkinson in his role, how can the States tendering and procurement procedures be made easier and more relevant to enable transport and logistics planning by tender parties for the Inter-Island Guernsey-Jersey Ferry Service so that the service can start by Easter time and be sustainable for five years of route growth?

I should add here that as a Member of the Transport Licensing, I am not partial to any current or future possible operator.

860

The Bailiff: Deputy Parkinson, the President of the Committee *for* Economic Development will reply.

Deputy Parkinson: Thank you, sir.

865

The answer to the question requires a more comprehensive response than I am able to give in the one and a half minutes available to me under Rule 11(3). The following is therefore a summary and we will provide a more detailed response to all Members later today by email.

States' procurement procedures are flexible and adaptable to enable them to be fit for purpose. In the case of the Inter-Island Ferry Project given the potential amount of public funds that could be required, and the need to ensure that the route was operated by a competent and safe provider, it was necessary to conduct a procurement exercise in a structured manner which allowed for all interested parties to participate, and for an assessment of their capabilities and competences to be undertaken. The tender included a short pre-qualification questionnaire and a comprehensive project specification which outlined the circumstances under which a States' subsidy may be available.

875

It is worth noting that a substantial proportion of the time within the procurement process is used in conducting the necessary activities such as working with Jersey to develop requirements and specification, allowing time for responses, and conducting due diligence on potential operators. Bidders were also made aware of the criteria by which their submission would be assessed. The tender process was relevant, fair and objective, and enabled potential operators to

880

plan and submit a business case around the support available. This included the potential to extend the contract enabling sustainable growth to take place within the lifespan of the project.

885 **The Bailiff:** Any supplementary questions, Deputy Gollop?

Deputy Gollop: Two supplementaries, sir.

The first is the President has raised a new point that sometimes tenders now and in the future will be working together with another party, in this case Jersey. How easy is it for the current
890 systems to be fast and flexible enough to respond to a rival system and work cohesively together?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Well, this was a joint enterprise between Jersey and Guernsey and clearly
895 their interests had to be designed into the process. Inevitably that tends to slow any procurement process down, but at the end of the day this process has worked well. We will shortly be able to announce the successful tenderer, and I am very confident that an Inter-Island Ferry Service will be operating this summer.

900 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you, sir.

I appreciate that modern procurement has to be robust, diligent and professional, but is there
905 not a balance between speed that matches the necessity for commercial companies to make quick business decisions with the more bureaucratic approach?

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Commercial companies would always prefer to get a quick decision, and
910 arguably they would prefer to get a no decision than a slow yes decision. But nevertheless States' Procurement Rules are as they are for good reasons. We are spending, or potentially spending, public money and we are procuring a service which has to meet standards that are acceptable for us. In this case I think the process has worked well, and the results will be shown when we announce the successful tenderer and have the service in operation.

915 **The Bailiff:** Deputy Inder.

Deputy Inder: Sir, I am not sure if it is arising but I am going to give it a go.

The passenger figures in total – sea passenger figures, which included our French connection
920 as well – were a high of 123,000 in 2011 to a low of 91,000 in 2016. Actually, we are back up to 105,000 which is fairly good news from that low.

However, given the lack of service Condor has supplied to the Island over the past two or three
925 years, I am not really interested that it is 98% actually getting ... sorry, the amount of time it actually spends limping between port to port. I am actually interested in the detrimental effect it has had, that company has had on the Island. Under the new helm –

The Bailiff: Your minute is up.

Deputy Inder: Are you likely – I will sit down. Sorry, I never got to the question. I can try again.
930

The Bailiff: Deputy Parkinson, I do not think there was a question there.

Deputy Inder: No, there was not, sorry!

935 **The Bailiff:** Also, it did not arise from the earlier answer so that may have to be ... It can be asked as a separate question on another occasion, Deputy Inder, if proper notice is given.
Alderney Representative Jean.

Alderney Representative Jean: Thank you, sir.
940 Would the Chairman of CfED agree with me that perhaps it would have been better if Alderney had been more included on the ferry tender as part of the Bailiwick economy? It would be beneficial to that part of the Bailiwick economy and as a whole. That means our whole economy functions better.

945 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Alderney Representative Jean's question actually anticipates Deputy Gollop's second question, and I wonder if it would be better to wait until Deputy Gollop has placed his question and I will try and answer both questions at the same time.

950 **The Bailiff:** Deputy Inder, your second supplementary – (*Laughter*) second and last.

Deputy Inder: As a supplementary to my non-question previously, I wonder whether with Economic Development under a new helm, will you at any point be considering retendering the whole of the routes for Condor, including the freight services?

955 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Guernsey does not license the Condor Ferry Service because at the moment legislation is not in place to license the use of our ramp in the way that Jersey has. So obviously the relationship between Jersey, Guernsey and Condor is a delicate matter under review and all I think it would be safe for me to say at this time is that this is something we are keeping monitored.

965 **The Bailiff:** Your next question then Deputy Gollop.

Deputy Gollop: Thank you, sir.
As you can see, sir, I did not successfully consult with my Alderney colleagues beforehand, but my second question is: how far have the States of Alderney and relevant Alderney stakeholders, which would include my colleagues, I think, been included in ensuring Guernsey supports a frequent subsidised economically developing passenger ferry link this year until say 2022 of an inter-Island leisure and tourist focused ferry link for Alderney?

The Bailiff: Deputy Parkinson.

975 **Deputy Parkinson:** Sir, the inter-Island ferry tender had a specific focus on improving passenger-only ferry links between Guernsey and Jersey. However, at an early stage it was recognised that there was potential for an operator providing a Guernsey to Jersey service to also provide a Guernsey to Alderney service. But that if appropriate and feasible then this would need to be subject to a separate agreement. The tender specification specifically mentioned this and indicated that an operator would be free to provide this service outside of the Guernsey to Jersey service. Officers in Alderney were kept informed of the progress of the tender and an officer representative from Alderney was involved in the evaluation of the tenders.

980 The Committee remains committed to working with the States of Alderney to examine opportunities to improve ferry links to that Island.

985

The Bailiff: Deputy Gollop.

990 **Deputy Gollop:** Sir, there was speculation in the media, that the President might not be able to comment on at this stage, that there might be two passenger ferry vessels involved, and if that is or could be the case, then clearly the use of one of those on a regular basis to Alderney would be a viable possibility.

The Bailiff: Deputy Parkinson.

995 **Deputy Parkinson:** Sir, I think it would be unwise for me to comment on the specifics of the Guernsey-Jersey successful tender process, the results of which we will announce within the next week or so.

1000 There has been information in the media that another company has put forward a proposal to run, I believe, services between Guernsey and Alderney, and Alderney and Cherbourg, but those proposals are quite separate from the tender process for the Guernsey Jersey link.

The Bailiff: I see no-one else rising. In which case we will move on Greffier to elections.

Billet d'État VI

COMMITTEE FOR EDUCATION, SPORT & CULTURE.

I. Election of the President of the Committee for Education, Sport & Culture – Deputy Fallaize elected

Article I

The States are asked:

To elect a sitting Member of the States as President of the Committee for Education, Sport & Culture to complete the unexpired term of office, that is to the 30th June 2020, of Deputy P. R. Le Pelley who has resigned from that office, and whose letter of resignation is appended hereto, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

The Greffier: Billet VI – Article I – Election of the President of the Committee for Education, Sport & Culture.

1005 **The Bailiff:** I first invite Members to propose eligible candidates.
Deputy St Pier.

Deputy St Pier: Sir, I nominate Deputy Matt Fallaize.

1010 **The Bailiff:** Deputy Fallaize. Is there a seconder?

Deputy Trott: I am very happy to second Deputy Fallaize's nomination, sir.

1015 **The Bailiff:** Deputy Trott seconding.
Deputy Ferbrache.

Deputy Ferbrache: Sir, I nominate Deputy Meerveld.

1020 **The Bailiff:** Deputy Meerveld. Is there a seconder for Deputy Meerveld? Deputy Prow, are you seconding?

Deputy Prow: Yes, sir.

1025 **The Bailiff:** Thank you.
Are there any other candidates to be proposed? No.

So we have two candidates: Deputy Fallaize proposed by Deputy St Pier and seconded by Deputy Trott; and Deputy Meerveld proposed by Deputy Ferbrache and seconded by Deputy Prow.

1030 Under the Rules, Rule 16(4), I will now invite, in respect of each candidate in turn, first the proposer to speak for not more than five minutes, and then the candidate to speak for not more than 10 minutes, and thereafter we will move to an opportunity for Members to question the candidates.

So first of all it is Deputy St Pier to speak for not more than five minutes in support of his nomination of Deputy Fallaize.

1035 **Deputy St Pier:** Thank you, sir.

1040 Sir, in our consensus committee system of government we tend to be embarrassed by or shun leaders. But this is what this role demands. Over the next two years this will be the toughest job in Guernsey politics, and it requires special talents. It needs someone with courage, of a moral and a political kind; it needs someone with determination, and it needs someone with political experience.

Leaders by definition have followers, so it needs someone who has respect, and is respected, and somebody who can confidently, calmly and articulately explain both in and outside this Assembly, but also to the media, and also to the public, the changes which are taking place.

1045 It needs somebody who can command the respect of staff, and of the teaching profession, who has and has demonstrated integrity, and most importantly someone who has conviction in the Committee's most important policy challenge, namely the reform of secondary and post-16 education.

1050 Sir, with the greatest respect to the 39 other Members of this Assembly, there is only one candidate who fulfils all those criteria, and he stands head and shoulders above the rest of us for this role. As the leading architect of the alternative model, he has the vision and the clarity of thinking required to provide that leadership, and to deliver the policy change which this Assembly agreed three weeks ago.

1055 He has demonstrated those leadership qualities of courage and determination, and he clearly has the conviction that is needed.

Sir, many in this Assembly have felt for some time that he has been capable and ready for a substantial leadership role in government for some time. This Assembly rejected that notion two years ago. But he is clearly ready, willing and more than able to take on the role.

1060 So it is with great honour and pleasure that I do propose Deputy Matt Fallaize.

The Bailiff: Deputy Fallaize, you may now speak for not more than 10 minutes.

Deputy Fallaize: Thank you, sir.

I thank Deputy St Pier for proposing me and Deputy Trott for seconding me.

1065 I also want to thank the outgoing Committee for their hard work and determination to lead, on behalf of the States, what is undoubtedly one of the most challenging portfolios in Guernsey politics. I say this sincerely: though I often disagreed with their policies, their determination,

especially recently, to fulfil what was asked of them by the States deserves recognition and respect.

1070 Sir, I am standing for this role partly out of a sense of responsibility. I argued strongly for all ability schools, and then recently led the successful amendment for them to be 11-18 schools, and for the retention of a single integrated College of Further Education, and for the devolution of governance and leadership to those schools and colleges. Having done so, I have a responsibility to step up and lead the introduction of these policies, which are now the policies of the States and need to be led by a President and a Committee which believes in them wholeheartedly.

1075 I am also standing because I have a strong and clear view of a policy agenda which I believe can develop and improve States' provision across Education, Sport & Culture for the benefit of our whole community.

1080 Sir, I am not ignorant or complacent about the scale of this challenge. The new Committee must lead the single largest set of reforms to secondary education in decades. Reforms about which some in our community clearly remain sceptical. The Committee's annual expenditure is running around £2 million over budget, and a programme of significant capital expenditure lies ahead.

1085 The States have directed the Committee to consider further rationalisation of primary schools. The Education Law needs to be replaced. The Education Office and its relationship with schools and colleges is in need of significant reform. The Committee is responsible for preparations for Guernsey to host the Island Games in 2021, and more needs to be done to demonstrate the advantages of merging education, sport and culture to which I remain fully committed.

1090 If I am elected I will not be a Committee President who waits to see which way the wind is blowing before offering a lead. Over the years, and I know this only too well, successive Education Committees have been derailed by too many subcommittees and too much minutiae. The corollary of this has been insufficient political attention on policy. Many items if they require political input at all and often they do not, could be dealt with by the President working directly with officers.

1095 Equally I have always been a supporter of our committee system of government where substantial items of policy are made by the full Committee. I will ensure the Committee has the space and support it needs to focus on policy and setting a clear framework in which professional officers and school leaders can do what they are paid to do, run services.

1100 I am passionate about sport, I represented Guernsey in youth football, my son has been selected to captain the Island in the under-11 Muratti next month. Sport will not be a poor relation to the more high profile elements of the Committee's portfolio. Key to this will be developing the relationship with the Guernsey Sports Commission and bringing to the States a long awaited Sports Strategy. If this identifies the need for additional resources for sport the Committee will fight for them.

1105 The same is true for culture and the arts. Clearly there is some disquiet among these communities, and it is not the fault of the outgoing Committee. I want to work with these communities, first to understand their challenges better and then to consider how the States can assist them more effectively. This is an area where Members of the States who are not on the committee could provide valuable input.

1110 One of the Committee's last responsibilities before the 2020 General Election will be organising the celebrations to mark the 75th anniversary of the Bailiwick's Liberation. I know of Deputy Le Pelley's commitment to the importance of this unique event and if I am elected to succeed him I will do everything I can to replicate his commitment.

1115 Before then the Committee will be judged above all by education. Clearly there are huge risks and challenges. At the last States' meeting Deputy St Pier said that it would be political madness for anyone to take them on, and then offered to propose me. I want to lead the Committee through them because there are also huge opportunities. The objectives are clear.

In the long term to improve performance and attainment which is satisfactory and has been improving, but is far from outstanding, and to maximise opportunity for every student in two 11-

1120 18 schools, and by the College of FE partnering with the GTA University Centre and the Institute for Health & Social Care Studies, and hopefully, ultimately with a UK University to create a University College Guernsey as a single centre of excellence for technical and professional studies, while in the short term securing the education of students during this period of transition.

Apart from my political commitment to the students of today I also have a personal stake in this period of transition because my own children, aged 11 and 8 and in States' schools, will live through it.

An early task facing the Committee will be to provide greater certainty for parents and students. Sites need to be determined and a transition plan announced. This will be done as promptly as possible, but has to be done after thorough consideration of what will work best for students and their teachers. Then as four schools which are all in their own ways selective schools are closed two new 11-18 all ability schools will be created in partnership with the existing schools.

There is a need to communicate more effectively to parents, teachers, students and the wider community the benefits of the policies recently agreed by the States. This work, in conjunction with the States' communication officers must start immediately.

I want to be clear about pre-school education. The policy is achieving its central objective, take up of the full 15 hours has increased significantly. I will be pleased to discuss any adjustments which any stakeholders consider necessary. But if I, and my proposed Committee are elected, universal access to re-school education, free at the point of use for the vast majority of parents, for at least 15 hours a week, will be maintained. The States did not set it up as a trial, it is a permanent scheme and if we return with proposals for substantial change it will be to enhance provision not to cut it.

If elected I will invite the Committee to strengthen the policy focus on standards, assessment and curriculum. I would like us to consider adopting Attainment 8 as a more rigorous standard of measurement of GCSE performance.

In addition at present there is something of a post code lottery in the curriculum. There are four different models across the four secondary schools, and it may be that none of them are appropriate for two 11-18 all ability schools.

I want to say something about expenditure and budget control. The current approach in relation to education is not working. A few years ago the same approach in relation to Health & Social Care did not work. We need to shift the focus from short-term tactical responses to rather arbitrary budget demands and instead establish a coherent long term plan. The journey which Health & Social Care has begun, which is a journey to genuine transformation, now needs to be commenced by Education, Sport & Culture. But let's remember their journey began with a so-called 'budget for health'.

I do not regard P&R as the enemy. For too long relations between Education and the Treasury have been strained. I have confidence in P&R, I want to work in partnership with them, not against them. Only by working together can the challenges ahead be met successfully. If either Committee fails the other there will be short term political casualties, as indeed there have been, but it is our community which will suffer most.

In closing, sir, I would like to say that while at this stage the States is electing a Committee President only, my speech is also made on behalf of the Members who, if I am elected, I will be proposing to serve alongside me, because we are really offering ourselves for election together, and this is their agenda for reform as much as it is mine.

1165 **The Bailiff:** Next, Deputy Ferbrache will speak in support of Deputy Meerveld.

Deputy Ferbrache: Sir, people might ask why I am nominating Deputy Meerveld, when I voted for a two-school model just three weeks ago and his proposal was for a three-school model.

1170 Well, it is very simple. I want to see action and resolution. I did vote for a two-school model and I support it. I was not blind to its problems, and I was persuaded, and remain persuaded by

the educationalists that support it. But as Deputy Trott indicated, there is a long way to go before it and if it comes to fruition, there are also hearts and minds still to win, and I am not just necessarily talking about the 100 or so people who marched last Sunday.

1175 Deputies Soulsby, Dorey, Le Pelley and I recently took part in a question time session at the Grammar School with the Upper Sixth, or Year 13, and two distinct groups of intelligent and committed young people both indicated by a clear majority their support for a three-school model. In my view, a person who is not so closely aligned with the two-school model but who has experience and worked hard to make it work has more chance of persuading the doubters.

1180 Members who know Deputy Meerveld know that he was a very committed Member of the Education Committee until just before the last debate, and undoubtedly his fingerprints were quite properly all over the Education Committee report and the considerable and meritorious work that went into it.

1185 He showed though that his views were not fixed in stone because he realised the concerns about post-16 education and tabled an amendment to review it. Also Members may recall the much respected former Deputy Peter Gillson marked both the Education Committee and the gang of four with 8 out of 10 for their efforts, sadly only giving P&R 3 out of 10.

1190 It is also not right that in my view, and it is not good governance that someone is almost anointed to the role. Also some time has passed since the debate and it is only right that without derogating from the States' decision the Assembly has a definite choice on the way forward.

I will be mentioning later when proposing Deputy Lester Queripel as a Member of the Committee that the States must not ignore the sports and culture element of that Committee.

1195 Also and although I remain on separate sides from Deputy Meerveld concerning selection and concerning all ability schools I recognise an active and purposeful person as he was a very active and purposeful Vice-President of the Committee over 19 months. That Committee needs to hit the ground running and not be overly concerned with i's dotting, t's crossing and rules and procedures. I believe he will work purposefully with integrity and bring back a thoroughly and practical two school model proposal to the States this term and I commend him.

1200 **The Bailiff:** Next, Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

1205 As I stand before this Assembly, I am under no illusions, I do not expect to win this election, but this mandate and this issue is far too serious to simply hand it over, as Deputy Ferbrache mentioned, on anointment, without being challenged and face further scrutiny from this Assembly.

1210 Although I have no expectations, if I were elected I would put aside my opinions and convictions and just as my erstwhile colleagues on the previous Committee who supported selection put aside their differences and delivered an all-ability three-school model as they were directed. I would also work diligently to deliver a two-school model back to the States, but I would do it alongside an updated and revised three-school option. This would enable the Assembly to make a truly informed decision on fully detailed and comparable models, as the previous debate was supposed to be.

1215 In the commercial world we always develop contingency plans. We have to consider the possibility that the Assembly may reject the two-school model once developed. Where will we go from there? In my opinion it would be foolhardy not to update the three-school proposal and present it alongside any two-school models for comparison purposes and as a potential fall-back position.

1220 I know from the knowledge I have acquired serving as Vice-President of the Committee for Education, Sport & Culture how unrealistic the two school model as proposed by the gang of four is. I would work to bring practical pragmatic solutions that can be implemented back to this Assembly, and would guarantee to do so for this to be debated by December 2019 to enable this Assembly to decide this issue prior to the next election.

1225 One of the things that this Assembly needs to be very aware of is the huge anxiety and uncertainty that this change of direction to explore a two-school model is causing, and the potential damage that that continued uncertainty could cause to our existing education system. It is essential that the public and our teachers are made aware of the plans for school closures and subsequent redevelopment as soon as possible to end this uncertainty.

1230 Deputy Mark Dorey was quoted by the *Guernsey Press* last week as saying that the gang of four expected to announce which schools will be closed by this Easter. This should have been done prior to the last debate and should not, definitely not, drag on any further.

1235 A much more realistic two-school model would be actually for two 11-16 schools with a tertiary college for post-16 studies. The tertiary college being broken down into four specialist faculties, a sixth form studies centre, a finance and business centre wrapped around the GTA's type of philosophy, a Health & Social Care faculty and a vocational special interests faculty. This would create two secondary schools of approximately 1,200 students and provide true equality of opportunity and parity of esteem for all. Personally I would still prefer three smaller community schools of less than 900 students and a tertiary college with specialised faculties, but again these options could be laid before the Assembly for their decision.

1240 This more practical two-school model would still cost tens of millions of pounds more to implement than the three-school model proposed by the previous Committee and it would be for this Assembly to decide if that additional expenditure is justified.

1245 On Radio Guernsey's, *Oscar Pearson Show* on Monday, Deputy Matt Fallaize stated that the two-school model, and I quote, 'will be more than £3 million cheaper in terms of revenue cost than the current model'. Personally I doubt this. This quantum of saving would be the equivalent of making redundant 100 fully qualified teachers on the lowest salary on the main pay scale, and over 70 teachers on the highest salary on the main pay scale.

1250 Members must bear in mind that staff remuneration represents over 70% of the Committee's budget and there is little scope to achieve cuts elsewhere in the budget. I sincerely hope that Deputy Fallaize will confirm that his new vision for education model is not based on turning our community schools into large education factories with production line teachers being asked to teach more students with less resources in the name of saving money.

1255 As President I would work to ensure that any proposals presented to this Assembly would be realistic and delivered while achieving the best results with the budget available.

1260 As Deputy Fallaize mentioned no discussion of this Committee's mandate can be raised without discussing sport and culture, because it has been at times perceived to be a poor relation to the overall activities of the Committee, and that is purely because of the overburdening responsibility for these changes to education that we have all faced. As he mentioned we have the 75th Liberation Day coming up and the Island Games which also have to be organised. We also, as a Committee, were in the process of forming a language commission to try and save *Guernésiais* while we still have living native speakers available to pass it on to the next generation.

There are many issues that I would want to ensure that are covered in the mandate and are delivered on in the remaining term.

1265 I stand before you today prepared to serve as President of the Committee *for* Education, Sport & Culture and bring back to this Assembly practical, pragmatic and most importantly deliverable plans for two-school models, as well as ensuring that sport and culture is given its proper prominent place.

But, sir, whatever this Assembly's decision, I will continue to fight for the best interest of our Island's students, our teachers and our society.

1270 Thank you.

The Bailiff: Members, we now move to a period of question time. I will invite the candidates to come up to the bench and for those currently on the bench to relocate themselves elsewhere.

1275 *[The candidates took seats on the bench.]*

The Bailiff: Well, Members, I can see that everyone has found a seat. Can I just first remind you of the Rules that govern question time and for the benefit of anybody listening elsewhere. The questions shall relate to areas of policy included in the mandate of the Committee. No Member may ask more than one question save that, if before the expiration of the period prescribed there are no further questions, Members who have already asked a question may be permitted to ask further questions. The questioner may not speak for more than 30 seconds, and each candidate shall be entitled to respond to each question but no response shall exceed one minute, and candidates answer the first question in the order in which they are nominated and thereafter the order of answering the questions shall be rotated. In other words Deputy Fallaize asked the first one, then Deputy Meerveld the second, Deputy Meerveld the third, Deputy Fallaize the fourth, and so on.

The session shall conclude at the expiration of the period calculated by multiplying 15 minutes by the number of candidates. That means we will have 30 minutes for question time. It is now just turned 11.10 a.m. – 11:10:12 it says.

We will have the first question from Deputy Lester Queripel.

Deputy Lester Queripel: Sir, I am of the view that a separate committee needs to be established to deal with everything else that falls under the current Committee's mandate, and leave the Committee for Education to deal exclusively with education. I say that because my great fear is a new Committee would be so consumed by everything that involves education they will simply not have the time to focus on sport or the arts or culture or our heritage. Do the candidates resonate with my concerns and share my view that another committee needs to be formed?

The Bailiff: Your 30 seconds are up.
Deputy Fallaize.

Deputy Fallaize: Thank you, sir.
No, I think in my opening speech I said that I do not share that view at all. I am very committed to education, sport and culture remaining in a single merged Committee. The States at one time had 40 or 50 separate Committees and I do not think that those responsibilities were afforded any more attention generally speaking than they are today. Ultimately whether each area of any Committee's mandate is discharged effectively and is given the attention it deserves depends upon how competently the Committee can lead its mandate. That is the task which faces this new Committee; disaggregating its functions will do nothing to assist anybody.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: I do sometimes agree with Deputy Fallaize, and on this occasion I do so, because I also agree that under the new structure of government we have arranged these Committees in a way there is a logical fit and there is a logical fit for linking education with sport and with the culture. It is all part of one continuum. I think if it was separated away I think there would be a difficulty in this reduced Assembly size in being able to properly populate it, and I would be concerned about splitting the budgets and the resources at this time when they have just been merged. So I would agree with Deputy Fallaize and say that I would not be in favour of splitting the Committee.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, if either of the candidates are elected President, will they undertake to do comprehensive public consultation on the proposed two-school model to determine public and indeed professional support for the proposals as agreed?

The Bailiff: Deputy Meerveld.

1330 **Deputy Meerveld:** Yes absolutely.

One of the problems we have had in the lead-up to the debate on the two- or three-school model was the fact that I do not believe there was enough public consultation done, and that the public were not brought along with the idea of the two-school model.

1335 In fact we had the feedback from a lot of the members of the public on the Committee. They thought the consultation that the original Committee, the previous Committee, undertook in June of last year was actually the publication of our plan. They did not realise it was a consultation process and it was still up for debate. They thought it was simply the prelude to implementation. Certainly before this Assembly approves a subsequent plan, we have to go through that process and make sure the public both understands and is on side with the decisions we are going to
1340 make on their behalf.

The Bailiff: Deputy Fallaize.

1345 **Deputy Fallaize:** There has been, or there was very extensive consultation in 2015, 2016. The infamous 'Your Schools Your Choice' consultation process, and that included questions on how many schools, and what size the schools should be, and what the age range of the students should be. So there has been significant public consultation. I would not envisage going out for more in relation to the overall structure.

1350 However, clearly there is a great deal of opportunity and a need to engage with the public better in terms of how the two school model is implemented.

So it is that level of detail where I think there ought to be more consultation rather than on the overarching policy which has now been agreed by the States.

The Bailiff: Deputy Dudley-Owen.

1355 **Deputy Dudley-Owen:** Will the candidates commit to not increasing class sizes or the pupil teacher ratio at this time?

The Bailiff: Deputy Fallaize.

1360 **Deputy Fallaize:** Yes, but I qualify that by saying that for the proposal which became known as the alternative model and is now the agreed States' policy, all of the financials and all of the logistical arrangements were predicated on maintaining the same class sizes and same pupil teacher ratios as set out in the Committee's own proposals. It may be that at some future point in
1365 many years' time there are other circumstances which arise which cannot be foreseen at the moment, which may require the next or a future Committee to adjust class sizes. But as far as I am able today in terms of the implementation of the proposals agreed by the States three weeks ago, I can say that they will maintain class sizes at exactly the same level as envisaged by the Committee.

1370 **The Bailiff:** Deputy Meerveld.

1375 **Deputy Meerveld:** I also would guarantee that I would maintain the current class sizes. Obviously if the Assembly brought something forward and wanted to change that, then that would be the will of the Assembly, but I as President would not propose trying to change or increase the class sizes or the pupil to teacher ratio.

The Bailiff: Deputy Inder, then Deputy Trott.

1380 **Deputy Inder:** Sir, thank you.

If either of you are elected President, the three primary schools that seem in scope as potentially at risk are Forest School, there is a single form entry, La Houquette given its age and La Mare where it could or could not be and La Mare de Carteret where it is now. Would you guys if elected anticipate closing any of them, or possibly with the Forest School taking some of the pressure off St Martin's?

1385

The Bailiff: Deputy Meerveld.

Deputy Meerveld: It is a good question.

1390 The Committee is already under an extant Resolution to look at consolidation potentially of single form entry schools. I think certainly there would be merit at looking at transferring some of the students or doing some kind of balancing between the Forest and St Martin's, because St Martin's at the moment is stretched to the absolute limit and the Forest does have some capacity. As far as the other schools are concerned under the original Committee's proposals there was a desire to rebuild La Mare de Carteret Primary. I would still like to see the La Mare de Carteret replaced particularly as it is a special needs area. I certainly have no designs on La Houquette.

1395

The Bailiff: Deputy Fallaize.

1400 **Deputy Fallaize:** Thank you, sir.

Yes, our plans do not include the closure of La Mare de Carteret Primary School, it is a two form entry primary school which is within existing States' policy. Forest and La Houquette are in a different position because, as Deputy Meerveld has said, there is now a States' policy for two and three form entry primary schools. If there is the potential to rebalance the size of some of the larger schools and use surplus capacity at Forest and La Houquette, it may be possible that we could end up with those two schools both adhering to the two or three form entry policy. I think the Resolution of the States for the Committee to report back by 2020 or possibly 2021 on this issue. It is not something that I want to shy away from, but obviously there is a need to prioritise resources, and it may be that the rationalisation of primary schools has to take second place.

1405

1410 **The Bailiff:** Deputy Trott and then Deputy Prow.

Deputy Trott: Thank you, sir.

Sir, one candidate advised that his son had been selected to Captain the under 11 Guernsey Muratti Team, I extend my congratulations having enjoyed a similar experience as a father some years ago.

1415

Sir, the question do both candidates remain opposed to any form of selection at 11? *(Laughter)*

The Bailiff: Deputy Fallaize.

1420 **Deputy Fallaize:** Yes I do for where for the next five years none of the players are able to move from the A team to the B team. I do not mind anybody being placed in the A team or the A stream at one particular age, but I want to give them the opportunity to move between the teams or between the streams or between the sets as they develop as players or indeed as learners.

1425 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Again I find myself in the position where I agree with Deputy Fallaize, we both campaigned very hard for the end of selection at 11. I am still resolutely of the opinion that we are better off without it and can build a better system that is fairer for all with a new all ability system. Our opinions would differ possibly on the number of schools.

1430

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

1435 In the States' Budget agreed in November 2017 Education was placed effectively under special measures and being required to reduce the Committee's total expenditure to £74 million in 2018. Do the candidates agree with honouring that obligation to reduce the Committee's total expenditure during 2018?

Thank you, sir.

1440

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Yes, absolutely.

1445 At the end of the day, the Committee did struggle with this issue and it is worth noting that whilst the Committee was accused – well, it was implied that we had overspent the budget, it was a targeted budget and we actually spent less than the year before and I would hope as President to continue that trend and bring the amount down within the target range. Having said which part of that overspend was actually a miscalculation by P&R finance staff who under projected the salaries by some £1 million plus. I would certainly work though, to answer the question directly,
1450 yes, I would support that. I do think that P&R's direct involvement will be of benefit in that they can see for themselves exactly where the expenditure is going and they can help us work towards achieving that target.

The Bailiff: Deputy Fallaize.

1455

Deputy Fallaize: Thank you, sir.

Well, the Committee's budget agreed by the States is a States' Resolution and the Committee, whoever is elected on to it, is obliged to do everything they can to comply with that and any other States' Resolution. So that is a commitment in relation to 2018. I have already said when I spoke in
1460 my opening speech that I do not think that it is any longer appropriate to pursue short term tactical responses to what are long term transformational challenges. So effectively what I am saying is that if I am elected as President I will be approaching the Policy & Resources Committee to put the Education, Sport & Culture Committee on the same kind of footing that the Committee for Health & Social Care is now on. There are significant opportunities for budget savings, but
1465 they are going to be delivered in the long term. They may not be delivered in the short term.

The Bailiff: Deputy Kuttelwascher, then Deputy Leadbeater.

Deputy Kuttelwascher: Thank you, sir.

1470 Sir, both candidates have got some previous history, form, baggage, if you like, as regards policy failures in educational matters. In a previous Assembly Deputy Fallaize was a Member of an Education Department which was removed because of a vote of no confidence and more recently we had the resignation of Deputy Meerveld on another matter.

1475 My question is simply this, what comfort can the candidates give this Assembly as to their capability and indeed capacity to deliver –

The Bailiff: Your 30 seconds are up.

Deputy Kuttelwascher: – on policies? Just right.

1480

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1485 Actually that Committee was not subject to a motion of no confidence, or if it was I had resigned long before then. Because I felt that it was necessary to take accountability for those issues.

1490 A great deal of improvement has been made in terms of attainment and standards, and there is not going to be any reversal of that. Successive Committees going back many years probably decades did not pay enough attention to standards and attainment. In term of capability and capacity all I can ask Members to do, through you, sir, is to judge whoever they believe will be the best candidate based on what they know of the candidates. We have now worked together as an Assembly for nearly two years, several Members of the States have worked with me for 8, 9, 10 years. I am happy to stand here on the basis of my –

1495 **The Bailiff:** Your minute is up.

Deputy Fallaize: – record and performance and let others judge.

1500 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you.

It is a very valid question.

1505 At the end of the day, I think as Deputy Fallaize has said, you have to judge the individuals and their capabilities. We come from this from I think a very different background. I come from a commercial background, a global business background and I am very practical, pragmatic and I am used to taking on projects and delivering them. Whereas Deputy Fallaize I think comes more from an ideological background and obviously has very much more experience in politics than I do. So he has the benefit of the political skills I would say I have the benefit of the practical business skills of being able to develop a project like this.

1510 It is up to the Assembly to decide whether they would rather have a Committee that is 100% behind two schools and will pursue that and bring that back as a single agenda item when the next policy letter is presented or whether they wish to have somebody who is more sceptical –

1515 **The Bailiff:** Your minute is up.

Deputy Meerveld: – vetting it first.

The Bailiff: Deputy Leadbeater.

1520 **Deputy Leadbeater:** Thank you, sir.

Could the candidates please confirm to me whether or not they would review the, in my view, ridiculously high cap of £150,000 for entitlement to free pre-school provision, and look instead at a sliding scale model to enable those in most need of the help to receive it and to ensure the system is fairer for hard working parents.

1525 **The Bailiff:** Deputy Meerveld.

1530 **Deputy Meerveld:** Absolutely. The £150,000 cap was actually put in place under advice from officers who incorrectly advised the Committee at the time that it was an extant Resolution of the States fixing the cap at that level. The Committee itself did not support that cap at that time, but as I say they were told it was something that had been previously agreed by the States, incorrectly. They were much more minded to have a cap around the £96,000 mark which is a level where other benefits for assisted help and everything else come in.

1535 **The Bailiff:** Deputy Fallaize.

1540 **Deputy Fallaize:** Emphatically not. I have made that clear in my opening speech. Because I think what is perhaps not recognised about this cap, and Deputy Meerveld has characterised it correctly, because it is not a policy of this Assembly. But what is not recognised about it is that the rationale for it is not because the States believe that parents who earn just below £150,000 could not otherwise afford pre-school education. It is because of the importance of the scheme providing for universal access. That is the only way of raising standards throughout the sector and ensuring that no child is denied access to any setting purely on financial grounds. If the universality is removed the whole scheme will collapse and we will move to a means tested scheme and we know from experience of other schemes that that does not provide for the highest possible standards across the board.

The Bailiff: Deputy Hansmann Rouxel, then Deputy Soulsby, Deputy Merrett.

1550 **Deputy Hansmann Rouxel:** Thank you, sir.
In the alternative model which was passed by the States there was talk of a review of special educational needs. Could the candidates please outline as best they can how they would go about reviewing special educational needs within the new system.

1555 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: I think the first thing to say is in conjunction with those professionals and parents who are closest to that issue, what was evident to us when we developed the alternative model was that there are widely differing views in the special needs community about the best way of providing education. It may be that those views cannot be reconciled, but I think initially every effort has to be made to do so. Ultimately I think the best vehicle for getting us to the optimal position in terms of special educational needs is likely to be through a redrafting of the Education Law, which can properly set out what parents and professionals can expect of the Committee in terms of that area of service provision.

1565 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: I do not believe it is necessary to rewrite a Law of the States which will take several years to be able to address the rights and needs of young people with disabilities. I would want to continue the work that the previous Committee was doing with all of the representative bodies to be able to offer a gamut of services to try and meet the needs of every young person who has a disability or requires special support.

1570 The fact is that there is a whole spectrum of requirements and there has to be a balance between what is in the best interest of the student and what is desired by the parents in that provision. We were looking specifically at trying to increase the amount of inclusivity within the school system as much as possible whilst also enhancing the specialised facilities that are required for some of our students.

The Bailiff: Deputy Soulsby.

1580 **Deputy Soulsby:** Sir, as many Members will know, certainly recently, as HSC President I am a strong advocate of exercise as an important part of one of our key aims of prevention and early intervention. ESC has a huge role to play in this of course. Therefore would the candidates agree to revisit the short-sighted decision of the last Committee not to increase the funding of the Sports' Commission, which will likely result in the end of the PE in Schools Programme in June this year.

The Bailiff: Deputy Meerveld.

1590 **Deputy Meerveld:** Those funding decisions were derived directly from the direction of the States and Policy & Resources and the budgetary pressures the Committee was on. As I mentioned in my speech earlier well over 70% of the costs of the Committee are relating to the pay and benefits of employees. Therefore that is under the control of P&R. the Committee has no control over pay and benefits, and nor for that matter could we actually dismiss staff or pay bonuses, etc. to remove voluntary redundancy payments without approval. So it was purely the budget constraints. I personally would like to see those initiatives funded to a greater degree but
1595 it would have to be within the resources that are available to the Committee.

The Bailiff: Deputy Fallaize.

1600 **Deputy Fallaize:** Thank you, sir.
As I have said, I think that the budget agreed by the States for any Committee has to be respected by that Committee and they have to do everything they can to live within that budget, even where the Committee may disagree. Where I would criticise the outgoing Committee, if I may, is that I think that if the budget which has been agreed by the States for this year is resulting in service cuts, and what Deputy Soulsby has described seems to me to be a service cut, then the
1605 Committee should have drawn that to the attention of the States at Budget time and laid an amendment. (**Several Members:** Hear, hear.) There are clearly, as I have said, long-term opportunities to reduce the expenditure of this Committee, not least the expenditure at the Education Office, but they are long-term opportunities. They should not result in cuts in services in the short term.

1610 **The Bailiff:** Deputy Merrett, then Deputy Ferbrache.

Deputy Merrett: Thank you, sir.
Whether some Members of the States agree with this or not we are a committee system and therefore as President I would be very interested knowing who these Presidents would elect to be
1615 Committee Members especially as that is the next item on our agenda. I am relatively clear from Deputy Fallaize. However I am not clear at all from Deputy Meerveld at this stage as to who we would see his Committee consisting of.

1620 Thank you, sir.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.
If I am elected I will propose Deputies Richard Graham, Mark Dorey, Rhian Tooley and Peter
1625 Roffey.

The Bailiff: Deputy Meerveld.

1630 **Deputy Meerveld:** If I am elected, I will be happy to take proposals from the floor and that includes working with all of the so-called gang of four on the Committee. I believe a Committee needs to have a mixture of views to be able to work up such important ideas and concepts and bring them back to the States.

1635 **The Bailiff:** Deputy Ferbrache, then Deputy de Lisle.

Deputy Ferbrache: Sir, unlike Deputies Fallaize and Trott, my sons are completely hopeless at football, like their father, but I hope my grandsons play for Tottenham Hotspur. The purpose of my question to both of them is: money is a reality, and what do they expect the revenue and the capital costs of a fully funded two school system to be in the lifetime of this States?

1640 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: From the research that has already been done I would expect the capital cost to implementation to be £20 million to £40 million more expensive than the model that was proposed by the previous Committee. Possibly as high as £60 million more, and assuming the class sizes are not changed and we deliver the same curriculum that is being currently delivered, I would expect the general revenue cost of a two-school model to be almost the same as the current delivery cost. The reason being you have still got the same number of students, you have got the same number of teachers and you have got the same amount of class rooms. So there are not significant savings to be made, and there is I think some misunderstanding that when schools get larger the pay scales of the teachers go up particularly the senior management team go up very significantly. So a reduction in the number of senior management team does not necessarily equate to a saving.

1655 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Deputy Ferbrache's grandson may even aim higher and play for Arsenal. *(Laughter)*

1660 But in response to his question. The analysis provided to us by the Committee for Education, Sport & Culture presumably in conjunction with Treasury officials is that the revenue costs of the alternative model are likely to be in region of £2½ million to £3 million per year less than the current system. So that is the best information I have available at the present time. That has not come from us.

1665 I do not dissent from some of the lower figures which Deputy Meerveld has just provided, I am not so sure about some of the higher figures which I think he may have plucked from thin air, with due respect, but until we have identified which sites are going to be used it is simply not possible to put an accurate assessment on the capital costs. My commitment is that we –

The Bailiff: Your minute is up.

1670 **Deputy Fallaize:** – will identify the sites as soon as possible and the costs.

The Bailiff: Deputy de Lisle, then Deputy Le Tocq.

1675 **Deputy de Lisle:** Sir, can I ask how the candidates are going to ensure that the expenditure and investment in secondary school facilities is not to be wasted in any rationalisation of the present secondary school system?

The Bailiff: Deputy Fallaize.

1680 **Deputy Fallaize:** Yes, sir, that is very relevant question, if I may say so, and is clearly a concern to some people in our community, and understandably so. Deputy de Lisle presumably is talking primarily about Les Beaucamps and possible the Baubigny Schools as well. Again, as I advised in response to Deputy Ferbrache's question, until we have identified the sites I cannot answer that question fully. What I can say is that the need not to end up with entirely redundant buildings, which cannot provide any value to the States' services in the future has to be a factor in the consideration of the Committee's identification of sites, and will be because value for money is critical to these decisions moving forward.

1690 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Yes, thank you for that question.

1695 The practical, pragmatic and efficient use of all of the assets of the States is an absolute critical concern for everybody in this Assembly and quite right so. The previous Committee's proposal for three schools was as practical and as pragmatic a use of that estate as you could find. Going forward if you are moving to a two-school model you have to carry on following that philosophy and make sure that the buildings we have got are utilised to the greatest extent, and we get value out of them, and particularly out of the sunken investment in relatively new schools, and I would be working towards that.

1700 **The Bailiff:** Deputy Le Tocq.

Deputy Le Tocq: Thank you.

1705 The recent debate and the run up to it has caused an inordinate amount of discord and speculation and polarised our community. What would the candidates do to engender better concord and harmony amongst our community moving forward?

The Bailiff: Deputy Meerveld.

1710 **Deputy Meerveld:** Yes, I would absolutely agree it has caused great discord and unfortunately I suspect it will continue to do for some time yet. I would look to try and engage with the public. Sell the ideas. If this Assembly wants the electorate to support these ideas and go forward, you have got to go out and sell it to them, and get them engaged in the process.

1715 I do not believe as of today that the majority of the electorate actually support the two-school idea, and if we do not want to face a situation where it becomes an election issue and potentially gets overturned in a similar way to the Waste Strategy then this Assembly as a whole and particularly the Committee at the front has to go out and engage with the public and make sure they are comfortable and support the ideas going forward.

The Bailiff: Deputy Fallaize.

1720

Deputy Fallaize: Thank you, sir.

I think if the community is to be brought on this journey, as they must be, then it is absolutely essential that the vehicle in which we are travelling is led by somebody who is actually convinced by what the States have agreed to do.

1725 I think there are two things which could be done in particular working in partnership with schools is critical, most parents have a good experience of their children's school, and they have confidence and faith in their schools. The closer the Committee is able to work with school leaders and school communities the better it will be. Secondly, I think the whole remit of the Committee's communications policy needs to be re-examined and improved, and if elected I would wish to work on that as a matter of urgency.

1730

The Bailiff: Deputy Tindall. This will be the last question.

Deputy Tindall: Thank you, sir.

1735 How important is it to the candidates for the Committee to work together with all of the other Committees of the States as and when necessary.

The Bailiff: Deputy Fallaize.

1740 **Deputy Fallaize:** I think it is absolutely critical. I think the Committee's relations with the Committee for Health & Social Care need to be improved because there are clearly synergies, I hate that word but Members will know what I mean, between those two Committees and their work. The relationship between the Committee and the Policy & Resources Committee has clearly

1745 been very tense at best. Of course, Members of Committees, Presidents of Committees are not
always going to agree, but it is necessary in a consensus committee system to work constructively
with each other. I would certainly look to put the Committee on a sound platform for working
with other Committees more constructively and more effectively.

The Bailiff: Deputy Meerveld.

1750 **Deputy Meerveld:** I think one of my general regrets of being a Deputy to date is that I do not
see as much interaction and co-operation between Committees as I would like to see. In the
corporate world you would have greater co-operation, greater sharing of information and co-
operation and it is something I would certainly want to promote and enhance in any way I
possibly could.

The Bailiff: Well, the permitted time is up, Members, so now it is decision time. Hopefully you
all have access to a voting slip. If not voting slips will be provided.

A ballot took place.

The Bailiff: Any more slips to be collected? No.

1760 I propose that we just arise for five minutes to enable the votes to be counted and people to
relocate themselves in their normal places.

Five minute recess.

*The Assembly adjourned at 11.42 a.m.
and resumed its sitting at 11.49 a.m.*

1765 **The Bailiff:** The Greffier is just handing me the result of the voting. I can declare that the
voting was as follows: Deputy Meerveld, 17 votes; Deputy Fallaize, 23. I declare Deputy Fallaize
elected as the President of the Committee for Education, Sport & Culture.

Deputy Fallaize, do you wish to come and take your seat on the bench? (*Applause*)

Deputy Fallaize took his seat on the bench.

Billets d'État VI and VII

COMMITTEE FOR EDUCATION, SPORT & CULTURE

II. & I. Committee for Education, Sport & Culture – Election of Members – Debate commenced

Billet d'État VI – Article II

The States are asked:

To elect a sitting Member of the States as a Member of the Committee for Education, Sport & Culture to complete the unexpired term of office, that is to the 30th June 2020, of Deputy N. R. Inder who has resigned from that office, and whose letter of resignation is appended hereto, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

To elect a sitting Member of the States as a Member of the Committee for Education, Sport & Culture to complete the unexpired term of office, that is to the 30th June 2020, of Deputy J. A. B. Gollop who has resigned from that office, and whose letter of resignation is appended hereto, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

To elect a sitting Member of the States as a Member of the Committee for Education, Sport & Culture to complete the unexpired term of office, that is to the 30th June 2020, of Deputy A. C. Dudley-Owen who has resigned from that office, and whose letter of resignation is appended hereto, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

Billet d'État VII – Article I

The States are asked:

To elect a sitting Member of the States as a Member of the Committee for Education, Sport & Culture to complete the unexpired term of office, that is to the 30th June 2020, of Deputy L. C. Queripel who has resigned from that office, and whose letter of resignation is appended hereto, in accordance with Rule 16 of The Rules of Procedure of the States of Deliberation and their Committees.

1770 **The Bailiff:** Greffier, I believe that Deputy Fallaize is ready to proceed with who he wishes to nominate, so unless any Member requests that we delay the election of Members, I propose that we go straight on to the election of Members of the Committee for Education, Sport & Culture. Deputy Fallaize first.

1775 **Deputy Fallaize:** Thank you, sir. Members already know who my four candidates are, and I will speak initially about each in turn. Deputy Richard Graham was educated in State primary and grammar schools. He then read languages –

1780 **The Bailiff:** Sorry. You just need to name your candidates at this point – and any other candidates to be proposed will be named.

Deputy Fallaize: It is funny you forget the Rules when you come and sit up here, it is strange. *(Laughter)* My candidates are Deputies Graham, Dorey, Tooley and Roffey.

1785 **The Bailiff:** Graham, Dorey, Tooley and Roffey. Is there a seconder for any one or more of those candidates?

Deputy Le Tocq: Sir, I am happy to second those.

1790 **The Bailiff:** Deputy Le Tocq is seconding all four of them. Do we have any other nominations? Deputy Ferbrache.

1795 **Deputy Ferbrache:** Yes, we do, sir. I am very pleased, I do not know the Rules. I nominate Deputy Lester Queripel.

The Bailiff: Deputy Lester Queripel. Is there a seconder? Deputy Laurie Queripel is rising to second Deputy Lester Queripel. **(Deputy Laurie Queripel:** Yes, sir.) Any other candidates to be proposed? No.

1800 In that case we will now go into the speeches and I just remind you that the proposer of each candidate may speak for not more than five minutes in respect of each candidate, but neither the candidates nor any other Member may speak at this stage.

1805 So Deputy Fallaize may speak for up to 20 minutes if he wishes (**A Member:** Oh!) in respect of Deputies Graham, Dorey, Tooley and Roffey. Then Deputy Ferbrache for five minutes in respect of Deputy Lester Queripel.
Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

I will try and take my cue from that groan!

1810 Deputy Richard Graham was educated in state primary and grammar schools and then read languages and international relations at Jesus College Cambridge. He is a graduate of the National Defence College.

1815 In 2016 he voted to retain selection at 11. When the States confirmed their predecessor's decision to end selection at 11, Deputy Graham said he would respect that decision but would hold to account the promise that Guernsey would capture the very best of comprehensive education. That is how Deputy Graham came to be an architect of what was known as the alternative model for secondary and post-16 education, as approved by the States last month. In our view it is a strength that although Deputy Graham and I in the end reached the same destination we started our journeys in very different places.

1820 Anybody who suggests that the Committee I am proposing is possessed of too little interest in sport and culture can know nothing of Deputy Graham's background. At under 18 level he represented his county at rugby, cricket and hockey. He is still an active sea kayaker – whatever that is – cyclist and golfer, and regularly supports Guernsey Raiders Rugby Team. His short-lived career as a rock guitarist culminated with an appearance at the *'Two Eyes Club'* in Soho – I will say no more about that – (*Laughter*)

1825 Since returning to Guernsey in the 1990's Deputy Graham has fiercely promoted recognition of our unique history and heritage. So much so that he devoted two years to write a published *History of Guernsey as a Crown Dependency since 1204*. Deputy Graham wishes to develop a more collaborative relationship between the Committee, the Guernsey Arts Commission and the Guernsey Community Foundation, and has previously been asked to be a States' Champion of such an initiative.

1830 As well as commitment and hard work, loyalty and enthusiasm, Deputy Graham will provide the Committee with wise counsel. It does not take the political acumen of Aristotle to work out that Deputy Graham and I come from different places on the political spectrum. This will ensure there is always healthy challenge and scrutiny and debate within the Committee.

1835 Deputy Rhian Tooley is a graduate of Birmingham University. She is a qualified teacher with experience in the primary and secondary phases in both state and private schools. For four years she was a youth and children's worker managing a large team of volunteers. Later she was a HR Manager at Sainsbury and Tesco, managing teams of up to 450 employees.

1840 Deputy Tooley first became involved in the political life of Guernsey in 2012 when she and other parents formed the pressure group 'Save our Secondary Schools', later known as 'Support our Secondary Schools', to campaign for a better deal for our students, and she is still fighting for the same objectives today.

1845 The relationship between the Committee *for* Education, Sport & Culture and the Committee *for* Health & Social Care needs to be strengthened. The links between them are obvious, not least in relation to mental health and wellbeing. Deputy Tooley serves on the Committee *for* Health & Social Care and intends to retain that seat. This will be of benefit to both Committees.

1850 Deputy Tooley is a mum of five boys, all in States' schools, most still in primary school. Significantly this means that she, like me, has not only a political but also a personal interest in the outcome of the reforms to States secondary education recently agreed by the Assembly. I am

convinced that it will be an advantage to the new Committee to have more such voices around the table.

1855 Deputy Tooley was, and is, a prominent advocate of all-ability schools. Indeed in almost all aspects of education policy of the four candidates I am proposing, I suspect Deputy Tooley is the one whose views are most closely aligned to my own, and given the strength of personalities I am proposing I hope the States will permit me at least one reliable ally on the Committee.

What I have learned about Deputy Tooley since working with her closely, leading up to the recent debate, is that she is resilient in the face of opposition, and very good at distinguishing between substance and froth. These are qualities which will be invaluable to the new Committee.

1860 Unlike Deputy Tooley and I, Deputy Mark Dorey twice voted to retain selection at 11, but I think he would say, only on balance. In fact in the last States I remember him saying that he was prepared to support the removal of selection at 11 but only for an 11-18 model of all ability schools. Indeed Deputy Dorey was an original proponent of what, as of three weeks ago, is now States' policy.

1865 He was educated at Castel Primary School, Beechwood and Elizabeth College. He later qualified in computer science at Plymouth Polytechnic and worked in the computer software industry for more than 20 years.

1870 As a father of three children – all of whom who are now adults – Deputy Dorey experienced a wide range of education services. All of his children were educated in States' places in secondary schools, including one at High School and his daughter played and sang at the music centre. For nearly 15 years Deputy Dorey was a member of the Castel Primary School Committee.

1875 For anybody concerned about whether this Committee will have enough 'Guernsey-ness' about it, if Members know what I mean, and if having a Fallaize as President is insufficient, if Members want someone whose family has been here probably since the time of *Abraham*, then (*Laughter*) Deputy Dorey is the ideal candidate.

1880 More importantly Deputy Dorey is a man of strong principles and integrity. But on a Committee of Members with firm views on education Deputy Dorey will be a moderating influence. What I mean by this is that he does not have a long political heritage in education, he holds moderate views on education policy, and is certainly capable of changing his mind. He will bring perhaps much needed pragmatism and balance to our deliberations as a Committee.

Nobody who knows Deputy Peter Roffey would describe him as the fifth member of any group of five. He is a strong personality to say the least. But this Committee with the kind of agenda set before it needs strong personalities. This is going to be no place to cut one's teeth on the front line of politics. It is going to need those with the hide of a rhinoceros.

1885 Deputy Roffey has considerable political experience in handling demanding and controversial mandates. He served for 14 years on the Board of Health and its successors, eight of them as President. During this period the board also had a strong record of budget control as States' finances began to tighten in preparation for Zero-10.

1890 The board carried out a large site development project over several years with new hospital facilities built in Guernsey and Alderney – nearly all of which were delivered on time and within budget, working with professional project managers. There are obvious parallels with some of the work which is going to face this new Committee.

1895 He was President of the Agriculture Committee: during his Presidency the dairy industry was transformed from an area of overproduction and loss making into sustainability, which required obtaining the support of lots of stakeholders towards significant policy reform. He also had to handle the demands of leading Guernsey's defence against the foot-and-mouth epidemic which threatened to wipe out the Island's dairy herd. So we know he can think and act fast in challenging circumstances.

1900 Let's be realistic about some of the challenges which this Committee is going to face. It is going to prove, as no Committee has ever proved, the old adage that you cannot please all the people all the time. As some point, perhaps at several points, it is going to face heated public

meetings trying to explain contentious decisions. Deputy Roffey has been there many times and that experience will be invaluable to the Committee.

1905 Taking me and the other three Members of what became known as G4, I am proposing a
Committee of two Members who supported selection at 11 and two Members who opposed
selection at 11. I think it is important, though, that the new Committee has a majority of Members
who did not just vote for all ability schools but who believe in them to their core and who always
have. Deputy Roffey always has and was one of the strongest original proponents back in the
1910 2001 debate. He was not though a supporter of our proposals on secondary and post-16
education originally. In the debate a few weeks ago he described himself as a convert. This is
valuable in that he is well placed to understand the reservations and concerns of the many people
who remain to be persuaded because not all that long ago he was one of them.

1915 Lately Deputy Roffey has been taking some rest and relaxation from the front line of politics. A
few weeks ago he said to me, 'Fallaise, it is time you stepped up to the plate' – which I am. Well,
he cannot say that and then fail to do it himself. I am not saying we need to find him something
more taxing to do – well, maybe I am – but I am certainly saying that his skills and experience are
needed on this Committee at this time.

1920 Before I sit down, sir, I want to emphasise that in proposing these candidates my main
consideration is the need for a Committee which can hit the ground running, and immediately
form a cohesive and focused team.

I think it is clear that each of the Members I have nominated will bring something different,
including a spirit of challenge. We would not be a one-minded Committee. We inevitably will not
agree on every aspect of policy in education or sport or culture, but the States, and indeed the
public, are going to want to hold me and the Committee to account and no doubt robustly and
1925 frequently. I and we will accept that challenge unreservedly, but in accepting it we need the
support of the States to allow us to form the Committee which has the best chance of successfully
delivering the policies agreed by this Assembly, and I sincerely appeal to colleagues to vote for all
four of the Members I am nominating.

1930 **The Bailiff:** Next Deputy Ferbrache will speak in support of the nomination of Deputy Lester
Queripel.

1935 **Deputy Ferbrache:** Sir, as the States would expect, Deputy Lester Queripel gave me an
abundance of material to justify his candidature, and frankly I could have spoken for one hour and
24 minutes in relation to that.

1940 But I would like to just make some preliminary comments of my own. Firstly he was elected a
Member of the Committee just a few weeks ago, and it would have been a perfectly honourable
thing for him to do to say, 'I have been elected, I am here for the next two and a half years and I
will do a good and conscientious job', which he undoubtedly would have done, but being the
good and conscientious person he is, he said, 'No, I am going to resign, I am going to stand again,
elect me and I will do a good and conscientious job.'

1945 Secondly what we need in any Committee is a person who will be collegiate but also from time
to time will ask difficult questions. He will not let inertia propagate. He will ensure to the best of
his ability the Committee will meet all of its goals, and what I like about him is his decency,
commitment and integrity. Those qualities are often understated in the States. He has them in
abundance.

1950 Thirdly he has an almost unique quality of likeability, one I wish I possessed. The people of
Guernsey and not just simply Fort North like him. When he first entered the States he got in by
the skin of his teeth. In the recent election his polling increased considerably, and I have no doubt
that if he were to stand again in two and a half years' time in any system, he would come near the
top of the poll.

People recognise his ability; they recognise he is a decent man, and he connects with people in a way that few other people do. He is the man, the politician, that the average Guernsey person goes to when they have a problem and I am grateful for people like Deputy Queripel in the States.

1955 He has got a very strong interest in art and sport, I will skirt over that. He was himself a good footballer at a good level until he was a certain age. He now plays Guernsey walking football and the only touch of vanity I saw in any of the notes that he gave me was he scored 21 spectacular goals a season or two ago. I am sure a good quantity of those were tap ins but... (*Laughter*) He is a talker and a doer he has a son who he has coached through both football and cricket at a very high level and his son has represented Guernsey at cricket and has played football at a very high level as well in the Premier League.

1960 His brother Lyndon is probably the Queripel that I know best, a good friend of mine from the age of teenagers, we went out chasing girls together, we very rarely succeeded, but Lyndon used to write poems and his brother writes poems, Lyndon, Lester and Laurie have all been considerable musicians. He has played in bands for over 40 years, three of them of which I have heard. He also was an original member of the Guernsey Advisory Council, the Radio Guernsey Advisory Council, and also of the Sports Commission. He has got so many interests his poetry, he has got an interest in sport, in poetry, in music. He has just got the general interests of the people of Guernsey at large.

1970 If we really think that the Committee *for* Education, Sport & Culture has meaning he is the man to elect.

The Bailiff: Well Members, I remind you there are five candidates for four positions. Deputies Graham, Dorey, Tooley and Roffey proposed by Deputy Fallaize and seconded by 1975 Deputy Le Tocq, and then Deputy Lester Queripel proposed by Deputy Ferbrache and seconded by Deputy Laurie Queripel. Five candidates for four places. Hopefully you all have a voting slip.

A ballot took place.

The Bailiff: Are there any more slips to be collected? No.

Well, those now need to be counted. Clearly it is going to take a little while to count them, but hopefully we will get the result before lunch time.

1980 What I propose is that continue with other business while the votes are being counted, but perhaps that we defer the election of a Member of the Transport Licensing Authority just in case any of these candidates might wish to stand for that if they are not successful in this election.

But putting that to one side, I propose that we then move on with the other business, Greffier. So the Guernsey Legal Aid Service would be next.

Billet d'État V

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

I. Guernsey Legal Aid Service – Appointment of the Legal Aid Administrator – Ms L H Haywood appointed

Article I

The States are asked to decide:

Whether, after consideration of the Policy Letter of the Committee for Employment & Social Security entitled "The Appointment Of the Legal Aid Administrator", dated 13th December 2017, they are of the opinion:

1. To appoint Ms Lucinda Heather Haywood to the office of Legal Aid Administrator, for a period of 5 years, with effect from 12th February 2018 pursuant to Section 2(2) of the Legal Aid (Bailiwick of Guernsey) Law, 2003.

1985

The Greffier: Billet V – Article I – The Committee for Employment & Social Security – The Guernsey Legal Aid Service – Appointment of the Legal Aid Administrator.

The Bailiff: Deputy Le Clerc.

1990

Deputy Le Clerc: Sir, I have not really got anything further to say, I think it is all laid out in the policy paper. But I just would like to take this opportunity to thank Mrs Cooper for her services over the years, particularly when Legal Aid came under the Employment & Social Security mandate, she has been really helpful to the Committee. So I would just like to publicly acknowledge that.

1995

Thank you.

The Bailiff: Any debate? No.
Well there is a single Proposition:

To appoint Ms Lucina Heather Haywood to the office of Legal Aid Administrator for a period of five years with effect from 12th February 2018, pursuant to Section 2(2) of the Legal Aid (Bailiwick of Guernsey) Law, 2003.

2000

Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried and Ms Haywood duly elected.

II. Employment and Discrimination Tribunal (Guernsey) (Amendment) Ordinance, 2018 – Approved

Article II

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Employment and Discrimination Tribunal (Guernsey) (Amendment) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article II – The Committee for Employment & Social Security – The Employment and Discrimination Tribunal (Guernsey) (Amendment) Ordinance, 2018.

2005 **The Bailiff:** Deputy Le Clerc again.

Deputy Le Clerc: Again, sir, unless anybody has got any questions I do not propose to make any speeches.

2010 **The Bailiff:** Any questions, any request for any clarification on the provisions of this Ordinance? No.

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

Members voted Pour.

The Bailiff: I declare it carried.

III. Employment and Discrimination Tribunal – Panel Members reappointed –

**Mrs Tina Jane Le Poidevin designated as Convenor of the Tribunal Panel;
Mrs Christine Diane Le Lièvre designated as Deputy Convenor of the Tribunal Panel**

Article III

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Employment and Discrimination Tribunal: Reappointment of Panel Members and Designation of the Convenor and Deputy Convenor', dated 29th December 2017, they are of the opinion:

- 1. To reappoint the 14 members of the Employment and Discrimination Panel ("the Tribunal Panel"), from 1st March 2018 until 28th February 2021;*
- 2. To designate Mrs Tina Jane Le Poidevin as Convenor of the Tribunal Panel from 1st March 2018 until 28th February 2021;*
- 3. To designate Mrs Christine Diane Le Lièvre as Deputy Convenor of the Tribunal Panel from 1st March 2018 until 28th February 2021.*

2015 **The Greffier:** Article III – The Committee for Employment & Social Security – Employment and Discrimination Tribunal: Reappointment of Panel Members and Designation of the Convenor and Deputy Convenor.

The Bailiff: Deputy Le Clerc again.

2020

Deputy Le Clerc: Thank you, sir.

Again full CVs have been attached to the policy paper and unless anybody has got any questions I just urge you to all approve the nominations.

Thank you.

2025

The Bailiff: I see no-one rising. Well there are effectively three Propositions to appoint the 14 members of Panel from 1st March 2018 until 28th February; to designate Mrs Tina Le Poidevin as Convenor, and Mrs Christine Diane Le Lièvre as Deputy Convenor, for that period. I put all three Propositions to you together. Those in favour; those against.

Members voted Pour.

2030

The Bailiff: I declare them carried.

APPOINTMENTS LAID BEFORE THE STATES

Office of the Financial Services Ombudsman – Chairman and Board appointed

The Greffier: Appointments laid before the States – Appointment of the Chairman of the Office of the Financial Services Ombudsman, and Appointments to the Board of the Office of the Financial Services Ombudsman.

2035

The Bailiff: These appointments are just being laid before the States. I have not received any notice of any motion to debate them.

I am not quite sure where we go from here, because – (**A Member:** Lunch.) Somebody wants to go for lunch – I suspect that the other item ... Oh, unless we deal with legislation – (**A Member:** Yes.) Perhaps we could move on to legislation, and try and make some progress before lunch.

2040

Greffier.

ORDINANCES LAID BEFORE THE STATES

The Venezuela (Restrictive Measures) (Guernsey) Ordinance, 2017; The Beneficial Ownership of Legal Persons (Guernsey) (Amendment) (No. 2) Ordinance, 2017

The Greffier: Ordinances laid before the States – The Venezuela (Restrictive Measures) (Guernsey) Ordinance, 2017, and The Beneficial Ownership of Legal Persons (Guernsey) (Amendment) (No. 2) Ordinance, 2017.

2045

The Bailiff: I have not received notice of any motion to debate either of those.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The Beneficial Ownership (Definition) (Amendment) (No.2) Regulations, 2017;
The Beneficial Ownership of Legal Persons (Nominee Relationships) Regulations, 2017;
The Registration of Non-Regulated Financial Service Businesses
Bailiwick of Guernsey) (Fees) Regulations, 2017;
The Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and
Estate Agents) (Bailiwick of Guernsey) (Amendment) Regulations, 2017;
The Protected Cell Companies and Incorporated Cell Companies
(Fees for Insurers) Regulations, 2017;
The Financial Services Commission (Fees) Regulations, 2017;
The Health Service (Medical Appliances) (Amendment) Regulations, 2017;
The Health Service (Payment of Authorised Suppliers) (Amendment) Regulations, 2017;
The Social Insurance (Benefits) (Amendment) Regulations, 2017;
The Health Service (Payment of Authorised Appliance Suppliers)
(Amendment) Regulations, 2017;
The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit)
(Amendment No.5) Regulations, 2017;
The Fire Services (Fees And Charges) (Guernsey) Regulations, 2017;
The Public Highways (Temporary Road Closures) (Fees and Penalties)
(Amendment) Order, 2017;

The Greffier: Statutory Instruments laid before the States – The Beneficial Ownership (Definition) (Amendment) (No.2) Regulations, 2017; The Beneficial Ownership of Legal Persons (Nominee Relationships) Regulations, 2017; The Registration of Non-Regulated Financial Service
2050 Businesses (Bailiwick of Guernsey) (Fees) Regulations, 2017; The Criminal Justice (Proceeds of Crime) (Legal Professionals, Accountants and Estate Agents) (Bailiwick of Guernsey) (Amendment) Regulations, 2017; The Protected Cell Companies and Incorporated Cell Companies (Fees for Insurers) Regulations, 2017; The Financial Services Commission (Fees) Regulations, 2017; The Health Service (Medical Appliances) (Amendment) Regulations, 2017; The Health Service (Payment
2055 of Authorised Suppliers) (Amendment) Regulations, 2017; The Social Insurance (Benefits) (Amendment) Regulations, 2017; The Health Service (Payment of Authorised Appliance Suppliers) (Amendment) Regulations, 2017; The Health Service (Benefit) (Limited List) (Pharmaceutical Benefit) (Amendment No.5) Regulations, 2017; The Fire Services (Fees And Charges) (Guernsey) Regulations, 2017; and The Public Highways (Temporary Road Closures) (Fees and Penalties)
2060 (Amendment) Order, 2017.

The Bailiff: Again, I have not received notice of any motion to debate any of the above.

LEGISLATION FOR APPROVAL

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

VIII. The Electoral System Referendum (Guernsey) Law, 2018 – Approved

Article VIII

The States are asked to decide:

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Electoral System Referendum (Guernsey) Law, 2018", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

The Greffier: Legislation for approval – Article VIII – States' Assembly & Constitution Committee – The Electoral System Referendum (Guernsey) Law, 2018.

2065

The Bailiff: Is there any request for any clarification or debate on this Projet?
Deputy Green.

Deputy Green: Sir, yes.

2070

Very briefly on behalf of the Legislation Review Panel: my Panel felt it was worth pointing out that the Panel after our discussion did suggest a number of practical modifications to the draft legislation, the vast majority of which were accepted by the States' Assembly & Constitution Committee. But there was one query in particular that we raised that was not accepted, and I just wanted to put it on the record.

2075

Members of the Panel felt that the £100 limit 'in money or money's-worth' for total referendum expenses incurred by any individual or body during the relevant referendum period as per section 17(1) of this Law was perhaps not supported clearly in actual policy terms and also the term 'money's-worth' can be difficult to quantify truly, especially when social media, which can play a role in these campaigns can be used quite powerfully, but the actual cost of such is not necessarily quite straightforward to calculate.

2080

I would be grateful, sir, if the President of SACC could clarify his Committee's approach on this. I know that we received a letter from him dated 22nd January, answering the points that I have raised, sir, but I felt it would be quite useful for these matters to be recorded in *Hansard*.

2085

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, the President of SACC is probably already engaged on educational matters as well as his other duties, but like Deputy Green and Deputy Tindall and others we looked at the legislation and we had issues about initially the rather generous proposal to exempt from receipts £200, in an early stage, because of course they could have been ways around that of doing multiply receipts and bills and it leading into confusion.

2090

The £100 rule that Deputy Green has referred to is interesting because it would effectively preclude business organisations, lobbying organisations, from buying shall we say newspaper advertisements or printing significant numbers of sheets, because such costs would be likely to include £100. So if you saw the Institute of Guernsey Company Accountants, a hypothetical example, saying we endorse Island-wide elections in that way, that would probably not be allowed, but it raises the question as we heard in Question Time earlier whether such groups could delegate individuals onto the groups that could successfully apply to the Panel for up to £5,000 for expenditure. I think one or two people have been muddled that they have to spend that £5,000. They do not, and I suppose it is a matter of debate as to whether all five groups will

2095

2100

ever exist. I am thinking it might be fun to be involved in one of them, but that is a question for another day.

2105 As regards the items of expenditure that Deputy Green has raised, I am also querying – he mentioned social media which has a cost to it of some kind. I am just wondering, I hope none of these pictures appear on the back of buses or anything like that, because then we might have to work out the nominal cost of them going round on subsidised routes.

The Bailiff: Deputy Inder.

2110 **Deputy Inder:** Sir, I just wanted to pick Deputy Green up. He said social media effectively is unquantifiable. It is because most of it is pay per click and if it relates to credit card details it is fairly obvious if the groups are playing straight bats where the funding is coming from. The only part of social media where it might be seen to be sort of free promotion is the actual aggregation of contents.

2115 Now, for example, the Matt Bougourd statement went viral, I put it on to my Facebook page it had 250 shares but actually in terms of aggregation it went out to ... it was served 15,000 times across social media. I do not know if you are going to include that as a paid service, but I would not consider aggregation as part of a paid service.

2120 **The Bailiff:** I see no-one else rising.

Deputy Fallaize, do you wish to reply, as President of States' Assembly & Constitution Committee?

Deputy Fallaize: Thank you, sir ...

2125 *(Laughter)* It gets better.

Deputy Green raised in public then, an issue which the Legislation Review Panel has raised with the Committee privately, and really made two points.

2130 I will deal with the second one first, if that makes sense. The terminology 'money's-worth' is far from ideal, but I challenge anybody to come up with anything that is better than that. It is really very difficult to try to quantify whether it is expenditure on a referendum campaign, or an election campaign, which has perhaps been provided by a relative or by a friend. I think there has to be something in the Law because otherwise then the whole thing becomes unrestricted and the kind of main purpose of the Law is lost, but I accept the point he makes about the difficulty of the term 'money's-worth'.

2135 I think the more substantial point in relation to this particular Law is the £100 limit. Now the reason for that limit is that originally the Committee had in mind – and I think included in the policy letter, although it was not a Resolution of the States, but it was commentary in the policy letter – a limit of zero, if that makes sense. So not allowing any expenditure promoting any of the options on the ballot paper other than by the officially appointed campaign groups.

2140 Upon further consideration we realised that that really could lead to some quite perverse outcomes. If somebody spends a fiver to have a few posters printed and stuck in the back of their van, or something of that ilk, we really do not want people to be committing an offence simply because they have printed a poster or bought a T-shirt to advertise their support for one or other of the options in the referendum. So we feel – and it is a matter of judgement, isn't it? – a case could have been made for a slightly lower amount or a slightly higher amount. We think that £100 will avoid the kind of unfortunate inadvertent committing of an offence, which I just referred to, without allowing or inviting people or groups of people to in effect try to buy the referendum.

2145 Deputy Gollop spoke on a similar issue and appeared I think, he will correct me if I am wrong, but he appeared to be concerned that some powerful and relatively affluent groups of people may not because of the terms of this Law be able to spend vast sums of money campaigning for their preferred outcome at the referendum. I have to say to Deputy Gollop, and to other colleagues, that is the whole point. That is why we want officially sanctioned campaign groups

which have access to equal amounts of money so that each option in effect is starting from the same base and, so long as the campaign groups do a reasonable job, each option that the opportunity to be promoted and presented equally well.

2155

I would just say one more thing and it is in relation to –
Oh, I will give way to Deputy Inder.

Deputy Inder: I thank Deputy Fallaize for giving way.

2160

The problem going down this route, what is going to stop the Chamber of Commerce, as usual, coming out for x one of the five and just becoming that powerful ... ? I probably voted for something, I am not entirely sure, I probably voted for.

I think you are heading into very sticky waters here.

2165

Deputy Fallaize: Sir, we have not voted yet, so if Deputy Inder wants to vote against it, he can.

But I think possibly he overstates the influence of the Chamber of Commerce. We have had this kind of discussion in the past. But Deputy Inder I think is not talking about paid advertising; he is talking about voicing their opinion, and not paying for that. Well clearly, I do not think it would be wise, and I do not think the States would want to establish legislation which in any way constrained any person, or groups of people, or organisations, from voicing their opinion on any political issue. In a democracy if the media wish to report on those opinions then that has to be a matter for the media. But I do think that that is quite substantially different from paid advertising, and so what this section of the Law, which Members are concerned about, is trying to deal with it, is paid advertising and promotion of any of the options.

2170

2175

One final point in response to something Deputy Gollop said peripherally. He said that he might want to campaign on behalf of one of the options. I think he said one of the options but I would not put it past Deputy Gollop to apply to campaign on behalf of all of them. But I make a serious point, Members of the public will be invited in due course to apply to be part of campaign groups, but so will States' Members, and it will be perfectly reasonable for States' Members who are in support of one or other of the options on the ballot paper to apply to lead or to be a part of a campaign group. The Committee would have no problem with that, the Law does not preclude that, there are no States' Resolutions which preclude that, and the Campaign Group Assessments Panel will take applications from States' Members and assess them and indeed, well Alderney Representatives are States' Members, but not just from Deputies if Alderney Representatives wish to campaign for any of the options on the ballot paper they would be welcome to submit applications as well. So I hope States' Members will bear that in mind, and that we may see some States' Members as part of campaign groups.

2180

2185

Other than that, sir, I do not think there any points to respond to, and I ask Members to vote in favour of the Projet.

2190

The Bailiff: We vote then on the Electoral System Referendum (Guernsey) Law, 2018. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

Billets d'État VI and VII

COMMITTEE FOR EDUCATION, SPORT & CULTURE

II. & I. Committee for Education, Sport & Culture – Election of Members concluded – Deputy Graham; Deputy Tooley; Deputy Roffey; Deputy Dorey elected

2195 **The Bailiff:** During that debate, I was handed the result of the voting on the election of four Members of the Committee for Education, Sport & Culture, which I can announce as follows: Deputy Graham, 27 votes; Deputy Tooley, 26 votes; Deputy Roffey, 25 votes; Deputy Dorey, 24 votes; and Deputy Lester Queripel, 20 votes.

2200 I therefore declare Deputies Graham, Tooley, Roffey and Dorey elected as Members of the Committee for Education, Sport & Culture.

We have got a couple of minutes to go. As we have started on legislation, I wonder if it makes sense just to deal with the other two pieces of legislation, which I suspect will not attract substantial debate, and then we will rise for lunch.

Billet d'État V

LEGISLATION FOR APPROVAL

POLICY & RESOURCES COMMITTEE

IX. The Parochial Church Property (Guernsey) Law, 2015 (Commencement) Ordinance, 2018 – Approved

Article IX

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Parochial Church Property (Guernsey) Law, 2015 (Commencement) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

2205 **The Bailiff:** So Greffier, if you continue with the Parochial Church Property (Guernsey) Law – Commencement Ordinance.

The Greffier: Article IX – Policy & Resources Committee – The Parochial Church Property (Guernsey) Law, 2015 (Commencement) Ordinance, 2018.

2210 **The Bailiff:** Deputy Roffey.

Deputy Roffey: Sir, I am going to vote for this Commencement Ordinance because it faithfully reflects the decisions of the last Assembly in relation to this area of policy, but I just wanted to put on record, as I was not there at that time, that I do not think these reforms went anywhere near far

2215 enough. I think the PERRC committee laboured like an elephant and produced a shrew, and I think this will have to be revisited at some time in the future.

The Bailiff: Deputy Gollop.

2220 **Deputy Gollop:** Sir, I would agree with Deputy Roffey in some ways.

I had great support on the Committee from my Vice-Chairman, Deputy Lowe, who kept me on the straight and narrow, and Deputy Green and Deputy de Lisle and Deputy Langlois at one point. Ironically enough we are all together on Legislation now. So it was curious when it came before us.

2225 I do know there are concerns in one or two of the parishes, there is a technical issue that somebody raised with me only the other day about glebe land maybe, and certainly St Peter Port Parish were somewhat aggrieved that there were obliged to form a management committee for the church property when they have got along quite well without one so far.

2230 But basically we had to compromise between many different views, the majority view in so-called ... well, it was not a referendum, but it was a fairly well supported consultation programme, as always, do not go out to consult if you do not like the answer. The answer came back from the public that they were okay with the churches being financed by the Parish but not the rectories. That of course was inconsistent, and if I could give a personal opinion, I think the time will come when the States would be wiser to recognise the ancient parish churches as historic scheduled heritage buildings and finance them using trusts or loans or central funding for antiquated building and not through the parish as quasi-religious reserved established places of worship *per se*. But that is not where public opinion is now. It is certainly not the feedback we got from the vast majority of the parishes.

2240 The reason we spent 10 years working on it was precisely because we needed to come up with a form of words that broadly the majority were happy with. There were dissenters, perhaps even one or two on the upper bench, and perhaps Deputy Roffey, but I think we have to live with the result and go with the Commencement now.

2245 **The Bailiff:** Deputy St Pier, do you or any other Member of Policy & Resources wish to reply? Deputy Brouard I think perhaps is offering himself.

Deputy Brouard.

Deputy Brouard: Thank you, sir.

2250 I think taking Deputy Roffey's point, this is evolution, which is unfortunately a lot slower than revolution at times but that is the Guernsey way and I think Deputy Gollop has filled in the background. So I would urge you – this is part of a journey – please, take us to the next station on this. I am sure over time we will be revisiting this area again, but this is part of the long process.

Thank you.

2255 **The Bailiff:** We vote on The Parochial Church Property (Guernsey) Law, 2015 (Commencement) Ordinance, 2018. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

2260 One final piece of legislation, then you will be able to go for your lunch, those who were looking to do so 10 minutes ago.

X. Income Tax (Guernsey) (Approval of Agreement with the Bahamas) Ordinance, 2018 – Approved

Article X

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Guernsey) (Approval of Agreement with the Bahamas) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

The Greffier: Article X – Policy & Resources Committee – The Income Tax (Guernsey) (Approval of Agreement with the Bahamas) Ordinance, 2018.

The Bailiff: Any request for clarification or debate? No.

2265

Straight to the vote. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

We will rise and resume at 2.30 p.m.

*The Assembly adjourned at 12.31 p.m.
and resumed its sitting at 2.30 p.m.*

Billet d'État VI

**III. Transport Licensing Authority –
Election of a Member –
Deputy Le Pelley elected**

Article III

The States are asked:

To elect, in accordance with Rule 16 of The Rules of Procedure, a member of the Transport Licensing Authority to complete the unexpired term of office (that is to the 30th June 2020) of Deputy D. A. Tindall who, under the terms of Rule 39 of The Rules of Procedure, is deemed to have resigned that office and whose resignation is deemed to have been accepted immediately upon her election as a member of the Committee for Economic Development.

The Greffier: Billet VI – Article III – election of a Member of the Transport Licensing Authority.

2270

The Bailiff: Do we have any nominations for the Transport Licensing Authority?
Deputy Paint?

Deputy Paint: Sir, yes, we have one Deputy who would like to stand for the Committee and that is Deputy Paul Le Pelley.

2275

The Bailiff: Deputy Le Pelley. Is there a seconder for Deputy Le Pelley?

Deputy Meerveld: Yes sir.

2280 **The Bailiff:** Deputy Meerveld seconding Deputy Le Pelley. Were there any other nominations? No? In that case we have nomination for one seat and my recollection is we go straight to the vote, without speeches. So I put to you the Proposition that Deputy Le Pelley be elected as a Member of the Transport Licensing Authority, proposed by Deputy Paint, seconded by Deputy Meerveld. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare Deputy Le Pelley elected.

Billet d'État V

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

IV. Longer Working Lives – Action Plan – Propositions carried

Article IV

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Longer Working Lives', dated 10th November 2017, they are of the opinion:

1. To support the strategic aims of Longer Working Lives outlined in section 5 and the progression of the plan of action by the Committee for Employment & Social Security outlined in section 8 of this Policy Letter.

2. To agree that the Committee for Employment & Social Security will use its annual Benefits and Contribution Rates uprating Policy Letter to report on the progress of the plan of action outlined in section 8 of this Policy Letter.

3. To agree that the Committee for Employment & Social Security will return to the States with detailed proposals for the enactment of legislation to provide employees in Guernsey with a right to request flexible working as outlined in section 6.3 of this Policy Letter.

4. To agree that the Committee for Employment & Social Security will return to the States with detailed proposals for the enactment of legislation to prevent age discrimination in Guernsey under the Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004 as outlined in section 6.4 of this Policy Letter.

2285 **The Greffier:** Article IV – Committee for Employment & Social Security – Longer Working Lives.

The Bailiff: I understand that Deputy Langlois will open the debate on behalf of the Committee. Deputy Langlois.

2290 **Deputy Langlois:** Langlois: Thank you, sir.

Slightly unusual for me to be making the opening speech. It is nothing to do with a demonstration of flexible working or anti-ageism. The reason my much younger President is not making it, but I am, is simply because I chaired the subcommittee which was looking into longer working lives and produced the draft report.

2295 The policy letter before the Assembly today is a response to a States' Resolution which acknowledges that, since we have agreed to raise the state pension age, we have an obligation to

address as best we can any impediment to people working for longer. Consequently, the Propositions themselves are not primarily intended to ensure or even encourage longer working lives. They are intended to enable individuals who want or need to work to a later age to do so.

2300 The obvious key is improving Islanders' health and wellbeing and that lies at the heart of our aims. The Committee's intention is to build on existing mental and physical health initiatives, such as the Supporting Occupational Health and Wellbeing project, in order to provide better support around key conditions, including, for example, musculoskeletal injuries, more common amongst older workers.

2305 Secondary measures relate to addressing conditions of employment which might be impediments to longer working lives. Of particular concern are the use of contractual retirement ages and a lack of provision for flexible working.

We are not proposing to be pioneers, breaking new ground with this field. We are not proposing to be early adopters of legislative changes. Both the UK and Jersey have experience of the two legislative changes we are proposing to investigate. That is the right to request flexible working and age discrimination measures. Neither of these proposals would force employers to keep people on who could not do the job, or meet the business' requirements, but they would encourage consideration, challenge the assumption that age alone can accurately indicate ability and that all work must be done in a certain place at a certain time.

2315 It would be a misconception to see this as a competition between young and old. Many of the proposals in this policy letter, including the right to request flexible working, could help younger people with children to stay in work also. As was noted by the States in the Maintaining Guernsey's Working Population debate, we need as many Islanders as possible, young and old, in sustainable work if we are to meet the challenge of the projected decline in our workforce as our population ages. **(A Member:** Hear, hear.) Is that how you feel? *(Laughter)*

2320 Our demographic situation is changing, but so is the labour market. That the job for life is changing to a portfolio of employment is almost a cliché today. People need to be supported through career transitions. The Committee is proposing improving information available to support people to find options and plan ahead.

2325 It will review, with the Committee *for* Education, Sport & Culture, the possibility of subsidised re-training opportunities for a target group at risk of falling out of work. The Government can only do so much. We acknowledge the major role the day-to-day actions of employers will play in retaining, retraining, recruiting older workers. Employers must form a key part of this work going forward. I ask Members to support the aims and the action plan outlined in this policy letter and to approve the Propositions.

2330 Thank you.

The Bailiff: Deputy Lester Queripel.

2335 **Deputy Lester Queripel:** Sir, I am sure colleagues will recall that I was one of a handful of Deputies who voted against increasing the pension age to 70. I did that because I was concerned it would have a detrimental effect on those who were not able, for whatever reason, to continue working. Also because I have concerns about increasing demands on our health service.

2340 But I take great comfort from much of what is said in this policy letter and I commend Deputy Le Clerc, her Committee and staff within the department, who have obviously put a lot of thought and time and effort into this initiative. I also commend them for the tone of this policy letter, which has empathy and understanding written all over it.

2345 In particular I take great comfort from what we are told in paragraph 6.6.11 on page 29, because that paragraph tells us that many respondents to the consultation felt that more needed to be:

done to ensure that people who were no longer able to continue in the work they were doing had access to subsidised training ...

that Deputy Langlois just referred to, to support them whilst retraining for a different vocation. We are told in that paragraph that the Committee *for* Employment & Social Security will work with the Committee *for* Education, Sport & Culture in an attempt to identify whether or not it is possible to improve access to online training opportunities for those who are unable to continue in their roles.

2350

The paragraph finishes by telling us that the Committee will also investigate whether there is a 'spend to save' opportunity to invest in retraining for individuals who have not yet lost their jobs. I offer my support for that wholeheartedly because, otherwise, Islanders wanting to retrain, to state the obvious, will have to pay for that from their own pockets. That is fine for Islanders who can afford to do that but, as we all know, there are many Islanders who cannot.

2355

On that note, in 2008 I spent just over £4,000 of my own money retraining. I signed up for numerous IT courses, administration courses, shorthand etc., because I knew I could not carry on doing what I was doing for much longer. After two years of studying and obtaining qualifications, I applied for four different jobs. Every single time I was told I was too old.

2360

So I have personal experience of ageism, which is extremely demoralising, to say the least. Not only was I being told I was on the scrapheap at 58, but I had paid £4,000 for the privilege of hearing that. Ageism was an issue and it probably still is, but I have every faith that Deputy Le Clerc and the Committee and the department will do their utmost to eradicate it.

Because it looked for a while that I had not only wasted a lot of time retraining but also wasted a lot of money and that brought to my mind a question: where is the incentive to retrain if one is then going to be told one is too old? I did have concerns about that then, because of personal experience. Fortunately for me, there are enough people in St Peter Port North who put their faith and trust in me to be a Deputy and I have been able to utilise and employ much of what I learned on those courses.

2365

But ageism has to be stamped out and the quicker employers get the message the better for the whole of our community in the long-term. Focusing on ageism, it seems to me as though there might be an example of it in this policy letter. In paragraph 6.6.4 on page 27, we are told that the Committee *for* Education, Sport & Culture provides career guidance through Careers Guernsey. We are told that funding is available through their student financing team, but that funding is limited to people under 55. That really concerns me. Surely, if we are going to address the issue of ageism, we need to remove that cap?

2370

I appreciate there might be a perfectly good reason why that cap is in place, but I would like to hear from Deputy Langlois, when he responds, please, his views on the possibility of removing that cap. I assume that could be addressed when Employment & Social Security work with Education, Sport & Culture, as described in paragraph 6.6.11 on page 29, but I would like clarification on that from Deputy Langlois, please.

2375

One final point on ageism. Paragraph 6.4.4 at the top of page 21 tells us that the States resolved as part of the Supported Living and Ageing Well Strategy to investigate the impact of ageism in Guernsey and Alderney. But that work has not yet begun. Is Deputy Langlois able to tell me please whether or not a timeline has actually been set for that piece of work?

2380

The sentence at the top of page 86 tells us that during the consultation concerns were raised about whether refunding contributions to those who are working in the Island temporarily was appropriate. I appreciate perhaps I should know this, and I apologise to Deputy Langlois for asking this if I am expected to know it, but do we refund contributions to those who work in the Island on a temporary basis? If the answer to that question is yes can Deputy Langlois please tell me if the department has any intention of addressing that?

2385

Seeing as the States is the largest single employer in the Bailiwick, employing as we are told in the policy letter approximately 5,500 full-time equivalents, I also take great comfort from what we are told on page 39, because we are told on that page that the States of Guernsey aims to make it easier for employees to consider their skills in other roles that they may be able to do, by having one-to-ones as part of the Personal Impact Programme, in an attempt to encourage them to

2390

2395

undertake a career change across the various staff groups. It is really good to know that the States have taken a lead on this. I take great comfort from that.

2400 Another area I would like to comment on is the issue of Recreation Services, which is to be found on page 25, paragraph 6.5.11. We are told in that paragraph that Recreation Services will ensure that access to its sport and leisure facilities will continue to be accessible to Islanders through the provision of a variety of initiatives, including LifeFit. Once again, I have personal experience of that, because I attended 20 LifeFit sessions last year at Beau Sejour, as part of a rehabilitation programme for my sequestered disc in my back, and I have nothing but praise for
2405 the tutors of LifeFit and for the initiative itself. Long may it reign.

On that point, though, I would ask that those who are responsible for ensuring that access to facilities do continue to look at anything they can do to add to the service for the benefit of Islanders. I have every faith that they do that, but it concerns me greatly when facilities are removed.

2410 If we are serious about supporting Islanders in their quest to get fit and stay healthy, we should actually be increasing the number of facilities available, not reducing them. I say that because in recent years the trim trail at Beau Sejour, the flumes at Beau Sejour and the large outdoor family slide at Beau Sejour have been removed. The diving boards at the ladies' pool and the gents' pool were removed some years ago and the tennis courts at Delancey Park were
2415 allowed to fall into such a state of disrepair that they are now unusable. Surely we cannot allow that sort of thing to continue? My plea to Recreation Services is please do your utmost to increase the amount of facilities available to Islanders and not reduce them.

In closing, sir, I see this as an excellent and vital piece of work and I can honestly say that many of my initial concerns have now been allayed, due to all the efforts being made by everyone
2420 involved in this Longer Working Lives programme.

Thank you, sir.

The Bailiff: Deputy Roffey.

2425 **Deputy Roffey:** Thank you, sir.

Like Deputy Queripel, I very much welcome this policy letter and I take Deputy Langlois' point in opening that this is not about the economic advantage of getting more people working, but really addressing the individual situation that if a pension age is going to go up, the other side of the coin is we have to assist those people who wish to work for longer.

2430 But there is the other side of the coin, this Island desperately needs more people to stay in employment for longer in order to have the sort of workforce that we need going forward. It is the new normal in the developed world at least that populations are going to be older, demographically, than they used to be.

2435 If people do not start to work longer then our workforce is going to shrink. The only way to overcome that would be through large-scale migration of young people or working age. Even then, unless they were all on temporary permits – and I accept there are a lot of advantages to a revolving workforce and people who never grow old here – but unless they are all like that then those new settlers are going to grow old as well. You cannot buck the demographic trend. We are going to have an older demographic.

2440 Actually, I think if we have too many people here on a temporary basis, it actually would be damaging to our cohesion as a community if you like. We want most people living in Guernsey to have a long-term stake in the Island.

2445 Unless we want to be on a population escalator of constantly bringing in every generation a new wave of additional people to support our ageing people, we need to encourage people to work for longer. It is encouraging that it is already happening. The e-census that came out just about a week ago, I think, showed that even two years in advance of the pension age starting to go up, 15% of people in that 65-70 age bracket are either employed or self-employed. Indeed, 5% in the category above that, 70-75.

2450 But we need to do absolutely everything we can to facilitate those people who wish to work –
it is not about coercion – to carry on working for longer. This Government ought to lead by
example and what I want to do today is call on every Committee of the States to do a self-audit,
to look if there is any area where they have any kind of arbitrary age limit, of people they either
employ directly or engage within any other way. In the modern world, that is just not acceptable.

2455 I do not think we need to be too politically correct here. It is simply a fact of life that many
people who are capable of doing a job at some stage in their life, through the process of ageing,
no longer become capable of doing that job. That can happen at 50, or it can happen at 90. What
is not acceptable is to have an arbitrary age.

2460 It is acceptable to say, 'You are no longer of capable of doing the job, I am sorry, either you will
have to move into a different role or leave our employment.' From the employers' point of view
that makes a far more uncomfortable position. It is far easier to say, 'You have reached 65, sorry,
here is your gold watch, goodbye,' than it is to say to somebody, 'Sorry Joe, or Joan, we do not
think you are able to do that job any more.'

2465 But unless we are going to actually tell employers and certainly live by it ourselves as an
employer that that is a route we have to go down, then we are going to be squandering resources
that we cannot afford to squander. I welcome this report as a starting point, but I think it is only a
starting point. I think our social policy should have a lot of focus on how we enable people and
encourage people to work for longer, if they possibly can.

2470 It is not just about social policy, it is actually economic policy. We need a workforce in this
Island. People say it is taking jobs from younger people if people work longer. The problem going
forward with the demographics we have got, if our population stays the same, will not be
unemployment, it will be labour shortages, it will be skill shortages. It will be not enough people
to do the tasks that we need as a community.

2475 I welcome this as a starting point and I hope it is not the end. I hope we carry it forward and
certainly every Committee that we are on, I encourage Members to actually look at yourselves,
make sure there is nothing that you are doing inside your department that goes against this new
zeitgeist.

The Bailiff: Deputy Stephens.

2480 **Deputy Stephens:** Thank you, sir.

I do not rise in any way to criticise this report, because there is much in it that I like. I am very
supportive of the proposal to have a right to request flexible working. I understand that ESS
intend to help many people with responsibilities outside work, for example such as caring
responsibilities to help balance their work with family commitments by introducing this legislation.

2485 The proposal to introduce a right to request flexible working would therefore be expected to
benefit a good percentage of the number of the estimated 2,000 to 4,000 informal carers in the
Bailiwick of Guernsey, helping people to balance their caring and work responsibilities and I very
much welcome that.

2490 I think it is important to emphasise that, under the proposals, the employee has the right to
request flexible working, but the employer can consider the implications of such a request and it
is likely that they will be able to refuse the request if that request is likely, again, to
disproportionately have a negative impact on the business. The proposals, therefore, strike a
balance between the rights of the individual to request flexible working and the ability of the
employer to offer such flexibility.

2495 I am also very pleased by a second specific proposal to bring legislation to prevent age
discrimination in the Bailiwick, because this will assist in removing the use of age as a predictor of
employee performance or of their productivity. I am absolutely convinced that older workers can
make a very valuable contribution to our economy. I would say that, wouldn't I? It is important
that we enable older workers, that wish to, to continue to work for as long as they are able to do
2500 so.

Age discrimination legislation should also ensure that younger workers are not discriminated against based on their age, either, and so we move closer to an equal consideration of all, regardless of age. That is a very good thing to do.

2505 I do want to talk about possible unintended consequences. Not to detract from the worth of this report, which is really more about employment opportunities, as I read it, than the ability of people to work longer before they draw their state pension. I just want to highlight one or two issues to be aware of in the future.

2510 I am certainly not revisiting the arguments for increasing the state pension age, but only making comments on issues that more or less I find in the report. Some of these matters have been discussed in ESS meetings which I have been pleased to attend and I have had the opportunity to contribute, but my first issue to be aware of comes at 6.7.1 in the report, which relates who will not be able to continue working until 70 for health reasons, or because they are carers, and I note that ESS is to keep that situation under review.

2515 But in the same way, I think, as Deputy Lester Queripel has just highlighted, I do know of people who worry about their fitness to work, as they age, particularly if they are self-employed, working for instance as subcontractors for local businesses. I know trades are more mechanised than once they were, but eventually, when all the machines have been used, someone has to lift a block into position or crawl into a small space or fit the ridge tiles and these activities become increasingly difficult with age.

2520 Another issue may well be found in an extended period of caring and working, before a pension is due. Particularly for working parents who care for their children, maybe, and their own parents and others simultaneously. That pressure of working and caring may be difficult to sustain for three or four or five years longer than we are used to.

2525 I also have concerns about how the need for extended years of working will accommodate the need for someone to care for their grandchildren. As more of us work, and we all work longer, so all the parents and many of the grandparents will work longer. At the back of my mind there is a little voice that says someone, somewhere, has to care for the children.

2530 As I have said on other occasions, in addition to their interest in nursery provision, ESC might give further consideration to before or after-care provision for school age children, at least by making school buildings available for private providers. I am sure the expansion of breakfast and after-school activities on school sites has the potential to support all working parents, as well as longer working lives for granny and grandpa as well.

2535 A further unintended consequence of longer working lives, at least initially, may be a negative impact on the number of volunteers available for the third sector. But, returning to the report, I am pleased to support it and I am pleased that ESS are open to keeping some of the issues that I have mentioned under review as the Longer Working Lives initiative rolls out.

Thank you, sir.

2540 **The Bailiff:** Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

2545 Yes I appreciate and understand why this report focuses on the rights of the older worker and people who wish to go on working longer. Like Deputy Roffey, I am also concerned that we have to bear in mind the interests of the economy and I think we actually have to go further than making it possible for people to work longer. I think we have to be prepared to take steps to encourage them to work longer, without of course introducing any element of compulsion.

2550 There are a couple of measures that we could take to make it more attractive to work longer, one of which is considered in this report and rejected. The other one, which I do not think is considered, but I stand to be corrected there.

The one that is considered and rejected is pension deferral, which the report discusses at paragraph 6.9.2. That is, as the report says, the ability to postpone taking the state pension until a

later date, in return for a slightly larger amount each week, when it was eventually claimed. This is rejected in the report. The authors say:

Whilst not denying that this may be a useful option for some people, the Committee feels that this is not a priority for Longer Working Lives ... Convincing evidence that pension deferral significantly increases the number of people who continue to work past State Pension Age has not been identified.

2555 Well, my view on that is unless you try it you are not going to find out whether people are willing to defer taking their state pension in return for an enhanced pension. Whether or not they do will depend very much on how much the pension gets enhanced. The report, in a way, prejudices the question by saying in return for a slightly larger amount each week.

2560 If somebody who is coming up to 65 is willing to defer taking their state pension until 70, I do not know what the actuarial effect on the pension entitlement would be, but I would suggest that actually the pension, when it eventually is drawn at 70, might be significantly larger than a pension drawn at 65. I do not see any reason why we should not offer that because, actually, the cost to the pension pot should be the same, as long as the actuarial valuations have been correctly calculated.

2565 The other situation that related to that seems to me to offer scope for giving people something that they would find valuable is that Guernsey, of course, has an unusually long qualifying period in terms of contributions, to obtain the full state old age pension. To the point that a large number of people in Guernsey do not qualify for the full pension, because their contribution records are not the full – is it 45 years? – it is a long time. Longer than in other jurisdictions like the UK.

2570 Again if somebody is approaching 65, retirement age, and does not have a full contribution record, I think it would be interesting from their point of view to allow them to continue to work beyond the retirement age and continue to pay contributions at the normal rate, in order to complete their contribution record or to improve it.

2575 I would like to see measures like that considered and explored in this kind of research, because I do think from the point of view of the economy, people who have still got valuable years of work to give and who want to carry on working should be encouraged to do so. When he responds to the debate, I hope Deputy Langlois will expand on why the concept of pension deferral has been, it seems to me, rather lightly dismissed in here and whether there is anything that can be done to allow people to complete their contribution records beyond the statutory age of retirement.

2580 Thank you.

The Bailiff: Deputy Dudley-wen.

Deputy Dudley-Owen: Thank you, sir.

2585 I think that this is a good plan and notwithstanding the benefits to the public purse it does fit in with the aspirations of those who want to continue to work. It also helps business in terms of continuity and resourcing. Where the policy letter refers to Skills Guernsey, which I have been chairing for the last 18 months, the work of this group is coming to fruition and has taken the work in the Longer Working Lives project into consideration in developing its strategy.

2590 I am a very keen proponent of some of the areas in the policy letter, especially flexible working, which I have in fact called for – for many years – from employers, and I am now pleased to see that more do offer more flexibility. Things are improving. My own business, which I run outside the States, I actually began the same time that I started having children, which is a bit of an odd thing, but it is based around a model of flexible working and the employees that I have benefit from working around their family needs and also working from home. It can be done, and it can be successful.

That said, there is an emphasis, I find, in the policy letter on legislation and I find this a little bit concerning. My caution is that some of the very sensible actions laid out, initiatives working with

2600 business and other stakeholders, the actual practicalities, must not be delayed in waiting for any associated legislation that comes alongside this initiative.

I am not a big fan of legislation, as a small business owner. It does put more red tape in the way of business prosperity. There are attitudes toward discrimination, currently, in business where you see that in some businesses, I have heard anecdotally, they do not want to employ women of a certain age for fear that those women will get pregnant and then, if they have to pay maternity leave, they are unable to afford it. So they would rather employ a lady who is not of child-bearing age, so to speak.

2605 Obviously those practices are not good practices and if they embrace flexible working, they could sidestep those issues. However, we should not be using legislation with a hammer to crack that nut. It is about cultural change and community attitudes. I would ask the Vice-President to please provide some assurance that the drafting of legislation will not be prioritised over the practicalities in trying to change the attitudes of employers in this area.

Thank you.

The Bailiff: Alderney Representative Jean.

2615 **Alderney Representative Jean:** Thank you, sir.

In this legislation, it is very interesting from an Alderney point of view. I am glad that it has been recognised that there is a difference between Alderney and Guernsey, here. In a lot of these things, Alderney has to fit in in a different way. One of the things I am very concerned about is any legislation to relate to the employer, because industry in Alderney is not strong. It is – how could I put it? – determined and tough, but it is not strong. There are not a lot of big projects going on in Alderney. The economy has dumbed down in recent years. That is of concern to me.

2620 Getting people to abide by more legislation for employers is difficult because, with it, comes an extra expense. There are already, at the moment, I notice in Alderney, not as many apprenticeships as there once were. That is an important thing to note. Also for me, one of the other important things, and probably it might well be that Alderney is leading the way in this, but for entirely different reasons from Guernsey. Let me see if I can explain. There are, I know, quite a few older people working in Alderney, already well over pension age.

2625 I know of one over 70, one over 80 and quite a few in their late sixties already working above and beyond pension age. How you place incentives to encourage those people to work I think is important. If they are still registered and they are paying social security and stamp and income tax, will their pension increase any more? Probably the only way you could do it is to look at schemes whereby they do not pay social security and stamp, but they do pay income tax. These are things that might work as an incentive, but it is already happening in Alderney.

2630 The reasons it is happening are, one, because some of the people who have come to live in Alderney have family on the mainland and they want to assist their family into Alderney to come and see them regularly. So they choose to work so that they can pay the high air fares. Other reasons are cost of products – and one would expect living in a smaller Island, that it is more expensive – so therefore they are working to pay the extra on the oil, the coal, fuel and various other things.

2635 One of the other things here is career change and planning for future training. It says here any developing to support mid-career reviews should also include information. One of the things I did hear was that older people in skilled trades, for instance, Deputy Stephens referred to it, people climbing on roofs to put on ridge tiles and plasterers, get bad elbows and knees and they get all kinds of problems.

2640 One of the things that I heard was that they would train them to do IT. I do not agree with even that kind of fundamental thinking. But one of the things I do agree with is watching for any areas of weakness in training and then going to the other end of the scale in apprenticeship as well.

2650 You are talking, obviously, to the Alderney States about providing written contract. I think that could be awkward and I think it should be, in my opinion, at the moment, left afloat while the economy in Alderney is as weak as it is. When it strengthens and when we have got better transport links, then there is no excuse not to talk about it.

2655 I agree with this and I agree that it is obviously very clear that people are living longer and there is well and plenty proof of it. I agree that, as that is the case, people should work longer. But it should also be remembered that the difference in Alderney is that the Guernsey old age pension does not go quite as far and perhaps these are areas where we should look as well. Alderney people do struggle and that is why they are probably already leading the way in many of them working to supplement their income. Some of them obviously feel able to and they are.

2660 Thank you, sir.

The Bailiff: Deputy Ferbrache.

2665 **Deputy Ferbrache:** Sir, I would like to follow on the theme of Alderney Representative Jean and Deputy Dudley-Owen, because we are now in a second half day of this States' meeting. We have talked a lot about spending money or the potential for spending money. We have not actually talked much at all, in fact I cannot think of anybody who has talked about increasing money.

2670 I am in favour. I was both pleased and disappointed with the statistic given by Deputy Roffey. I was pleased that it is on the increase, but I was disappointed it is only 15% between 65 and 70. It is clear, as people live longer, and generally live longer, healthy lives, that people will work for a longer time. They will not retire at 55 or 60, they will retire at 70 or 75, depending on what they do and the circumstances.

2675 All of that is commendable. All of that is absolutely necessary. But we have got the unintended consequences that Deputy Stephens referred to in her speech because, in England where they have had this legislation I think for 20 years, where they have got employment-based legislation that it would be four feet, five feet high, just the statutes, they have got 22- and 23-year-olds from iconic universities with good degrees not being able to get jobs, because those jobs are not available because their opportunities are being blocked.

2680 It is a balancing exercise. In Guernsey, we have at the moment got full employment, but that could change. Mr Jean is saying about the weakness of Alderney's economy. Our economy is not much stronger. We can say what we like, but our economy is not strong. We may have a balance, we have got good savings, we have got the fifth *per capita* income, or whatever it is, in the world, but our economy is not strong. We have got shops closing down in the high street. We have got people cutting back on employment. It is difficult.

2685 Not every employer drives around in a Bentley and has a pension that he or she can cash in when they are 65. Indeed, Guernsey's employment statistics are set out. I am also going to talk about the costs. I am talking a little rain on what otherwise is a pretty joyous parade. I am concerned that we just think that employers can take more and more red tape. The biggest contributors to this, I may quote from it in due course, it is the HR people who are in favour of it by and large.

2690 There was a great entrepreneur who, many years ago, his company was going to the wall. What he did, he employed 15,000 people in his company, he said, 'How many have I got in HR?' He had about 500 or 600 in HR. Overnight, he closed the HR department. The business went, in a matter of months from no profit to high profit, because he did not have people picking up a piece of paper, moving it to there, moving it back again and then justifying their existence.

2700 We can say that does not happen, but I live in the real world and what I do not like, and this is a point well-made by Deputy Dudley Owen, I do not like us having to tell people what to do all the time. There are 'isms' I like and there are 'isms' I do not like. I do not like racism, I do not like sexism, I do not like ageism. But I overwhelmingly like realism. We have not had too much realism in the course of this debate.

2705 We have had all the good stuff said, which is fantastic, and I support it fully. We should give people flexible working time where that is possible, we should encourage people to work until they are 70, 75, whatever age they are capable of doing the job and making a productive contribution to society, etc. All of that should be encouraged.

I may be the only one, and I am not asking for a recorded vote, so I may just chortle my *contre* on my own, but when we come to Propositions 3 and 4, when it says:

To agree that the Committee for Employment & Social Security will return to the States with detailed proposals for the enactment of legislation ...

2710 Those words appear in both 3 and 4: 'will return to the States with detailed proposals for the enactment of legislation'. That game has already been run. That battle has already been fought. There will be legislation.

Just because they have got it in Jersey and England, why do we necessarily have to have it here? They have got a long runway in Jersey, but quite a few people here do not want a long runway. They have got a successful economy in Guernsey and the epitome of Guernsey States at the moment is that we are doing everything we can to prevent a successful economy.

2715 I have been a lawyer a long time. I am in that 65-70 group. When I came back to Guernsey our modern legislation was a 1947 piece of employment legislation. I went and spoke to the other 19 or 20 applicants at the Guernsey Bar. Not one of them knew much about employment legislation or employment.

2720 I had a case, we had ourselves an industrial tribunal, we were in the magistrates' court, sat there, for two community nurses who had been ill-treated by their employer, the Board of Health. They had conditions imposed upon them which were unacceptable. So I acted for them. They were lovely ladies, they have been my friends ever since. Well, one of them is dead now, so she is not my friend any more.

2725 Then we had another piece of litigation under the same Law, whereby the Guernsey Herald were imposing conditions on their employees, their employees did not accept them, and they sacked them. Again I acted for the employees, there was a very capable advocate for Guernsey Herald and a Law Officer, the Law Officers in those days sat in the tribunals, advising the chairman, who was an ex-Jurat, sat with a panel.

2730 I got into a little trouble in those days, because the Law Officer gave some advice to the panel chair that I did not like, and I just made a retort, 'I thought I had one opponent, in Advocate X, I did not realise I had another opponent in Law Officer Y.' So I got told off. I paid no heed of it, we managed to win the case.

2735 But the employment legislation had to be changed and, as vice-president of the Board of Industry, and then as president, I think I can say I was the lead States' Member, together with a very able civil servant by the name of Nigel Lewis, who brought about the change to the employment protection legislation, which is what we have got in force now. It has been amended, but that is still the core of what we have got in force.

2740 I have walked on both sides of the path, in the sense that we live in a puritanical age and this is the epitome of puritanism in Guernsey. I know from Deputy Fallaize that we are going to have some more Rules later on, the Rules are going to go on, they are going to be reviewed etc. That fills me with as much joy and expectation as you would expect.

2745 In connection with that, we are in a situation whereby we are restricting employers. If you look at, I imagine still the current one is the 2017 one, my good friend Deputy Mooney tends to tell me when it changes, when the 2018 comes out, if you look at this booklet, we have got something like 32,000-odd people in employment in Guernsey. We have got 2,000-odd employers.

2750 Just doing the arithmetic for that means every employer, on average, employs 13.2 people. Actually it is a bit like adding the batting averages of Sir Don Bradman and Monty Panesar. If you add the two together and divide it by two, the batting average is about 54, but Sir Don Bradman averaged 99 and Monty Panesar averaged nine. So if you add them together and divide them by two, it does not give a realistic figure.

2755 In agriculture, the average company employs seven people, in construction I think it is eight or nine, in other major industry, six or seven. Fishing, again, four or five. These are small businesses. They do not have HR people. They cannot afford HR people. But they want to encourage flexible working as much as is possible. It is a bit difficult, perhaps, on a fishing boat or on a construction site. But they want to encourage it if they can.

2760 Certainly, the overwhelming number of employers in Guernsey are good. Because women have children, they want the woman to be able to work from home if she can, to help the business, because they value her as an employee and know she does a good job. They want to do all those kinds of things. Indeed, when we look at the statistics, it shows that very few of them are actually core employers.

2765 If we look at paragraph 6.3.1 and 6.3.3 of the report, that deals with flexible working and that deals with many good points. It is supporting people with family and care responsibilities. All of that is absolutely good sense, in fact no sensible person, would disagree with that. But then it stretches the benefits. If you come to 6.3.12, it says this:

It is clear that many employers already offer some kind of flexible working. At its best, flexible working can help to improve staff loyalty and productivity. However, it is recognised that some employers, due to the nature of their business, could not offer certain kinds of flexible working. Consequently, the strategic focus for change is on making sure that requests for flexible working are considered sufficiently by employers who are able to implement flexible working, but perhaps, are too quick to dismiss an idea which they are unfamiliar with.

Next paragraph:

While there is not a representative study to illustrate the difficulties employees might experience, it is noted that 20% of the carers interviewed in the second part of the Disability Needs Survey reported that they had been unable to change their working hours to fit with their caring duties.

2770 We then turn to page 59 because again we have to look at how this is broken down and this is in one of the appendix to the report. This deals with flexible working. It says: -

The majority of respondents (82%) were in support of the idea of introducing a legal right to request flexible working. Whilst these groups were small and may not be representative, the group most in support of a legal right was HR professionals, and least supportive were employers and carers ...

2775 – i.e. the people who are really affected by it. But the people who have a text book and have been on a course to say that it is the right thing to do are the most supportive. We will come to costs in due course because the average wage, I think I read last week in somewhere the statistics are being changed, the average is about £32,000 per annum. If you are in the upper quartile, you are earning over £45,000 per annum.

2780 Here, we are talking about, for the flexible wage bit of it, if I can use that inelegant language inelegantly, having a half full-time equivalent for a year, you may think that means £16,000. It does not, it means £33,500, because the full-time equivalent that the States are going to employ to do this work is going to be paid £67,000 per annum. To Mr and Mrs Joe Soap and Public, that is a pretty good wage.

2785 I can remember Deputy Trott, he is very good with figures, in a debate, when I sat in those halcyon seats, the air is rarefied etc. It is not unpleasant, I could really feel freedom. In connection with that, Deputy Trott pointed out you have got two people, a husband and wife with two kids at St Sampson's High, for example. Their total wage is, say, £70,000 between them. The cost of educating each of their children is £10,250, so let us say £20,000.

2790 They actually pay an income tax, by the time they have had their allowance, no more than £10,000 or £11,000, so they are paying for one child to be educated at school. Everything else, including the other child, is being paid for by revenue. Those are the average earnings of people in the Bailiwick. Well, in Guernsey, because I accept the wages are lower in Alderney, points very well made by Alderney Representative Jean.

2795 We come to ageism and I am a little trepidatious because I am sat next to my good friend Deputy Graham, but he and I are on the same side, I am sure, in relation to ageism. You cannot just say 65 and you should go off into the sunset, or 60 or whatever it was. You have got to look at that person. But the way you do it is by encouraging employers, by working with employers, because most employers are genuinely decent people. They are not out there to be ogres to their employees because they must value their employees.

2800 We are going to have a shrinking working population, we are going to have a higher number of people with greater age, so we have got to square the circle. When we come to ageism, again, paragraph 6.4.1 to 6.4.3, I am sure it had much truth in it, but I would then like to take you to paragraph 6.4.4, which deals with the Supported Living and Ageing Well Strategy. What it says is this:

The States resolved as part of the Supported Living and Ageing Well Strategy to investigate the impact of ageism in Guernsey and Alderney; though this work has not yet begun ...

2805 Deputy Gollop is muttering something, but the fact is we are being presented with a report which says we should bring in legislation. That work has not yet begun, and it says this investigation has a wider remit than employment and is taking into consideration its social care settings too. Therefore, 6.4.8, on the same page, it says:

The Committee has reviewed different options to address the issues of ageism (and particularly issues of contractual retirement ages which was of significant concern to some people). Ageism is a cultural issue and requires people's attitudes and misconceptions about older people (and people of other ages) to be challenged, this must involve communication.

2810 So why cannot we communicate? Why cannot we actually have some deeds before we have words? Those words have rung very loud and clear in the last day or two in a different context. Why cannot we encourage what are already, generally, people who are willing to listen, rather than say that we will bring in legislation? Oh, it is said, the legislation will be reasonable. Deputy Stephens says the employee/employer in relation to the flexible workers we have to show it is proportionate.

2815 Let me tell you how the real world works, as a lawyer who has dealt with employment problems over the years. Whatever magical words you put in the legislation, the onus will be on the employer. He or she will have to show that he is acting reasonably. There will be codes of conduct, there will be civil servants who have been paid to produce codes of conduct, working practice and if the employer does not follow that, he/she or it will be in breach of the legislation. That is how it works in practice.

We also have to look, as I say, in relation to costs. The costs are identified in connection with this on pages 35 and 36. It says this, paragraph 8.6, action point 2:

The development of detailed proposals for a right to request flexible working to be returned to the States. 6 months FTE. Equivalent to approximately £34,000.

2820 That is what the average person earns in a full year, so why are we paying a civil servant twice that? Also, we have already decided, according to the word of the Proposition, to have legislation. So what is this person going to do? I have done some arithmetic. If we turn over the page, the figures get worse in my view. I appreciate I will be a lone voice, I will just stand out on my own. That is life, that is what I will be doing.

2825 The development of detailed proposals for age discrimination legislation to be returned to the States. 1 year FTE. Equivalent to approximately £67,000,

So that person is getting paid twice what the ordinary man or woman in the street is getting paid. Now I have worked that out. I think people should work 40 hours a week if they are fit and able. I think they should, but they do not in the civil service guidelines, they work 37.5. So I have

2830 done that, because I am Mr Reasonable. Thirty-seven and a half hours a week. Let us take off seven weeks a year for holidays, bank holidays, etc. So they work 45 weeks a year.

2835 Thirty-seven-and-a-half hours, my calculator told me that was something over 1,680 hours a year. With considerable respect – I am not expecting Deputy Langlois to say that at 9.15 a.m. on 3rd June this person is doing that or, at 10.30 a.m. on 8th August, this person was doing that – what on earth is this person going to be doing for 1,680 hours to bring forward this legislation, which will be drafted by Law Officers? They are not going to do the drafting, they have already decided that the legislation is going to take place, so how many times can you move a piece of paper from here to here in 1,680 hours?

2840 I appreciate that for flexible working, it could be 840 hours. Whatever your bagatelle. This whole project is set to cost £199,000. Take off the other £98,000, which I do not have any real problem with, albeit I still think it is too expensive in relation to what people are paid, these two bits add up to £101,000. Using Deputy Trott's example, which he mentioned in a previous debate of the average couple working, both husband and wife working, earning £70,000 a year before tax etc., effectively paying £10,000 tax in round terms by the time you take off allowances, to do that you have got to have 20 of those couples, 40 people on the average wage paying for this.

2845 It does not finish there. That is the cost of bringing it in, then there are going to have to be civil servants to administer it. So it is going to cost at least another £100,000 a year to administer it. More, in fact, because the assistant will need an assistant and the assistant will need another assistant. They will need a desk to sit at and they will need pension contributions.

2850 All of that is going to happen. Now, the States is going to nod it through and I am going to be told I am a Dickensian-type person. I am not. I am actually an early Elizabethan-type person.

A Member: Which one? (*Laughter*)

2855 **Deputy Ferbrache:** I am just a bit younger than Deputy Langlois, sir ... Only by a month – it shows though! (*Laughter*)

In connection with all of that, our generation want people who are setting up businesses now, the five-man/woman business, the 10-man/woman business to be able to prosper. It is a bit like everything, if you put that piece of paper on there, it is not going to do any damage. By the time you put a million pieces of paper on there, it is going to have caused damage.

2860 This States seems to want to believe that all employers are multi-millionaires driving around in their Bentleys, living in their baronial mansions. Some of us might have a very nice house, but we do not drive around in Bentleys. But that is irrelevant. Let me just declare, because in this age of puritanism, I want to declare: I come from both sides of the street.

2865 From the age of 10, up until I took my English Bar finals, I worked every single holiday except for the last one before taking my Bar finals, because it was Easter and I was taking them in May. Also, I had jobs from 10, during term time. I come from a working-class family. But now, of course it is known, with my family, we own a business that employs 70 or 80 people in winter, 130 to 140 people in the summer.

2870 We have actual experience of running a business. We know how difficult it is. We know how thin the margins are. We have put our house on the market, at risk with the bank, we have signed personal guarantees. That is how you run a business. So it is very easy for all of us here to beat our chests, puff out a bit and say, 'We are doing well for the people of Guernsey.' You are not doing well for the people of Guernsey if you stifle enterprise, because this Island has been built and so has the Island of Alderney, on enterprise.

2875 So bring in all the other proposals. Vote against 6.3 and 6.4. I am probably an absolute lone voice because we do not need legislation.

The Bailiff: Deputy Tindall.

2880 **Deputy Tindall:** Thank you, sir. I stand in a bit of shock, in the sense that I actually think I agree with Deputy Ferbrache, but for slightly different reasons and I will express them in a different way. The importance of enabling the people of Guernsey to work for longer cannot be underestimated for various reasons, not only in respect of our ageing demographic, but also the need to increase productivity, generally, in our economy.

2885 Whilst we know the dependency ratio, unfortunately we do not have quality data to assist us in establishing our productivity levels. Despite this, we are all aware of concerns voiced in the UK regarding low productivity and a policy that helps increase that can only be a good thing. But this is not just about extending the working life of an individual. This is about making it easier for those who wish to work to be able to work.

2890 Whether someone is a carer and needs to arrive slightly later at work, or whether someone needs adaptations to their desks to do their job, this needs to be easy for employers to provide and for employees to receive, without fear or stigma or appearance of favouritism. The Propositions before us cover a wide range of issues connected with longer working lives and I have some observations and concerns about all but one, which others have also touched upon.

2895 Firstly, Proposition 1 asks us to support the strategic aims outlined in section five and the plan of action in section eight and deals with the so-called mid-career advice, as described in section 8.6.4 on page 36. Whilst I support this idea in principle, I have two concerns. Firstly, should this be aimed solely at those people in their forties and fifties? A slight ageism there. As paragraph 6.6.9 states, this review is to:

support people to plan effectively for their retirement and also to make career changes, where needed, before a crisis point is reached.

2900 Whilst retirement planning at that age is a sensible step, I am sure there would be many who would benefit from this sort of advice, both earlier in their lives and after they reach 60. Also, there are many who need to make career changes before a crisis point is reached, irrespective of their age. I therefore seek reassurance from the Vice-President that the Committee will treat this as a pilot scheme and that consideration will be given to extending this service to all those in the Bailiwick who need this support.

2905 The third Proposition gives me the most concern. Most people would consider me someone who usually supports regulation in the workplace, so I will surprise them when I say that simply introducing the right to request flexible working is not proportionate or appropriate. Whilst I believe that flexible working may need to be a right that every employee is entitled to request, I do not think that by only introducing new legislation it would be sufficient.

2910 We should be aiming to ensure employees get the fullest support an employer can provide to them to enable them to undertake their specific job. But also that must be backed up by giving the employer the support they need to do just that. But this can only be achieved by selling the benefits of flexible working to both the employers and employees and legislation on this occasion might not be the best, especially if it is the only approach. There is no question that working is one of the best ways of living a full and meaningful life, improving both our mental and physical wellbeing. I do not intend to repeat the evidence given for this. We should encourage this wherever we can. However, what is flexible working?

2915 As a St Peter Port Douzenier correctly reminded me last week, agile working better epitomises the aim to remove the barriers that prevent an employee from moving from one activity to another with ease. This would enable them to combine their roles and, at the same time, increase their ability to work and be productive.

2920 Last year, I attended a seminar presented jointly by Mourant Ozannes and the Women's Development Forum, entitled 'Female Friendly Employment Legislation'. The speakers agreed that communication, careful planning and a shift in business culture were all essential for successful, flexible working, as this type of working carries risks if proper policies and procedures are not in place.

2930 However we are asked today to approve the drafting of legislation to bring in a right similar to that which the UK introduced in 2014 and that is the right to request flexible working. The UK act ensures a UK employee can ask for change in their terms and conditions, provided it relates to the hours and times they are required to work and whether they can work from home, instead of their employers' place of business.

2935 I do not think we should just replicate the UK act and we should consider the following. Firstly, what is the purpose of the right? We need to identify all such purposes. Is it to improve the work/life balance, the work/family balance? To keep older employees in the workplace for longer? What else? How strictly or widely should 'flexible' be defined? How can we reconcile the structured and certain nature of legislation with flexible working, which needs to include discretion, flexibility and be able to treat every request separately and independently on its merits?

2940 Because an employer will have to justify any decision to refuse to grant a request for flexible working, should they also be given non-exhaustive grounds for refusal? How will the Law recognise that flexible working is not practical for all workplaces or for all roles? How will the Law recognise that flexible working is not suitable for all employees? Should there be a minimum employment period before the right accrues, a statutory trial period of, say, three or six months, for the flexible working and periodical review of the arrangement?

2945 Should it involve a permanent change to terms and conditions or be subject to a period of review of those terms and conditions? Should there be a requirement for a continuity of employment, whereby employees must have worked for an employer for a certain period of time before they have a right to request flexible working?

2950 Having asked these questions, as detailed as they are, I ask again if legislation in isolation is the right approach? Whilst the reality is that people who work flexibly often work harder and are more productive, I believe this can most effectively be changed by education and awareness, not legislation.

2955 A respondent to the consultation undertaken by the Committee said it is important that employers see the benefits of adapting to people working longer. Many businesses do see the opportunities, but many do not. Many more wish to provide it, but need support and advice on how best this could be done.

2960 The States, as an employer, has many policies which have been introduced by the States, which are briefly listed at paragraph 9.4. Having looked at these detailed policies, described by one as 'clunky' and I agree, I can see why they need revision. I also applaud yesterday's announcement that the States have signed up to the Employers' Disability Charter and I encourage others to do so, too.

2965 But I believe more can be done and it should not be limited simply to the introduction of a right to request flexible working. There should be much more done to encourage business to see the benefits of providing such opportunities to employees, within of course the natural limitations of the job that the person is doing. I would prefer to do that without differentiating between those who exercise the right and those whose employers see the benefit of agile working and put in place best practice.

2970 Another issue I have with this right to ask is that it can differentiate employees from each other. Just because someone who first exercised that right has been given some concessions to work differently from their counterparts does not necessarily lead to a change in the culture within the firm.

2975 Offering this right does not ensure flexibility becomes the norm and it does not stop other employees taking a dislike to the different treatment, believing the other employee has been given an easier ride. I am sure we have all heard the call when someone leaves early that, 'it's alright for those part-timers'. But, as Unison said, this right is one that is often misunderstood. It is not a right to have the request granted, it is simply a right to have a request properly considered.

So I ask for reassurance from the Vice-President that the Committee will seek to provide information to employers on best practice, improvising agile or flexible working, encouraging its

2980 introduction and monitoring its provision and if, and only if, those who are not benefiting from this, are not protected in another way, will legislation then be recommended.

Considering the workload, we have given those drafting our legislation, I think we should consider most seriously whether further legislation is needed. I say those that are not protected in another way, because of the last point I wish to raise and that is the final Proposition, which is to bring detailed proposals for the enactment of legislation to prevent age discrimination.

2985 I object to all forms of discrimination, but I believe bringing in separate pieces of the legislation is not proportionate or appropriate. We need to remove discrimination because of age, because of the need for agile working, because of a disability or a person's gender. In fact, to remove discrimination for so many reasons, I believe we need to introduce not discrimination legislation but equality legislation.

2990 As one respondent to the Committee's consultation suggested, we need to develop an overarching piece of equality legislation for all protected characteristics, rather than focus on age discrimination. We are all different and we should all be given equal respect for those differences and not made to feel bad because we have to rely on exercising rights because we have been discriminated against. We should be able to know our rights based on all of us being equal.

2995 Another such inequality has been recently identified by an advocate when she objected to the requirement by a local employer for a photograph to be sent in with a job application. I raised a similar issue of discrimination in recruitment, during the education debate in November 2016, regarding those discriminated against because they went to a state school rather than fee-paying school.

3000 Equality campaigners have long argued that recruiters can inadvertently discriminate against candidates when reviewing CVs. There is a plethora of research that shows that employers show a bias against job applicants, whether that is due to their foreign-sounding name, their age, their gender or the school they went to.

3005 Again, an equality law could cover this form of discrimination, but in the meantime, I would like recruitment agencies to consider introducing a voluntary code whereby only the information pertinent to the role is included. By doing so, I believe we will ensure the best people will be asked for interview and not just those applicants the employer believes to be the best because they have an unconscious, or even conscious, bias against a person's age, name or school. This will increase the likelihood that the right person will get the job, increasing job satisfaction and productivity and decreasing the cost of recruitment.

3010 Finally, sir, I ask for reassurance that the Committee is not proposing to go to the extra cost of draft a separate piece of age discrimination legislation, but it will incorporate it into its equality legislation workstream.

3015 Whilst I have raised these various questions regarding the Propositions, I do repeat my appreciation of the good work the policy letter represents, and I hope that the reassurances I will receive ensure that this workstream continues so that the people of Guernsey and Alderney can have healthy, agile and productive longer working lives.

3020 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I am, as you know, a Member of the Employment & Social Security Committee and indeed I was an extra member of the Longer Working Lives sub-group that Deputy Shane Langlois ably chaired. We had many meetings and cups of tea. We met weekly at one point. It was quite an endurance test, because we had many delegates who were from personnel and other areas from different branches of the States.

3025 Obviously, I am very supportive of these proposals, as a whole, and I will comment a little on some of the interesting speeches we have heard. Deputy Tindall is almost certainly on the right lines in terms of the need for greater equality legislation as a principle and, indeed, I think that was a theme of the Disability Alliance meeting yesterday and the workstreams going on in the Committee.

3035 The thing is, though, that there are different ways of doing the legislation. Jersey went down the approach of doing one at a time. You can also do an over-arching equalities piece of legislation, like I think the Right Honourable Gordon Brown tried in the United Kingdom. It is very much a case of Guernsey looking for the best option and I think you should see this Proposition in this context, as a Resolution from the States to right a wrong and move things forward progressively, but not necessarily ignore the possibility of a wider diversity and equalities agenda that, of course we already support through the Disability and Inclusion Strategy. We will not dismiss Deputy Tindall's views, there.

3040 On the other points about best practice being a better way forward than legislation, it is fair to say that Deputy Tindall, of course, is an experienced lawyer in different places, including Wales, and focusing on litigation. It is fair to say that most of the lawyers I have come across in Guernsey have not been huge fans of over-arching employment legislation that is thick and chunky and carries with it the case law of America or the UK.

3045 Perhaps in seminars that they host, although they will impartially take on any party who needs to represent them and, in most cases, could afford the appropriate fee, they do tend to be cautious and conservative towards the development of so-called red tape and legislation, so that is a group that I would not necessarily expect to endorse a principle about further examination of the facts.

3050 When Deputy Ferbrache mentioned you cannot employ 0.2 of a person, it made me think whether I could be 0.2 of a person if I was on Deputy Paint's fishing vessel, or something like that, because I probably would not be able to do a full job. These are the sort of questions that we think about.

3055 Deputy Roffey mentioned Longer Working Lives and the need for a cohesive and proper approach across the States. I think we, as a group, supported that and indeed we met representatives from the College of Further Education, from the hub of corporate resources and Policy & Resources, and think the viewpoint we heard, the viewpoint we understand at ESS and the viewpoint, too, of the disability officers, is that the States are making significant and sustained progress – I think that was a point even made in Service Guernsey – towards a more egalitarian and non-discriminatory workplace with flexible working. I think that is a principle we have supported, as part of a plan.

3060 The interesting example Deputy Ferbrache gave of the tycoon who opposed the lazy workings, or perhaps not the lazy, the extra bureaucracy that human resources people allegedly created – it was of course several years ago – I believe it was Avis Rental Car and the person was Robert Townsend and he not only dismissed personnel, human resources people, but also advertising hierarchies, preferring to outsource to agencies. He also tried to get company directors who drank too much over lunch the opportunity to resign and consider their position. So he was a little bit of an American-style leader, shall we say.

3070 Of course, a counterpoint I make to Deputy Ferbrache is although Guernsey's success, undeniably, has been built on free enterprise and *laissez faire* and a fair degree of flexibility, I think there are a growing number of employees in Guernsey, and potentially in Guernsey, who look at Guernsey as a place they might want to come back to or might wish to work, who are looking for relatively robust equalities legislation. We have to attract the best as well as keep viable employers, so there is a little bit of a trade-off there.

3075 On the specifics of the policy letter itself, I actually agreed with Deputy Roffey that we are, as a community, working towards longer working lives anyway, with a higher proportion of people staying fitter and active longer, a Partnership of Purpose, to maintain the economy. Indeed, I think he made the point that you cannot necessarily take population figures out of context, recently, because the working age population might have theoretically shrunk but, in practice, people are working longer, from judicial positions across to other walks of life.

3080 That said, though, I think we have seen in recent months a bit of a delusion in this Assembly, on an issue like education, perhaps, with two factions developing. Because we are all independents who work in different coalitions from time to time I think you would also see a

3085 rather different divergence, a different split, if Policy & Resources chose to bring back an over-
arching debate on population growth, because clearly there are some Members who feel very
strongly we should not grow as an Island and others who feel that we should. I think that is the
debate hinted at in this policy letter that needs to be had, because it is clearly germane to
employment and viability.

3090 I actually found myself at times, funnily enough, in opposition to the group. Deputy Ferbrache
said what we need is more realism in the Assembly. Not sexism or racism, but realism. I was kind
of told that in the group, as well, that I was being unrealistic at times, because I wanted more
emphasis on details of legislation. I too, like Deputy Parkinson, felt pension deferral would be a
useful idea to consider.

3095 But of course you have to take it in the context that social security is relatively short of time
and policy workers and I would also say, about a comment Deputy Ferbrache made, some of the
costs that he identified as being, in his point of view, higher than the average wage does reflect
the fact that if you want to retain and employ on a contract or permanent basis, civil servants of a
sufficiently diligent and academic level who have gone through some of the best universities in
the world or the United Kingdom, perhaps an equivalent to the kind of people you might find
3100 working in accountancy or law firms, you have to pay a relatively competitive salary.

Pension deferral, I support, but of course the point was made that due to our limited resource
at ESS, you cannot just out of the air create major changes when you only have a population of
63,000 or 64,000. We are working towards, I believe, the Computerised Integration of Taxation
and Social Security and the update.

3105 When we have, at least in theory, a brand-new information technology system, it may well be
easier to consider the development of those points, but it is not a workstream that could be taken
on easily at the present time and the same goes for the 45 years. It also follows that if we were
more generous and allowed a UK style of 35 years' working life payment contributions we would
significantly have to increase employment contributions and I am sure Economic Development
3110 would not support that, without at least some other significant mitigation.

As for the argument that older people could perhaps in the future pay their contributions
beyond retirement age, well maybe for an enhanced pension or a deferred pension, but we would
not like to see as a society a situation where it was financially advantageous to employ older
people over younger people. So you have to balance these points out as well.

3115 I do take the point that Alderney has a special economy and a small employer here would be
considered a large employer there.

But the area I wanted to see more work done was actually the concept of self-employment. I
think for many years social security has not found it easy to embrace the gig economy or the
project economy or the portfolio economy and I do suspect in the future that we will see a
3120 different kind of working style emerge, as Deputy Dudley Owen and others have alluded to.

You do see re-training. An example that I have become aware of is ex-middle-aged Welsh
miners who have re-trained in IT and the world of Google and so on. And part-time workers.
People have more than one job, more than one employer. I think the word 'entrepreneur' in
Guernsey tends to refer to somebody who is a real tycoon or a unit trust boss, or whatever. But
3125 entrepreneurs could be smaller scale than that. They might just make lavender baskets, or
something. But there is not a way in which social security can support people to start their own
business. You are either an employee, or you are not. Getting to that state is not going to be easy
this year or next. Financial incentive is difficult.

3130 As we go onto the legislation, I have covered the equality legislation in the context of age
discrimination, which is really part of a bigger project. Indeed Deputy Ferbrache heard me
muttering that it had only started a year ago. Well, that is true, but SLAWS has been going for 10
years. It is even longer than PERRC. It is a huge project that keeps on being reinvented with
different politicians and different officers. But I think things are on the right lines now.

3135 As regards the more basic legislation around flexible working, Jersey have done something
along those lines and I think the argument, really, is to be proactive, to encourage a dialogue. Not

necessarily a heavy-handed rule book and massive fines, but to get employers of the smaller scale, perhaps the kind of smaller scale construction, removal, building firms that are the backbone of the economy that probably do not have highly paid personnel or human resources professionals.

3140 Those kind of employers, really, are the ones who we have in our line of fire, because the bigger employers and the States already have the critical mass to cover issues. It is the smaller to middle range that we do need to be vital and competitive who, nevertheless, sometimes do find themselves having to lay-off people or have difficult conversations.

3145 I think our goal is for them to perhaps have a conversation with somebody who is in mid-life, the kind of people Deputy Lowe has spoken about in the past when she resisted the rising age of the retirement age. A builder, say, who is used to physical and manual skills, might not realistically be able to have a full-time wage in his late sixties, but if he or she had re-trained as a supervisor or as an office worker or as a lorry driver or a van driver, or forklift truck operative or whatever the roles are – maybe in the future robotic controller – that would actually be a way forward.

3150 So that is the kind of approach we would want. Just because you have legislation means it does not have to be heavy-handed, as we have indeed found out with our policies.

Deputy Inder: Point of correction, sir.

3155 **The Bailiff:** Deputy Inder has a point of correction.

Deputy Inder: What really concerns me, and this is going to be similar amongst all the speeches and I am only directing it to you, Deputy Gollop, because you are the first person to say it. What I hear time and again is just concept after concept. You have never employed anyone in your life –

3160 **The Bailiff:** This is not a point of correction, is it Deputy Inder?

Deputy Inder: Okay, so just on a point of correction, it is already happening out there. We are having policies, again, designed by people who have never taken any risk in their life telling us what we are already doing.

The Bailiff: Deputy Gollop.

3170 **Deputy Gollop:** Funnily enough I did, in a manner of speaking, employ people. I employed an airline pilot and it was not altogether successful, but I will not go into that! (*Laughter.*)

3175 The argument is we are trying to facilitate a better economy and there has to be more of an engagement between theory and practice. Very much, perhaps, we do need the smaller employers who are not necessarily represented by the bigger employment organisations and personnel groups, to engage with us as well and that, perhaps, will be the next stage of the process. But we did indeed have a very rigorous consultation programme with the survey that went out and the response, of course, was very concentrated amongst the people who perhaps some Members might describe as those intellectuals with huge books on their tables.

3180 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, I would like to thank Deputy Gollop for his contribution and to Deputy Tindall for her constructive criticism. I have to say, after Deputy Ferbrache's input, the negativity I found completely depressing. I can understand how he grinds down people in the courtroom from his speech, on that basis! (*Laughter*)

I think we need to, what former Deputy O'Hara used to say, put smiles on people's face. That is not to say that I disagree with all that Deputy Ferbrache said, but I do think we need to have some balance here.

3190 I would just like to record HSC's full support because what goes to the heart of this policy letter is the need to improve the Island's occupational health and wellbeing and for people to be able to work up to or, importantly, past a pension age. I do speak as an employer who has taken risks at all nano-levels and sizes of organisations and has employed a 75-year-old.

3195 This policy, of course Health & Social Care would support it, because what this policy letter is trying to do is a core aspect of our mandate. Like the Partnership of Purpose, the proposals recognise a need to transform service delivery and cultural attitudes to support public finances and the wellbeing of Islanders.

3200 Also, like the Partnership of Purpose, this policy letter recognises the social determinants of health and the importance of health in all policies and, indeed, ties in with the Resolutions of the States in December last year, which is a good start. So wellbeing and social prescribing have an important role to play in prevention, early intervention, which we also recognise and need to be considered in any future universal offer.

3205 Health & Social Care also support steps to recognise the importance of caring and the carers' strategy that is being developed will need to consider how we support those with caring responsibilities and, in answer to Deputy Ferbrache, that will involve talking to carers themselves and getting guidance from what they believe that they need.

3210 Personally, I do share the concerns over more legislation, but then I believe, in the same way as Deputy Tindall, that we should have a more encompassing general equalities law. I was encouraged by what Deputy Gollop said about that in his speech. Also in answer to Deputy Ferbrache, talking about more legislation for businesses and particularly small employers, I totally agree with him. I spent much of last term, as any Deputy who was here during that term will know, talking about how we needed to reduce red tape. That resulted in Commerce & Employment, at the time, undertaking a red tape audit, which was completed, I believe, after I left and went to the Health and Social Services Department.

3215 We have none of us seen the outcome of that audit and, really, I have not seen anything in the vision from Economic Development, either, about it. So I would like to see – hopefully Deputy Parkinson can help, if what he wants to do is to change that vision – something that actually deals with this, because that is in the hands of Economic Development to change.

3220 Personally, I would like to see any new legislation that is brought in would see the repeal of another piece of legislation. I think that would be a great thing, but whether that is practical is not I do not know. Really that is something that Economic Development can really champion.

Generally, the policy letter is very much in harmony with what we are trying to do with Health & Social Care and I welcome working with Employment & Social Security in the future to help deliver these proposals.

3225 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

3230 Deputy Roffey started off early on in this debate talking about flip sides to the coin. We have heard the one side of the coin from the perspective of this policy letter, I suppose, mainly is that of the individuals who will be affected and us rightly giving them support. Deputy Roffey and Deputy Parkinson talked about the flipside of the coin being the broader economic picture for Guernsey.

3235 I cannot really visualise the shape of the coin I am trying to describe, but I think there is another side as well, which has been alluded to by Deputy Dudley Owen and Deputy Tindall, which is actually the benefits for businesses themselves. For me the Longer Working Lives policy letter is an important one because actually what it is talking about is diversity and we know diversity does tend to benefit businesses. It is not without hiccups and problems along the way,

but broadly speaking we know from the empirical evidence that more diverse organisations tend to succeed more than less diverse organisations. We see that in a very broad range of businesses.

3240 I think it is important that, ultimately, as Deputy Tindall said, this should be something that will benefit employers as well. I have listened to the arguments about red tape and legislation. That is something that intuitively strikes a lot of fear and dread into a lot of us when we talk about red tape and legislation.

3245 But then I am just wondering, maybe I have got completely the wrong end of the stick, here, but how burdensome is this particular piece of legislation likely to be, certainly in terms of the flexible working hours? As far as I understand it, the legislation would require employers to consider a reasonable request. That does not strike me as overly bureaucratic, or admin-heavy. To me it sounds eminently reasonable and I do think it is probably important. I would like to say it is not. I do agree with Deputy Tindall and I will expand on this in a minute that a lot of it has to be about education.

3250 I think that is absolutely vital because it is a massive cultural issue. I am just not convinced we are going to get there with education alone. I do tend to think that we are going to need some form of compulsion, a little bit of welly to this. I think it does probably need the backbone of legal status behind it, underpinning it. I just do not really understand how we are going to bring this into being entirely on education and goodwill alone.

3255 I think it is important because Deputy Tindall talked about unconscious bias and she was not the only one. I do think there is a tendency and employers do make decisions quite often based on how they have always done things and what has worked for them in the past and that they do not necessarily have to think about doing things differently and it might be that there are some very reasonable adaptations that can be made that can accommodate everyone and ultimately produce those benefits that Deputy Tindall was talking about.

3260 We know that organisations that provide flexible working do tend to have higher rates of staff retention. They do tend to have greater loyalty, less turnover and productivity levels do tend to go up, amongst other benefits. There are plenty of benefits to that.

3265 This has long been an area of interest to me, personally, and I have had some extraordinary conversations with employers before on a range of different issues and when we have spoken about things, for example, start times, I have queried why an employer opens their business at nine o'clock. It was not customer-facing, it was not a retail outlet that needed to open at a particular time, it did not work with other jurisdictions, it did not need to be in synch with any other jurisdictions.

3270 I said, 'Your start time, you have told me, is desperately inconvenient to you, why don't you change it? You told me it is inconvenient to you, you told me it is inconvenient to a lot of your employees, why don't you adjust it by half an hour?' The answer I got was, 'Because we have never done that before.'

3275 So I think actually this legislation could be quite helpful in that all we are doing is providing the legal framework within which employees can ask a reasonable question of their employer and if there are good reasons why the employer cannot facilitate that, then that is fine, but I think it might actually broaden the way that employers can approach this issue, which I do think is important.

3280 Deputy Ferbrache talked about realism. Flexible working, or agile working as, Deputy Tindall is quite right, it should be referred to, is something that I am not sure whether there is a broad appreciation of what the realism is. The reality is that flexible working in its current form in Guernsey does disproportionately disadvantage women, I think, of many ages. It touches on something Deputy Stephens raised as well. There is a lot to do with caring roles and we know that caring roles fall disproportionately to women, so I apologise for making this a gender-based argument, but I do not think there is any avoiding it, because the reality is that is who it affects more.

3285 I know several larger employers in the Island do have flexible working policies and the States of Guernsey is one of those, but my understanding is, because I have had a lot of conversations

3290 around this and I have been lucky to be part of several focus groups on the issue, is that it tends to be inconsistently applied. A company might say, 'We do offer flexible working practices.' But then it tends to fall to the discretion more often than not to a particular line manager or sometimes a specific department and you find massive discrepancies, actually, within a single organisation for the types of flexible working policies that are or are not offered.

3295 I am aware of a situation, it is a few years back, but not very many years back, where a working father applied for flexible working. Now, this was not reduced hours, it was compressed hours and his employer initially said, 'No, I am afraid we do not offer flexible working.' This particular person blinked in surprise and looked around a large office filled with women who had flexible working arrangements in place and raised an eyebrow and the employer said, 'Oh, okay. I suppose we do offer flexible working.'

3300 The practice, up until that point, had been to offer flexible working to women, but not to men. Now, that might sound like a case of positive discrimination to many, but to me, I look at it as a negative discrimination because, at the end of the day what it does is it cements women's role as the sole people responsible for child care. It means that the women are taking home less pay. We know, it was in the news earlier this week, that wage growth on reduced hours in particular is very slow. We know it affects their promotion prospects.

3305 We know this from data collected locally, from the event that Deputy Tindall was referring to. There was a survey that was part of that and we do know that a significant proportion of women locally feel that applying for flexible working or actually having a flexible working arrangement does impact their career progression negatively.

3310 So it is something that is a cultural issue and I think part of it is that people are not necessarily very well acquainted with what flexible working is and I think there is often an assumption that it does involve reduced hours when of course, as Deputy Tindall referred to, there are many other forms of flexible working.

3315 There is flexible timing and there are compressed hours and there is working from different locations including home and various hot-desking and job share arrangements. So it can take many forms. Deputy Stephens earlier on referred to potential unintended consequences with grandparents. This is also an issue that is close to my heart, as I am reliant upon grandparents, myself, for their amazing child care services. If they are listening right now, I would like to thank them, through you, sir!

3320 There are, I know, working parents who, with school age children, for example, work the school hours and then have a split shift where they take over child care responsibilities for the remainder of the afternoon, after school has finished. Then they actually go back to work, once the partner gets home at 6 p.m., for example.

3325 As long as flexible working is ingrained throughout the system, it can be flexible enough to adapt to those situations which Deputy Stephens rightfully highlighted. But I do think it is important that we do not just look at this as a care and, particular, as a child care issue, because that is where it is pigeon-holed at the moment and I find it so frustrating that it seems to be something that is thrown to women as a bit of sop, to say, 'Look, you can go back to work.'

3330 Actually a lot of women believe it is holding their career progression back because it is inconsistently applied and there is a lot of stigma about it. Deputy Tindall referred to this. There is stigma and I think until we get rid of that stigma and until it is equally okay for men to request flexible working, in order to accommodate caring responsibilities, and older people to request it as well as younger people, I think we are going to struggle.

3335 It is a huge cultural issue and so I completely agree with Deputy Tindall that we have got a big work of education around this area. I do think it is something we need to sort out. I think that is probably most of my rant over. I do actually have one question for Deputy Langlois, which is paragraph 6.8.2 talks about better data gathering. That was tantalisingly scant in detail and I would like to hear a few of those ideas fleshed out, if he is able to. I think that is it. Thank you.

3340

The Bailiff: Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

3345 I agree with part of what Deputy Parkinson said about the ability to offer deferral of pensions. I do not agree with Deputy Gollop in somehow this is a big resource issue. It is not. I want to bring up an anomaly in relation to that, which is I presume still the case. I have not looked at it since it last came to the Assembly.

3350 There are several Members in the Assembly who collect a state pension and they also get their remuneration for being a States' Member. If you happen to be a Deputy who has retired and entitled to a Deputy's pension there is an enforced deferral, you are not allowed to collect it. How strange is that?

3355 So maybe, by way of example, instead of positively discriminating against States' Members entitled to a States' pension being forcibly required to defer a pension, maybe we could change that Law? When it last came to the States, it was not. But I think it should. I think it is bizarre and it is still there, unless something has changed in the last few years.

3360 Having said that, the advantage of having the option to defer a pension could be an incentive. It would depend on the individual. I know a lot of individuals who might like the pension and get the pay, but then the others, who are sufficiently well off they do not really want the pension and would rather have something bigger later on, where their pay might drop off.

3365 That is one thing that could be done and that is the issue. Why cannot we just do that? Do we need legislation to do that? Can it not be a policy decision you could get on with and do? I am sure you could, especially the one relating to States' pensions. That could be removed by a policy letter of the States to just vote out that requirement.

3370 As for item 3, the third Proposition, that word request, I laughed when I read that. Blimey, you do not need legislation to make a request, do you? You may be laughed out the headmaster's office when you make it but actually, what this implies is not that you want to make a request, it is that you want to be entitled to flexible working. That is the implication. So why not just say it?

3375 To have legislation to make a request, that is an odd statement. I can make a request tomorrow of anybody. You might get rebuffed, but why do you need legislation to make a request? I do not know.

3380 Thank you, sir.

The Bailiff: Deputy Leadbeater.

3385 **Deputy Leadbeater:** Thank you, sir. Most of my thoughts on this subject have already been said, most notably by Deputy Ferbrache. One point I just wanted to get across, which I think some people have touched upon, is if you expect somebody that has worked in the construction industry all their life, hands-on in the trenches, 45, 50, 60 years old, to suddenly learn how to use technological devices that they never have done before and which are evolving at a constant rate, most of these people could not navigate their way around a Nokia 3310, let alone a computer.

3390 If you expect them to be able to change their career path at that stage in their life, it is a complete nonsense and it will never happen. I just wanted to get that point across.

Thank you, sir.

3385 **The Bailiff:** Deputy de Lisle.

Deputy de Lisle: Just a couple of points, sir.

3390 I guess it is well to raise some caution here. Many will see this Longer Working Lives with some scepticism. A lot would see this as Government looking after itself, the pension pot, essentially. To work longer at the same time as extending the retirement age, it all means that fewer will actually reach retirement age.

At 65, one in five will make it to retirement. But a retirement age of 70, only one in three will make it. However, with the ever-rising cost of living in Guernsey, I think it is necessary to say, I would certainly support, employment decisions should be based on a person's ability to do a job

3395 and not their age and there is a need to move towards a culture where employment decisions and management practices focus on an individual's competency, aptitude and skills and not their age. One should also offer caution, as fewer will enjoy it, later in life. Thank you, sir.

The Bailiff: Deputy Merrett.

3400 **Deputy Merrett:** Thank you, sir.

I will be brief. I just want to enlarge a bit on this realism. The realism of it is this, sir. As a woman, when pregnant, I was told I was unable to have my child and should consider a termination because I was too busy at work to have a child and in fact I would no longer be invited to certain directors' meetings because obviously I would have different considerations going forward.

3405 That is a realism. The realism is that not only women, but men, it actually takes two to have a child and it usually takes two or maybe three to raise a child. The realism is without some sort of protection, some sort of right in the Law that many people do not ask for that. I have been in situations in recruitment and people have openly said that they were of child-bearing age, 'We cannot recruit them, they are of child-bearing age.'

3410 This is a realism of the workforce that we have. There is a mass of skills in our workforce that is not tapped into presently because there is not the thought or the process of flexible hours, or part-time hours or compressed hours, working at weekends. I really do resonate with some of what Deputy Lindsay de Sausmarez was saying. I and my partner work around childcare, we work all hours God sends, quite frankly, and we are proud to do so.

3415 But if I was able to go into a workplace and I was able to request flexible working hours, and that company had to come back with reasons as to why that was not appropriate, at least I would have some comfort in that they had taken it into due consideration and that, quite frankly, does not happen in today's workplace. It does in some workplaces, for sure, but not in all.

3420 So having the ability to make a request and to have it reasonably considered, I do think is reasonable. I do think we have to take a reality check on what is happening out in the workforce at the moment, how we intend to ensure that people can work as and when, if able to do so, as they grow older and also how reasonable it is to ask a very simple question, as Deputy Kuttelwascher has alluded to. It is a simple question, anybody can ask it, but to actually have due consideration of that question taken, unfortunately the realism is that probably does need legislation.

3425 Thank you, sir.

The Bailiff: Deputy Green.

3430

Deputy Green: Sir, I am very glad that Deputy Merrett has made that point. She has stolen my thunder somewhat. But that is the point that Deputy Kuttelwascher was asking, why do you need legislation? It is to ensure a level of consistency and certainty in the way in which the requests are handled by employers. That is why you need legislation to do it.

3435 So, I think this is a good policy letter. I will be supporting all the Propositions, including Proposition 3, because I think ultimately, if you really want to bring about a cultural shift in favour of greater flexibility and working practices, I just do not believe that we will achieve that cultural shift by leaving it to the market. That is my gut instinct in this.

3440 I think, as others have said, many employers, many businesses in Guernsey are brilliant with the offers that they make in terms of flexible working, but there are others who are much more reluctant to engage with even the possibility. This statutory right, which is a right to request flexible working, as opposed to a right to flexible working, and that is an important distinction, as Deputy Merrett said, it will ensure that the employer will actually give *bona fide* consideration to a request.

3445 If there is a good business reason why it will not work, it will not happen. The whole ethos and architecture of this particular statutory right in the UK is one which is based on a balanced position and that must be right. The employer and the employee are inevitably in a partnership position and I think this is a statutory right that gives an allowance for that balance. I think it is actually mutually beneficial for employees and for employers. That is the main reason why I rise.

3450 In terms of the other Propositions, again I am supportive of Proposition 4 in terms of age discrimination. One question for the Vice-President of the Committee, when he sums up, and I have made this point before, his Committee administers the statutory minimum wage and within that Law, within the practice of that minimum wage, there is an inherent age discrimination point in that younger people do not get the full minimum wage.

3455 They have a lower minimum wage. Can Deputy Langlois give me some comfort that his Committee will be not on the one hand bringing in age discrimination law whilst on the other hand having a piece of other legislation that they administer which will actually be in breach of what Proposition 4 is going to be calling for?

3460 **The Bailiff:** Deputy Langlois will reply to the debate.

Deputy Langlois: Thank you, sir. It feels I have compressed about 12 months' worth of subcommittee work into an afternoon which relived pretty much everything we went through in those meetings!

3465 I would like to start off with legislation, as that dominated a lot of people's speeches. The Propositions are only about us bringing back something, a proposal for legislation to the States. Some people talk as if the next thing they will see is an Ordinance to approve, but there is going to be plenty of time to debate the merits or not of the legislation we are proposing in the future.

3470 The two, if you call them types of legislation, that we are talking about, if I deal with the first one, which is the ageism discrimination. Some people pointed out, including Deputy Tindall, it obviously related to the disability discrimination legislation that we have been working on since 2016, which you probably all know the story of. There obviously is a link with that and, currently, we have appointed people to look at other jurisdictions' legislation on disability discrimination legislation, with a view to coming back with a recommendation, either for an overall equality act, or law, or individual laws for the various elements of discrimination.

3475 Deputy Tindall is obviously very keen that we adopt the overall equality law approach to it and it is probably what I favour at the moment, as well. Really we are waiting for the experts to report back some time at the end of March. I am anticipating that the anti-ageism legislation will become part and parcel of that workstream, piggy-backing on it in some way.

3480 Some people were querying whether we actually need this legislation. Not so much for the anti-ageism, as for the flexible working side. The second part of our proposal for looking at legislation. For me there was an element of *Groundhog Day* about it, because we did take over the Disability Strategy in 2016, we had a meeting with GDA and in the three years up to that date, the one thing everybody concluded was that the key is getting some legislation in place.

3485 You can try goodwill, you can education. But until, really, you get some legislation to back that up into place you are never really going to make progress. The other thing we found was that the good guys, the progressive employers, they wanted the legislation in place, even though they were already taking the measures the legislation would cover. What they wanted was a level playing field for consistency, I think was the word Deputy Green used.

3490 It is not that employers do not want yet more legislation hung around their necks. We found quite a few employers actually wanted the legislation to come in. It is exactly the same with the flexible working. I think there are employers who already allow employees to apply for flexible working and I am sure that they would be only too delighted if we did actually introduce some legislation which gave all employees that right. As people have pointed out, the employer can actually make the case back that it is not appropriate for their company or their business for the role that person happens to play.

3495

I think a lot of Deputy Ferbrache's speech, in particular, was anti-legislation, anti-red tape. But there is completely another side to the story. I think Deputy de Sausmarez has pointed out that it can lead to greater productivity. As I have said, some employers are only too happy to have consistency across their sphere of operations.

I do not think we have to just think more legislation, more red tape. That is absolutely not the case. The Committee is very aware of the fact that 80% or the businesses in Guernsey employ 10 or fewer people. We are not the UK. We are going to do things proportionately and the States will have a chance to have a look at the job we have done on that when we bring our report back to this Assembly.

There is an awful lot of notes here! Statutory minimum wage: I was going to say I do not want to alienate anybody and risking losing a vote, but the statutory minimum wage, the fact that there is a lower rate for younger people is something we are actually under a States' instruction to phase it out and we have been eating away at the differential in our uprating reports and we will continue to do that. We do not want to give the system too big a shock by eliminating it overnight. If you look at our figures, we are eliminating gradually, as the States instructed us.

Deputy Leadbeater, he was right. There are still some people who are not going to be able to retrain at a certain age. There is bound to be some percentage of the population like that. But that is a product of us raising the state pension age. It is not a product or something related to our attempts to maximise the number people who will be able to keep working until the state pension age. The person who cannot adjust to the new regime is a victim of the raising of the state pension age, not proposals in the Longer Working Lives policy letter.

I remember Deputy Gollop's contributions at meetings, which he revisited just now. We should have had a bet on that! Deputy Tindall was concerned about us restricting the careers guidance to 40- and 50-year-olds. There was quite a lot of discussion about do people want careers guidance? One of the key points, I think one we expressed in the policy letter, was that initially, certainly, it will be a web-based thing. We are not going to be dragging people in to Frossard House to sit around in a lecture theatre, being told about their futures. The idea would be a web base that people, if they wanted more information, they could get in touch with advisers.

If that does prove to be successful or popular as a concept, there is absolutely no reason it should not be rolled out to thirtysomethings who have got a career crisis in the offing. I think she used the words 'pilot scheme' and I am quite happy to describe it as a pilot scheme.

I have lots of notes about what Deputy Ferbrache said. Deputy Soulsby summed it up with the depressing relentless negativity about it. I think I have addressed his main point, which was this obsession that somehow, we the States were going to tie-up Guernsey firms with red tape and destroy our economy. That is absolutely not what is going to happen. It was just low-level scaremongering, to be honest.

Alderney Representative Louis Jean: Alderney is different. Yes it is very different. They have no written employment contracts. Nobody can insist on having a written employment contract. The best way to express it is we are in discussions with Alderney about their rather unique employment practices because it does make it difficult to introduce the same sort of ideas into Alderney as we are hoping we will introduce into Guernsey. I think the dialogue is quite healthy at the moment. I do not think anything happens in Alderney that you would not expect to happen in Alderney.

Deputy Dudley-Owen, the note I wrote down here was 'definitely not draconian'. As I said, it was again the Deputy Ferbrache line. Absolutely the idea is not to introduce draconian legislation. It is going to be appropriate. Again, the other analogy with disability discrimination, where we are looking at other jurisdictions' legislation, choosing one that seems appropriate for this jurisdiction and then working on it to make it fit this jurisdiction's legislative system.

I give way –

Deputy Dudley-Owen: Thank you very much, I do appreciate that, because I am not sure whether Deputy Langlois was listening to someone else's speech. I do not recall using the word

3550 'draconian' or maybe even alluding to any draconian measures. It was merely not to prevent good practice and encouraging business to engage in good practice in the face of waiting for legislation to be drawn up.

3555 **Deputy Langlois:** Sorry, I did not express myself very well. I wrote the word draconian down when Deputy Dudley Owen was speaking, to describe what I thought her fears were. I quite acknowledge that she did not use the word draconian herself. But it is the tying firms up with red tape fears, I suppose, which she had in common with Deputy Ferbrache.

3560 Deputy Roffey, it is a bit unfair to work backwards like this because people had fresh ideas right at the beginning. By the time I am getting to them, we have already covered it and it is tired. Deputy Roffey, I like the idea that he supports the Longer Working Lives project, because he has always had an interest in the population levels in the Island. The more people we can get working, young and old, the less need there will be for the population to be increased. That seemed to be one of the bases for his support for the Propositions. That sounds fine to me. I do not think he had any questions.

3565 Deputy Parkinson, I was rather hoping nobody was going to ask me about pension deferral! That is something I probably spent at least half of one meeting and then it came back again and again. It was a favourite of P&R and so when they made comments on one of our papers 'what about pension deferral?' it kept coming back. The basic idea is that pension deferral might have a role to play in the future. But from 2020 to 2049 we are in a transition period, whether you like it or not, your pension age is being deferred for you by the state, by two months every year.

3570 Looking at it, we just thought on top of that States' deferral, are you going to actually have the complexity of adding a chosen deferral onto that? The possibilities of trying to set up the implementation of that when you have got the state pension age increasing every year and you are also giving individuals a chance to defer their pension, it just seems self-evident that was going to be a complex system to try to incorporate for that transitional period. It would be better to see how the transitional period went and then perhaps a pension with deferral could be looked at again.

3580 Also, I have not got the figures in front of me, but I believe there is something similar in the UK. The take-up in the UK is very low, which is another thing that did not really encourage us to look into something which we thought would be unnecessarily complex and not hugely helpful. In the past, people have just accepted that. I have said it, and everybody now is checking on Google whether I was right with that statement or not. I will get through the speech quickly and nobody will interrupt!

3585 Deputy Stephens, a lot of the concerns she expressed were the kind of concerns we looked at. What we cannot do is predict how this is all going to work out. If the States had just increased the pension age two months a year, from 2020-2049 and just left the market to get on with it, what would have happened? We do not really know.

3590 I think over that period there would have been a degree of adjustment. What we are trying to do is make that period of adjustment as easy as possible by trying to eliminate some of the obvious impairments to the adjustment. Quite how it is going to work out is difficult to say, because every single person, every single family is going to be different and so it is almost impossible to make predictions. We will be monitoring the situation, because obviously it is one of the key points in our policy letter.

3595 Talking about monitoring, I think Deputy de Sausmarez asked about the data, we had inadequate data, which was something which came up when we discussed minimum wage as well. We have put that in there, but we have got no idea at the moment how on earth you would achieve the kind of data we need for a minimum wage policy letter or for this sort of policy letter.

We do not gather the number of hours people work into our data sets. Whether you can impose that on people or not, because that is the only way you are ever going to get the data set you want, how we do that, whether other jurisdictions have found a way to do that is something

3600 we would have to look into. In some ways it is a hope rather than a promise that we will improve our data sets.

I think, just Deputy Queripel, one of the things we do mention in the policy letter is when we came to do our policy prioritisation process, as we all did, we did not put Longer Working Lives as one of our top priorities, so I cannot answer Deputy Queripel's question about what is the timeline for us investigating the impact of ageism. There is the table which Deputy Ferbrache referred to, regarding FTEs and general estimates of costs, but that was really just to give everybody a feel to it all. It was not actually setting any kind of timetable for this work. We are going to be relying on people coming available as other workstreams come to an end.

3610 He asked if we would reimburse contributions to short-term workers. As far as I know, we do not do that. He did point out Education, Sport & Culture funding is limited to those under-55 and that is something exactly which we picked up when we were doing our research. Whether that was an anomaly or not, I cannot make a promise on behalf of Education, Sport & Culture that we are going to eliminate the under-55 rule.

I could not say any more anyway, my mouth is now completely dry! I think that is it. If I have missed anybody's questions I am sure they will let me know.

Thank you, sir.

The Bailiff: We come to the vote. There are four Propositions, I remind you. I think we can take 1 and 2 together, but we will need separate votes on 3 and 4.

3620 I put to you Propositions 1 and 2, which, just in case anybody does not have in front of them, are: 1. To support the strategic aims of Longer Working Lives, outlined in section 5 and the progression of a plan of action by the Committee outlined in section 8 of the policy letter; and 2. To agree the Committee will use its Annual Benefits and Contribution Rates Upgrading Policy Letter to report on the progress of the plan of action outline in section 8 of this policy letter.

3625 Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

Next, there is a request for a recorded vote on Proposition 3, which is to agree that the Committee will return to the States with detailed proposals for the enactment of legislation to provide employees in Guernsey with the right to request flexible working, as outlined in section 6.3 of this policy letter. A recorded vote.

There was a recorded vote.

Carried – Pour 22, Contre 14, Ne vote pas 1, Absent 3

POUR

Deputy Brouard
Deputy Yerby
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Alderney Rep. McKinley
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Gollop
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Merrett

CONTRE

Deputy Dudley Owen
Deputy de Lisle
Deputy Oliver
Alderney Rep. Jean
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Leadbeater
Deputy Mooney
Deputy Trott
Deputy Inder
Deputy Lowe
Deputy Smithies
Deputy Graham
Deputy Paint

NE VOTE PAS

Deputy Prow

ABSENT

Deputy Le Pelley
Deputy Meerveld
Deputy Le Tocq

Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Laurie Queripel
Deputy Hansmann Rouxel
Deputy Green
Deputy Dorey

The Bailiff: Well, the voting on Proposition 3 was 22 in favour, with 14 against and one abstention. I declare Proposition 3 carried.

3635 Next, we vote on Proposition 4, which is similar to 3, except it relates to age discrimination in Guernsey. Nobody has requested a recorded vote. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

COMMITTEE FOR ECONOMIC DEVELOPMENT

V. Guernsey Economic Vision: Investment, Growth and High Value Employment – Motion withdrawn

Article V.

The States are asked to decide:

Whether, after consideration of this Policy Letter, titled "Guernsey Economic Vision: Investment, Growth and High Value Employment", dated 13 November 2017, they are of the opinion:

- 1. To support the proposals set out within this policy letter in accordance with Rule 17(9) of the Rules of Procedure. The Committee is of the opinion that these proposals are of general policy and that this Proposition should be considered by the States without amendment on the understanding that if it is accepted the Committee will return with detailed proposals which could be accepted or rejected with or without amendments.*
- 2. To agree that administration and control of the Future Guernsey Economic Fund shall be immediately transferred to the Committee for Economic Development in support of the delivery of the proposals set out in this paper.*

The Greffier: Article V – Committee for Economic Development – Guernsey Economic Vision: Investment, Growth and High Value Employment.

3640

The Bailiff: Here we have a motion to withdraw, to be proposed by Deputy Parkinson.
Deputy Parkinson.

Deputy Parkinson: Yes, I propose:

To resolve that the Propositions be withdrawn.

3645

The Bailiff: Deputy de Lisle, do you formally second it?

Deputy de Lisle: Yes, I do, sir.

3650 **The Bailiff:** There may now be a debate on it, but debate must be limited to the motion to withdraw.

Deputy Parkinson: Thank you, sir.

3655 The Committee *for* Economic Development has three new Members who have had no input into the policy letter set out in the Billet before us today. It is only right that we ask the States for permission to withdraw it, with a view to bringing back to the Assembly a policy letter that we can all sign up to.

3660 The new Committee is fully prepared to be accountable for its actions against its plans, but clearly those must be its own plans, as approved by the States. There will be some who fear that if the motion to withdraw is approved there will be a loss of momentum in the Committee, but I can assure Members that this will not happen. The new Committee has set about its role with energy and determination and is delivering on the workstreams approved by the States in the Policy & Resource Plan. The green paper would not bind the Committee to do anything and there is no workstream in it that will be in hiatus if the report is withdrawn.

3665 Specifically, we do not need to control the Future Guernsey Economic Fund to be able to award the new inter-Island ferry-link contract alongside our friends from Jersey, which we expect to be able to do very soon.

3670 It may be helpful to Members if I briefly describe what the Committee wants to put in place of the current green paper and when. The Committee believes that it is essential that Guernsey should now take urgent steps to diversify its economy, without neglecting our key financial services industry. As such it wants to focus research on industries that have the potential to contribute to Guernsey's export economy. These could include renewable energy, data storage, data processing and cyber security, a new university, the blue economy exploiting Guernsey's eastern seaboard in particular and speciality tourism, for example, medical tourism.

3675 Much of the material in the current paper will be retained, because it relates to the economic enablers that would be necessary to ensure prosperity in any future economic world. But the policy letter will be revised to set a clear direction for the economy and to propose positive action and promote new export industries.

3680 With regards to timing, we do not think it will take very long to complete this re-write and it would be our intention, subject to the parliamentary processes, to return to the States within three months and certainly in good time for the 2018 update to the Policy & Resource Plan. But we will take the time to consult fully with key stakeholders and we want to take other States' Committees and private sector stakeholders with us.

3685 I have met the leaders of all the major business groups on the Island now and can report that they are enthusiastic about this project and have offered the support of their organisations to help us achieve its goals. In the meantime the Committee will be working to deliver projects like a new air route licensing system and deregulation.

3690 So the motion to withdraw is not a motion to do nothing. It is a motion to set the new Committee and the wider States on course for the Guernsey of tomorrow. We just need a few more months to turn our ideas into a plan and I ask Members to allow us to do that.

The Bailiff: Deputy Gollop.

3695 **Deputy Gollop:** Sir I would prefer, albeit we are getting through the work speedily, to debate it in principle today, really, for two reasons. The first reason is it is already three months delayed. As I understand it is under 4(1) and it is a green paper, so it is a debate where we could all add our positive and negative views into, rather than something substantive. I do acknowledge Deputy Parkinson and the new Members wish to add elements to it.

The other point is that people may remember, recently, I really on behalf of the DPA, asked some searching questions about some of the detail relating to retail and tourism at the earlier

3700 strategy. We had those questions answered, but the issues relating to them were again matters we would probably like to explore further in a debate, sooner rather than later.

The fact that there was perhaps evidence to come does not alter the main thrust of the vision which is to obviously have the best possible context for retail, tourism, finance the digital economy and other areas. So I think an early debate would be preferable and then, as we have
3705 heard in other areas, education being one of them – I have learned to regret my old decision there – then the new Committee could actually listen to the input of the Assembly now and come back in a few months' time, reinvigorated with extra political support and insight.

The Bailiff: Deputy Merrett.

3710

Deputy Merrett: Thank you, sir.

I was disappointed to learn that, even with the extended period the Committee have been awarded, due to the carryover of business, that they have been so far unable to fully explain what substantive amends they may wish to make to the Economic Vision policy paper as submitted. It is
3715 important to note that any 'tweaks', as alluded to in Deputy Parkinson's bid for presidency, could have been enacted care of an amendment to the policy paper, so it is only substantive changes that would require this motion to withdraw.

If we take a moment of reflection and consideration, we will come to the conclusion that this policy paper was submitted on 13th November. That was 12 weeks ago, almost three months. I
3720 would like to believe that the new President of Economic Development and the new Committee Members, in those three months, with aspirations of being on the Committee and subsequently being elected onto the Committee would have read and raised any concerns they may have, so that they would be ready to deliberate and debate it within the new Committee and act swiftly in amending or fully explaining any potential substantive changes that would require this motion to
3725 withdraw.

Indeed, if I knew what the substantive changes may be, I might be supportive of this motion to withdraw. But I do not and therefore I cannot support it. However, with the resignations and reappointments, I can understand why the Committee may wish to have more time to reflect on this policy paper, but I do struggle with the timeframe.

Twelve weeks from submission is a very long time in business. I have proactively asked the Committee, if this motion to withdraw is successful, if it is their intention to resubmit the policy
3730 paper under Rule 17(9), commonly known as a green paper. I have been assured by the President that this Committee would endeavour to resubmit it by April this year.

But that would mean that it might be submitted in April, that is 23 weeks after it was originally
3735 submitted – that is over five months – and potentially would not get debated until 16th May, which is 27 weeks. That is over half a year, over six months, since it was originally submitted.

Sadly, or rather realistically, our businesses, our economy, indeed the people of Guernsey have already waited far too long for this Assembly to debate in public our economic direction and policy. I do not believe that we have had to date, in this political term, a true debate on our
3740 economic policy.

A policy letter sets out the next level of detail and delivery of the high level Economic Development ambitions set out in phase two of the Policy & Resource Plan. It refines the policy plan and creates a vision of the actions required to deliver success for the Island's economy. It gives us an opportunity to debate how we intend improving our transport links. How we can
3745 improve our digital connectivity and skills, how we can develop the Island's physical resource, how we can promote our Island, how we can develop the right labour force for economic success, how we can continue to support the finance industry and how to support the real economy.

I use this term 'real economy' to mean, for simplicity's sake, the broader economy outside of the finance sector. In its broadest sense, how the Committee *for* Economic Development can deliver its mandate. What we can do to support a successful and diverse economy. After all a
3750

successful and diverse economy allows us, in very basic terms, the tax-take to spend money on our schools, our hospital, our infrastructure.

3755 This States and previous States are very good at debating social policy. But how about debating and supporting economic policy? An economic policy that will enable us to enact our social policies. I urge all Members of the States of Deliberation to have very clear in their minds that the policy paper as submitted under the Rule 17(9) clearly means the Propositions in the policy paper should be considered by the States on the understanding, if it is accepted, the Committee will return with detailed proposals which could be accepted or rejected with or without amendments.

3760 Do we really want to wait over six months from its original submission to debate a green paper just because of a Committee reshuffle? Half way through this political term before we even debate our economic policy. Do we really want to wait another three months so that new Committee Members can add in their say, which of course they could do during debate? Maybe they wish to withdraw some content? Quite simply, they will be at the Committee table. They could influence the content of policy papers, they can do minority reports if they are against the majority view. But they do not have to simply withdraw the paper. There are many options open to them.

3765 The principal difference is this policy paper could be debated in public in this Assembly and not amended behind closed doors. Any disagreement of direction, any intention to amend or not to support a particular direction could be debated now. In my opinion, it is a weakness, an idiosyncrasy of the Rules of Procedure that Members cannot question in this Assembly candidates for Committees. We can question the candidate during a contested President election, but we cannot question or indeed even raise a point of correction regarding the Committee Members. I believe that we should be voting Committee Members in on their policy direction, not their personality traits, past experiences or how popular they are.

3770 The principal difference is this policy paper could be debated in public in this Assembly and not amended behind closed doors. Any disagreement of direction, any intention to amend or not to support a particular direction could be debated now. In my opinion, it is a weakness, an idiosyncrasy of the Rules of Procedure that Members cannot question in this Assembly candidates for Committees. We can question the candidate during a contested President election, but we cannot question or indeed even raise a point of correction regarding the Committee Members. I believe that we should be voting Committee Members in on their policy direction, not their personality traits, past experiences or how popular they are.

3775 My other concern, which has a more immediate impact is if we fail to debate this policy paper then Proposition 2 will clearly fall away. My concern is that Proposition 2 would enable the transfer of the administration and control of the Economic Development Fund to the Committee *for* Economic Development.

3780 As stated in 9.4 of the paper, that is on page 31, the use of the future economic fund has been identified as the source of funding for a list of initiatives including, subsection iv, an inter-Island service. As Members may recall, this fell last year due to a lack of funding available to support this initiative.

3785 I have contacted the Committee *for* Economic Development, in the lead-up to this debate, to gain assurances that, if this fund is not transferred, the Committee *for* Economic Development does in fact have the funds in place now to underwrite the service. I have asked for absolute clarity regarding the funding of the inter-Island service. It would be very uncomfortable indeed for the position to be that the Committee were to commit to underwriting without having the funds in place or without having access or control to such funds.

3790 The responses I have received, sir, have not given me the clarity that I need or was expecting. I would advise that Deputy Parkinson does 'not think that a delay of three months, in the submission of Proposition 2, would adversely affect the work of the Committee' and specifically will not affect the tender process for the inter-Island ferry; and that he, I continue, 'can confirm the delay in the transfer of control of the Economic Development Fund will not prevent the Committee from award of the inter-Island ferry contract to the preferred bidder.'

3795 However, it does not answer my question. In replying to the debate, I would be most grateful if Deputy Parkinson could advise the States if this policy paper is not debated whether the Committee does indeed have the funds now to underwrite an inter-Island ferry service this year if they do not have control of the Future Guernsey Economic Fund. I would also appreciate Deputy Parkinson confirming that if this motion to withdraw is successful, it is the Committee's intention to resubmit the Guernsey Economic Vision paper by April of this year at the very latest.

3800

Thank you, sir.

The Bailiff: Deputy Tindall.

3805 **Deputy Tindall:** Thank you, sir.

In response to Deputy Merrett, I just thought I would point out that I have actually put forward my concerns. It was as part of the Development & Planning Authority questions and a letter to Economic Development. We have extreme concerns about the contents and the effect on changing spatial policy and the excessive, in my view, costs that this could put the States to, which would actually not result in the benefits that seem to be articulated in the Vision.

3810 Secondly the point being in my view the policy letters that have been identified in the Vision are also in the pipeline and generally would not be affected by this short delay.

3815 Thirdly is: what was the status of the P&R Plan? This was Economic Development's position, it sets out much of the same policy direction and we had an opportunity to debate it. So I refute the fact this is delaying matters in respect of having an open debate on such items.

Lastly, this is a yes-no question. As I have explained, I cannot support it. I cannot support this policy letter in the way it has been written because of the extent of the issues raised under the Development & Planning questions. However, if people agree with me and it is rejected, what delay would we have then? We would then have to go back to the drawing board and start again.

3820 I would like to see this Vision including further, more dynamic, over-arching ideas. Things that have been mentioned in this Assembly today by, for example, Deputy Soulsby in the red tape review. I would like to see more ideas looking externally. I would like to be party to that discussion. I do not want to be forced to have to vote against a policy letter and start all over again and such delay that will incur.

3825

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: Sir, I was not going to speak, save for Deputy Tindall's comments on the Development & Planning.

3830 In the course of my States' life, both before May 2000 and since then, I have seen many letters. I have never seen one as negative as that. No doubt Deputy Parkinson and his colleagues will deal with it. Deputy Soulsby talked about the previous debate, my comments were negative, she said. Whether they were or not, it does not matter, but if we were looking for a gold medal of negativity then all States' Members need to do is read the Development & Planning letter. It was
3835 awful. It wanted bureaucracy and it was just an excuse for not doing anything.

I accept Deputy Parkinson's point. He has only been in office seven weeks, or thereabouts. Deputy Tindall and Deputy de Lisle have only been Members of the Committee for a few weeks. Of course they are going to want to look afresh at what the previous Committee put forward. But, if the Committee recalls, and I am sure it will, then in the proposed policy letter we had various
3840 timelines, in paragraph 10.2, of policy letters that we intended to bring back – the old Committee, that is – before the States.

Most of those, in fact all but two of the eight were going to be brought back before April 2018. Most, if not all, will not now be brought back before April 2018, which is the likely date I think Deputy Parkinson said that he will be coming back. It is really the point, there is nothing to stop
3845 extra bits being brought forward by the Committee to say, 'We agree this, we do not agree that. But we are going to bring further policies on diversification in the way that Deputy Parkinson outlined.'

But in the proposed green paper it talks about digital, it talks about tourism, it talks about finance, it talks about several other key parts of our economy. As Deputy Merrett said and Deputy
3850 Gollop, in particular, actually, why cannot we talk about that today? That is not to stop the Committee bringing back other proposals in April, which it could expand upon and I am sure with many good ideas and I am sure with the vigour that will be led by Deputy Parkinson, they could come back with far-reaching proposals.

3855 But there is some stuff in here which has been in the public domain now for nearly three months that surely, we could usefully debate as a States? I fully accept that the application to withdraw is likely to be successful, but I am not going to vote for it because, as I say, there are issues that we could actually actively debate today.

3860 That is no criticism of Deputy Parkinson and his new Committee. It is just an expression of intent to try and get things done, rather than, and this certainly is not aimed at Deputy Parkinson, just an excuse to ask many questions and not really get anything done.

The Bailiff: Deputy Trott.

Deputy Trott: Sir, very briefly.

3865 For me there is a little bit of an elephant in the room here and it is this. The current States' report is not a stellar piece of work. It is not as good as many in this Assembly would have hoped for and I think that has been clearly recognised by the new Committee *for* Economic Development. For a Committee to be successful it must believe in its policies and its strategies. We heard much of that this morning from Deputy Fallaize when he was proposing his team.

3870 Clearly the majority do not agree with certain aspects of this report and it would be quite absurd, even by this Assembly's recent behaviours, to not respect the wishes of the majority of the new Committee *for* Economic Development and allow deferment. I would hope we could move to the vote on this very swiftly, sir.

3875 **A Member:** Hear, hear.

The Bailiff: Deputy Parkinson may reply.

Deputy Parkinson: Thank you, sir.

3880 Deputy Gollop reminded us that the DPA had strong reservations in relation to the green paper, expressed in a lengthy list of questions to the Committee. Yet he wants us to go ahead and debate the draft as it is. I would rather take it away, consult with all the interested parties and bring it back in a form that the whole States, hopefully, can sign up to.

3885 Deputy Merrett believes we should debate the policy of the Committee on the floor of the Assembly, before we have evolved those policies ourselves and I cannot think of any instance where any other Committee has been required to do that. The normal process is the Committee decides what policy letters it wants to bring to the States and then the States debates the Committee's position.

3890 She has asked repeatedly in different ways for confirmation that the Committee has the funds available to underwrite the new inter-Island ferry service this year. I have repeatedly assured her that the Committee has all the resources that it needs to award the contract. I do not think there is anything I could do or say more than that to make the position plain.

3895 Deputy Tindall, I thank her for her support and clarification of the DPA issues. Deputy Ferbrache, rather like Deputy Merrett, thinks we should be formulating policy on the floor of the Assembly. Why cannot we talk about the additional ideas that the new Committee wants to add to the Vision document today? Well, the answer is –

Deputy Ferbrache: Point of correction.

3900 I did not say that. If he is quoting me, he should quote me accurately. I did not say we should debate those additional issues today, I said we should debate what is before the States today.

3905 **Deputy Parkinson:** Well, what is before the States does not reflect the vision of the current Committee *for* Economic Development and we would like to put before the States a vision that we can sign up to. I do not think I need to add further. Deputy Trott has summarised the position very clearly.

The Committee wants to take this away, re-work it, improve it in certain areas, retain the best of what there is, but add more to it, and we ask Members of the States to have the respect for the current Committee to allow us to bring back a vision statement that reflects our views.

Thank you, sir.

3910

The Bailiff: We need to vote on the motion to withdraw. Do those Members who are not presently in their places wish to return before I call the vote?

Deputy Lester Queripel?

3915

Deputy Lester Queripel: A recorded vote, please, sir.

The Bailiff: A recorded vote on the motion to withdraw.

There was a recorded vote.

Carried – Pour 26, Contre 11, Ne vote pas 0, Absent 3

POUR

Deputy Brouard
Deputy Yerby
Deputy de Lisle
Deputy Langlois
Deputy Soulsby
Deputy de Sausmarez
Deputy Roffey
Deputy Oliver
Alderney Rep. McKinley
Deputy Tindall
Deputy Brehaut
Deputy Tooley
Deputy Parkinson
Deputy Lester Queripel
Deputy Le Clerc
Deputy Trott
Deputy St Pier
Deputy Stephens
Deputy Fallaize
Deputy Inder
Deputy Laurie Queripel
Deputy Smithies
Deputy Hansmann Rouxel
Deputy Graham
Deputy Green
Deputy Dorey

CONTRE

Deputy Dudley Owen
Deputy Prow
Alderney Rep. Jean
Deputy Ferbrache
Deputy Kuttelwascher
Deputy Gollop
Deputy Leadbeater
Deputy Mooney
Deputy Merrett
Deputy Lowe
Deputy Paint

NE VOTE PAS

None

ABSENT

Deputy Le Pelley
Deputy Meerveld
Deputy Le Tocq

3920

The Bailiff: There were 26 votes in favour and 11 against, so the motion to withdraw was carried.

Procedural

3925

The Bailiff: Can we just take a rain check as to where we are? We have got three more policy letters to debate, plus the schedule for future business. There has been a suggestion made to me that we attempt to sit for another hour to see if we can complete the business this evening. I do not know how realistic that is and I am tempted to ask those who wish to speak to stand, but we know how that is no reliable indication of how many actually will speak!

I will put to you the proposition that we continue to sit until 6.30 p.m. Those in favour; those against.

Members voted Pour.

The Bailiff: That is certainly carried, so we will continue to sit for another hour.,
Deputy Tindall?

3930

Deputy Tindall: Sir, can I just point out there is an amendment to one of the policy letters as well?

3935

The Bailiff: There is an amendment. That has not actually been circulated. Is that coming from the Committee? No? So that will be contested, will it?

Deputy Parkinson: Sir, as I understand it, it will involve an increase in resources.

3940

The Bailiff: But is it going to be vigorously debated? Is it going to extend ...?
It is being suggested you may need to adjourn to discuss it, as you have not seen it yet and other Members have not seen it?

3945

Deputy Parkinson: Sir, we have not seen it. Deputy Dorey has advised us that he has laid it and I think it has been circulated by email, is that right?

Deputy Dorey: It has been lodged.

Deputy Parkinson: It has been lodged.

3950

The Bailiff: Deputy Dudley-Owen.

3955

Deputy Dudley-Owen: We have not had a chance, as a Committee, to convene to discuss the amendment, so may I suggest that we do actually have that vote again, in consideration that everyone now knows that there is an amendment.

3960

The Bailiff: If there is an amendment that has not been discussed by the Committee then I think it is quite clear they need to be given that opportunity. Therefore we will have to resign. *(Laughter)* Resign? Perhaps I should resign! Perhaps we shall have to resign to the fact that we have to rise at 5.30 p.m. and come back tomorrow, that is what I was trying to say. Keep digging!

I am resigned to the fact that I am coming back tomorrow morning, that is what I was trying to say. It is probably too late to start a fresh matter, so we will rise now. Perhaps I am getting tired even if the rest of you are not! We will rise now and resume tomorrow at 9.30 a.m.

The Assembly adjourned at 5.24 p.m.