



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 30th January 2019

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Present:

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

Law Officers

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

People's Deputies

St Peter Port South

Deputies 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, 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 S. Roberts and A. Snowdon

The Clerk to the States of Deliberation

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

Absent at the Evocation

R. M. Titterington, Q.C. (H.M. Comptroller)
Deputy P. R. Le Pelley (*indisposé*)

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States of Deliberation

The States met at 9.30 a.m.

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

CONVOCATION

The Senior Deputy Greffier: Billet d'État I of 2019 and Billet d'État II of 2019.

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, 30th January 2019 at 9.30 a.m. to consider the items listed in this Billet d'État which have been submitted for
5 debate.

And I hereby give notice pursuant to Rule 2(4) of the Rules of Procedure that a meeting of the States of Deliberation will be held on 30th January 2019.

Welcome back to Members – Congratulations to two new Alderney Representatives

The Bailiff: Members of the States, good morning to you all. Welcome back, welcome to 2019 and an extra warm welcome to the two Alderney Representatives. Congratulations to you both on
10 being elected. (*Applause*)

IN MEMORIAM

The Bailiff: Sadly we must start the first meeting of the year by paying tribute to two former States' Members, both of them gentlemen politicians from what seems like a different era – a time when the constitution and make-up of the States was different, the company system was fundamentally different and a good political career had to be firmly rooted in the parish system.

Tribute to former Douzaine Representative William Le Ray Robilliard

15 **The Bailiff:** I remember first former Douzaine Representative William Le Ray Robilliard who passed away four weeks ago. Bill as he was usually known was born in Guernsey in 1931. He was

educated at the Boys' Intermediate School and worked as an accountant for Black, Geoghegan & Till, which later became KPMG.

20 He and his late wife Pat had a guest house in St Peter Port before they built a home and moved to Torteval in 1969. He then served in all the Torteval parochial offices. Two years as Procureur of the Poor in 1971-72 was followed by a period as Constable for three years and he joined the Douzaine in 1984 where he served continuously until 2008, when he retired having spent the last eight years as Vice-Dean. He was also for a while the Chairman of the Island Douzaine Council.

25 Bill who was a keen sportsman began his service on States' Committees well before he joined the States. Starting in 1967 as a non-States' member of the States' Adult Sporting Needs Investigation Committee and successively on the States' Sports Committee and the States' Recreation Committee continuously until 1983.

He was a lead organiser of the Queen's Silver Jubilee Celebrations at Cambridge Park.

30 He served for eight years as Douzaine Representative for Torteval from 1996 to 2004 when the office was abolished and he stepped down. He was no doubt reluctant to contest the single Torteval Deputy's seat, which at the time was held by his late wife Pat who served from 1991 to 2004.

35 During his time in the States, Bill held various committee posts and presidencies. He was a member of the Public Thoroughfares Committee, the States' Recreation Committee, the States' Legislation Committee, the States' Horticulture Committee and the States' Electricity Board – most of them for multiple terms. He was President of the Horticulture Committee for his last year in the States and President of the Income Tax Authority from 1998 to 2004.

40 He was elected a member of the Priaux Library Council in 1999 and continued in the role after he left the States ceasing in 2006 when he was made a Trustee of the Library, a life appointment, and he was the Council's Vice-President from 2007 until his death. It was a role he very much enjoyed as he was always interested in Island history and culture and he was a fluent and enthusiastic speaker of Guernésiais.

45 Outside parochial and States' affairs, Bill was, as I said, a keen sportsman. He played in the Junior Muratti 11 in 1948 and 1949. He qualified as a football referee in 1948 and was active in that role until 1981 and for his long service he was given two awards by the Referee's Association of England & Wales. He also played cricket competitively for Rovers A and was Guernsey captain and wicket keeper throughout the 1960's.

50 Not surprisingly he was involved in sports administration too. He was the founder President of the Guernsey Sports' Council from 1967 until 1982 and the founder President of the Guernsey Commonwealth Games Association for 13 years from 1968. He acted as Commandant for the Guernsey Team at the Games in 1970, 1974 and 1978. In short, Bill devoted a huge chunk of his life to public service in the Island, an Island that he loved passionately.

55 Sadly his wife Pat died in 2011, and he leaves children Sally and Neil and grandchildren and great grandchildren to whom we extend our sincere condolences.

Tribute to former Deputy Owen David Le Tissier

The Bailiff: I now pay tribute to former Deputy Owen David Le Tissier who passed away on 7th January aged 84. He too was born in Guernsey, in his case on New Year's Eve 1934.

60 Like so many of his generation Owen started his working life as a tomato grower initially in his father's greenhouses. Following the demise of that industry he joined a trust administration business. It somehow seems appropriate that he should work with trusts as many people in paying tribute to him have said he was a man who could always be trusted.

He was devoted to the parish where he was born and lived throughout his life, that is the Vale. He began public life as Junior Procureur of the Poor in 1970 and rose through all the offices,

65 finally serving as Dean of the Douzaine for four years before he retired in 1992 after 22 years of continuous service, by which time he was a Member of the States.

He began his States' career as Douzaine Representative for the Vale, a post he held from 1988 to 1991 when he was elected as a Vale Deputy a position he held until he retired from the States in 2004.

70 In an era when there was a proliferation of States' Committees Owen sat on relatively few, but his service included two of the most important. Social Security and Health. He joined the then Social Insurance Authority as soon as he joined the States in 1988 and stayed on it throughout his States' career through several changes of committee name and a progression of roles.

75 He is perhaps best known for his presidency of the Guernsey Social Security Authority, as it was then known, from 1997 to 2004. The Specialist Health Insurance Scheme was developed while Owen was a member of States' Insurance. He was Vice-President when the first contract was signed by Conseiller Laurie Morgan and Conseiller Sue Plant on behalf of the States. He was a co-signatory himself with Deputy Peter Roffey when the States entered a 15-year contract with the MSG from 2003.

80 Owen and his committee worked hard to improve the rates of old age pension. They were quick to react when the 1990 Townsend Institute Report on Relative Poverty in Guernsey identified poverty amongst single pensioners.

85 Other major advances in social security were made under his presidency with a particularly busy period around 2003 and 2004. In 2003 Owen steered through the States a complex set of proposals to achieve gender equality in the Social Insurance Scheme. Those proposals made the Social Insurance Scheme human rights compliant and in so doing generally improved the long-term pension position for women.

90 2004 saw the introduction of long-term care insurance after a hard-won battle with the Advisory and Finance Committee of the time. That year also saw the introduction of the Prescription White List which paved the way for much better control on the cost of drugs and medicines than the openness prescribing that had applied up to that point. No doubt his work on those projects was assisted by his membership of the Board of Health where he served from 1991 to 1998.

95 It is those projects that represent his legacy to the Island and what a legacy it is. All States' Members seek to work hard for the good of the community they serve, but how many can truly say they contributed so much to the good of these Islands?

100 In addition to the two major committees, he was a member of the Public Assistance Authority for seven years where I am sure he would have brought his experience as a Parish Procureur and regard for the plight of the less fortunate to bear. He served on the Committee for Horticulture for six years and in that position he served with the Member to whom I have just paid tribute, Bill Robilliard.

Like Bill he was a keen sportsman who loved football and proudly represented his Island.

105 Those who worked with him say he was great to work with. They say he attracted votes in the States simply by rising to his feet such was his integrity and decency. He represented the Island at several international social security conventions and closer to home enjoyed a very good rapport with Terry Le Sueur who was then President at Social Security in Jersey.

Owen was a man who clearly did a huge amount for his Island as an old-style gentleman politician he went about his work quietly, conscientiously, and effectively.

110 He was a devoted father and husband. One of his daughters, the Rev. Claire Claxton recently sat at the States of Election as a new Rector for the Forest. He was a lifelong member of Shiloh Church, including service as an elder of the church, and he regularly visited Rosaire Court to give companionship and worship. His deeply held faith and compassion for his fellow Islanders guided him in his decision-making throughout his career.

115 As I said he was a devoted family man, never happier than when he was with his loving wife Pam to whom he was married for 62 years, and their children Claire, Neil, Mark and their grandchildren and great grandchildren. We extend our sincere condolences to them all.

Please rise to honour the memory of former States' Members Owen David Le Tissier and William Le Ray Robilliard.

Members stood in silence.

The Bailiff: Thank you very much.

STATEMENTS

Committee for Employment & Social Security – General Update

The Bailiff: We now move on to a number of Statements, the first of which is a general update to be delivered by the President of the Committee for Employment & Social Security, Deputy Le Clerc.

Deputy Le Clerc: Thank you, sir.

I am pleased to take this opportunity to provide an update on the status of some of the Committee for Employment & Social Security's work streams.

First I would like to refer to the Supported Living and Ageing Well Strategy (SLAWS) and I have to admit that we have made rather heavy weather of this. We are required by States' Resolution to report back with recommendations on a re-priced scheme under which the Long-Term Care Insurance Fund pays for the cost of care, but not the cost of accommodation and living expenses. We are also required to report back on investigations into the scope of the Long-Term Care Insurance Fund being extended to cover care in people's own homes. And lastly we are to keep under review whether there is a strategic long-term financial need to include capital assets in any means-testing of benefits associated with long-term care, and if so, whether there should be any capping of care costs.

We have undertaken a great deal of work. We know a great deal about the current provision of long-term care and the profitability, and in some cases lack of profitability, of the existing care homes. It is certainly a mixed picture. We need those care homes and they need us, as the great majority of their income comes from long-term care benefits. We keep close contact with the care homes at staff level and need their input and commitment to the solutions that we will propose.

The simplest solution for sustainability would be to increase the contribution rate and to leave everything else much the same. But contribution increases are probably also on their way for other things, including health benefits and the basic old age pension. And we expect individuals and employers to soon be contributing to secondary pensions as well.

The underlying cause for all of these increases is of course our changing demographic and the balance between those of working age and those retired. We are very conscious that if the solution to everything is to increase contribution rates we risk putting an unfair load on our younger generations. (**A Member:** Hear, hear.) We acknowledge that retired people with sufficient income do pay health and long-term care contributions, but many do not, even though they may have substantial capital assets by way of their homes. And we also acknowledge that the Long-Term Care Insurance Scheme was introduced on the principle of protecting the family home for inheritance. We are faced with a number of unpalatable choices – and formulating a process that is fair to all is proving very difficult – just as it was two decades ago. The Committee does not want to approach the States until it has something that stands a chance of success – at the moment this is some way off – but we will finalise proposals and bring them to the States in the course of the year.

160 Next I would like to talk about the progress we have made with secondary pensions. In 2016, this States' Assembly agreed, in principle, to proceed with the development of a Secondary Pensions Scheme that will have a positive financial impact on individuals and the wider economy over the longer term. Members will recall that at the heart of this policy was a proposal to establish an auto enrolment system, which was similar in many ways to the policy that has been in place in the UK for some years. This will improve pension provision by establishing an enrolled-by-default position for the majority of the working age population.

165 Since 2016, the Committee has made good progress in developing the outline proposals. This has led to some revisions of what was originally envisaged. Most notably, we have moved away from the idea of using the Social Security Contribution System to collect secondary pensions. Our preferred approach, which will be detailed in a policy letter this year, is to implement a system where employers will make the secondary pension contributions for themselves and employees direct to the Fund Administrator. This change provides advantages, while also avoiding some significant operational challenges which were identified with the former collection method. 170 Allowing the Fund Administrator to collect secondary pensions contributions means that the administrator will be able to receive and invest contributions more quickly, and in some cases the provider may be able to offer a greater variety of contribution arrangements than could be facilitated in a scheme where funds were collected by the States. Entrusting the provider to collect secondary pensions directly and to become involved at this earlier stage in the process is 175 expected to result in better case management, creating a scheme more sensitive to personal specifications.

Finding a suitable pension provider is a key decision, ultimately for the States. A tendering exercise commenced last summer, and we are still in the process of evaluating the shortlisted bids. After a great deal of work, we believe that we are close to the conclusion of this phase. The 180 secondary pension will be an individual's own personal pension maintained through a reputable provider. Over time it will increasingly supplement the States pension to give improved financial security in retirement. It will also help the long-term sustainability of our public finances by reducing the burden that would otherwise fall to income support if personal provision is not in place.

185 The project is running behind its original schedule. But I want to assure the Assembly that the development of the Secondary Pension System is at the top of our priorities, alongside our equally important work on Disability and Equality legislation.

Staying with pensions, this is an opportune time to remind everyone that we are now less than one year away from the start of the increase in the qualifying age for Guernsey old age pension.

190 A person who reaches 65 on 1st January next year will not immediately receive their pension, but instead will have to wait two months until 1st March 2020. The same goes for anyone else reaching 65 between 1st January and 31st October 2020. They will all wait an extra two months. People reaching 65 from 1st November 2020 and 31st August 2021 will have to wait four months beyond their 65th birthday before receiving their pension.

195 A similar sequence of pension age increasing by two months every two months will continue until pension age becomes 70 in 2049.

The Bailiff: Sorry, you read 'two months every two months'. I think you meant every 10 months. 200

Deputy Le Clerc: Sorry, yes, sir, sorry two months every 10 months.

In the next couple of weeks, we will be writing to everyone who, according to our records will reach 65 in 2020 and who, again from our records, we know will be entitled to a pension. We will be explaining to those people when they will be entitled to receive their pension. 205

Now I would like to share the current position regarding a replacement for the former Reciprocal Health Agreement that we had with the UK, as I know many people are keen to hear progress on this work. Over the past couple of years the Committee has considered a wide variety

of insurance-based options which aimed to provide a level of cover for those who struggle most to obtain medical insurance for travel to the UK. Unfortunately despite this extensive research and consultation with insurers, none of the options that we have considered would be suitable for meeting the population's needs. This is due to the expense, complexity and cover limitations that were offered by insurers.

Since my last update to the Assembly representatives of the Committee have met with visiting officials from the UK's Department for Health and Social Care on the possibility of establishing a new reciprocal health agreement between Guernsey and the UK. The meeting was positive, and the UK's representatives were receptive to our Island's concerns. We recognise that the UK's priority is Brexit at this time, and that health agreements with other European countries is part of that picture. We also recognise that a new reciprocal health agreement would come at a cost, which would need to be acceptable in the eyes of Health & Social Care and the States, as well as to ESS.

Meanwhile it remains important to provide a solution for those who are unable to obtain medical cover for travel to the UK at a reasonable cost. So we are determined to find a temporary solution that will provide a basic level of protection for those people.

The Committee will be proposing an in-house scheme is created as an interim measure. It will be made available to those who can provide evidence to show that, despite making proper attempts at obtaining insurance independently, they have not received quotes for insurance at a reasonable cost. This will meet the responsibility that the Committee has to Islanders in line with the aims of the October 2015 Fallaize Amendment, to safeguard the interests of those genuinely unable to obtain cover through alternative means, but without placing an excessive burden on the taxpayer.

The Committee is still working out the full details of the policy which will be discussed with the P&R and HSC in due course. We aim to bring a policy letter to the States with full proposals in the next few months. I hope that this provides some reassurance to Members, and to the public, that the Committee continues to work on this as a priority.

Finally I must mention the huge success of the implementation of the SWBIC proposals. We are now six months into the Income Support System, which replaced supplementary benefit and the social housing rent rebate systems. The staff at Wheadon House continue to work hard to ensure that transitions are implemented as smoothly as possible. The Committee is grateful for their ongoing hard work and sustained effort in ensuring the success of the project.

Sir, this concludes my statement and I welcome any questions.

The Bailiff: Members, we may now have up to 20 minutes for questions on any matter within the mandate of the Committee, save any topic part of another item of business at the meeting.

Anybody have a question? Deputy Inder.

Deputy Inder: Thank you, sir.

I will give it a go through you, sir.

Thank you for the update, Deputy Le Clerc. This is the second time a Committee in an update has touched on the existing wealth of individuals for funding of the long-term health care plan as being a substantial asset of theirs. Will any future assessment of an individual's wealth include capital wealth, beneficial wealth, if we are heading towards a means-tested system?

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Sir, I cannot say expressly what will be in and out of the policy that we bring to the States. At the moment we are looking at all options and I expect that there will be a series of options for the States to consider. There may be an option that will include capital assets, and there will be alternative options as well, because I know there is actually a lot of push-back from

260 initial meetings that we have had that people are concerned about the capital assets. So I expect
we will be bringing a variety of proposals and it will be for this States to decide.

The Bailiff: Before I call the next question, I am pleased to say the heating here is working so
well that despite it being one of the coldest days of the year, I have had a request for Members to
remove jackets and they may do so if they wish – (**A Member:** And jumpers.) and jumpers and
265 any other garments.

Deputy St Pier.

Deputy St Pier: Sir, with regard to the President's statement referring to an interim solution
for off-Island health insurance I welcome her advice that she will be engaging with our
270 Committee, but could she advise whether she agrees with me that it is important that before this
States makes any decision on an interim solution there is some clarity as to what the final
outcome might be and how long any interim solution might be in place, otherwise there is always
the risk that the interim becomes the final solution and continues for a much longer period than
ever originally envisaged?

275

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Yes, sir, I think actually that is a difficult question to answer because I think a
lot of the outcome of what the UK might be able to offer to us is based on Brexit, and actually I
280 saw a couple of tweets – I think Deputy Soulsby was involved in those tweets in the last couple of
days – I think the penny is finally dropping that the EHIC is likely to be removed from 29th March.
So I am hoping that this will bring it into focus to the UK Government and there will be some pace
to any arrangements that they are making. So it is bit cat and mouse at the moment as to what
the timings will be, but that will be part of the considerations. But any proposals that we bring will
285 have to come back to this Assembly and again at that time we might have more information.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Yes thank you, sir.

290 Thank you to the President for her update.

I did hear during the update some talk about the Equalities Act but I am not quite sure
whether I caught the detail of it, so I wonder if the President might be able to go into a little bit
more detail about the progress on the Equalities Act because I understand that was meant to be
coming back to the Assembly to report on progress and if maybe a timeline for the report could
295 be given as well?

Thank you.

The Bailiff: Deputy Le Clerc.

300 **Deputy Le Clerc:** Yes, thank you.

We are working ever so hard on this and we have got officers – and I thank P&R because they
are also providing some resources for this. Our intention is to bring a policy paper to the States
probably round about May/June time – it might be earlier – and that will be on the Equality and
Rights Organisation. That will be the funding and the resources needed to get that up and
305 running. We have received the strawman legislation outlined from our two experts from Dublin
and we are working on that, and we are having consultations with various stake-holders and
receiving feedback so there are work streams that are ongoing at the moment. Our aim is to bring
back a policy paper towards the end of this year or the beginning of next year and still working
towards hopefully having some legislation in during 2020, but there is still a lot of work that is
310 going on behind the scenes and it is very complex, and I think if you ask Committee Members

some of the papers that we have had at Committee are very complicated and there are lots of different strands to the work. So the intention is to bring the paper for the ERO back within the first half of this year and a final policy paper hopefully towards the end of 2019 beginning of 2020.

315 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

Deputy Le Clerc will know of my interest in relation to sufferers of asbestos-related disease caused through industrial injury. Now the Committee in 2018 did resolve to add a compensation
320 scheme to the schemes of industrial benefit in relation to asbestos-related disease. Is she able to confirm that the necessary proposals will come to the States in the 2019 Uprating Report, or when the Uprating Report is presented to the States in 2019, please?

The Bailiff: Deputy Le Clerc.

325

Deputy Le Clerc: Sir, I had a programme meeting board yesterday with ESS. We look at all the current projects and we look at the future projects, and actually this project was mentioned yesterday. We have now put in some resources to this project. I cannot say whether the work will come back in 2019 but all I can say is that it is now regarded as a live project within ESS. We have
330 put some resources to it and we will be starting working on a policy paper. I see that Jersey has already I think implemented a scheme, so again we will be looking at our colleagues in Jersey to see what work they have done.

Thank you.

335 **The Bailiff:** Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

It is often presented as if the withdrawal of the Reciprocal Health Agreement was a failure in negotiation between Guernsey and the UK. Is it just worth underscoring again that the UK
340 withdrew unilaterally from reciprocal health and decided to step away from the agreement?

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Yes Deputy Brehaut is correct, sir. The UK changed the rules of the Reciprocal
345 Health Agreement and Jersey and the Isle of Man, then approached the UK and renegotiated a different health agreement that was far more restrictive than the previous one, but again we are in the hands of the UK and hopefully with the Brexit issues something will be renegotiated as soon as possible. But it will come at a cost, I think I need to remind people it will come at a cost.

350 **The Bailiff:** Deputy Kuttelwascher.

Deputy Kuttelwascher: Sir, during the last States' Assembly I led a requête to try and renegotiate a reciprocal health agreement with the UK and at the time the President was a signatory, as was a colleague to her left, and then they both chose to vote against proceeding
355 with trying to negotiate the agreement. Can I take it from what she says now that she is now enthusiastic about the possibility of renegotiating a reciprocal health agreement because in the last States it was somewhat a hostile response from this Assembly?

The Bailiff: Deputy Le Clerc.

360

Deputy Le Clerc: Yes, sir, I think things have changed. It is a bit like dealing with Brexit and the backstop because when Deputy Kuttelwascher brought the requête actually the door was closed

and the UK did not want to renegotiate any further reciprocal health agreements. That has changed in the light of Brexit and the door has been opened and they are much more receptive to renegotiating an agreement. So I think things have changed since that requête was brought in the last term. But again you have to work in collaboration, and if one party at the time was saying no we do not want to negotiate and the door was closed there was very little we could do at that time.

370 **The Bailiff:** Deputy Dorey.

Deputy Dorey: Thank you, Mr Bailiff.

Secondary Pension Scheme, the success of any secondary pension scheme depends on participation and confidence of people. Does she consider that the States not being involved in the collection will result in people not having so much confidence in the scheme and therefore not so much participation?

The Bailiff: Deputy Le Clerc.

380 **Deputy Le Clerc:** The programme board thought long and hard on this, actually we felt that it will not be detrimental to the collection and it does enable more flexibility. At the present time our Social Security System is very rigid, so if somebody wanted to pay an additional sum over and above the specified amount they would not have been able to do that, they would have then had to pay a separate amount direct to the Fund Administrator. So we feel from a flexibility and quality of service that actually paying direct would be the better option.

The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

390 I am just a little bit confused – I did not have the honour of sitting in the Assembly at the time. Is Deputy Le Clerc saying, sir, that the door was closed to Guernsey for reciprocal health agreement but it was not closed to Jersey and the Isle of Man? Clarification would be appreciated.

The Bailiff: Deputy Le Clerc.

395 **Deputy Le Clerc:** Well that is how I see it, that they had already renegotiated these health agreements following ... there was a complete withdrawal of the health agreements by the UK so they said, 'We are not doing any more' – that was many years ago. Then I think Jersey and the Isle of Man said, 'Well actually, we would really like one' at the time; then the UK said, 'Yes, that is fine, we will renegotiate one,' but it was on not so good terms as the previous one, and then when we finally looked at it and said after feedback from the public, yes, they would like a health agreement, we approached the UK at the time and said, 'You have got one with Jersey, you have got one with the Isle of Man, we would like something similar', and they were saying, 'Well, we are not open at the moment for any further reciprocal health agreements.'

405 That is my understanding of that situation. I think Deputy Le Tocq may be able to add more to it.

The Bailiff: Deputy le Tocq.

410 **Deputy Le Tocq:** I will try to do it in the form of a question, sir.

Would the President of Employment & Social Security agree with me that governments change in the UK, so it is perhaps not surprising there is a different attitude at the moment; but at one point in the series of events that she described, the message that we were getting from the UK was that not only were they not keen to renegotiate one with us in terms of timing, they were not

415 planning to renew any other agreements with any other jurisdiction, because they were closing
them down because of the cost to that? If that has changed and it probably will and continue to
do so in the light of Brexit then we must make every opportunity.

But I would also ask her to agree with me that actually a reciprocal health agreement perhaps
is not the only way in which we resolve these issues.

420

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Yes, sir, I would agree with Deputy Le Tocq that that was the situation at that
time and yes, there are lots of different ways. As I say, we are hopeful now with the Brexit
425 negotiations that we will be able to have something available to us, but then we need to look at
the detail and see how much that is likely to cost the Island.

The Bailiff: Deputy Prow.

430 **Deputy Prow:** Thank you, sir.

I thank the President for her update.

Following on from all the questions on reciprocal health, could I just ask one question of the
President, around the fact that the reciprocal agreement was successfully negotiated by Jersey
and the Isle of Man but in those Islands that agreement not only covers Islanders when travelling
435 to the UK, but protects their visitor economies by providing those visitors with cover? Does the
President agree with me that that is an important aspect of the agreement?

The Bailiff: Deputy Le Clerc.

440 **Deputy Le Clerc:** Yes, sir, I would agree with Deputy Prow and that is what I have said. It
comes at a cost. So it means that yes, people from Guernsey can travel to the UK and receive free
treatment, but that also means that people visiting from the UK to Guernsey receive free
treatment, and it is something that currently they have to pay for. It would mean that say, for
example, Islanders visiting A&E would have to pay but visitors from the UK would not have to pay.
445 We have to work out exactly what that income is and what that loss would be to the health
service. So that is why any future agreement would need to be agreed by this Assembly because
there will be a cost.

The Bailiff: Deputy Soulsby.

450

Deputy Soulsby: Sir, thank you.

Does the President agree with me that it is important to clarify that what we are talking about
here and the reciprocal health agreement is emergency care only? I often get emails and queries
from people saying, 'Oh, your reciprocal health agreement etc. – why can't we have this care and
455 that care?' It is purely for emergency care only, and part of the problem with the old system was
people were taking advantage of it and using it for more or less some aspects of elective care and
that was part of the reason why it was cut down.

The Bailiff: Deputy Le Clerc.

460

Deputy Le Clerc: Yes, sir, I would agree with Deputy Soulsby's summary there, and again that
is why I am saying that any agreement needs to come back to this Assembly and we need to
understand the fine detail of any future agreement before we make any major decisions.

465 **The Bailiff:** Deputy Oliver.

Deputy Oliver: Thank you, sir.

With the number of redundancies that have happened over the last six months can I ask, will your Committee be looking at a redundancy law to protect these people now?

470

The Bailiff: Deputy Le Clerc.

Deputy Le Clerc: Sir, we have no plans at the current time to look at redundancy legislation. It is not part of the Policy & Resource Plan, because we are fortunate in Guernsey with very high employment it has not presented any major issues. I think if we started to see a decline in employment opportunities perhaps we would raise the priority of that work, but at the present time we do not have the resources to look at redundancy legislation.

475

The Bailiff: Deputy Fallaize.

480

Deputy Fallaize: Thank you, sir.

Some of the questions on the reciprocal health agreement have implied that there was a failure of negotiation of the States not to reengage. Can Deputy Le Clerc confirm that actually the States I think in 2009 was asked whether they wanted to spend, I think it was, half a million pounds a year to sign a new reciprocal health agreement and that actually it would be much cheaper than that for us simply to have a scheme which extends our local Health Insurance Scheme to Bailiwick residents when they are travelling to the UK and have to undergo emergency medical treatment?

485

Furthermore can Deputy Le Clerc confirm that actually the scheme may not be an interim scheme it may, in the end, end up being a short-term scheme, but it would be wrong to present it as an interim scheme because that implies that inevitably it will be replaced and then her Committee will not get the support of Policy & Resources which they will need?

490

The Bailiff: Deputy Le Clerc.

495

Deputy Le Clerc: That was very confusing – short term, interim, etc. I am not sure that I can say.

I think one of the problems that we have got is that we do not know how many people are declined insurance, we do not know how much any interim or short-term scheme is likely to be, and we have got very little detail on when we had the old agreement how many people actually travelled to the UK and took advantage of that and reciprocal health agreement at that time.

500

So I think it would be wrong of me to agree with Deputy Fallaize, as much as I like to try and agree with him, and I think we just have to wait and see. I think it is all in the mix at the moment.

505

The Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, I would encourage the President and her Department to continue to drive the reciprocal health agreement with the UK, and that is a full agreement, it is a two-way agreement not just one way, because I would like her to just assure the public that she is actually working on a full reciprocal health agreement for the public of Guernsey and their relations that need to visit the Island and other people visiting the Island.

510

Thank you, sir.

The Bailiff: Deputy Le Clerc.

515

Deputy Le Clerc: Sir, I can reassure Deputy de Lisle that we are working with the External Relations Team working with the health providers in the UK on a full reciprocal health agreement. However, it will be for this Assembly once that scheme has been scoped out to make that decision

520 if it is affordable and if it is what they actual want. But yes, we are looking at full reciprocal health agreement as well as looking at the interim insurance scheme, which will just be one way.

The Bailiff: Deputy Inder.

525 **Deputy Inder:** Sir, at some point I assume the President will be involved in any negotiation with Alderney on the 1948 Agreement which we are going to touch on at some point through this. What strikes me is that Alderney has a bit of an open door to our Health & Social Security. Would she agree with me that in those negotiations they would give some consideration to those that are moving in to Alderney that are of a certain possibly type or certain age should come to that Island with private medical cover to cover the costs which we are paying for?

530

The Bailiff: Deputy Le Clerc.

535 **Deputy Le Clerc:** Sir, I am not part of the committee looking at the 1948 Agreement and I am not on any of the Alderney working groups, so I cannot say if this has actually been discussed. I take his point about people moving to the Island, but at the present time with anybody moving to either Alderney or Guernsey, they apply to Social Security and then they are eligible for free health care immediately. That is part of our agreement under the 1948 Agreement. So I can only give the current position.

540 **The Bailiff:** Deputy de Lisle – and this will be the last question, the 20 minutes are nearly up.

Deputy de Lisle: Thank you, sir.

545 Can the President give an update on income support, the extent to which supplementary benefit and housing support have been fully integrated and the cost to the Island of that integration programme?

The Bailiff: Deputy Le Clerc.

550 **Deputy Le Clerc:** Sir, I cannot give any detail on the cost, other than to say over the first six months actually we were below the budget that we estimated. However, when people are eligible for income support they are eligible for legal aid and perhaps other benefits, so I think it will take a little bit longer to see, but at the present time we are actually below the budget that we estimated for those first six months.

555 So I think that is a good news story at the moment. I think when we start to see some of the financial accounts we will have more information on that, but at the present time it is lower than we anticipated.

The Bailiff: That concludes question time on this statement.

Procedural

560 **The Bailiff:** Before I call Alderney Representative Roberts to make the next Statement on behalf of the States of Alderney, I just need to make two preliminary remarks.

First of all, I have given exceptional permission for the Chief Executive of the States of Alderney to sit beside Alderney Representative Roberts to help him with any answers. I have done that for two reasons: firstly because Alderney Representative Roberts has only just been elected; and secondly because it just happens that the Chief Executive was sitting in the Public Gallery. But to

565 any Committee President who might be hoping to get the same favour in future, the answer is most likely to be no. (*Laughter*) It is exceptional.

Secondly, I did direct that the Statement is not to include any reference to any item of business at this meeting, so there is no reference in the Statement to the Alderney Airport Runway Rehabilitation Project, and I will not allow any questions, and the Rules do not permit any
570 questions, to be asked of the Alderney Representative on that topic.

The States of Alderney – General Update

The Bailiff: So Alderney Representative Roberts, your Statement on behalf of the States of Alderney.

Alderney Representative Roberts: Thank you, sir.

575 Sir, the States of Alderney is pleased to have this opportunity to present its second annual Statement.

I hope that this will give a clear picture of the recent activities and the future work of the States of Alderney and I will endeavour to answer any questions. But if I am unable to answer your particular question, I will take this back to Alderney for the appropriate answer to be provided if
580 necessary.

In our Statement last year the States pointed to the success of our licensing regime for the on-line Gambling Industry. This has continued over 2018 and provides an important income stream to support Alderney's capital investment programme and economic development activity. Indeed, the finance, online gambling and tourism sectors continue to be the current mainstay of our
585 Island's economy.

Last year, we also made reference to the situation with marine renewable energy. The legal dispute between Alderney Commission for Renewable Energy (ACRE) and Alderney Renewable Energy Ltd has been resolved through an out-of-court settlement which has clarified that the sea-bed licences have been revoked and the outstanding fees due to ACRE must be paid within an
590 agreed timescale. This clarification about the sea-bed licences is of great importance and means that we can now return to exploring opportunities to develop tidal energy generation, rather than fighting legal battles.

The States has established a Tidal Energy Group to co-ordinate this work and a review of our tidal assets and new opportunities has begun. We need to be realistic about our expectations.
595 Tidal renewable energy is still an emerging technology and it is likely to be some years before its commercial exploitation reaches Alderney. But we mean to be ready when it does.

There has been no significant development with regard to the FAB Link over the last year. The uncertainty over the project continues to be affected by Brexit and future relationships with the European Union.

600 The visitor economy holds great potential for Alderney and the Bailiwick. Alderney's tourism industry once thrived on the back of reliable and affordable air links to Guernsey and the UK. The loss in the past of direct air links to Bournemouth, Jersey and other places has had a long-term detrimental impact. And more recently, an absence of flexibility in providing additional peak demand services has constrained the visitor economy. A decline in visitor numbers has followed
605 on from these changes and improving our air links continues to be our number one priority. The number of hotel and guest house rooms in Alderney still lags behind comparably sized island communities. There is economic potential in tourism which needs to be backed by public and private investment.

The bright spots for tourism include a very successful summer, aided by some fantastic
610 weather. We saw record numbers of yacht and motor boat visitors to Alderney bringing a

welcome boost to the visitor economy. The introduction of the subsidised Little Ferry service in the summer was very popular, generating over 4,000 passenger movements without impacting on air transport movements. A significant number of Guernsey residents made the trip to Alderney, many of whom had never been here for decades.

615 The Fort Tourgis project has taken another step forward. I would not wish to tempt fate by implying this is a done deal, but the chances of this project progressing in the next year look higher than at any time in the past. This would be a whole game changer for Alderney and the Bailiwick as a whole. It would bring a new dimension to our collective tourism offer, much needed employment and tax income. It would help us to make our air links and Airport more financially
620 sustainable. It is an investment I hope everyone can support.

Related to this has seen a change in our demographics. Our population is no longer in decline. We experienced a population increase of 1.3% between 2014 and 2017. And in 2017 we saw a welcome increase in the 30-39 age group and the 0-9 age group. There are signs that it is possible for Alderney to become more sustainable in the future. Our economic performance is an
625 important part of that future sustainability and over the past two years we have seen a growth of 2% in the numbers employed on the Island and a 3% growth in the number of employers. All of this helps Alderney and the Bailiwick as a whole: more tax and social security income; more users of our vital air services; more confidence for the future.

There were many positive developments in 2018 for Alderney. But what of the future? We have
630 just had our biennial election and a by-election and there are now four new States' Members serving in the States of Alderney. They will bring energy to the challenges that we face. Those challenges are well known and numerous. So I just want to focus on a few of the critical issues.

Firstly the challenges emerging around the implications of a 'No Deal Brexit' are significant for Alderney and the Bailiwick as a whole. So let me put on record the sincere and profound thanks
635 we owe to the States of Guernsey – its leading politicians and its civil servants – for the way they are dealing with this range of very difficult issues. The States of Alderney will continue to work with you, following your lead for the Bailiwick as a whole in ensuring that potentially damaging effects of a No Deal Brexit are mitigated. We will continue to support your efforts to extend the territorial waters of the Bailiwick jurisdictions and to develop our own aspirations around the
640 future management of Alderney's territorial waters.

Air links impact on every part of life in Alderney. Not least when people suffer a critical illness or accident. The deterioration in Medevac services for urgent cases is a big concern for the States of Alderney and all our population. The reduction in out-of-hours cover by Aurigny means greater reliance on HM Coastguard and in some cases the RNLI. This is not a sustainable position.

645 The States of Alderney is very grateful to the Committee *for* Health and Social Care for the way it has worked with Alderney to address an unsatisfactory situation which is not of its making. For example, the midwifery service has introduced a new process to support women during pregnancy which recognises Alderney's specific needs and ensures that Medevac authorisation processes operate quickly.

650 Health is our third big challenge and we are delighted that work has begun to look at the priorities for transforming the care of older people through the Joint Strategic Needs Assessment. This is another example where we are working with the Committee *for* Health and Social Care to look at ways of re-designing services to fit with Alderney's scale and make services better and cheaper. During their recent workshop the Committee *for* Health and Social Care focus on
655 bespoke solutions for Alderney's elderly was particularly welcome

There are of course more health and wellbeing challenges that need to be addressed. We are progressing an extension to the new Connaught Care Home which will help us ensure that we have sufficient care home provision for the Island's needs. We are keen to understand how primary care is going to evolve, in particular in relationship to the Mignot Memorial Hospital. And
660 there is a strong appetite to explore the role that new technology can play in improving the speed and quality of access to specialist medical supervision and in reducing the amount of travel for patients and their carers.

665 We are aware there are a number of deficiencies in our domestic governance structure. Our main problem here is agreeing the right way forward. We are nonetheless continuing to find a way forward so that we have stronger and more efficient progress.

670 The final issue I want to cover is the proposed review of the 1948 Agreement. The relationship which the 1948 Agreement began after the Second World War is one we value, not only because of the provision of the transferred services, but also because it recognises our shared heritage. If we are going to change that relationship, the change will have to be made in Guernsey *and* Alderney. It will need to be sensitive to our history, traditions and economic needs, and it will have to address our whole future needs as Alderney, Guernsey and the Bailiwick as a whole. This is not a simple task. A quick fix will fix nothing, and if it turns into a Punch and Judy show, we will achieve nothing. So it is time to open a dialogue with purpose, talk about what works well and what does not, understand each other's perspectives and ambitions and build on common ground. If we can make progress in 2019 it will have been a good year.

Thank you.

The Bailiff: Deputy Trott.

680 **Deputy Trott:** Sir, I rise for three reasons, the first is to compliment Alderney Representative Roberts on his maiden statement. The second is to thank him and his colleagues for the hospitality that they showed myself and other members of the Policy & Resources Committee when we visited just a few days ago. The third is to ask him a question.

685 The provision of funding for any Alderney air route is *not* an obligation of the States of Guernsey under the 1948 Agreement. We also know that the comparable *per capita* deficit in Alderney if replicated in Guernsey would equate to a £250 million deficit annually.

690 The question is this: do the residents of Alderney accept, appreciate and understand that every time a passenger departs Alderney for Southampton the Guernsey resident taxpayer shells out £75 by way of subsidy and every time –

The Bailiff: You have overrun your minute.

695 **Deputy Trott:** – a passenger – ah well, that is a shame, sir, (*Laughter*) because the subsidies are absolutely extraordinary. Does Alderney Representative Roberts consider this to be fair to all Bailiwick residents?

The Bailiff: Alderney Representative Roberts.

700 **Alderney Representative Roberts:** Deputy Trott, thank you very much.

705 We do not actually accept those figures. We do not accept. It is contentious and there are many stories going around about how much it costs, and we can pull these names out of the hat but my own view is when Aurigny was purchased it was purchased for the Bailiwick. We are part of the Bailiwick, we are taxpayers, we are taxpayers as a Bailiwick, and if that airline was bought with taxpayers' money then I believe that Alderney does have a right to service. It was bought for the Bailiwick and it cannot let part of the Bailiwick down, because without it we would simply not survive, sir.

Several Members: Hear, hear.

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

Deputy de Lisle: Thank you, sir.

The FAB Link was mentioned briefly by the Member and it could change electricity costs and provide a boost to the Alderney economy, and of course it is also tied into the future renewable

715 development opportunities that the Island has. Why the reluctance to harbour the link on the Bailiwick Island?

The Bailiff: Alderney Representative Roberts.

720 **Alderney Representative Roberts:** Thank you, sir.
I have been advised that it has no impact on our electricity costs whatsoever.

The Bailiff: Deputy Soulsby.

725 **Deputy Soulsby:** Sir, I would like to congratulate Alderney Representative Roberts for his statement and appointment as the States of Alderney's Health representative and look forward to working with him.

I am pleased to hear the acknowledgement of the work that has been done by HSC with the support of ESC as you mentioned maternity services in particular, and the Joint Strategic Needs Assessment, but also he will know that we have also increased funding for provision at the MMH and a sustainable GP service. I would just like to ask whether he would be pleased to hear that the scope of work looking at a future model of primary care is being finalised at the moment with a view to commission this work before March 2019.

735 **The Bailiff:** Alderney Representative Roberts.

Alderney Representative Roberts: Yes, Deputy Soulsby, we had a meeting with the GPs just this week and it a fluid situation and we hope to improve matters. I take your point on board and I hope we can work forward, and I hope I can work with yourself as States' Member for Health in Alderney.

I am totally new to the health care, but I am sure that you will teach me.
Thank you.

The Bailiff: Deputy Inder.

745 **Deputy Inder:** Sir, thank you for your update, through you, sir.

Size of growth and population – good news. Shared heritage – as a Guernseyman in fact one of the first nursery rhymes I ever remember – I assume it was on my mother's knee – was, 'Guernsey, Jersey, Alderney and Sark, four little Islands all in the dark'. So unlike the narrative coming from the top bench, I have got certainly a greater faith in the idea of the Bailiwick of the Islands.

Having said that it is not 100% confidence in Alderney or its Government and what I do not understand –

755 **The Bailiff:** Is this a question? You have got 15 seconds.

Deputy Inder: It is, yes. What I do not understand and I would really like this answered is that you have got an Island between the northern market of Britain to the north, France to the east, Guernsey to the south, and Jersey to the southwest. Why is your economy not working? And please do not tell me it because we have not built, we have not –

The Bailiff: Your minute is up

765 **Deputy Inder:** – maintained a wall or it is all down to air links. There is something deeper than that.

The Bailiff: Your minute is up.

Deputy Inder: Thank you.

770

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Thank you, sir.

775

The reason that Alderney's economy has not improved is because slowly over the years our air links have deteriorated to such a scale and our airfares have gone up to such a scale, it is very off-putting for anybody to come to Alderney on holiday or to sell or to buy. The reason is plainly and simply our connectivity. Our connectivity relates to our economy, our way of life, our health, it is everything, and if you asked me one answer of what was the reason for it, I would say our connectivity.

780

Okay, the position that Alderney is: we are the northern Isle, it is more difficult to get here, it is more expensive, the one reason is we have not been able to attract business, we have not been able to attract people to come and buy houses because our houses prices are depressed. When you have good tourism people come and they will decide to stay, they will say, 'I love this Island – do you know what, I am going to buy a house here.' If they have bad connectivity they are not going to invest in Alderney and that is one of the reasons why we have gone down so badly in a few years since 1990, for instance. I think Guernsey enjoyed a better air service that used to run between Jersey and Guernsey and they used to go back and forward like –

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The Bailiff: Your minute and a half is up.

790

Alderney Representative Roberts: I am sorry.

The Bailiff: I think you have made the point.
Deputy Mooney.

795

Deputy Mooney: Sir, could Alderney Representative Roberts give us some examples of how Alderney is actually trying to help itself, please? He has told us all the good things that Guernsey has been doing.

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The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Well, I will do, sir.

805

We have recently been working with the Alderney Bird Observatory and they have become one of the leading bird observatories in the British Isles. They have had recognition from the RSPB and already we have had large numbers of bird watchers coming to Alderney on the basis that the position of Alderney is we attract a lot of birds, rare birds, that come in through that way. We are the first northern Isle as they come in off the French coast.

810

We also have the PWC now: the PWC has been a success story. They have provided employment. They actually provided my own daughter with a career: she is now in London working for the Financial Regulator, they have just taken another five people on in Alderney with our encouragement.

The tidal energy is ongoing. We have had Atlantis across, they have done a very encouraging presentation. They could provide Internet with an underwater, cooled pod for Alderney and a chain from France of –

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The Bailiff: I am afraid I have to interrupt you again, your minute and a half is up.

Alderney Representative Roberts: I am so sorry, sir.

The Bailiff: Deputy St Pier.

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Deputy St Pier: Sir, I would like to thank Alderney Representative Roberts for his Statement and also congratulate him and Alderney Representative Snowdon on their election. It is also a delight to see three other Members of the States of Alderney – it is the first time I think we have had five Members here and it is wonderful to see them.

825

Sir, Alderney Representative Roberts referred to the review of the 1948 Agreement. Does he agree with me that whilst we may not agree on everything, there is no reason why that review cannot be undertaken swiftly and brought to a conclusion? Providing we do so in an open spirit with good dialogue between us, there are no barriers to us achieving the kind of solution that he was speaking about.

830

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: To change the Law on the 1948 Agreement is not going to be simple. The Law is going to be very complex and it is going to take quite some time. We would welcome it, but we would also welcome not just an agreement between the States of Alderney and the States of Guernsey, because Alderney is very small jurisdiction and Guernsey is a much larger jurisdiction, so we would like a third party from somewhere else via both our choosing just to sit in and adjudicate. I think it is only fair on Alderney that we do that. That is not an unreasonable demand. We welcome the 1948 Agreement and I am sure that we can make it work for both of us because it is time it was done and I agree with you.

840

A Member: Hear, hear.

The Bailiff: Deputy Roffey.

845

Deputy Roffey: Thank you, sir.

It is very much in Guernsey's interests that Alderney's economy should thrive. Alderney's economy faces many headwinds, not least its high cost base, and amongst that is the high cost of energy. So I would really like to know Alderney's stance on alternative energy. We keep hearing about tidal energy which is understandable, but my frequent visits to Alderney tell me it is often a sunny Island and even more often actually a very windy Island, and given that the cost of generating through fossil fuels is very high in Alderney, I wondered if they were working on an alternative energy strategy in order to bring down the costs to the consumer?

850

The Bailiff: Alderney Representative Roberts.

855

Alderney Representative Roberts: Yes, Deputy Roffey, we are actually working on a smaller tidal power, separate to the Atlantis, which would help to fuel Alderney. We have got quite a few other options which are actually for solar power as well and our Alderney Electricity are negotiating with the Government in Alderney and we are trying to work something out. But we realise the problem of our power and the charges, they are eye-watering and that impacts on every business and everything.

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The Bailiff: Deputy Tindall.

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Deputy Tindall: Thank you, sir.

This follows on the question by Deputy St Pier, who nicked my question to a certain extent. It is the renegotiation of the 1948 Agreement, in the benefit of both Alderney and Guernsey: I am concerned that having a third party would not enable an open-minded and an appropriate discussion, when actually that could be achieved if both sides just left their prejudices at the door,

870

and therefore would Alderney Representative Roberts agree that actually it is the stance of the individuals coming to the table that needs to change, like any mediation, rather than having a third party involved?

875 **Several Members:** Hear, hear.

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Yes, sir.

880 We believe it would be unfair not to have a third party. It is an agreement between two friends, okay, and we cannot thank Guernsey enough – each and every one of you in the Guernsey States, we cannot thank you enough for helping Alderney since the War, but it has left us with a limp. Alderney still limps. It would be unfair, we believe, if we were not represented in some way by a third party. We all feel strongly about this, the whole of the States of Alderney feel strongly about
885 this, and that is what we want to do. An agreement is between two people and for an agreement to work you have to agree. It is not an imposition of one Island on the other; it is an agreement. I want to go forward as friends – I really want to go forward as friends and work this out together. We will have our differences, of course we will, but we need to work together and build bridges.

Thank you.

890

The Bailiff: Deputy Lester Queripel has been standing a number of times.

Deputy Lester Queripel: Sir, on the issue of tidal power plant I have said on more than one occasion, I think Guernsey should have been involved in that from the outset. So my question is: is it too late for Guernsey to get involved, preferably as a customer?
895

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: I see no reason why Guernsey would not be involved, Deputy Queripel. I see no reason whatsoever and I would welcome talks on that. I would welcome talks on anything.
900

Thank you.

The Bailiff: Deputy Meerveld.

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Deputy Meerveld: Thank you, sir.

I would like to follow on from the question that Deputy Trott asked earlier and ask Alderney Representative Roberts to confirm if the States of Alderney have had sight of the number of £3.2 million that has been mentioned as an Alderney shortfall in cost of funding flights to and from Alderney, whether or not they have seen sight of the accounts, and have had those numbers verified? As he mentioned, they are disputed.
910

I would also like him to confirm, although subsidising the air route, the actual travel, is not in the 1948 Agreement, whether or not it is in the 1948 Agreement that Guernsey provides a runway and maintains a runway.

915 Also the Public Service Order: we have actually put out a tender for a Public Service Obligation to supply air routes by third party companies to try and eradicate this £3.2 million shortfall. That closed on 6th December. Were the States of – ?

The Bailiff: I think you have run out of time, you have already asked two questions. I think let's give Alderney Representative Roberts a chance to answer them.
920

Alderney Representative Roberts.

Alderney Representative Roberts: I cannot answer your question when the PSO is going to be revealed, and I would like to.

925

The Bailiff: I think one question was whether –

Alderney Representative Roberts: The answer would be yes. *(Laughter)* Part of the Airport is in the 1948 Agreement.

930

We cannot understand why the Isles of Scilly actually make a profit and we do not. There are reasons behind it, I will not go into that. My history with the airlines is long known, and my views are well known, I am not going into that. But for a loss on an Island of that amount, the *system* has to be looked at to save money, in my view – that is just my view.

Thank you.

935

The Bailiff: Deputy Smithies, you have stood a number of times.

Deputy Smithies: Thank you, sir.

940

Alderney is currently exporting its food waste very successfully to Guernsey and it is being processed at the Waste Transfer Station.

I wonder if Alderney Representative Roberts would care to comment on the suggestion that Alderney is considering exporting, selling its domestic waste to Jersey, rather than to the Longue Hougue Waste Transfer Station, with the possible result of a loss of up to £100,000 a year to the Guernsey Waste Project?

945

The Bailiff: Alderney Representative Roberts.

Alderney Representative Roberts: Yes, sir.

950

The difference in Alderney is that for whatever reason, we do not separate our waste and that is the reason it is less costly for us to export it to Jersey. It is a trial actually. Jersey is cheaper for Alderney, that is the main reason.

Thank you.

The Bailiff: Deputy Dudley-Owen.

955

Deputy Dudley-Owen: Thank you, sir.

I would also like to extend my thanks to the Alderney States' Members for making the large effort to come over from our northern Island to visit us in the States' Chamber today.

960

I wonder if Alderney Representative Roberts might be able to enlighten the Chamber as to whether any discussions might take place in the future or any thoughts given to discussions of profiling of target audience, who they might want to attract to Alderney, who is going to add value to Alderney and reinvigorate their economy and whether any discussions of that type might take place and advice from *LocateGuernsey* might be sought in the future?

Thank you.

965

The Bailiff: Alderney Representative Roberts.

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Alderney Representative Roberts: This is exactly what we are trying to forward with Fort Tourgis. We would welcome that. Fort Tourgis is targeted at wealthy individuals. If it happens, it is going to be a fantastic project, and should be the finest hotel in the Channel Islands with glass walk ways, trees, and it is sold by a south of England luxury hotel company which would source the client, so we will not be expecting people to just come in and book because it is aimed at a particular market and that is what we are hoping for.

975 **The Bailiff:** Well, the 20 minutes have elapsed and we have other business to get on with, so I am afraid I am not going to allow any more questions, but I am sure those who wish to ask questions of the Alderney Representatives will have every opportunity over the next lunch break and so on.

**Committee for Home Affairs –
Emergency response to the plane incident**

980 **The Bailiff:** So we will move on to the next Statement to be given by the President of the Committee for Home Affairs on the emergency response to the plane incident. Deputy Lowe.

Deputy Lowe: Thank you, sir.

985 Sir, thank you for allowing the Committee for Home Affairs the opportunity to give this Statement.

As Members of this Assembly will be well aware, there was last week a desperately sad incident involving the loss of an aircraft with two people on board.

First and foremost I would wish to offer our deepest sympathy to the family and friends of the pilot and his passenger. The depth of their distress is hard to imagine.

990 On behalf of the Committee, and no doubt the whole of the States, I would also wish to thank the staff of the emergency services and various other agencies involved who worked, and in some areas are continuing to work, tirelessly in an effort to locate the aircraft and those on board.

In particular there was a tremendous effort by Guernsey and Alderney Coastguard, the Police, the Joint Emergency Services Control Centre, Channel Island Air Search, the Guernsey and Alderney lifeboats, Jersey Coastguard, Alderney Coastguard, CROSSMA Jobourg and the UK Coastguard from their National Maritime Operations Centre and Dover. These, and other individuals and teams, including the Brecqhou helicopter, worked long and hard to deal with this incident in connection with which there was significant international media interest.

1000 Although it does not appear the outcome will be what we all had initially hoped, there is widespread recognition that the response of the Bailiwick's rescue and response teams was excellent, many of whom were volunteers working long hours and we thank them for all their time and commitment. (**Several Members:** Hear, hear.) As we know most of the volunteers could not do this without the support of their employers.

1005 It has been a difficult and sad time, and I hope our thanks today go some way to show our appreciation to everyone involved trying to locate the aircraft and two people on board.

Thank you, sir.

Several Members: Hear, hear.

1010 **The Bailiff:** Are there any questions?
Deputy Gollop.

1015 **Deputy Gollop:** Yes, I, like Deputy Lowe, very much thank everybody for the work they have done, but I would ask how in the light of the impact and the social media and other things that have emerged from all the great work that has been done, will consideration be given as to how much resource is actually or potentially available to continue with this kind of activity? Some people of course wish to see the search prolonged and they have found as it turned other ways perhaps of funding and facilitating. At what point politically do you take a view as to when it is sensible to no longer continue what appears to be a fruitless search that costs ... well, that is it,
1020 how do politicians control the operational side – ?

The Bailiff: Your minute is up.
Deputy Lowe.

1025 **Deputy Lowe:** Deputy Gollop, it is definitely not a political decision. (**Several Members:** Hear,
hear.) It would be totally improper for politicians to get involved in any of the decisions regarding
where you have got the emergency services trying to do their utmost. They are the expertise. The
professionalism that has been shown last week by all the volunteers and by all the professionals
has been exemplary and it would be totally improper for any politician to get involved with the
1030 decision-making on whether to call a search off or not.

The Bailiff: I see no-one else.

Policy & Resources Committee – Brexit Update

The Bailiff: We will move on to the next Statement to be delivered by the President of the
Policy & Resources Committee who is going to give an update on Brexit. I have allowed in
1035 exceptional circumstances more than 15 minutes to be given, and I will allow an extended period
for questions as well.
Deputy St Pier.

Deputy St Pier: Mr Bailiff, thank you for allowing me to make this Statement. It is, as you have
1040 said, quite long, but I make no apology for that. We are at an important juncture in the Brexit
process, with significant consequences for our community, and it is important that our
Government's response is on the record in this Assembly.

The United Kingdom moves inexorably towards its exit from the European Union. This
unprecedented process means that it has been difficult to predict which scenario will end up
1045 being the final one – and it seems that the terms 'deal', 'no deal' and 'no Brexit' are used and
speculated upon daily. Just last night of course the UK's House of Commons held another series
of votes, the consequence of which is that uncertainty surrounding the final outcome continues
for the time being and we must prepare accordingly.

The States of Guernsey, as a responsible Government, has been considering every reasonable
1050 eventuality and continues its preparations for whatever situation may exist beyond March 2019.
This planning has been stepped up in response to the increasing risk of a no-deal outcome which,
if no agreement is reached, it must be remembered, is the default position under both EU and UK
law.

Since June 2016, the Policy & Resources Committee has sought the involvement of this
1055 Assembly at each milestone. We have sought to provide regular and detailed updates on
Guernsey's work to prepare for Brexit. The Committee's last such update was in September.

Following negotiation between the UK and EU negotiators the Withdrawal Agreement and
political declaration on the future partnership were published in November last year. Last night's
1060 decision, effectively directing the re-opening of the negotiation on the Withdrawal Agreement in
respect of the Irish backstop of course requires the EU's agreement. If and when, either the
Withdrawal Agreement or a revised version of it is accepted then this Assembly will be asked to
consider a policy letter enabling the necessary parliamentary process here before any transition
period. In this eventuality this is likely now to have to be considered at short notice.

Our engagement and close working with the UK Government remains a priority.

1065 I wrote to the UK Prime Minister in September, and her response in October reiterated
assurances that the long-standing constitutional relationships between the UK and the Crown
Dependencies will not change as a result of the UK's decision to leave the EU; and she

acknowledged Guernsey's view that a negotiated outcome rather than 'no deal' would be in our best interests. Robin Walker, the Minister responsible, has reiterated the UK Government's commitment that Guernsey's interests would continue to be represented by the UK.

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On Monday, I saw Minister Walker at our quarterly meeting, together with representatives from Jersey and the Isle of Man. I reasserted the importance of the close working relationship between the UK and Guernsey, especially for no deal planning. We also discussed the work to prepare for extending the UK's membership of the WTO, the Vienna Convention on Road Traffic and the extension of the Bailiwick's territorial seas.

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The States is working to ensure that the Island's contingency planning is closely aligned to the UK Government's planning. This is particularly significant in areas outside the Bailiwick's control and/or where the Bailiwick has an interdependence with the UK.

It is also important for us to continue to develop relationships with other neighbours in Europe. The joint Channel Island offices in Brussels continue to assist us in getting our voice heard within the EU. Just last week, Deputy Le Tocq and I each had constructive meetings with regional and departmental representatives in Normandy; from the national government in Paris; and from other European countries in Brussels.

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What was clear from these meetings, is that the EU Member States are making their own plans should the UK leave with no deal. Member States were reassured by the Settled Status scheme for their citizens resident in Guernsey that the Committee for Home Affairs recently announced.

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The UK Government remains committed to seeking a deal with the EU. It is essential to the Bailiwick that any deal that is agreed between the EU and UK takes our interests into account and respects our ancient links with the Crown. Areas such as international trade in goods and services, immigration and transport are paramount to our economy and way of life. We welcome the commitment from the UK last November to help the Bailiwick seek an economic partnership with the EU, that is proportionate to our economic needs, and has an appropriate balance of rights and obligations.

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The opportunity for Guernsey to join the UK's membership of the World Trade Organisation (WTO) is being actively pursued and next week Senator Gorst from Jersey and I are expecting to meet with the Secretary of State, Dr Liam Fox, at the Department for International Trade to progress this matter to a conclusion. This would be significant for the Bailiwick's future and would enable our participation in the UK's economic partnerships with the rest of the world, including under Free Trade Agreements.

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A no deal scenario could lead to disruption and delays for goods crossing the borders into and out of the UK – largely due to customs arrangements between the UK and EU requiring additional checks when the UK becomes a third country. There could be a knock-on effect on established logistic chains within the UK, risking disruption in the availability of goods in Guernsey. Securing continued supply and access to the supply chains of essential goods will be crucial for our community.

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The UK, Crown Dependencies and the EU have all embarked on contingency planning to try to manage and limit the potential impacts. Over the last six months, the Bailiwick's contingency planning has focused on the supply of essential commodities such as food, medicines and medical supplies, fuels and chemicals. The plans also consider the Bailiwick's energy provision and consumption and our reliance on transport links to move people and goods.

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The Civil Contingencies Authority (CCA) is responsible for the Bailiwick's emergency planning, in particular where any worst case scenario might emerge which would engage the Civil Contingencies Law. The CCA has been meeting regularly for some time and will continue to do so. However, not all decisions within the no deal contingency Brexit planning process will relate to an 'emergency' within the meaning of that Law; and so it would not be lawful for the CCA to take any action at this stage.

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In order to bridge the gap for cross-Committee decisions that may need to be made urgently to react, the CCA proposed that certain committees consider the establishment of a Brexit Transition Group (BTG). The BTG is comprised of the Presidents of the Policy & Resources

1120 Committee, the Committee *for* Home Affairs, the Committee *for* Health & Social Care and the
Committee *for the* Environment & Infrastructure, consistent with the CCA membership. The
Presidents of the Committee *for* Economic Development and the States' Trading Supervisory
Board also participate in the BTG, given the significant Brexit interests relating to their respective
mandates.

1125 The BTG has no separate terms of reference or executive government powers. Its mandate is
made up of the collective Committee mandates of its membership. Working within Committee
Rules, each of its composite Committees has resolved to delegate to a single Member to allow
quick, strategic decisions to be made, if required, for no deal Brexit-related purposes only. Each
Committee will maintain responsibility for the Brexit contingency planning work which relates to
1130 its own mandate.

I must stress that whenever it is possible to make decisions through the conventional
committee system, that will remain the way to conduct business, even if the timings mean that it
would fall outside usual committee meeting schedules. The BTG simply helps to maximise our
flexibility of response, which has been a watchword of our entire approach to Brexit from day one.

1135 Whilst sitting as the BTG, those Presidents of Committees who serve both on the CCA and the
BTG will consider matters from their respective Committee's point of view rather than their
collective CCA responsibilities with those in mind. The BTG will act as a focal point for States-wide
Brexit contingency planning work and the CCA will assume ultimate ownership in the event of an
emergency situation. It is hoped that the BTG will not be called upon regularly to make decisions.
1140 However, should it be necessary, the BTG will provide an opportunity for greater cross-Committee
communication and ownership of contingency planning and mitigation.

Given the special nature of the BTG it must and will ensure that it keeps all its constituent
Committees informed of decisions made by its members. Regular updates will be supplied.

1145 Whilst both the UK and the EU maintain that negotiating a deal is the priority, the probability
of a 'no deal' scenario has increased significantly and it is only responsible to plan for this risk.

For Guernsey, the main impact of the UK's exit from the EU is the change in how the borders
operate. Additional border checks as goods enter the UK and EU will, as I have said, affect
logistics, supply chains and the movement of goods.

1150 Guernsey will change from being within the EU Customs Union to having 'third country status'
with the EU for the purposes of the free movement of goods. We will still have the free movement
of goods with the UK in accordance with our established constitutional position, and the customs
arrangement recently negotiated with the UK by the Committee *for* Home Affairs.

One of the things that traders can do to minimise the impact of the checks and help the flow
of goods is to ensure that they have the correct paperwork. In November 2018, the Committee *for*
1155 Home Affairs issued guidance for traders to help businesses prepare for the new border checks.

The majority of goods arrive on ships – 'RoRo' and 'LoLo' – which arrive twice daily supplying
the Islands with food, medicines and medical devices, and other essential goods, predominantly
from Portsmouth. The ability to import and export goods is essential for the local economy and
community.

1160 The States of Guernsey is in regular contact with the UK's Department of Transport, which is
co-ordinating the UK Ports' response to a no deal scenario, to ensure that there is full
understanding of the Bailiwick's needs. We are also working closely with the Hampshire
authorities to ensure that any disruption is kept to a minimum. This underpins all of the work
relating to goods, including food, medicines and chemicals.

1165 The majority of the UK's food supply comes from the UK, with the remainder originating from
the EU and the rest of the world. Most food and drink from the UK is received regularly from UK-
based warehousing through Portsmouth. Delays at that port could cause disruption, particularly in
the supply of fresh foods.

1170 It is not expected that the supply will cease, but there may be some things we are used to
seeing on the shelves year-round that might not be available until the supply lines adjust to the
'new normal'. This may mean consumers notice a reduction in choice for a period. This will be

similar to disruptions that we already occasionally experience in the supply of fresh foods for short periods, for various reasons. There could also be a knock-on impact on prices.

1175 The States is maintaining its engagement with supermarkets, retailers, wholesalers and the freight industry and is monitoring supply and logistics chains for food to ensure that the Government is appropriately supporting industry.

1180 The relationship Guernsey has with the UK for healthcare means that we are part of the NHS supply chain for essential medicines and medical equipment. We are included in the UK's contingency plans for medicines, which include the stock management being undertaken by NHS suppliers.

In recent months, Guernsey officials have been in weekly contact with the UK Department for Health to ensure that the UK's contingency plans for medicines, medical supplies and medical gases include provision for the Crown Dependencies, so that access to essential supplies can continue as normal.

1185 Consequently, the Committee *for* Health and Social Care does not need to stockpile medicines and medical supplies at this time. We will continue to liaise with the UK Government and relevant authorities to regularly review this in light of any disruption at Portsmouth; we have researched alternative options as part of our work on emergency planning to ensure that our own supplies are adequate, if there is any immediate disruption.

1190 The Bailiwick is dependent on the importation of hydrocarbons for the power station and domestic fuels. The UK has a resilient market for fuels which means that disruption in fuel supplies is not expected. The States is actively engaged with local fuel supply companies to review current supply chains for fuel and to understand the industry's own no-deal planning.

1195 Guernsey can generate enough electricity on Island. The Island normally imports electricity from France of course via Jersey using submarine cables, although this supply is currently reduced because of technical limitations on the cable between the Islands.

It is not expected that there will be any significant disruption to the supply of fuels or electricity.

1200 Guernsey imports a number of chemicals, mostly from the UK, to ensure a clean water supply, sewage processing, hospital cleaning and maintenance, manufacturing at Guernsey Dairy, and Airport operations, as well as for other food-health related purposes. A review of stock levels of the most essential chemicals has been undertaken, and where possible, adequate provision has been prepared for the anticipated period of disruption.

1205 It is not anticipated that travel between Guernsey and the UK, by either air or sea, will be directly affected by a no deal Brexit.

Any disruption to ferry services between Guernsey and the EU is only likely to occur as short term delays as a result of logistics at UK and EU ports that have a knock-on impact to ferry operations and schedules.

1210 It is expected that there will be contrasting immigration controls in the UK and EU in the event of a no-deal Brexit. British citizens travelling into the EU will be subject to third country checks at EU ports of entry. This, again, may cause short-term delays. We will be keeping this situation under review and will consider necessary contingency plans to alleviate disruption locally whenever possible.

1215 When the UK leaves the EU, there will be new rules for British passports for travel to the Schengen Area – made up of certain European countries. This will include passports of course issued by the Guernsey Passport Office.

1220 If residents plan to travel to the Schengen Area from 30th March 2019, to avoid any possibility of their adult passport not complying with the Schengen Border Code, they should check the issue date to make sure the passport is no older than nine years and 6 months on the day of travel. For example, anyone planning to travel to the Schengen Area on 30th March 2019 should have a passport issue date on or after 01 October 2009.

Last year, the States approved the extension of the Vienna Convention on Road Traffic to help guarantee the freedom to drive in the EU. The Committee *for the* Environment and Infrastructure

1225 is working at pace to bring forward legislation to achieve extension by 29th March. This will help Guernsey drivers and vehicles looking to travel within the EU.

Pet and horse owners will still be able to travel to Europe with their animal after the UK leaves the EU, whatever the Brexit outcome. In the event of no deal, they may need to take some additional steps for their animal to be able to travel. It is recommended that owners contact their vet at least four months in advance of the proposed travel date to check what they need to do.

1230 Guernsey-based EU nationals form an important part of our community both economically and socially. Irrespective of the outcome of the UK-EU negotiations, the UK Government has repeatedly stated that it intends that EU citizens residing in the UK will retain all rights after the UK's Exit. This Assembly made a similar declaration of intent in March 2017, seeking to respect the rights of EU nationals in the Bailiwick.

1235 Last week, the Committee *for* Home Affairs announced that, alongside the UK and Jersey, Guernsey will not charge for EU nationals to register in our own Settlement Scheme. This decision is consistent with that political declaration. This scheme will apply in any event, whether the Withdrawal Agreement is accepted by the UK or in the case of a no deal scenario. This scheme provides certainty for residents and businesses. Similarly, Guernsey's Population Management regime will remain in place, after 29th March 2019, whatever outcome is arrived at.

1240 It has been agreed between the UK and the EU and the Crown Dependencies that the Common Travel Area will remain intact. The CTA of course comprises the UK, Ireland and the Crown Dependencies. This means that free movement can continue in this area.

1245 The Policy & Resources Committee is recommending that the Bailiwick's territorial seas be extended to 12 nautical miles and has published a policy letter for debate this week – which of course has been given added impetus by Brexit.

1250 The Committees *for* Economic Development and *for the* Environment & Infrastructure have been working closely with the UK Government so that the necessary administrative and legal arrangements are in place to support trade from the Island, including for fishery products, movement of animals and related products. We have been liaising with the regional authorities in France through the *Bureau des Iles Anglo-Normandes*. We welcome the announcement that St Malo will establish a Border Inspection Post, which should help support trade from the Channel Islands. We look forward to receiving more details in due course.

1255 In November 2018, the Committee *for* Home Affairs agreed a new customs arrangement with the UK Government. This guarantees continued tariff free trade between the Bailiwick and the UK whilst retaining Guernsey's fiscal and regulatory autonomy.

1260 The agreement is essential for the Bailiwick's economy and it will be implemented when the UK has left the EU. It demonstrates the close and detailed cross-Committee work that is going on between the Policy & Resources Committee and the Committee *for* Home Affairs. I would like to pay particular tribute to Deputy Prow's important role in this work. The two Committees have also agreed that Guernsey should continue to benefit from international arrangements on customs matters, such as the Common Transit Convention and to retain access to the Single Administrative Document framework.

1265 Guernsey has adopted legislation on the EU General Data Protection Regulation (GDPR) and has been granted adequacy status by the EU Commission. This will not change as a result of Brexit. The Committee *for* Home Affairs has published a policy letter, being considered this week, outlining the plan to enable the continued exchange of data between Guernsey and the UK. This will provide certainty to businesses operating from Guernsey both in the UK and Europe. We will continue to engage with the EU to ensure that this mitigation strategy is understood.

1270 The States has been working since the referendum with the business community on Brexit-related matters. I wish to recognise and thank the Committee *for* Economic Development for leading in this area and many in the private sector who have engaged so positively to work together with Government on Brexit issues.

1275 The first phase of work included fact-finding and developing an understanding of the issues faced by businesses. This included a series of Brexit engagement workshops in the autumn of

2017. That work informed the commissioning of a Brexit Business Survey to ascertain the Brexit preparedness of businesses in the Island; and to identify the flow of goods and services. The survey reports and findings were reported back to Government during the final quarter of last year and have usefully informed further meetings with business representatives and individual businesses regarding concerns and potential solutions.

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Officers from across the States, co-ordinated by Economic Development and Policy & Resources, are engaging with importer and exporters on the Island to understand their concerns and to raise awareness of Brexit issues. The number and frequency of those meetings is, perhaps understandably, increasing.

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Our Island businesses can be confident that the States will do all it can to support them, and to keep them informed as the situation develops. Some of this engagement is in public forums, but most of it is not – we absolutely understand that many businesses do not want to have these discussions in public.

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However, my plea then is this: any business that has a concern, or wants more information, or needs support in relation to an opportunity, please come and talk to us, our door is firmly open.

We are working closely with colleagues in Jersey, as there may be many pan-Channel Island solutions to some of the ‘no deal’ challenges. We are also liaising closely with the Isle of Man. As we engage with the UK, the shared approach has helped our case to be heard and taken into account. It is vital that information is shared early between the UK and the Crown Dependencies to ensure that our planning is aligned, particularly in areas where we are all dependent on UK supply chains.

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The UK’s exit from the EU, and the ending of Protocol 3 and the repeal of the European Communities Law, will have a significant effect on our laws and statute book. The legislation that is required to give this effect – and otherwise in response to Brexit – is considerable and wide-reaching. The Law Officers and their team have done an outstanding job of subsuming this additional burden, on top of their existing workload. I would like to acknowledge and thank the Law Officers – and the legislative drafting team in particular – for the support and commitment they and their team have provided. (**Several Members:** Hear, hear.)

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It is likely that the three jurisdictions of the Bailiwick will need to consider further legislative changes. Some of this may be at short notice. Notwithstanding this Assembly’s decision to allocate more resources, this situation will put unavoidable pressure on the rest of our legislative agenda.

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Brexit has also had an impact on Guernsey’s policy and operational work, some of which could not be anticipated. The additional or seconded resources being used by the UK to manage Brexit are vast. It is testament to our own Civil Service, whose support we must also commend, that it has been able to deal with the wide-ranging complexities largely within existing resources, whilst continuing to deliver services to our community.

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We can be immensely proud that our small jurisdiction has reacted nimbly to assimilate and respond to a huge range of technical issues, many of which have not arisen for more than 40 years. (**A Member:** Hear, hear.)

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As part of the 2019 Budget Report, the States approved a £3 million Brexit Transition Fund. This number was not a budget, a forecast or an estimate. It was simply a prudent allocation based on the best available information at that time. The final expenditure may prove to be greater than or less than this, dependent on many variables and it is being monitored carefully.

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In December the Policy & Resources Committee earmarked £500,000 of the Brexit Transition Fund for contingency planning for a possible ‘no deal’ situation. The Committee continues to keep resource requirements under constant and close review, in conjunction with other Committees and St James’ Chambers.

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Sir, thank you for letting me give this extended Statement. The Assembly and our community should have confidence that we are fulfilling our duty to prepare the Island for all eventualities as the UK leaves the EU, including the risk of a disorderly no deal Brexit.

1330 Whilst Guernsey offers stability – politically and constitutionally – we will not be immune from the effects of Brexit. Whilst we will welcome an end to the current uncertainty, we will not wait for an outcome in the UK to ensure that we protect our own interests. We have modelled the potential impact of the UK leaving the EU on 30th March with no deal. We have designed mitigation strategies and will keep them under review as we respond to the evolving situation.

1335 Brexit has been and will remain a very frustrating process. We did not participate in the UK's referendum. We did not ask for it. But its delivery is affecting us. It is drawing time, people and money away from our own Government's priorities. But there is no point in complaining about it; instead we must just pragmatically get on with it.

1340 Sir, we will of course continue to keep this Assembly updated in as timely a manner as is possible. We can reassure but we cannot assure. There will be some disruption – particularly in the early days if there is a no deal exit at 11 p.m. on 29th March. However, nobody need lose any sleep. The States will continue as we have from day one of this story: providing cool, calm leadership enabling professional planning and good decision-making. We will react flexibly to find prompt and pragmatic solutions to challenges as they emerge. The community should be confident that we have and will continue to do all that we reasonably can do to plan for and mitigate any changes coming from a deal or a no deal exit or some other end to the saga.

1345 Thank you, sir.

The Bailiff: Deputy de Lisle.

1350 **Deputy de Lisle:** Sir, people and businesses are losing sleep and the President has outlined the significant consequences for our community of Brexit, given the warnings from industry, the Chamber of Commerce, particularly in the UK, food suppliers and the inflation effect on prices and goods from Europe into Guernsey, food disruption to the supply chain, given the dependency of these Islands, there is increasing concern, sir, from local people and businesses and people want assurance.

1355 My question to the President is simply this: is the President in his talks with MPs at Westminster warning of the dire consequences of Brexit to these Islands?

The Bailiff: Deputy St Pier.

1360 **Deputy St Pier:** Sir, Deputy de Lisle in his question raised many of the same issues which I have touched in my Statement, and towards the end of my Statement I made it clear we cannot provide assurance, but we can provide reassurance. That is the extent I think that we can go to.

1365 But yes, I can reassure Deputy de Lisle that we have made it very clear to the UK Government that a no deal Brexit is not in this community's and in our Islands' interests and of course reminded them that they do have a responsibility to represent and respect our interests. That is their responsibility acting on behalf of the Crown.

There are many other forces at play in Westminster other than just our voice, of course.

The Bailiff: Deputy Roffey.

1370 **Deputy Roffey:** Thank you, sir.

1375 The UK are currently working up their post-Brexit immigration policy, I think the Bill has just gone through its second reading, and at its heart is a presumption that anybody earning less than £30,000 a year is unskilled and therefore can only remain for one year before leaving for at least that length of time. Now, as these Islands are governed by the UK immigration legislation, that would have a devastating impact on the care sector, the hospitality sector, the tourism sector. So what are we doing to try and lobby to try – I know we are a small voice – but to try and change that and if we cannot, are we looking, in the review of our own Population Control Law which is due to come to this Assembly in two months, at seeing whether we can mitigate that in any way?

The Bailiff: Deputy St Pier.

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Deputy St Pier: Sir, I think that Deputy Roffey in his question raises a very valid set of concerns around the Immigration White Paper which the UK Government has published for all the reasons that he has articulated in his question, and I share those concerns. It is only a White Paper set of proposals, we will ensure that we do input into that.

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Of course within the context of the Common Travel Area will be seeking to ensure that we have our own immigration rules that are satisfactory for our own community's needs. That is one of the priorities that we set ourselves, it is a priority for the Committee *for* Home Affairs, it is an issue which they have very much recognised. Of course, in the event of a no deal exit there is another challenge that EU citizens who are not presently here and therefore do not have settled status may only have the ability to come here for three months, new entrants into the United Kingdom. That is an issue that again will have a significant impact upon us. These are some of the consequences that we need to manage and deal with.

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The Bailiff: Deputy Lester Queripel.

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Deputy Lester Queripel: Sir, the UK imports a third of its food from Europe and UK politicians, along with food wholesalers and retailers, have been expressing concerns about their future food supplies in relation to Brexit for some time now. So bearing in mind that we currently import the vast majority of our food from the UK as well as from Europe, does the President agree with me that in order to guard against the very real possibility of our imports being discontinued, the States now needs to be a lot more proactive and take steps to increase our ability to be a lot more self-sufficient when it comes to growing our own food here on Island, and should this not in fact be a strategic consideration?

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The Bailiff: Deputy St Pier.

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Deputy St Pier: Sir, Deputy Lester Queripel's call for us to dig for victory in the time available between now and 29th March maybe somewhat forlorn, particularly given that the seasons are not quite right for that outcome. He does raise a valid point, as I said in my Statement and he said in his question, nearly all of our food comes through Portsmouth into the Island by ferry. We are therefore very reliant on the UK's own logistics and supply chains, so we are expecting that there will be some impact and the knock-on as a result. We are of course considering all the other alternatives as well.

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The Bailiff: Deputy Merrett.

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Deputy Merrett: Thank you, sir.
Thank you for the update.

Sir, this is costing our taxpayers millions and millions of pounds for something that we have no vote or say on, as Deputy St Pier quite rightly reiterated, so I was wondering if part of Policy & Resources' negotiations with the UK maybe at some point is to actually ask for some reimbursement of some of these millions and millions of pounds that it is costing our taxpayers?

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Thank you, sir.

The Bailiff: Deputy St Pier.

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Deputy St Pier: Yes, Deputy Merrett raises a very valid point about the costs which are borne by us and indeed realistically by many other communities around the world, not just members of this relatively new concept of the British Family. There are many members of the British Family who are affected in a similar way, but of course every other Member State is itself experiencing

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costs and knock-on implications from a decision in which they have had no participation. I think it would be a very brief conversation with the UK. *(Laughter)* It is unrealistic, I am afraid.

1435 As I have said we can complain about it but unfortunately, we just have to pragmatically get on and deal with it. The costs to the UK of course are vast and significant and of a significantly greater scale than our own because they are more intertwined than we are, and I suspect that perhaps was not one of the considerations in the minds of those that campaigned for leave at the beginning.

The Bailiff: Deputy Graham.

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Deputy Graham: Thank you, Mr Bailiff.

1445 Deputy St Pier mentioned in his speech the fact that £3 million has been set aside to enable Government, I wonder, and I hope he will agree with me that actually in the scheme of things that is an extremely small sum, I think it represents something like 0.1% of our GDP. I have in mind particularly the load on the Law Officers and the impact not only on their ability to prepare for Brexit but also the knock-on effects for the legislative programmes of other Principal Committees. Does he agree with me that actually when it comes to meeting this challenge, money should not be a factor?

1450 **The Bailiff:** Deputy St Pier.

1455 **Deputy St Pier:** Sir, just to emphasise the point that I made in my statement that the £3 million is an allocation. We do not know whether that will be too much or too little and also really building on from the response to Deputy Merrett and my Statement, we will need to provide whatever resources are required in order for us to deal with this challenge. So in that sense, I agree with Deputy Graham in his question that money will not and cannot be a constraint, whatever needs to be done will need to be done in this process.

1460 However, and when we think about the impact for example on our legislative programme that I referred to in my Statement, it is not just a question of finding more money because actually the constraint is the people, however much money we have, if we just do not have enough people with the right skills to be able to do everything that is required. That is the reality that exists in many parts of our Government of course, the restraints are more people related than money related.

1465 **The Bailiff:** Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: Thank you, sir.

1470 Just in relation to the impact that it is having on the Bailiwick and our resources, should there be a change in the position of the UK and a 'people's vote' happens, would the President imagine that our interests could be served by actually being part of that referendum, and the impact that decision has on not just the UK but all the Crown Dependencies as well is therefore highlighted?

The Bailiff: Deputy St Pier.

1475 **Deputy St Pier:** Sir, Deputy Hansmann Rouxel asks a question which is a very interesting one. It is one that I am sure has crossed many people's minds, including my own. However, I do not think that it is particularly useful at this point to speculate about a whole range of different outcomes which I think are still possible from this process. I think if the United Kingdom were to depart down that path, it would be a question that would be appropriate for us to consider whether in any way it was relevant for us to seek an expression of our community's will, but it really depends on the nature of the question being asked, and I certainly would not anticipate us actually participating in the UK process, given the very clear constitutional difference or the

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constitutional relationship that exists, I should say, and the nature of our relationship with the EU through Protocol 3.

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The Bailiff: Deputy Green.

Deputy Green: Sir, thank you very much.

1490 Sir, just to follow up on the questions that Deputy Merrett and Deputy Graham asked a moment ago, it was quite right for this Assembly to make the allocation of £3 million budget in relation to Brexit. Deputy St Pier did say this morning that the final expenditure may well be more than that. I endorse the answer he gave to Deputy Graham in fact that this is money that has to be spent, but I think it is quite important that we should have some commitment and assurance today that once this process is over, there will be absolute clarity and openness about what this
1495 has actually cost the Island in totality in terms of costs, resources across the *piste*. It has to be done, but we need to know exactly what it looks like once this is all finished.

The Bailiff: Deputy St Pier.

1500 **Deputy St Pier:** Sir, Deputy Green does raise a very valid question. I can give him the undertaking that we are seeking to track, if you like, direct expenditure. I think the reality is it is not going to be possible to track all the indirect expenditure – in other words, perhaps some of the staff time which would otherwise be doing other things which is now being directed towards this. So I think where additional resources have been required, that will be much easier for us to
1505 report on.

The other thing that we are completely unable to quantify is the knock-on impact on business and our community and what costs they are incurring, again much as the UK in response similar to Deputy Merrett's question that the costs may well be significant in some cases and may already have incurred significant costs, that is not information available to us, but I can give the
1510 undertaking we are tracking those direct costs, so that there is transparency on that matter.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

1515 Following on from Deputy Graham's question and the President's response, I was glad for the clarity that Deputy St Pier gave around the problem being human resources probably more than the financial resources available or not. Can Deputy St Pier give us any quantifiable measure of any increased resources in terms of Law Officers, so in terms of human resources being allocated to the Law Officers and their teams and that have already occurred, or any that we are attempting
1520 to secure for the future, bearing in mind what he also said about the fact that these pressures are going to continue past the end of March?

Thank you.

The Bailiff: Deputy St Pier.

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Deputy St Pier: Sir, of course the States, through the Budget debate process, did approve specific additional resources for the Law Officers. My understanding is that they are in the process of recruiting to those posts. I am not aware of the outcome of that so I am unable to report that to the Assembly. I am aware of I believe one post that was taken on last year which is a dedicated
1530 Brexit-related lawyer into the team, but I am afraid most of the information probably resides with the Law Officers rather than me on that particular question.

The Bailiff: Deputy Prow.

1535 **Deputy Prow:** Thank you, sir.

May I thank the President of P&R for his very comprehensive Statement on Brexit.

1540 Could I just return to the question asked by Deputy Roffey – will the President agree with me that the UK Immigration White Paper makes it very clear and explicit that the ability for the Crown Dependencies to continue to make their own immigration laws as they do now, which includes immigration work permit policy which can be developed for our own needs, will continue?

Thank you, sir.

The Bailiff: Deputy St Pier.

1545 **Deputy St Pier:** Thank you, I am very grateful for Deputy Prow's question, because it provides far greater clarity to my answer to Deputy Roffey. That was in essence what I was seeking to say but I think drawing specific reference to the position which has been stated in the White Paper, as Deputy Prow has done in his question, is absolutely right, and I thank him for the question.

1550 **The Bailiff:** Deputy Tooley.

1555 **Deputy Tooley:** Sir, in relation to that, that is the question from Deputy Prow and the response from Deputy St Pier, my understanding though is that that is allowing us to be further restrictive on who we permit to live and work in the Island, not in allowing us to be more permissive about who we employ within the Island. Am I to understand from the response that it would under those circumstances be possible for us to extend work permits to people beyond what the UK would be extending?

Thank you.

1560 **The Bailiff:** Deputy St Pier.

1565 **Deputy St Pier:** Sir, again I am hesitant to give any definitive response. This is straying beyond my mandate and that of the Policy & Resources Committee into that of the Committee *for* Home Affairs and Deputy Lowe is giving me one of those looks that suggests I probably should not go any further. (*Laughter*)

I think probably suffice to say that it does remain a White Paper, the matters are not settled in this area and there is going to be an ongoing need for dialogue between the Committee *for* Home Affairs and the Home Office in the UK on the matter.

1570 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Thank you, sir.

Lots of questions. I heard a great talk on this from the WEA on this last night too, two officers.

1575 But I would ask, nobody has asked so far about the implications of what Deputy St Pier has said relating to possible executive power of three or four of our Committee Presidents. In what circumstances would the President of Home Affairs or the President of Health & Social Care or other Presidents effectively make a judgement almost an emergency power on behalf of the States and their Committee?

1580 **The Bailiff:** Deputy St Pier.

1585 **Deputy St Pier:** Sir, Deputy Gollop asks an excellent question and I hope to give as much clarity in my Statement around that as I can. It is not so much executive power, there is a clearly framed delegation of powers under a Resolution of each of the Committees to the President or an alternate to exercise the Committee's mandate around a defined set of circumstances arising from Brexit. The clear methodology that should be adopted is that if there is a time for a decision to be

made by the full Committee, then it will be made by the full Committee in the normal way. If there is time pressure but it does not meet the criteria of being an emergency within the CCA, then that may be the time that it will be for the Committee's delegate to make a decision.

1590 What we are envisaging here are circumstances where there are several Committees that may be touched by one particular issue and that with the kind of time pressure that may require quick decisions, particularly if we are responding to some of the disruption that we are talking about. So I understand the question but I think it is very clearly defined to the satisfaction of all the Committees that have been involved in the process to date.

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The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

1600 I think Deputy St Pier has mentioned in his Statement of executive powers may cause debate outside of this Assembly, which would be helpful. Could he just confirm that I think it is the 2015 Amendment to the Reform Law and the States' own Rules of Procedure allow for Committees to delegate by Resolution any of their functions to any of their Members, and so what is going on here is actually nothing out of the ordinary?

1605 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I thank Deputy Fallaize for that question and my statement did make clear that this is operating within the Committee Rules.

1610 **The Bailiff:** Deputy Inder.

Deputy Inder: Thank you, sir.

1615 Thanks, obviously as everyone has said, for the update and I am sure there is an awful lot of work that has been done in the background, and I am certainly glad that my spaniel will be able to get to France over the next few months.

1620 But it does remind me and it is the sort of French connection – Deputy Le Tocq has External Affairs connections with Cotentin Peninsula, Brittany, Normandy – I wonder, through you, sir, have there been any conversations with French suppliers to deal directly with Guernsey and is there not an opportunity that could be had, looking at it for now and possibly post-Brexit, as I would rather my own French apples came from France than via somewhere in Portsmouth?

The Bailiff: Deputy St Pier.

1625 **Deputy St Pier:** Sir, Deputy Inder asks a very valid and obvious question in relation to southern routes and southern supply chains. That is something which has been given active consideration. There are additional complications around the need for border inspection posts, which is one of the reasons which I referred to the development of St Malo, which I think could be of assistance. So there are no settled decisions yet in relation to the assistance that could be provided. At the moment the working assumption is we need to rely on existing supply chains going north, but clearly contingency planning takes into account all other alternatives as well.

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The Bailiff: Deputy Trott.

1635 **Deputy Trott:** Sir, would the President agree with me that every cloud has a silver lining and one positive that has emerged from this with regard to the UK's decision to leave the EU has been the increasingly close working relationship between our jurisdictions, a relationship that we hope will endure, whether the UK leaves with or without an agreement, and that the expression 'a

British Family' is now common parlance amongst UK parliamentarians and an expression that is likely to endure?

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The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, Deputy Trott's unbounding optimism, which always enables him to find a silver lining to every cloud, is of course one of the reasons why I am so delighted that he is a member of the Policy & Resources Committee. So I thank him for the question.

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In all seriousness, the upside of the last couple of years has been that – and I have said it before publicly and I think in this place, sir – the understanding of who we are, our constitutional position being through the Crown and not with the UK Government, our history, is better understood than I think it probably has been in many decades, if not ever, across a whole swathe of Westminster and Whitehall.

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The phrase he used is one which is important as well. I think the close working relationship with Jersey and with the Isle of Man, which has enabled us to present in essence a seamless front, has also been critical to us obtaining a profile which is beyond the size of our community, and we should acknowledge with gratitude all the work by a whole raft of people both political and at officer level in our own community and in those communities to ensure the success of all those working relationships, including with the UK Government, as he said.

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The Bailiff: Deputy Gollop.

Deputy Gollop: Yes. Some Members will be aware, I was reflecting on our asking questions relating to the importance of retaining our pharmaceutical supplies. Although I have been reassured by everything Deputy St Pier has said today, I note a TV feature on our sister British Island of Jersey indicated that they were afraid of shortages in some relatively minor but popular pharmaceutical issues that were on sale in local neighbourhood chemists. Is Policy & Resources convinced that pharmacies are well stocked, as well as the essential medicinal drugs that we need in the Hospital and prescription sections?

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The Bailiff: Deputy St Pier.

Deputy St Pier: Sir, I am glad that Deputy Gollop has been reassured by my Statement, that was very much what I was hoping would be the message.

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His question is a very specific one. I am sure there will be lots of stories, I imagine lots of media about lots of things over the next few weeks. I think we have to stay focused on our own planning here on the Island. I know that the Committee *for* Health & Social Care have been working very closely to make sure they do understand what the pinch points are and what supplies may be needed, and I believe that that has involved wider dialogue with those that are holding drugs including of course pharmacies as well. So in terms of specific common stock, over-the-counter drugs, I am not sure to what extent that has formed part of their consideration, but no doubt the President for the Committee *for* Health & Social Care can advise us further.

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The Bailiff: I was going to call Deputy Fallaize – Deputy Soulsby.

Deputy Soulsby: Sorry, Deputy Fallaize.

Would the President be interested to know that the (*Laughter*) problem with prescription drugs is not specifically Brexit-related; it is a story that came out of I think an article that first came out on Radio 4 last week about the problems the UK is experiencing? It has been a known issue in Guernsey, but it has been very well managed by our prescribing adviser and other officers within the States of Guernsey. But yes, we are monitoring the situation and in dialogue with the pharmacies on the Island.

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1690 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Sir, I am very grateful for that confirmation, sir.

The Bailiff: Deputy Fallaize.

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Deputy Fallaize: Thank you, sir.

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I am sure all States' Members are grateful for the work that is going on here and to respond to decisions which are, as Deputy St Pier has said, outside of our control. But I wanted to go back to an issue that is under our control, which is our legislative programme. Before Brexit, the legislative drafting programme was under considerable pressure; now it is under even more pressure. Deputy St Pier did refer to a policy letter which will probably have to come to the States in the weeks ahead if the UK ends up leaving the European Union. Can he give an undertaking that his Committee will consider including in that policy letter proposals for additional resources for St James' Chambers because although it may be a problem of human resources, the best way of resolving that problem is to provide more financial resources for the hiring of more draftspeople. So could Deputy St Pier at least give an undertaking that his Committee will consider that in advance of their policy letter?

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The Bailiff: Deputy St Pier.

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Deputy St Pier: Sir, I think it is very unlikely the policy letter will deal with that issue. I simply do not think it is necessary. There is regular dialogue with the Law Officers on this question of resources, making sure we understand what is required, what the pipeline is. The additional resources which the States approved last November, as I said in response to a previous question, are being actively recruited to. If further resources are required, there is a clear line of communication that will enable that dialogue to take place and Policy & Resources will act accordingly at that time. Further Resolutions of the States deciding that further resources are required are not going to help the situation if we cannot get the individuals. That priority is to make sure that we get the individuals for whom funding is already there. Once that has happened if further resources are required beyond that, then Deputy Fallaize's question is valid.

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The Bailiff: Deputy Lester Queripel.

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Deputy Lester Queripel: Sir, in response to my previous question about our becoming more self-sufficient regarding growing a lot more of our own food, instead of relying so heavily on importing it and that becoming a strategic consideration, the President said we are considering alternatives, but that did not give me any comfort at all, sir. That did not really answer the question.

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So can the President tell me, please, do those alternatives include growing a lot more of our own food here on Island becoming a strategic consideration?

The Bailiff: Deputy St Pier.

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Deputy St Pier: Sir, in terms of responding to an immediate shortage, growing our own food in response to that situation is not one of our strategic responses. I think that is the most direct answer I can give. The needs will be more immediate than that and we will have to find alternative sources.

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The Bailiff: Deputy Lowe.

Deputy Lowe: Thank you, sir.

1745 It is a follow-up regarding the question that was raised by Deputy Fallaize on the legislation that we have stacking up getting longer and longer. First of all I think it would be helpful if the list that was circulated of the legislation that the Law Officers have completed during this period of time solely with Brexit is enormous and I think that would be helpful to circulate that to States' Members. But equally have Policy & Resources in conjunction with the Law Officers discussed about outsourcing some of the more basic areas within St James' Chambers that could help clear some of the backlog rather than take on more bodies where hopefully this is just an interim period with the Brexit and it will all sort itself out. So has consideration been taken to outsourcing 1750 some of the work, which has happened before in the past in my early days in the States, it is not something new asking private practice to assist the States.

The Bailiff: Deputy St Pier.

1755 **Deputy St Pier:** Sir, Deputy Lowe raises two interesting points, first in relation to the quantity of legislation which has been drafted by the legislative draftsmen in response to some of the Brexit issues, not in response to Propositions or Resolutions of this Assembly but just because it needs to be done and that will be flowing through the system. It is considerable, as she is aware, it would be useful for that to be shared with Members and we will ensure that that happens.

1760 In relation to the second part of her question, which is the question of outsourcing, yes, absolutely, that is actively considered and forms part of the regular dialogue that I referred to in my response to Deputy Fallaize as to whether that can and should form part of any solution, as indeed also part of the dialogue is the extent to which some of the burden can be shared with other jurisdictions, including the Courts of Jersey where that is possible.

1765 **The Bailiff:** Deputy Yerby, this will be the last question because then half an hour will have elapsed and we are straying slightly off the content of the Statement.

1770 **Deputy Yerby:** To put a similar question perhaps more forcefully, will the Policy & Resource Committee take on board the view, which is certainly my own but I think is also the view of the Committees I sit on and those I am engaged with, that delays in law drafting as a result of Brexit which result in us a Government being unable to fulfil our basic duties to our own citizens are unacceptable (**Several Members:** Hear, hear.) and that alternative ways of working which might involve more resources or might involve working differently must be found and the Policy & Resources Committee must bring its responsibility to prioritise laws to bear on finding those solutions? 1775

Several Members: Hear, hear.

1780 **The Bailiff:** Deputy St Pier.

1785 **Deputy St Pier:** Sir, I think I can assure Deputy Yerby and other Members of the Assembly that we are cognisant of that and absolutely we recognise our responsibility to deliver that working in conjunction of course with the Law Officers and the legislative drafting team. We are doing all that I think it is reasonable that can be done under the circumstances but there are very real resource constraints which are not simply bodies and money; it is bodies with the right skills, finding them in the market when many of those people are already in significant demand elsewhere for exactly the same set of reasons that we want them. So it is a reality that we are having to manage.

1790 This is one of the consequences, unwelcome consequences, that we are seeking to manage. I understand Deputy Yerby's point and we are absolutely doing the best we can to ensure that the rest of our programme is not knocked off key, and I think we have done an excellent job so far in ensuring that actually the level of disruption has been relatively light, although I do accept that there are some particular issues affecting Deputy Yerby and other Committees that she sits on.

The Bailiff: That concludes the questions on the update on Brexit Statement.

**Committee for Health & Social Care –
Inquest: Verdict and reassurance in respect of maternity services**

1795 **The Bailiff:** We move to the next Statement to be delivered by the President of the Committee
for Health & Social Care on the Inquest: Verdict and reassurance in respect of maternity services.
Deputy Soulsby.

Deputy Soulsby: Sir, yes.

1800 I am making this Statement following the inquest into the tragic death of baby Jack Tually that
concluded on 18th January and in accordance with the commitment I made to the States last year.

Before I begin I would again like to take this opportunity to publicly and wholeheartedly
express my deepest sympathy to the parents for the loss of their child.

1805 As Members will be aware from media reporting, the Inquest concluded earlier this month. The
Judge made it clear that the purpose of the inquest was to establish answers to four important
questions. The first related to the identity of the deceased, the place and time of his death. None
of those questions were an issue in this case. The fourth question related to how the deceased
came by his death. The Judge directed – as per usual practice – that the inquest should focus on
matters directly causative of death, the purpose of the inquest was *not* to apportion blame. He
1810 reached his conclusions in this case with the assistance of three expert witnesses in obstetrics,
neonatal care and paediatric pathology.

A narrative verdict was given. This is a short factual account of how the death came about. The
Judge concluded that, on the balance of probabilities, the primary cause of death was hypoxia
caused by Persistent Pulmonary Hypertension of the New-born (PPHN), a relatively rare, life-
1815 threatening condition. Death was contributed to by the lack of effective intubation. No other
factors contributed to the death.

As I said earlier, the inquest focused on matters directly causative of death. What I can say
now, is that four midwives and two doctors who were involved at the time were referred to their
regulatory body in 2014. Both the General Medical Council and the Nursing and Midwifery
1820 Council investigated in accordance with their disciplinary procedures.

The GMC found no case to answer for one doctor. The other was required to undergo some
retraining before they could return to practice. The doctor no longer works at the MSG and no
longer practices in Guernsey. The GMC completed their investigations in 2016.

1825 In contrast, the NMC has taken longer to conclude its investigation into the midwives, resulting
in a constant drip, drip of media publicity and very public naming and shaming. It has also given
the impression that the midwives' conduct may have caused baby Jack's death, when that is not
what the inquest concluded. I understand that there is still an appeal outstanding for one midwife
so matters have not even now concluded.

1830 I understand that the NMC has introduced a new approach recently that moves away from
blame and punishment to learning from mistakes and preventing them from happening again.
This change is welcome and I will speak more generally on that in a moment but I also hope it
speeds the process up.

And that leads me to the time it has been taken for the inquest to be completed. Clearly five
years is far too long.

1835 However, I can categorically state for the record that at no time has there been any political
interference or obstruction from the Committee for Health & Social Care in the inquest process.
Neither have we, or previous boards, ever covered anything up. As has been widely reported by
the media, the inquest opened in 2017 and was adjourned several times to allow evidence to be
agreed and most recently at the request of baby Jack's parents last June.

1840 That said, on behalf of the Committee for Health & Social Care I have written to the Policy & Resources President requesting that the Policy & Resources Committee consider whether any resources can be given to help reduce any delays happening in future.

1845 It is important to assure women and their families who are using maternity services that, contrary to what has been reported in the media, we provide an excellent level of service, which is comparable to the service that a small district general hospital in the UK would provide. Maternity services on Guernsey are able to give expert care to women who require both midwifery and obstetric care when either pregnancy or labour is not straightforward. We have in place a programme of care called 'Every Baby Counts', an evidence-based tool that has been shown to reduce the number of stillbirths.

1850 The maternity unit provides 24/7 obstetric consultant cover to ensure that women requiring medical help during their labour have access to this in a timely manner. A senior midwife is on duty 24/7 to co-ordinate the maternity service both in the hospital and the community. There are now excellent midwifery staffing levels with at least four midwives on duty at any time. There is an on-call system in place so more midwives can be called in when the unit is busy. There are also four professional midwifery advocates who give midwives expert advice when required, and this has replaced the old system of midwifery supervision. There is training in place for all maternity staff, including doctors, midwives and health care assistants. There is now a robust system of clinical governance in place to ensure that HSC is an open and transparent learning organisation.

1860 There will, however, always be risks in healthcare, and in giving birth. HSC does everything it can to minimise these risks. But very sadly some babies are stillborn or die in the very first few days of life.

1865 We investigate and endeavour to learn from all serious incidents, and last year we implemented a programme of work called Safer Every Day, which uses the methodology of the International Institute for Healthcare Improvement, the world's leading safety improvement organisation.

The stillbirth rate in Guernsey is lower than England and Wales at 2.9 per thousand births compared to 4.4. The number of infant deaths, is the same as England and Wales at 3.8 deaths per 1000 live births. While no birth is risk free, childbirth today is the safest it has ever been.

That said, everyone can, and must, learn from what happened. Everyone.

1870 The author and journalist Matthew Syed, in his book *Black Box Thinking*, which I believe anyone involved in health and care should read, states:

Self-esteem is a vastly overvalued psychological trait. It can cause us to jeopardise learning if we think it might risk us looking anything less than perfect. What we really need is resilience: the capacity to face up to failure and to learn from it. Ultimately that is what growth is about.

A criticism often hurled at the States is that it needs to be more open and transparent. Indeed, it is essential that we own up to our mistakes and move away from any blame culture if we are to constantly learn and improve.

1875 However, if that is to happen, we as a community need to understand that we are all fallible and mistakes will happen. And nowhere is that understanding needed more than in healthcare with all the inherent risks that come with it. We all need to understand that honesty, compassion and tolerance are not a sign of weakness, but a sign of strength and our community will be stronger and more resilient for that.

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The Bailiff: Are there any questions?

Deputy Gollop – oh sorry, he has sat down again. Deputy Brehaut then.

Deputy Brehaut: Thank you, sir.

1885 I appreciate the Statement made by Deputy Soulsby and the tone which she struck within that Statement.

The last paragraph of the inquest talks about a failure to intubate and tragically this poor boy who the midwives believed was receiving oxygen was not, which is a tragedy beyond words for any parent.

1890 However, the disproportionality of the sanctions taken against those involved who were actually not involved – for example, midwives were struck off, yet the consultants who were employed by an outside body remain in practice, one here, one somewhere else – are we content as a States, as a jurisdiction, as a health service, to have a situation where States' employees, predominantly female midwives as it happens, can get struck off, unacknowledged by their own
1895 body, yet consultants appear to be almost unchallengeable and – sorry for the lazy use of language – in a league of their own? I think there is inequity there within the sanctions taken against individuals that I would like to see addressed.

Thank you, sir.

1900 **Several Members:** Hear, hear.

The Bailiff: Deputy Soulsby.

1905 **Deputy Soulsby:** Sir, I think we have to have trust in the professional regulatory bodies, and I think it is very important for people to understand that it was not HSC who was involved in that. As I said in my Statement, the NMC have a difference from the GMC, which have more of a learning approach, which I think came from their own experiences in the past, when I think they had a very similar blame and punishment approach, and that has changed. The Nursing & Midwifery Council very much have this blame and punishment approach and that also led to huge
1910 backlogs in terms of getting disciplinary hearings. I think it is unfortunate that it is only now that they are changing their approach. I do welcome it, but sadly for HSC, given that nurses have to be on a register to be able to work, we had no options but we could not employ those nurses. So it is very unfortunate but hopefully we are all learning for the future.

1915 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I am very heartened and reassured to be aware of the open learning and the transparent learning cultures that Deputy Soulsby has outlined, along with the whole mission of HSC at the moment.

1920 But my question is one issue that was identified by some as a result of the tragedy and the subsequent events has been the system rather than any individual professional person. Have HSC consciously looked at the entire holistic system concerning the birth process to ensure that it is much more excellent now than it might have been at the time?

1925 **The Bailiff:** Deputy Soulsby.

Deputy Soulsby: Sir, I thought I had – we have a number of reviews from the NMC through 2014, through 2015, 2016 who were really impressed by what we have done. I have already said in my Statement how different we are today compared with 2014. But what we must not do is go
1930 back to that time, and what I was trying to get across – and that is why it is through learning and accepting our mistakes and learning from them that we will improve.

The Bailiff: Deputy Dudley-Owen.

1935 **Deputy Dudley-Owen:** Thank you, sir.

I really appreciate the update given by Deputy Soulsby today.

I wonder given the backstory that we have seen on occasion playing out in the *Press* and the vilification of staff from HSC during the time before their professional bodies have even had a

1940 chance to make an opinion on their cases, whether HSC has ever made a submission to the Press Complaints Commission about the treatment of these individuals by our local press?

Thank you.

The Bailiff: Deputy Soulsby.

1945 **Deputy Soulsby:** Sir, I think the *Press* are free to communicate what they did. I have to say I have found some of the headlines unfortunate particularly in recent days, but we have a free press. I am not aware of anything that they have actually broken that we could go to the Complaints Commission. We just seek to request that these things are sensitive, we are a small community, and that they consider that when they make their reports and hopefully do not
1950 sensationalise issues. Because our concern is we want that assurance to expectant mums and their families that now they can be assured that the service that they will get, and as I say childbirth is as safe as it has been. It is unfortunate that things get – it has taken so long – it bubbles up all the time and we have not been able to settle it. But hopefully I have been able to give that reassurance today.

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: I am generally reluctant to raise this issue, but just one thing for further clarification is the President for Health & Social Care aware that it was the political board that reported this incident to the LSA, not a whistle-blower. The whistle-blower no doubt did also report possibly within a day or two, but it was the political board itself that referred its own practice, rather than this narrative of a whistle-blower who exposed the system.

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The Bailiff: Deputy Soulsby.

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Deputy Soulsby: Sir, I have looked back at the records, and we did find a timeline, but what we found was that there was a governance meeting on the day before the whistle-blower contacted the LSA, where they said we need to contact the LSA. It was not clear whether it was the local LSA or the LSA in England but there was certainly in that record the intention to contact the LSA, but what we do know and what we were told by LSA is it was the whistle-blower who had the first contact. So things may have all come together at the same time but it was definitely the whistle-blower that advised the LSA first.

1970

Questions for Oral Answer

STATES' TRADING SUPERVISORY BOARD

The Model Yacht Pond

The Bailiff: We will move on to Question Time. The first questions are to be asked by Deputy Gollop of the President of the States' Trading Supervisory Board.

1975

Deputy Gollop.

Deputy Gollop: Sir, perhaps a return to more earthly things, but my question to Deputy Ferbrache as the President of the STSB is: does the Board, perhaps in conjunction with other States' functions, plan to improve, refurbish, recast and rebuild as fit for purpose the historic

1980 and well-used Model Yacht Pond, the facility adjacent to the Yacht Club slipway and the Castle Cornet along the Castle emplacement?

The Bailiff: Deputy Ferbrache.

1985 **Deputy Ferbrache:** Sir, Guernsey Ports has no plans to refurbish or rebuild, as it is known, the 'Moddellyyop' Pond, to people of my vintage, (**Several Members:** Hear, hear!) in the immediate future and given competing demands for capital investment in other areas it is unlikely to make any such plans in the foreseeable future. The pond does receive regular maintenance, and in fact was just last week drained for this very reason. This annual maintenance is due to be completed by 22nd February.

1990

As Deputy Gollop says, the Moddelly-yop Pond is well thought of and well used by the public.

The Bailiff: Is this a supplementary question or your next question, Deputy Gollop.

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Deputy Gollop: Well, a supplementary on the last item, because clearly then the STSB are satisfied as to the condition of the pond in its present situation if it only requires maintenance, rather than rebuilding or refurbishment?

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Well, sir, I can only repeat what I have just said. (*Laughter*) We have heard on far more serious topics today than the Moddelly-yop Pond that assets and resources are at a premium. All the States' Trading Supervisory Board can do via its various organs is to maintain the Moddelly-yop Pond at the present time.

2005

The Bailiff: Deputy Gollop.

Deputy Gollop: (*Inaudible*)

2010

The Bailiff: Can you put your microphone on.

Deputy Gollop: It is gone now. This is the trouble with this, as I did not actually get a copy of the responses.

My second question relates to ... It has gone again –

2015

The Bailiff: Do you need a copy?

2020

Deputy Gollop: Here it is. Will the States' Trading Supervisory Board work harder together with Environment & Infrastructure, Policy & Resources, Education, Sport & Culture to maximize the enhancement, leisure use, conservation and leisure enjoyment of this facility, probably as a key part of the Seafront Enhancement Project?

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Sir, all I can say is this: Guernsey Ports and the States' Trading Supervisory Board have representation on the Seafront Enhancement Area Programme and will happily work with others on any opportunities for enhanced leisure facilities that might be presented through that programme.

2030

The Bailiff: Deputy Hansmann Rouxel.

Deputy Hansmann Rouxel: A supplementary, sir.

Would the President agree with me that the concept of the policy surrounding what to do with the Yacht Pond falls under a different Committee and that STSB is merely the operational tool to either decide to maintain and enhance not a policy?

2035

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I absolutely agree with Deputy Hansmann Rouxel, and Deputy Brehaut and his Committee will no doubt look forward into that, because he also will describe it as the Moddelly-yop Pond, just like I do.

2040

The Bailiff: Deputy Gollop, supplementary.

Deputy Gollop: My supplementary arises from views of the public who would wish to see Deputy Hansmann Rouxel's point influencing how the STSB can therefore work in conjunction with E&I and Education, Sport & Culture to ensure there is a joined-up approach for using this Pond. Will the President of STSB commit himself to that work?

2045

The Bailiff: Deputy Ferbrache.

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Deputy Ferbrache: Sir, I have always believed in a cohesive joined-up approach, both on this issue and many others.

COMMITTEE FOR EDUCATION, SPORT & CULTURE

Validation at the Grammar School & Sixth Form Centre

The Bailiff: The next question is to be from Deputy Smithies to the President of the Committee for Education, Sport & Culture.

2055

Deputy Smithies.

Deputy Smithies: Thank you, sir.

It is little understood by those who are not teachers exactly how much extra work, stress and anxiety are generated in the run up to and during a school validation. In the context of the decision to carry out a validation at the Grammar School & Sixth Form Centre and given that staff are already undergoing a period of increased tension and uncertainty brought about by the reorganisation which is under way; could the President please inform the States what extra resources, if any, have been allocated to allow for possible teaching staff counselling and/or sick-leave cover?

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2065

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

If necessary, resources are available to provide for staff counselling and sickness through absence. However, at present there is no indication of a rise in sickness absence caused by school inspections.

2070

The message from the leadership team to their staff at the Grammar School & Sixth Form Centre has been that preparations for their inspection should be thorough but proportionate. They will closely monitor staff well-being during the inspection.

2075 There is a risk of teachers anxiously and unnecessarily preparing additional materials if the notice period before an inspection is too long. At present the notice period is three weeks. From September school inspections will be carried out by OFSTED and the notice period for inspections will be reduced, partly to ensure that inspections do not result in additional workload for teachers. The revised notice period will be determined shortly after discussion with head teachers.

2080 Deputy Smithies mentioned the reorganisation of secondary education which is now under way. Of course the Grammar School & Sixth Form Centre is not the only school involved nor is this the only year of reorganisation. The Committee intends to continue the programme of school inspections during this period. Suspending inspections until after the reorganisation is complete would result in a gap of too many years between inspections for some schools and this would be
2085 unsatisfactory.

The Bailiff: Deputy Smithies.

Deputy Smithies: Sir, if I could put a supplementary.

2090 I am very pleased to hear and I thank the President for his reassuring answer with regard to the lack of indication of increase in rise of sickness or stress-related problems. He mentioned the future involvement of OFSTED and one supplementary question does occur to me. Why, if Education Scotland has been replaced as the chosen inspection authority, has a former member of Education Scotland been appointed to carry out the inspection this year rather than
2095 considering early engagement with OFSTED, or will he be following OFSTED procedures which might be beneficial to all the schools and the Committee and officers? That my initial question only mentioned the Grammar School & Sixth Form Centre was not intended to exclude the other schools rather to include them by association. Would the President care to comment?

2100 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: It is a very good question.

The Committee would prefer to have engaged with OFSTED as soon as possible. Is engaging with OFSTED as soon as possible. The problem is that a new inspection framework had to be
2105 developed, because the inspection framework is changing quite considerably from that which was used by Education Scotland and that could not be done in time for the round of inspections which started in September 2018. Therefore a temporary arrangement had to be put in place for this current academic year, effectively using the existing Education Scotland framework that is why the inspector who was chosen was appointed by the Committee on a one-year contract, but the
2110 Committee looks forward to the new inspection framework being finalised in the near future and then being rolled on and used by OFSTED for their inspections from September 2019.

The Bailiff: Deputy Gollop.

2115 **Deputy Gollop:** My supplementary is, when the Education, Sport & Culture Committee received the feedback from these onerous inspections which usually contains a mixture of positive negative and ideas for improvement, how does the Committee approach implementing reassurance but also change in those schools to ensure that matters improve from then on?

2120 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

It is and under the changes that will be proposed through the new Education Law it will remain the responsibility of the Education Committee and the Office which serves the Committee to
2125 regulate standards and to challenge schools and support schools in their improvement plans. This is done as business as usual. There is a team of education development officers who are based in

2130 the Education Office who take the lead in that sort of area of work. There has been one inspection already this academic year and already there is work going on between the Education Office and the school to respond to the inspection findings, and that will continue with the other schools which will be inspected this academic year.

The Bailiff: Deputy Dudley-Owen.

2135 **Deputy Dudley-Owen:** Thank you, sir.
I wonder if Deputy Fallaize is able to give details on how the Committee is ensuring that the new OFSTED framework will be comparable to the current Education Scotland framework which is being used at the moment, which I understand was actually authored by the consultant that has just done Beaucamps School, in order that those schools that were inspected a year or two years ago under the new regime, which will be undertaken by OFSTED. When you look like for like, where have the improvements been made? If you can give us more details that would be helpful.
2140 Thank you.

The Bailiff: Deputy Fallaize.

2145 **Deputy Fallaize:** This is a fair question.
One of the reasons why we have continued with the Education Scotland inspection framework for this academic year is so that every school in the secondary and primary phase can go through at least one inspection under that inspection framework partly so that like for like comparisons can be made.

2150 The direct answer to Deputy Dudley-Owen's question is that the existing terms of the Education Scotland inspection framework are not a consideration for the Committee in the development of the new inspection framework in conjunction with OFSTED. It is much more important that we get an inspection framework which is rigorous which gives us what we need in Guernsey. We are certainly working with head teachers on that and there will be another round of consultation with head teachers in the near future but it is not the wish of the Committee to replicate in the new OFSTED framework what is in the existing Education Scotland framework.
2155 Indeed, there need to be quite a number of changes made to it.

The Bailiff: Deputy de Lisle.

2160 **Deputy de Lisle:** Sir, given the fact that so many of our population favoured keeping the Grammar School if the inspectorate give an outstanding report will it impact on the Committee's decision to close the school?

2165 **The Bailiff:** Deputy Fallaize.

Deputy Fallaize: Thank you, sir.
Well, I am not quite sure what Deputy de Lisle means by his question. If he means will it impact on the decision to remove selection at 11, then I can give an answer of no, but actually that was a decision of the States not a decision made at Committee level.

2170 If he means whether the school at Les Varendes should remain open and instead a more modern purpose-built school at Les Beaucamps should be closed then Deputy de Lisle will have an opportunity when the Committee comes forward with its capital development proposals in July to put those arguments to the States. But he would be pursuing a set of ideas that would be more expensive and provide inferior value for money.
2175

The Bailiff: I will call Deputy Tooley – can I just say some of these so-called supplementaries are straying way beyond the question, so I will only allow supplementary questions that genuinely arise from the answer that has been given.

2180 Deputy Tooley.

Deputy Tooley: In that case I will try this.

2185 Sir, I wonder if Deputy Fallaize might appreciate the opportunity to confirm that changes to the How Good is Your School's framework between the inspections done at two of the high schools and the inspections carried out this year, both the one that has happened and the one that is about to happen, mean that there is no direct comparison to be drawn between those reports under any circumstance.

Thank you.

2190 **The Bailiff:** You do not need to answer it, you are not obliged to because it is not a supplementary arising from the answer you have given.

2195 **Deputy Fallaize:** I think Members are eager to hear my answer, I am sure (*Laughter*) and Deputy Lowe probably would like me to carry on until lunch as well, so that we can leave the item –

The Bailiff: I was actually hoping we might open the next debate before lunch. I can see we will not be able to do that –

2200 **Deputy Fallaize:** The How Good is Our School inspection framework currently being used now being used in this academic year is a fourth version of the framework, previous schools, most of the schools previously inspected have been inspected under a third version and there were quite considerable changes between the versions and generally the view is that the fourth version is more rigorous than previous versions. So that does indeed, as Deputy Tooley has suggested,
2205 rather limit the comparisons that can be made between the schools inspected during this academic year and in previous academic years.

The Bailiff: Deputy Inder, does your question arise from the answer given to the original question?

2210

Deputy Inder: I believe it does, sir, but I will let you be the judge of that.

2215 As we are discussing validation there have been some aspects about the Beaucamps validation report that some of the teachers are not happy with. Would the President agree with me that the future delivery team at executive level needs to have the full confidence of all of the staff and all of the unions to make this a success? And is it time to start completely afresh with no-one in that delivery team carrying any baggage whatsoever? Start afresh, get it right from the beginning and get it right at the end.

2220 **The Bailiff:** That was nothing to do with the resources that have been allocated to allow for possible teaching staff counselling and/or sick leave cover.

2225 Do you wish to answer it? But I really do ... I will call a close because otherwise we will just have a whole debate. This is not a general statement from you on education and the future of the education system; it was just one simple question on a very narrow issue and we could spend the rest of the day if we are not careful, but you can answer it if you wish.

Deputy Fallaize: Well, sir, I am not pulling out of answering it. If you direct me not answer it, because it does not arise out of original –

2230 **The Bailiff:** It does not, but if you wish to answer I will allow you, but then I will call a close to this question time.

Deputy Fallaize: Okay.

2235 I think it is unrealistic to believe that every single person involved in education will always have 100% confidence in everybody else involved in education. So I do not think the premise of Deputy Inder's question is reasonable.

However, clearly stakeholders generally need to have confidence in those who are taking responsibility for changes that are being driven in education. I can say that the Committee has full confidence in its team of officers and the leadership teams in schools to deliver the changes which lie ahead.

2240 If Deputy Inder feels otherwise then he is free to pursue this issue either in dialogue or in written questions or on the next occasion that I make a statement, but I do not think I can add anything by way of a reply to his question today.

The Bailiff: Greffier, we will move on to the next Item.

Billet d'État I

COMMITTEE FOR HOME AFFAIRS

I. Appendix Report – Bailiwick of Guernsey Law Enforcement – An inspection of the Capability and Capacity of Guernsey Police and Guernsey Border Agency – Debate commenced

Article I

Pursuant to Rule 20(5) of the Rules of Procedure of the States of Deliberation and their Committees, the States are asked to decide:

Whether, after consideration of 'Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services – Bailiwick of Guernsey Law Enforcement – An inspection of the capability and capacity of Guernsey Police and Guernsey Border Agency', they are of opinion:

1. To take note of the Report.

2245 **The Senior Deputy Greffier:** Billet d'État I – Article I – Appendix Report – Bailiwick of Guernsey Law Enforcement an Inspection of the Capability and Capacity of Guernsey Police and Guernsey Border Agency.

2250 **The Bailiff:** The President of the Committee, Deputy Lowe, will open debate.

Deputy Lowe: Thank you, sir.

2255 Sir, on behalf of the Committee for Home Affairs I am pleased that having led the Proposition for this Report from Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service, known more easily as HMIC, the review of the Bailiwick Law Enforcement to be debated we now have the opportunity to do so.

I will start with a key headline within the Report which is and I quote: 'the Bailiwick of Guernsey's population are very well served by their Police Force and Border Agency. Bailiwick Law Enforcement has much to be proud of, and there are many areas in which we are particularly

impressed. There are also areas in which there is scope for improvement and certain areas where we concluded that specific recommendations should be made'.

In this debate I will encourage all Members to keep in mind the words, 'The Bailiwick of Guernsey's population are very well served by their Police Force and Border Agency'. Whether it is because of the way it is all run, or because of the Committee, or in spite of it, or due to quality of our staff, the important bit is that we have a success story. The Bailiwick has a Law Enforcement Service that would be the envy of many other jurisdictions.

When I spoke on the motion to debate I pointed out that the report was published promptly after it was received; and was covered extensively by the media; and was the subject of a briefing to States' Members; and was covered in my six-monthly statement to the Assembly; and it and the Committee were examined under the spotlight in the Scrutiny Panel Hearing; and over 25 questions posed by Deputy Roffey received responses; and it has been published in the Billet d'État; and it is being debated by this Assembly; and of course the Committee has publicly committed to ensuring all the recommendations and areas for improvement are addressed. In all of this there has been nothing secretive or hidden.

I will focus now to the main points from the report but first I would wish to invite Members to consider the appropriate responses to some of the obvious questions such as: Are the Law Enforcement arrangements all perfect? Is the governance provided through our committee system perfect? Is everything black and white when it comes to roles and responsibilities of States' Deputies? The answer to each of these is of course no.

There are, however, other questions which result in the opposite answer: Did we expect after more than 10 years since the last review that areas for improvement and recommendations would be identified? Is Bailiwick Law Enforcement serving us well? Can we as Deputies both on Home Affairs and more generally do things better? Is Home Affairs committed to ensuring the necessary changes happen? For all of these, the answer is absolutely yes.

Turning now to some of the criticisms which have been levelled. First is that the IT systems were described as some of the worst HMIC has seen. Did the Committee for Home Affairs know that the IT systems were poor? Yes we did. Did we do anything about it? Yes we did. For us, it was critical that the IT was addressed sooner rather than later. The important and positive fact is that work had started before the HMIC Report was received to address the lack of investment in new systems. Home Affairs are not alone; other Committees have fallen way behind and the States' system needs fixing.

So where are we now? Under the oversight of the Chief Information Officer and with the funding support of the Policy & Resources Committee, the programme of work continues to ensure first and foremost that the IT systems work day in and day out. That programme will bring us up to date. It is a catch-up programme. Once this is all resolved which will be over the next 12 to 18 months the opportunity will be taken through the Future Digital Services programme to expand into wider changes and seek transformation opportunities but there needs to be a firm bedrock of IT infrastructure first.

The next main criticism was that Committee Members and also some other States' Deputies might have sought to pressurise the Police to take important action. Helpfully HM Inspector of Constabulary Matt Parr CB attended the Scrutiny Hearing at the invitation of the Scrutiny Management Committee. He made it very clear from the outset than in his professional opinion there had not been *any* political interference. There had been exchanges between politicians and senior Law Enforcement Officers about certain situations, but he had not seen *anything* which would have deemed to cross the line and been categorised as interference. He added that if there had been instances where Deputies had sought to stop enforcement against an individual or a group or had sought to target action on particular groups or categories of people, that would have been a very different matter.

If there was any criticism it was that the level of interest in relatively minor operational issues and concerns raised to Deputies by members of the electorate might have distracted the Committee from focusing on the long-term strategic issues. The Committee's response to this is

twofold. First is that most of the minor operational items which was various calls in the media or by other Deputies for actions such as pavement surfing were almost invariably used under any other business at Committee meetings once the main items had been concluded. They did not displace discussion on strategic issues.

2315 At the Scrutiny Hearing the then Head of Law Enforcement offered some examples such as flashing bike lights and the well covered incident of a bus appearing to be driving on the wrong side of the road where politicians had contacted him regarding the need for action. The Scrutiny Management Committee did not appear to consider such issues to be significant causes of concern.

2320 What was interesting and somewhat surprising Scrutiny not once asked the Head of Law Enforcement about the HMIC 20 areas of improvement. All operational and a significant part of the HMIC Report yet silent from Scrutiny. It begs the question why. Scrutiny seemed more interested in the flashing lights and the bus incident email than the 26 areas for improvement. The HMIC Report clearly recommends the Committee and the Head of Law Enforcement work together to ensure there is greater clarity in the respective roles of the Committee and Law Enforcement. Joint discussions have already started and good progress is being made.

2325 The Committee is working with Home Affairs and Law Enforcement staff to progress the recommendations in areas for improvement arising from HMIC Inspector's Report. Engagement is also taking place with HM Procureur with regard to the recommendations surrounding legal assistance.

2330 Following the Report's publication senior leads have been appointed within Law Enforcement against all operation areas for improvement. Some of these incorporate workstreams that were already being reviewed prior to the Report's publication and others are new initiatives put in place as a result of the report. Good progress is being made in a number of areas and I am particularly pleased to report that the new victim suite is progressing well and should be fully operational by the end of March 2019, improving the care of victims of crime across our community.

2335 The second aspect is whether the Committee had been distracted from focusing on strategy. In this respect the Committee continue to follow through with the delivery plan for the period 2015-2018 introduced by its predecessor body the Home Department.

2340 One of the reasons why HMIC was commissioned so early after the 2016 elections was so that the findings could help shape future strategy for Bailiwick Law Enforcement. The Committee also signed up, with all other States' Members, to make the Policy & Resource Plan the main point of reference for policy and strategy.

2345 With the HMIC review now received and the Policy & Resource Plan in place the Committee is now developing its next delivery plan for the period 2019-2022. These documents provide a sound basis for the Committee working in partnership with the Head of Law Enforcement to provide the proportionate level of high-level strategic direction to the Police and the Border Agency. We are confident this will be an additional valuable tool, but I would remind Members that ensuring the Bailiwick has an effective Law Enforcement service has been and will continue to be a priority for Home Affairs. Any suggestion in the media or elsewhere that Bailiwick Law Enforcement was somehow adrift, not knowing what it was supposed to be doing because of a lack of or perceived lack of strategic direction from the Committee is to put it frankly absurd.

2350 As I said when the motion to debate was being considered the bulk of the HMIC and the associated recommendations and areas for improvement are down for the Head of Law Enforcement to progress.

2355 In concluding it was discovered upon receipt of the report last autumn that all the recommendations came with an implementation date of 31st January 2019. HMI Parr advised that while the reviewers did not wish to make changes to a report once finalised the dates were targets offered for consideration.

2360 The Committee and the Head of Law Enforcement are working together to deliver all the recommendations in a timely manner. This means some will be completed in the very near future

whereas others will take longer. The important message is that there is a clear commitment by all to progress the recommendations in the report, and it is already happening at pace.

2365 Subject to the availability of HMIC and the outcome of a funding request which has been submitted to the Policy & Resources Committee the intention is for HMIC to return later this year to check whether we have acted in accordance with what they recommended. The resultant report, as with this one, will be published.

Thank you, sir.

2370 **The Bailiff:** We will rise now and resume at 2.30 p.m.

*The Assembly adjourned at 12.32 p.m.
and resumed its sitting at 2.30 p.m.*

**Appendix Report – Bailiwick of Guernsey Law Enforcement –
An inspection of the Capability and Capacity of
Guernsey Police and Guernsey Border Agency –
Debate continued – Proposition carried**

The Bailiff: Who wishes to speak in debate on the Appendix Report? Deputy Green.

2375 **Deputy Green:** Mr Bailiff, thank you very much. I will be relatively brief and I actually start by commending the speech that Deputy Lowe made this morning. I think she got the right tone. I think she deserves credit for that. Before I start, just for the avoidance of doubt, I should declare an interest. We are talking about matters which concern the criminal justice system, so I do that in so far as I need to.

2380 Firstly I think it is fair enough to give credit to the Committee *for* Home Affairs for voluntarily opening themselves up to the external review of the HMIC. As I understand it, Law Enforcement in the Bailiwick had not been reviewed externally since 2005, with a follow-up inspection in 2007. So for the Committee *for* Home Affairs to request an inspection after so long a period was a bold move and that deserves credit. You could also say, sir, perhaps other Committees make take a leaf out of Home Affairs' book, in this regard, perhaps, in some areas of their own administration.

2385 In many ways the HMIC Report is clear that Law Enforcement in the Island is impressive and I think that is clear. But the Scrutiny Panel wanted to follow-up with the Committee *for* Home Affairs on the specific areas of ICT provision and the concerns about governance, because of the very critical comments that were made by HMIC in their Report.

2390 The background is that Scrutiny had held a public hearing with the Home Affairs Committee only in September of 2018, when the HMIC Report had not been published yet. We therefore felt duty bound to speak with the Committee, again, plus other relevant witnesses on the HMIC Report once it was published. I think that was the valid approach.

2395 The governance concerns were obviously a matter of legitimate interest to Scrutiny and we had further concerns raise to us by the former head of Law Enforcement and we did not believe it was appropriate to disregard such concerns. So that was the justification for the holding of the hearing. I could go into more detail than that but I do not think it is necessary on this occasion to do that.

2400 The reality is that by holding a public hearing on this issue, it gave to the Committee *for* Home Affairs a platform in public to put their side of the story to defend themselves in a way that they otherwise would not have had. In a way, I would submit that the whole episode does demonstrate how the scrutiny process can work in Guernsey.

There were a number of very serious allegations that were made against the Committee *for* Home Affairs in the HMIC Report. The most serious of those were essentially about politicians on

the board having attempted to direct enforcement action against individuals. That allegation was not really established by the evidence that we heard in the hearing.

2405 The examples that have been given were insufficient to cross that particular threshold but, moreover, the picture painted by HMIC on the Committee *for* Home Affairs, essentially not concerning themselves sufficiently with the strategic matters but looking at more day-to-day policing matters, what some people refer to as minutiae. In a sense that was not contradicted by the evidence that we heard.

2410 Now I absolutely stand by the formal comments that my panel and myself agreed on after the hearing on 5th December. Firstly I still do not really understand how the IT situation was allowed to get so dire at Home Affairs, bearing in mind that IT has been a centralised function overseen by P&R by some time now. It is astonishing that the situation was permitted to get so bad that HMIC said it was amongst the worst they had ever seen. We will be following that up with P&R in due course.

2415 We examined the Chief Information Officer during the public hearing, on this subject, and it was our original intention to hold a public hearing with P&R in January but, for various reasons, that is not able to go ahead. But we will, nonetheless, be following that up with P&R because that is an area where we cannot blame the Committee *for* Home Affairs on that.

2420 Secondly it was very difficult for us fully to get to the bottom of the issues on governance, because we were not allowed to see all of the documentation that we would have liked to have seen. A policy letter on that, on the need for extra powers to see documentation, will be forthcoming in the next few months.

2425 Thirdly although it is very positive that the Committee *for* Home Affairs are willing to implement all of the recommendations of the HMIC Report, the panel did have a reservation, which was that we did not consider that the Committee, having heard their evidence during this one snap hearing, that they fully, necessarily, appreciated, the whole rationale behind the critical comments that had been made by HMIC in the Report and which Vice-Admiral Matt Parr did not necessarily dispute in his evidence on governance.

2430 Nevertheless, sir, Members of the Committee *for* Home Affairs have another opportunity today to demonstrate that they do sufficiently understand that rationale for recommendation 6, in particular, which I will come back to in a moment. So I would certainly encourage the Committee to implement all of the recommendations as soon as practicable, particularly recommendation 6, which is the recommendation on having a policing protocol duly appropriate for local use. Whilst there will always be a need for good democratic oversight of the operational side of Law Enforcement, the focus of politicians in this area should rightly be on the strategic direction of policy and not on day-to-day events or what some people call minutiae.

2435 I am also genuinely pleased that the Committee are requesting a follow-up inspection by Law Enforcement, I think Deputy Lowe said later on this year. I would also repeat the point that I think it would be quite useful for the Committee to consider the case for some sort of statutory regime for inspection. I put it no higher than that.

2440 It is something that the Committee should consider, to make sure that inspections are occurring and regular. A lot of this is down to the fact that previous Committees have not insisted on having HMIC inspect Law Enforcement, going back to 2005-07. A point I only really fully understood when Deputy Graham explained it to me at the Castel Deputies' meeting.

2445 In terms of further Scrutiny activity, I am fairly relaxed, personally. I would rather the Committee be allowed to get on with their strategic agenda now. I think it was an entirely legitimate area to fall under the Scrutiny microscope, given the independent criticisms and the concerns raised to us by the former Head of Bailiwick Law Enforcement.

2450 Now Deputy Lowe referred to the fact that we did not ask the former Head of Law Enforcement any questions about the 25 areas for improvement in the Report and she said that begged the question why. Well there is a number of reasons for that. Firstly, we wanted to concentrate on the allegations of poor governance with the ex-Head of Law Enforcement. Many

2455 of the 25 areas for improvement were heavily operational matters and it was difficult to examine some of those in a public setting.

We were also conscious that the Head of Law Enforcement, who was then still in post, was going to be replaced fairly imminently, by the new Head of Bailiwick Law Enforcement. In other words he was not going to be implementing the operational changes as it is. We also took the view that the appointment of the new Head of Bailiwick Law Enforcement offered an opportunity for a fresh start.

2460 In any event it is for Scrutiny to decide which questions to ask, it is not for the Committee being examined to tell us which questions to ask. (**A Member:** Hear, hear.) Although the hearing was ultimately beneficial to the Committee, I think that is true, the purpose of the hearing was not done for the benefit of the Committee. It was done to satisfy the public interest.

2465 In conclusion, sir, it is now time, in my view, to draw a line under this whole episode. I am content for the Committee to go away and implement the vital recommendations of this Report. I just hope that they can be enacted within a reasonable timeframe and then I hope the Committee can use the time that they have left to them to implement their strategic programme over the next 17 months or so.

2470 Thank you.

The Bailiff: Deputy Roffey.

Deputy Roffey: Thank you, sir.

2475 Because of the Budget debate, if people can remember the Budget debate, and the need to prepare for it and get my head around a ludicrous number of amendments, I confess that I was slightly late reading the HMIC Report. As a result, my first real awareness of it was through the media.

2480 Some of those first media narratives were so negative that I tended to dismiss them as hype and spin. But, wanting to know the truth of the matter, I requested a hard copy of the Report, so I could study it properly. What I found was really a curate's egg. Some of the findings were good, others less good and a few, on the surface, quite shocking.

2485 Before referring to these findings in more detail, I have a confession to make. I read the Report from the starting point that HM Inspectorate of Constabulary was probably telling the truth and not only that but that its findings were presented in context and provided a balanced picture and that we had not paid one of the most respected bodies in law enforcement £71,000 to produce a Report so skewed and inaccurate as to be positively misleading.

2490 So that is where I started from. So let us take a look at this curate's egg. Guernsey, as has been said this morning, before lunch, is well-served by both its Police Force and its Border Agency. No surprise at all there but very welcome news. There were a whole range of suggestions about how they could do the job somewhat better but that is exactly what you would expect. Outside reviews are meant to be improvement tools.

2495 Some of the suggestions for improvement were slightly alarming and clearly require urgent action. For instance the tardiness in Guernsey getting the appropriate legal orders to assist legitimate outside law enforcement agencies in the area of financial crime investigation. To be fair, that goes far wider than Home Affairs, but it is clearly a significant reputational risk to Guernsey as a whole and needs addressing as soon as possible.

2500 Then there were the well-reported comments about the woeful IT systems within Law Enforcement. Again I suspect this is an issue which is, to a certain extent, States-wide. Of all 40 of us in here, I probably have the least expertise in this area. But I suspect that the States as an organisation needs a real step change in its IT provision.

2505 But the two findings which had really loud alarm bells ringing in my head when I first read this Report both related to governance. As it happens they have both subsequently been pretty much flatly denied by the Home Affairs Committee. But, as I say, I read the Report on the assumption that the HMIC did not wilfully mislead. So either there was some truth in their findings or else we

had received something of a dud report for our money and one which was bound to mislead us, set hares running and cause unnecessary alarm.

As an ordinary Member of the Assembly, I really needed to get to the bottom of this issue. Hence my early request for a debate and I thank the Members of Home Affairs for facilitating that debate today. I was in a dilemma. I would never accuse any fellow Members of misleading us. But nor could I, as a responsible People's Representative, just dismiss the deeply worrying findings of a body like HMIC. Just to shrug our shoulders and say, 'Well, if that were really true then it would be serious stuff but it looks like they got the wrong end of the stick,' I think that would just be so irresponsible as to be reckless, particularly when we are talking about an area as crucial and sensitive as Law Enforcement.

Before going any further I suppose I ought to highlight what the two worrying findings in relation to governance, for me, really were. The first was that Home Affairs as a Committee had failed completely to provide any strategic direction for Bailiwick Law Enforcement. If true, not only does that show a major failure in one of the prime duties of any political Committee, but it has practical impacts throughout the organisation, holding it back in its development. To give a practical example, the Report suggests that the property estate of Law Enforcement is really very poor indeed. Maybe not quite as bad as the IT estate but still pretty woeful. You cannot really have efficient Law Enforcement in inefficient buildings.

But then the Report goes on to say that planning to improve that physical estate was completely impossible at this stage. It could not be commenced in the absence of a strategic road map for where the organisation was going and I think the Report was quite right. If you do not know your destination you cannot plan to get there.

So setting strategy is the prime responsibility of any States' Committee. Without that leadership from the top, the services that it is responsible for start to suffer. Of course they can continue with their day-to-day operations, but they cannot grow, they cannot evolve, they cannot plan for the future. If that strategic lacking goes on for too long, they will suffer, and suffer badly.

Now as I understand it, Home Affairs are now suggesting that the Report is unfair in suggesting that they have completely failed to do any strategic planning for Bailiwick Law Enforcement. But the comments did come after studying Committee minutes. Minutes that were at first denied to them but which they got in the end and where they could find absolutely no evidence of any strategic planning.

Frankly I think far too much has been made of the inspectors' comments about the Committee talking about flashing bicycle lights. Personally I have no issue at all with Committee Members spending 15 minutes talking about their own personal hobby horses, under 'any other business' after a four-hour stint of thrashing out the really big policy issues. It is human nature; we all do it. The problem that, having reviewed the minutes once they were allowed to, the inspectors saw no evidence of any such consideration of the big strategic issues. I think the flashing bicycle light anecdote was meant to highlight this deficit rather than to be a big issue in its own right.

One particular gap in the strategy pointed out by the inspectors was what plans existed, if any, for any further integration between the Police Force and the Border Agency. Now to be fair, Home Affairs now are quite clear about that. There is to be no further integration. Now that both confuses and worries me. It confuses me because if that has been the policy throughout, that the integration has gone far enough, then why was this not made clear to the inspectors? They clearly were unable to fathom the direction of travel, despite very much wishing to do so.

It also worries me because, reading between the lines of the HMIC Report, it is very clear that the inspectors felt that there were both operational and significant financial advantages to be gained through greater integration. No doubt, had they been told clearly that the plan was to keep the current level of separation between the two bodies, then they would have been able to explain exactly why they demurred from that policy. In the event, they were unable to do so, because they could not work out what the policy was in that respect.

Then we come on to the other big governance issue. This involves alleged political requests for enforcement in individual cases. I confess, sir, that this was the part of the Report which really

concerned me when I first read it and had me jumping up and down. Equally it is an area that worries me less now because I know, or think I know, the context which the Report itself really failed to provide.

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The Report says in black and white that senior officers within Law Enforcement claimed they had been asked by politicians to take enforcement action in individual cases and the word used is 'cases'. Not areas. I would have no problem at all with the Committee being a conduit for public concerns about rowdiness in Town at the weekend, or just to pluck another example from the air, driving at speed along pavements. Frankly I think that would be doing their job. But there is a world of difference between passing on general concerns and requesting enforcement action in individual cases.

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Cases is the word used by these very experienced inspectors. To me, when I first read it, that meant having a clear message of interference in operational police matters where politicians should have absolutely no role at all to play. That was another big reason why I thought we needed a debate to understand exactly what was going on.

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As it happens, I think the Scrutiny hearing, partly, went towards explaining that. There was indeed some interference in policing matters, in operational matters, but frankly at a pretty low level. They tried to get a public information campaign on flashing bicycle lights being illegal in Guernsey. It was petty in the extreme but to be honest it was not a hanging offence. It was about as petty as asking the Police to put out a public information campaign to say that driving –

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Deputy Leadbeater: Point of correction, sir.

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The Bailiff: Yes, Deputy Leadbeater.

Deputy Leadbeater: At no time did we encourage the Guernsey Police, Bailiwick Law Enforcement, to undertake a road safety campaign about flashing cycle lights. It was a suggestion from Law Enforcement that they would incorporate it into their wider road safety campaign.

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Thank you.

Deputy Roffey: Sorry sir. That may be correct but if it is, it is just a contradiction of evidence because I sat in the Scrutiny hearing where the then Head of Law Enforcement said that he had been requested to do a publicity campaign on flashing bicycle lights being illegal, which I think is about as daft as telling everybody that owns private cars, publicity campaign, 'Actually you cannot drive more than 25 miles per hour, it is illegal.' Absolutely right but it would be petty and extraordinary. I am not looking at you, Deputy Trott, it is alright! Through you, sir, at Deputy Trott. That would have been a complete waste of police resources but, as I say, it is hardly a hanging offence.

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Now suggestions of driving of a bus driver being investigated when there had been no formal complaint made about that driving was perhaps a tiny bit more serious but frankly still at the lower end of the scale. All I will say is if we ever get policing by Twitter or Facebook, as some Members of Home Affairs seemed to want at that stage, then God help us.

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The picture is one of petty interference but nothing like the sort of gravity that one gets from a cold reading of the HMIC Report. In that respect I think, I know they are not here to defend themselves, the Inspectorate are guilty of setting hares running by failing to provide proper context. They must have known how alarming anyone would have found a cold reading of the Report that they had produced; where they said that senior Law Enforcement officers had said that they had been instructed to take enforcement action in individual cases.

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Now another dispute over facts – and that is the problem, people saying black is black, others are saying black is white, makes it very difficult – rises over claims that the Head of Law Enforcement was ambushed at a Committee meeting by a face-to-face confrontation with a critic, of which he had no prior warning.

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2610 If this is true, it is a genuinely shameful way of going about business. The Inspectors' Report lists this incident as happening. The Committee say they have misunderstood and, again, got hold completely of the wrong end of the stick. A bit like the lack of strategic planning. We are faced with the Inspectorate saying one thing and the Committee saying, 'No, that is not right.'

2615 What confuses me though is that when an outside body comes out with a review, there is normally a period of time in which those being reviewed can challenge any factual inaccuracies, before the report is finalised. So I suppose my question to Home Affairs is whether they did this? Did they tell the inspectors that they were wrong to point to a void in strategic planning? Did they tell the inspectors they were wrong to suggest operational interference? Did they tell the inspectors they were wrong over the ambushing incident? And so on. If not, why not? If they did, I would like to know what the response was from HMIC, because the final Report, I think, if it was
2620 correct, is worrying, and if it is not correct, is to be honest a poor piece of work.

I was going to say we simply must get at the truth and that the best way to do that would be to have a follow-up HMIC report so I was absolutely delighted to hear this morning that that is exactly what is going to happen. I hope that it is covering all of the areas that are covered in the original Report. In other words, looking for evidence of real significant strategic planning and not just the detailed proposals that were actually in the Report.
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In closing, I know some Members in this Assembly, at the time, suggested I was being rather too critical of Home Affairs in wanting to see an urgent resolution of what appeared to be serious shortcomings flagged up in the HMIC Report. Firstly in this respect let me make it quite clear that, if the Home Affairs Committee was populated by my auntie, my son-in-law and my two best mates, my reaction would have exactly the same. Absolutely exactly the same.
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Indeed, as I pursued this issue publicly, the media asked me on numerous occasions if I was calling for the Committee's resignation. I always said no, absolutely not; stressing it was not about who was sat around the table but about getting the governance right and that is what we should be focused on.
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Nor was it an over-reaction. It may seem so months after it has been allowed to wind down, but there is no department where governance is more important than at Home Affairs and there is no part of their mandate where it is more important than Law Enforcement. If this Assembly really wanted to receive this seminal Report from HMIC and just shrug it off and move forward regardless then I think it would have been highly irresponsible.
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HMIC now have, at the Scrutiny hearing, put some context around the level of interference with operational policing. It was happening but at a petty level. But at the same hearing, HMIC actually doubled down on their findings that the Committee has a *modus operandi* which obsesses over the minutiae at the expense of strategic planning. That cannot go on. It needs to change for the sake of the service.
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To be honest, I would be very relaxed today if I had heard Home Affairs, not just today but over the last couple of months, say, 'Look we have not done the level of strategic planning we should have done, we recognise that now; that is going to be our main focus going forward.' I would be relaxed totally over that. But I have to say the fact that they seem to be in denial that the problem exists suggests to me, I am afraid, that nothing is likely to change.
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The Bailiff: Deputy Merrett.

Deputy Merrett: Thank you, sir.

2655 Firstly, I think it is only right and proper to applaud the Committee *for* Home Affairs for asking, indeed volunteering for this inspection. They were right to do so and I thank them. I supported the motion to debate and I am pleased the Committee *for* Home Affairs laid the motion themselves, because if not, I would have.

2660 But why? Is it a witch hunt, as some Members would like to think? Wishing to debate such an important Report, one that has 26 areas for improvement, and eight recommendations, by making comment on the Report and asking for reassurance, asking for the President to confirm what

implementation plan they have and the associated timelines, as the Committee were not in agreement with the HMIC suggested timelines – is that a witch hunt? I do not think so, sir.

2665 I think it shows due consideration for a Report that has highlighted some very real concerns. After all, communication between Law Enforcement and the political body and communication regarding IT in other jurisdictions, agreed protocols regarding separation of powers, seem to me to be at the very heart of this Report and an important part of our democracy.

2670 There appears to be an absence of agreed protocols as we referred to on page 91. A lack of understanding with regard to respective responsibilities, the separation of powers between the political body and senior staff in Law Enforcement. Has there been any attempt in this political term to define such a protocol? Notwithstanding that there may be grey areas, but these could be discussed, deliberated and minutes taken during Committee meetings so that a better understanding and clarity can be sought between the political Committee and Law Enforcement. But of course both parties would have to be present to enable them to come to an amicable decision.

2675 Accusations of unnecessary political intervention from Law Enforcement do not sit easily when we consider the public perception with regard to such comments. In a small jurisdiction it may be difficult to achieve the separation of powers that is expected in a modern democracy that are enjoyed in large jurisdictions but we must try. If our judgement is called into disrepute, we must be open and honest and share evidence that is released with SMC and certainly with HMIC that enables the relevant reassurances to be scrutinised.

2680 The culture that was in place during the time of the HMIC inspection appears to have tainted any such discussions and I hope that this is one of the many things that will be addressed and changes. A lesson learned from the HMIC Report. These are governance issues that should now be addressed, but how and what, if any, protocols have to date been put in place?

2685 Have the boundaries between legitimate political involvement, meaning strategic governance, oversight and operational control been clarified? Do both parties now have a clearer remit? Is there now a clear, documented boundary? Other jurisdictions have such protocols and so the creation and implementation protocol should not be too onerous.

2690 Recommendation six relates to this. The Committee has accepted all other recommendations that HMIC suggested that this should be completed by 31st January this year. Could the President please confirm when the Committee believes recommendation 6 can be achieved? It would certainly help this Committee and public confidence, whilst giving reassurances to this Assembly. It could also be helpful to the Committee Members for Home Affairs, whomever they may be, after the election in 2020, assisting those Committee Members as they pick up the baton, help with a better understanding and continue with whatever progress has been made.

2695 One other highlighted concern that resonated with me is the ICT infrastructure. Some reassurances have been given with regards to the recovery and stabilisation but how and why did it get so dire? How did we get to this stage that is amongst the worse the HMIC has ever seen? Was there no strategy?

2700 Page 5 highlights the lack of access to a particularly rich source of UK police intelligence: the Police National Database. I found this quite shocking. This was explained as being due to the weakness of our ICT infrastructure; one of the many consequences of not having a strategy, a policy or a plan in place. A consequence of not investing in our infrastructure. We used to have access to it, but we failed to invest or even maintain our infrastructure.

2705 One of HMIC's areas for improvement, improvement 13, is having access to the Police National Database, as part of Law Enforcements investment and development proposals. When the President sums up can she please confirm if this has been agreed centrally and, if so, the timelines concerned? When will our Law Enforcement have access to the Police National Database?

2710 The fact the Bailiwick does not share information with regard to the Disapproved Register. All enforcement use it. Our Law Enforcement use it when they recruit from the UK but in this scenario is a one-way street as we do not participate in it the other way. Page 59 states that the Economic Crime Division has an unacceptably long response and a bad response to requests from overseas

jurisdictions; months and even years. Again a one-way street. One has to ask what impact it is having if we have a reputation of not participating or not responding in a timely manner?

2715 Page 77 reiterates that grooming is still not a criminal offence in the Bailiwick. This makes it more difficult for Law Enforcement to tackle child sexual exploitation. When does the Assembly expect to see the draft legislation, or even legislation?

I believe that all the recommendations were included and that the Committee had sight of them when they received the draft report in May 2018. That was confirmed by Matt Parr, during the SMC public hearing. What I would like to know, when the President sums up, is when will the recommendations be implemented? More clarity and reassurance rather than a generic 'in a timely manner'.

2720 For example, will the Committee be pursuing efficiencies and economies through the merging of Law Enforcement and the Border Agency? The Committee agrees with the recommendation and the areas of improvement, but not the HMIC timeline. So what is their implementation programme and just how much will be achieved in this political term?

I am pleased that they intend asking for a follow-up HMIC report, as this may give some assurances implementation is being progressed at the standards expected by HMIC. I would like to ask the President, through you sir, have they considered, as Deputy Green asked earlier, if they should ask this Assembly to introduce a statutory requirement for the HMIC to inspect Bailiwick Law Enforcement on a recurring basis?

2730 The HMIC highlighted many areas for improvement and some very strong recommendations. What I would like to know is when they will be actually implemented and what scrutiny of how recommendations were implemented will the Committee be suggesting to this Assembly? Or are they relying purely on P&R giving them the resource to enable them to follow-up the HMIC visit? By that, does the President mean a follow-up report that will be publicly shared or simply ask HMIC to return later this year to visit? I look forward to some definitive answers to my questions when the President sums up.

Thank you sir.

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The Bailiff: Deputy de Lisle.

Deputy de Lisle: Sir, I must say that I was very impressed with a number of the positives that the Report, particularly in relation to crime. With reports of this nature, one can be very downbeat with all the negatives that come out but the fact is there are real positives and I would like to just bring out a few of them.

2745 First of all, the Inspectorate noted a significant downward trend in recorded crime, since 2007. In fact between 2007 and 2016, there was a reduction of 54% fewer offences recorded. Now crime is a real consideration of the public here in Guernsey and that reduction is very significant. It is 54% fewer offences recorded.

2750 Also the detection rate is consistently around 50%, which is considerably above the detection rate in England and Wales. I think that is another very significant factor because the recent reports from England and Wales have indicated, actually, real problems in rising crime rates in England and Wales and here we have fewer offences recorded and also detection being certainly superior to other jurisdictions.

2755 There was another point, too, that the Inspectorate was very impressed by the quality of Guernsey Police's problem-solving ability, which I think is another positive with regard to the Report. So I just wanted to make the point that not everything in a report of this nature was a critical, negative appraisal. There were some very positive comments and crime is an important area to the public. The fact that is being reduced and the fact that crimes are being solved in Guernsey to a greater extent than other jurisdictions, I think these are very positive comments to bring forward in any evaluation of a Report of this nature from an Inspectorate reviewing our service.

2760 Thank you, sir.

2765 **The Bailiff:** Deputy Lester Queripel.

2770 **Deputy Lester Queripel:** Sir, on pages 93 and 94 of this Report, the Committee for Home Affairs have been criticised for getting involved in operational matters. Well, I am of the opinion that Deputies sometimes need to get involved in operational matters. I say that because when things go wrong, who gets all the grief and the backlash? I do not expect you to answer that question, sir, I am going to answer it! The answer to the question is it is the Deputies who get all the grief and the backlash when things go wrong. It is because it is the Deputies who get all the grief and all the backlash when things go wrong that I am of the view that they should get involved in operational matters when they feel the need to do so.

2775 I do not see that as interfering. I see it as doing the job we have all been elected to do, which of course is to apply political oversight to ensure that everything under our remit is working as it should be. If a Deputy or Committee feels that something is not working as it should be then that is the time they need to step in and address the issue.

2780 Now I appreciate there are two sides to every story and both sides of course will say that they are right and the other side is wrong. Perhaps Members of the Committee did overstep the mark a little but of course I have not got a way of knowing that, except to listen to what both sides say. I can understand the Head of Law Enforcement saying in the media that he welcomed political oversight but he was not at all happy with political interference. I get that. But I doubt if the Committee were telling the Head of Law Enforcement what type of pencils his officers should be using and what time they should take their tea breaks, etc. But I stand to be corrected on that.

2785 If the Committee did overstep their mark then I have every faith and confidence they did it with the best of intentions and the intention being to try to improve operations where they felt they needed to be improved; making our roads safer to travel on and eliminate what they felt were inefficiencies in some areas, those sorts of things. Because we can all do better, none of us is perfect, even though some of us might like to think we are from time to time.

2790 As we know, there are 26 areas of improvement cited in this Report, along with eight recommendations and I have every faith that the Committee will pursue those areas of improvement and recommendations. I have particular interest in the whole issue of identifying vulnerable people, so I take great comfort from what we are told in areas for improvement 16 and 17 and also recommendation number 4.

2795 If we look at page 67 we see at the top of the page that Home Affairs asked the Inspectors to inspect Bailiwick Law Enforcement's public protection capability:

including the capability to deal with domestic abuse and child protection.

2800 I just want to read out those areas because we know what they are, people out in the community perhaps will not know what they are and people listening on the radio perhaps will not know what they are. Starting with BLE's capability to identify those who are or may be vulnerable; to be able to assess their vulnerability; their capability to investigate crimes against vulnerable people; their capability to provide support to vulnerable people; their capability to participate in multi-agency arrangements; and their capability to deal with domestic abuse and child sexual exploitation.

2805 Sir, in other words, a major piece of work. As a result of that major piece of work it was discovered that Bailiwick of Guernsey Law Enforcement does not identify vulnerable people consistently and does not have a single corporate definition of vulnerability. We are also told on the same page that every police force in England and Wales already has corporate definitions of vulnerability in place. So once again we are way behind the times here.

2810 We are also told on the next page, page 68, that the Inspectors were really concerned that the frontline officers they spoke to during the inspection could not outline what constitutes vulnerability. That concerns me greatly so I take great comfort from what we are told in the next paragraph, where we are told:

A suitable definition, supported by training and policies, would provide staff and officers with a common understanding of the range of ways in which people may be vulnerable and help ensure that vulnerable people receive the support they need.

2815 That is the crucial bit: vulnerable people getting the support they need and not feeling let down by the system.

So I applaud the Committee for asking the Inspectors to inspect the Bailiwick of Guernsey Law Enforcement public protection capability because that was a vital piece of work that needed doing and if the Committee pursue the areas of improvement 16 and 17, and recommendation 4 to its ultimate conclusion, then that really would be a good news story for the vulnerable people of the Bailiwick and also of course their relations and friends.

2820 In fact, in a very real sense, to misquote the mission statement of *Star Trek*, this Home Affairs Committee have bravely gone where no previous Home Affairs Committee have ever gone before. I categorically and unreservedly applaud them for doing that.

2825 In closing I would just like to remind my colleagues, through the Chair, that the Committee themselves asked the Inspectors to carry out the inspection. It was not something they were told was going to take place due to some major failing on their part. So I am only too willing to note this Report and I have every faith the Committee will do what needs to be done to improve service delivery in their department.

2830 Thank you ,sir.

The Bailiff: Deputy Prow.

Deputy Prow: Thank you, sir.

2835 I welcome this opportunity to provide some informed background and to update Members regarding the HMIC Report. Sir, I similarly also welcomed the opportunity to appear before the Scrutiny Management Committee. However, as I speak I shall try not to repeat the points very well made by the President of Home Affairs in her opening and I agree with Deputy Green about that opening.

2840 I just wish to concentrate on three aspects, which are the recommendations and areas of improvement, the commissioning of the review and the background regarding governance and operational independence. I do have an interest worthy of note. I have a professional background in Law Enforcement. My former Law Enforcement career lasted 43 years and for more than half of that I enjoyed senior positions, including the role of a statutory chief officer for eight years. Hopefully this gives me a position of some insight.

2845 I now have experience from both sides of the governance equation. I can therefore tell you that I agree with the Report and the President that we definitely have a Law Enforcement service to be very proud of. In addition the Report clearly outlines we are a low-crime jurisdiction and I thank Deputy de Lisle for his positive comments and his positive reading of the Report in that regard.

2850 In addition the Report clearly outlines that we are a low-crime jurisdiction. In fact it informs that in this Bailiwick crimes are investigated locally that would only be logged in the UK. This should be celebrated.

2855 States' Members will have repeatedly read what appears to have been an orchestrated, sustained but very narrow attack from some press opinion writers. I will say only this: in a democracy media challenge is to be completely supported and I support the comments made by Deputy Soulsby in answer to questions to a statement she made about the freedom of the press. However on such an important issue as an HMIC Report, poorly researched, over-hyped press comment can be damaging and unhelpful to all those responsible for Law Enforcement; not only the Committee, officers as well.

2860 We must note that such media opinion is not reporting. Neither does repetition provide true credibility. It serves only to distort the real value of the Report and the essential learning it

provides. This is a document to inform us, not a blunt tool to roll up and smack the Committee over the head with.

2865 This review is all about the recommendations and indeed how we got to them. As has already been pointed out there are eight recommendations and 26 areas of improvement. There is now stuff to get on with and we only know what this stuff is because this Committee had the courage and foresight to commission the review.

2870 Every single recommendation and area of improvement is accepted by the Committee and work has already begun in conjunction with the new Head of Law Enforcement. The President has outlined both the methodology and progress so there is no need for me to repeat that. Not only that, Policy & Resources are already engaged in finding the funding and additional resources to help us see this through and I thank them for that.

2875 This not only includes the most serious issue of the identified shortcomings in ICT but also regarding the development of governance arrangements, with the help of Prof. Staite, who is already in engaged in a States' cross-committee project on governance. As alluded to, much in the Report has escaped some press opinion columnists and, surprisingly, even Scrutiny's attention, which apart from ICT majored on only two of the recommendations, 5 and 6.

2880 The 26 areas for improvement form the bulk of the findings, which is unsurprising as the review is entitled 'An Inspection of the Capability and Capacity of Guernsey Police and the Guernsey Border Agency'. 'Capability and capacity.' – the Committee has repeatedly made it abundantly clear it will expediently get on with this important task.

2885 It has already met on several occasions with the Head of Law Enforcement and will report progress on both the matters under its responsibility and those of Law Enforcement. The President also has clearly said, once we obtain the funding, HMIC will be invited back before the end of this year to monitor our progress.

2890 I now refer to the commissioning of the review by the Committee. The Committee decided very early in this term that, before the development of any of the new initiatives for Law Enforcement, some of which Deputy Roffey would quite rightly like to see, that we should commission a review. The Committee were aware and content there was a delivery plan in place from 2015 to 2018.

2895 However it was also aware that the Police had not been inspected for over 10 years. In fact a full review was conducted in 2005, with a follow-up in 2007. Not only that, Law Enforcement landscape has changed considerably in that time, not least through the introduction of the previous Home Department board of the single Head of Law Enforcement concept.

2900 The Committee is convinced that it was a right and responsible way to proceed. Before setting out a strategy asking this Assembly, we needed to have this review. The Committee, in consultation with officers of the Committee and Law Enforcement, put a great deal of effort in preparing the terms of reference. Whilst the majority of the areas HMIC determined were around capability and capacity, we also asked HMIC to consider the structure and combination of services of the Bailiwick Law Enforcement, their objectives in over-arching governmental context and governance, including political relationships and interface.

2905 For the avoidance of any doubt, these areas were included by the Committee and were for the express purpose to inform the Committee, when considering any next steps for Law Enforcement. Again, Deputy Roffey has outlined in his view where some of those improvements should be.

To be specific, I refer to pages 106 and 107, (c), (d) and (j) of the Report, which lays out the terms of reference which led to recommendations 5 and 6, found at page 112, and just in part answer to one of the points Deputy Roffey has made. If I can just refer to the terms of reference, subsection (c).

2910 We asked HMIC to look at the structure and combination of the two Bailiwick Law Enforcement services, i.e. the Police and the Border Agency, review the single head concept – is it necessary? Does it work? What happened was, in recommendation 1, HMIC put the ball back in the Committee's court and said, 'Yes, you need to review that.' So they have provided in the Report very little guidance in response to that particular term of reference.

2915 Sir, I shall conclude on the points around governance, operational direction and control. As I
said, I doubt there is anyone more qualified to speak from experience about this in the Assembly.
The responsibilities of Law Enforcement are abundantly clear in legislation. Officers are given the
powers of enforcement, including arrest, search and a range of operational provisions. Nobody,
2920 the Committee or anybody else, can lawfully exercise those powers except warranted officers. That
is the constitutional position.

The Committee is also giving clear powers under various administrative and regulatory aspects
of the Law. That is the dynamic. I can say that as far as I am aware, at no time whilst I have been a
Member of Home Affairs did the Committee give any inappropriate direction to Law Enforcement
regarding the use of their statutory powers or interfere or obstruct such use.

2925 Mr Parr, the HMIC Inspector, confirmed this when pressed by Scrutiny. What the HMIC said
was that some low-level operational matters arising from public representations had been
discussed and some had been passed to Law Enforcement by email. Mr Parr also recognised that
in a small island community there was a close connection and an expectation that the public could
make representations to the elected Deputies. He described this as laudable.

2930 HMIC did raise the question of balance and whether such matters have been a distraction to
Law Enforcement. The President has adequately responded to this point that such discussions
were invariably were matters discussed under AOB. I told Scrutiny, when making the same point, I
counted over 100 substantive Law Enforcement papers being discussed so far by the Committee
this term.

2935 What I must add is, in my view, the Committee is very well chaired. All Members are
committed, respectful and disciplined. Where the workload is high, extra meetings are called.
What the Committee is convinced upon is the need to improve the governance structures in a way
appropriate to living law enforcement in our unique island environment, where we do not split
out the roles of local and central government or employ policing crime commissioners.

2940 However I would humbly suggest all Committees could benefit from improved governance
and will hopefully take advantage of the work started by Prof. Staite within HSC and now more
specifically in Home Affairs acting upon the HMIC recommendations. To quote Prof. Staite, she
points out:

Governance in government is not simple. Systems, structures and process in both the public and private elements of
public services are complex and messy.

2945 Sir, we are all elected by our constituents and are rightly very accessible and listen to their
representations. We are currently guided by the Red Book, which describes the roles of
Committees:

To deliver or oversee the delivery of their mandated responsibilities.

2950 It begs the question how should Deputies respond to public feedback about the work of their
Committees when it touches upon operational matters? Just to simply say, 'Sorry, that is
operational. We cannot help.'? Good governance is a very difficult area for Home Affairs and
indeed all Committees responsible for delivery oversight. Mr Parr pointed out that this was the
case in the UK, even where guidance is more developed around the much more complex policing
structures in place.

2955 What must happen, and does in many places, is for Committees and their senior officers to
accept that public challenge around delivery of service is useful and to work as a team to assess
that challenge and respond where necessary. This governance piece will therefore take more than
simply plagiarising UK protocols.

2960 In closing the Committee cannot emphasise enough that it wholeheartedly accepts all the
eight recommendations and the 26 areas of improvement, the majority of which relate to
operational capability of Law Enforcement. The Committee has, at every available opportunity,
stated that it intends to work closely with the new Head of Law Enforcement and Policy &

Resources and importantly, has indeed already started the work in delivering upon these recommendations and improvements. I hope this draws the line.

Thank you, sir.

2965 **The Bailiff:** Deputy Inder.

Deputy Inder: Thank you, sir.

2970 Maybe Deputy Roffey would jump up and down a little less – his words – if he did not have a weekly opinion column deadline. (**Several Members:** Ooh!) To be perfectly frank with you, I can carry on, I was not going to, his speech was a justification for the last two months of a media-inspired witch hunt on a Committee. That is exactly what it has been. Nothing more, nothing less. But I will move on from that.

2975 Looking at the Report in the cold light of day, let us give you some UK figures. My views chime mainly with Deputy de Lisle, Deputy Queripel and, to a degree, Deputy Prow. The homicide rate in the UK is the highest since 2008; robbery is up 17% in the UK; stalking and harassment offences up 41%; public order up 24%. Guernsey is doing okay. It really is.

2980 Again, possibly Deputy Queripel touched upon it as well and maybe Deputy de Lisle did to a degree, this is about our community. This is about the common decency of our community as a whole. It is not just about detection rates, it is not just about strategy it is how our community acts as an Island. Generally we are a law-abiding Island. Yes of course there are some issues that we need to deal with and, again, Deputy Queripel touched on vulnerability but I am not going to go into too long a speech.

2985 A couple of things and this is really for the public at home who may not really understand all of this, because it all gets wrapped up in the politics of it. Page 4: a significant downward trend in recorded crime in the Bailiwick of Guernsey since 2007. So well done the Guernsey Police Force and the community of Guernsey.

Guernsey Police's crime detection rate has improved markedly over the past decade.

Congratulations. There are a couple of other pieces I just want to pull through. On the vulnerable people, on page 7:

We heard from partner bodies that public protection unit investigations are generally focused on the needs of the victim, especially in child protection cases. Our file review echoed this, as we found evidence of good victim care in the majority of PPU investigations we examined.

2990 Good stuff. A slightly more caring police force than we knew of in the 1980's and 1970's – I can tell you that for free. When they are running around, locking 14-year-olds up for speeding on motorbikes. Oh, they still are. Page 18:

BLE does not regularly hold local parish meetings where the local community can raise issues of concern with neighbourhood officers.

2995 Well, that sounds operational to me. What the Inspectorate has asked is for the Police Force to engage with the community. But this has not been picked up in the narrative at all. The criticism has been for Deputies of parishes having access to the Committee and raising issues of parish concern. Yet the Inspectorate Report actually suggests that we do that. I will remind people, we seem to feed our friends and starve our enemies in this Assembly. I remember some of the people making criticisms were making a big hoo-ha about pavement-surfing.

3000 I think Mary Lowe might be able to remind me, I think she might have done it in the last session we had, I seem to remember the same people making the criticisms about people getting involved in operations were the same people demanding that they got involved in operations with pavement-surfing. So it is okay for some, not okay for everyone else.

3005 What I will pick up on and which sort of concerned me a little bit was I thought the JESSC part was a bit weak, really. It spoke about software updates to do a few bits and pieces. What it did not do is raise the concerns that many of the people in the marine community have over whether the blue lights should retain at JESSC and there are real and genuine concerns about the coastguard element, which is wrapped up in JESSC. I genuinely do not think that has been resolved more than that, because the fear is still out there.

3010 Finally I just want to talk about child protection. Maybe I missed it but it did not obviously come as a recommendation. On page 77, I just want to read this final paragraph, through your, sir, to Deputy Lowe. It is about child protection.

At the time of the inspection, grooming was not a criminal offence in the Bailiwick of Guernsey. This makes it more difficult for BLE to tackle CSE. However, we were informed that new draft legislation would soon make grooming illegal in the Bailiwick. This is welcome.

3015 Coming out of the digital sector, some of the crimes that we do not see are done via devices. They are fairly insidious, they are very clever and I would really like to know, via you, sir, when Deputy Lowe wraps up, when are we going to see this as an offence and, if we are going to see this as an offence, what resources will be put in place to ensure that people that are attempting to groom children are brought to book?

Thank you, sir.

The Bailiff: Deputy Ferbrache.

3020 **Deputy Ferbrache:** Sir, it is really following on from the theme of Deputy Inder. I do not think it is a witch hunt, I think it is right that we have a debate and I genuinely am interested when I read Deputy Roffey's opinion column in the *Guernsey Press* because sometimes, occasionally, there is some good sense in it.

3025 In relation to, generally, I have heard more since May 2016, when I came back into the States, the words 'stakeholder', 'governance' and 'protocol'. I do not really know what they particularly mean but they are often used a lot. What I am concerned about are the practical things. Is our Police Force, are our customs officers or what we now call together our Bailiwick Law Enforcement service, are they doing a good job? They undoubtedly are doing a splendid job.

3030 The five individuals that make up the Home Affairs Committee: do we have confidence in them? I have confidence in them individually; I have confidence in them collectively. Are they perfect? No, I am sure they are not. Is their judgement perfect? No, I am sure it is not. Are we all guilty of small town-ism? We all are guilty, as Deputies, of small town-ism, because we live in a small town.

3035 We are much more accessible as political representatives than just about any other jurisdiction. We have all been phoned up at nine o'clock at night, we have all had people write us letters, we have even had people knock on our doors. That is the way that it should be and if we do not like it we do not have to be Deputies.

3040 So the issue should be do we think there are any improvements that could be done? Naturally there are. There are 26 areas of improvement, there are eight recommendations. The governance issue that seems to have been centred upon the most is Chapter 11, pages 89-95, of the Report. I am glad he said the words, because I had written at page 93, Lester Queripel. What did Deputy Lester Queripel do when he stood up? He referred to pages 93 and 94. He wants people to get more involved operationally. He is absolutely wrong.

3045 They should not get involved operationally. We are politicians, where there are politicians in the States' Trading Supervisory Board, the Health Committee, the Education Committee or the Police Committee, as it used to be called, Home Affairs Committee as it now is, we sit out of that, we leave it for the officers. Occasionally we are going to say one of our senior civil servants, 'What do you think about this? What do you think about that? Mrs Le Page has contacted me about this.'

3050 You are not trying to impose your will upon it, you are not trying to interfere with it. You are dealing with questions and queries that have been raised of you by the members of the public. Also there is a passage of the Report, I think it is page 92 if my memory serves me right, which talks about financial matters.

3055 What it says is that between March 2010 and March 2016 the Law Enforcement service had a real cut of 6% in its budget. In 2018 and 2019 we, collectively, as the States of Guernsey, have said there should be another 10% cut. So 10% and 6% I know the arithmetic of some accountants, and we have got some in the States, will tell me that is not the way to look at it; that is 16%. That is one sixth of the real budget of Law Enforcement has either been cut back or is going to be cut back.

3060 Look at the job that we expect them to do. I think it is page whatever it is of the Report, talks about we have got £250 billion worth of assets that the Bailiwick looks after in its financial services. We expect police officers to deal with that, the Border Agency officers to do that. Internet crime, now, that was nothing. The internet did not exist in any real form 20 years ago. It is now a major part of our Law Enforcement agencies' concerns. We also have other financial crimes that did not even exist 20 years ago that we now look at.

3065 I note that in 1998 it said that was the last time that the police establishment was due to be increased to, I think it was 177 officers. I think it has got 147. I was in the States in 1998 and I and a far more distinguished politician than I ever will be, Deputy Roger Berry, were in the minority because we did not think there should be any more policemen. We thought there were plenty. He eventually compromised and agreed, I think, there would be an extra 10. I did not think there should be another one. Nevertheless, by an overwhelming majority, the States decided the establishment should be increased to 177.

3070 As it says in one sentence of the Report, policing, and that means Border Agency and policing, now is completely different from what it was 20 years ago. So we do need our 177 police officers. We do need our Border Agency. But we have only got 147 police officers. We have only got, I think it is 54 Border Agency officers so that is, what, 200 people doing all the things that we expect them to do.

3080 Of course I do not cast any doubt upon the integrity of the people who wrote this Report but how much of them have real affinity with a small Island like ours? We are smaller than most towns. I was talking earlier, at lunchtime, to the Chief Executive of the Alderney States, because his last port of work was Nottinghamshire, in an area I knew very well. In fact I know it so well that five of the courts that I appeared in during the 1970's have all now closed. So life moves on. Perhaps it was me making a bad influence, so they decided, 'We cannot put up with him any more, let's hope he does not come back!' It could have been stuff like that.

3085 The world has moved on and therefore the 147 police officers, the 54 customs officers, their 100 support staff are doing an absolutely magnificent job for the Bailiwick of Guernsey. They are doing an absolutely superb job.

Now, the two recommendations that appear at Chapter 11, relating to governance, say this. Recommendation 5 on page 91 says:

By 31st January 2019, the Committee for Home Affairs should publish a strategic plan that sets out BLE's business objectives and priorities. BLE should use this to inform a revised service delivery plan.

3090 That follows on from the previous page, which says:

In 2015, the Committee for Home Affairs produced a Delivery Plan 2015-2018 that defined the core business objectives for the services for which the Committee was responsible. This set out the priorities for individual services. In the case of Law Enforcement, these focused on separate projects for each of the three years of the plan, including ...

and then it says there has been a new Committee. It said that:

At the time of our inspection, the current Committee had not adopted the Delivery Plan 2015-2018, neither had it produced a new plan to replace it. Therefore, BLE was unaware of the business objectives set by the Committee for

Home Affairs. Subsequently the Committee adopted the plan but it has since been superseded by a plan from the States of Guernsey.

3095 Where is the criticism of that? They come into office, they look at something, there is already a current plan and objectives and then they now decide that they will adopt those after a period of time but they have, in any event, been superseded by a plan that we, collectively, as the States of Guernsey, have approved.

The other recommendation, we go to page 95, recommendation 6:

By 31st January 2019, the Committee for Home Affairs, in consultation with the Head of Law Enforcement, should design, publish, and subsequently operate in accordance with, a document that clarifies each party's responsibilities for (as a minimum) ...

and then there are five bullet points. Well, I am not sure it is going to do that in the next day and a half but I am sure it will do so relatively soon.

3100 So it has got all those things, but as I say, are we catching more criminals? The answer is yes. Are the Police solving more crimes? Yes. Is crime generally down? Now, as I say, crime has changed, but just as the excellent speech – and I mean that sincerely – from Deputy Prow, with all his considerable experience, 43 years or whatever is, he is therefore older than he looks, his commentary and his experience exuded through.

3105 I have been going into criminal courts in various jurisdictions and other courts too since 1972. I have been going into courts in this jurisdiction since 1981. I have appeared in the court of Alderney years ago, not very often. I usually go there on wet days, when I first came back, and Roger Perrot and Nik van Leuven would send me there to keep me out of the Island for a day or two! (*Laughter*) I have appeared in the court at Sark, I have appeared in all the courts of this
3110 Bailiwick. I think I am the last person to represent somebody charged with murder. That goes back to September 2006. So I have got a degree of experience in relation to it.

I think most police officers of any experience would tell you that, if I write them a letter or cross-exam them in court, they do not always find that to be the most pleasant of experiences. But I respect them because they are professional. Each and every one of them is a person of
3115 integrity and they are well led. They are well led by their current leader, they are well led by their previous leaders. They are very well led by their political leaders.

Therefore, of course there is room for improvement. That is what these types of people should be producing; that is what they have produced. It has got to be put into the Guernsey and Alderney and Bailiwick of Guernsey context but, really, do we have much to worry about? The
3120 answer is we do not.

The Bailiff: Deputy Soulsby.

Deputy Soulsby: Sir, thanks.

3125 I am going to be briefer than Deputy Ferbrache. I just want to focus on two points. Firstly the Inspectorate comment that in a small island environment there is a particularly high level of public expectation. I think that is true for Law Enforcement, Health, Education, basically anything we do. That is true.

3130 As I said earlier, issues can be magnified and people be quick to blame. Those on the receiving end, understandably, then become defensive and can themselves deflect blame. The desire to be open and transparent is then reduced, morale in the workplace is hit and issues are consequently hidden and the service does not improve or can even get worse. The HMIC says that there are several areas of improvement. It does not say we have a failing service, so I think we need to keep things in perspective,

3135 My second point covers just one aspect of the Report, that is related to domestic violence. I did read the Report reference in the footnote: 'Everyone's business: Improving the police response to domestic abuse'. It is a report that goes back to 2013, it states that not all police leaders are

ensuring that domestic abuse is a priority in their force. It is often a 'poor relation to other policing activity like acquisitive crime and serious organised crime'.

3140 I have to say I did kind of get that impression from the Report. In fact I was concerned about that aspect of what was written. On that, I do not accept Deputy Green's defence as to why he did not grill the previous Head of Law Enforcement on the recommendations. I think one of those questions could have been over that issue and to understand what his priorities have been and where does domestic violence fit within his Police Force priorities.

3145 Anyway the report I just referred to states that the level of domestic abuse in the UK is shocking and is estimated to cost £15 billion a year. If people think that is not an issue here, they need to understand that locally we have identified that 25% of referrals to the Multi-Agency Support Hub are related to domestic abuse. Domestic abuse is an insidious crime that impacts the abused, not just physically but, possibly worse, mentally.

3150 I therefore welcome the recommendation in the Report that says:

By 31st January 2019, the Head of BLE should carry out an evaluation of reported domestic violence incidents in the Bailiwick of Guernsey. Based on this data, the most appropriate agency should conduct an evaluation to establish whether Domestic Violence Prevention Orders and Domestic Violence Protection Notices, if they had been available, would have provided valuable additional protection to victims. If the evaluation shows that they would, the Committee for Home Affairs should consider pursuing changes to legislation to enable their introduction as soon as possible thereafter.

We have a new Head of Law Enforcement and I wish him well. I will be interested to see if there will be a greater focus on domestic violence as well as also supporting the most vulnerable in our society than there may have been to date. As far as Health & Social Care is concerned, not having spoken to the rest of my Committee on this, but I am sure they would agree with me, we will be happy to help where we can. But can the President assure me that the evaluation work has begun and that her Committee will also be giving this a higher priority than has been the case to date? Thank you.

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The Bailiff: Deputy Yerby.

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Deputy Yerby: Thank you sir. In starting I would like to assure the Assembly that my feet are firmly on the ground here and not on the moral high ground, as Deputy Graham is wont to remind us, but I think probably does not feel entitled to in this case. It is worthwhile. I do not intend to burn any witches on either side of this argument.

3165 I agree that the Report merits scrutiny for a couple of reasons. Members of this Assembly have gotten quite hot under the collar about what are essentially minor Government interferences in the likes of ordinary systems, like for example when they can or cannot have a bonfire. Law Enforcement and the decisions that it makes about the lives of ordinary citizens can result in a total deprivation of liberty and therefore, in essence, the most major deprivation of liberty and interference with the liberties of ordinary systems by the state that you can imagine.

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So it is proper that a Report like this gets proper air time and proper consideration by this Assembly. As Deputy Roffey and I think Deputy Green and a couple of others discussed earlier, the apparent claim in the Report that the political Committee had tried to shape the outcomes of individual Law Enforcement cases was naturally of significant concern. Doubly so because I think the President of the Committee has stood in this Assembly before, when we have discussed things like alternatives to short prison sentences and said quite emphatically it is really important to preserve checks and balances on powers to make sure that the Government does not interfere in the work of the courts and so on.

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What appeared to be a contradiction to that in the Report really did need to be examined and scrutinised, and has been, and has, as Deputy Roffey said, been found not to be what it said on the tin. But I think it is worth reflecting that was there in black and white and needed to be addressed and it would have been a dereliction of duty on our collective part not to say hey that raises a few red flags, can we talk about what is going on, please, Home Affairs?

3180

3185 But I think the Report is, in general terms, a creditable one. As others have said, the speech
that Deputy Lowe gave this morning is the kind of speech that I would have written for her, had I
still been a civil servant, bringing out the balance of the good and bad in the Report and
recognising the actions that the Committee is already taking to address these things. It is a Report
that is typical of an experienced external agency looking at what the States of Guernsey does. It
has a combination of genuinely holding up a mirror to what we are doing and identifying the
3190 good and the bad in it and also misapplying some of the context of a larger jurisdiction or a
different jurisdiction and misunderstanding some of the ways that we work.

So it has got some legitimate good and bad in it and some things that I think are the products
of misunderstanding or simply different ways of working. That is fair, that is what we generally
expect, I think, when we invite someone in from outside to look at us and we have had the
3195 collective wisdom to navigate our way through that. I think that is okay.

The good points have already been drawn out by colleagues and amongst those that are less
good I just wanted to pause for a moment on those that are lessons for all of us, rather than
being solely within the control of the Committee *for* Home Affairs. We know already that the state
of the IT services is a rebuke to Central Services and one that clearly needs to be addressed and I
3200 felt also that the challenge in respect of the Estates Strategy is a reminder to us of the perils of
waiting for the one giant strategy to fix everything.

It is not simply the fact that there is perhaps a lack of political direction around the future of
Bailiwick Law Enforcement but also the obsession the of previous States with having a single over-
arching Estates Strategy that was going to solve everything and that relied on moving a lot of
3205 different pieces of the puzzle all at once.

I think too often we fall into the trap, we will see it with air links again, later on, of saying, 'Let
us have the one big review that is going to tell us the answer to everything and then let us move
all the pieces at once.' In that long lag period between now and then, lots of little things are
allowed to fall into dereliction and we should be much better at solving the presenting problem at
3210 the time it presents itself.

Then of course, as Deputy Ferbrache picked up on, there is the constant issue of under-
resourcing, thanks to the fiscal policies, which are supported generally by a majority of States'
Members. I do hope that it is not too early to start talking about the next Budget debate and for
Members to start thinking about how we can approach that in a way that allows us to deliver to
3215 our citizens services that are appropriate and fit for the ongoing clarity with this community.

I think that if we choose to starve ourselves of resources as an Assembly then as Committees
we cannot complain of the impact that that has on our own services. So we have to think both as
a collective and as a service provider when we are making Budget decisions. I think we have a
tendency too much to forget one hat when we are wearing the other at the moment.

3220 Deputy Queripel and Deputy Soulsby touched on the issue of vulnerability. Vulnerability is a
buzz word for some people, like those Deputies and like me, and probably a swear word for some
others. But I am as quick as anyone to acknowledge that it is a fairly broad term and we can all
come up with our own definitions within that.

As the Report picked out, there are existing definitions that all police forces within the UK use.
3225 The College of Policing's definition of vulnerability is:

A person is vulnerable if, as a result of their situation or circumstances, they are unable to take care or protect
themselves or others from harm or exploitation.

So it is a two-sided thing. It is looking at what there is essentially within the person that might
make some particular risk of harm and looking at what environmental factors there are that might
particularly expose that person to harm. So when the Report is saying there is not a consistent
definition of vulnerability and consistent assessment of vulnerability within our Police Force, it is
3230 saying our Police are not necessarily all the time making an assessment of what is putting
individuals at risk and what actions they then need to take to address this particular effect.

3235 That is I think something that should concern us. There is an inconsistent approach to identifying vulnerability among witnesses, suspects and victims. The introduction also said that there was a potential lack of understanding of risks to and needs of minority communities within Guernsey. There is inadequate resource being allocated to high-risk child protection, domestic abuse and sexual offence cases, those cases not necessarily going to the specialist team because the process is not always reliable in terms of who they are allocated to.

3240 There were requests among the staff for more training in respect of vulnerability and the appropriate response to it. There is a standard of victim and witness care which at times falls short of the standard the force has adopted for itself. Certain services were highlighted as being inaccessible and, particularly worrying, was the high caseload of the team working with the management of finding offenders and registered sex offenders.

3245 None of these are to the States' credit. All of them amplify the possibilities of harm to innocent people and all of them affect opportunities for those who have been hurt to heal. The Committee *for* Home Affairs have said to me before that one of their utmost priorities is to make sure that victims are well taken care of and I would add to that to ensure that people are not victimised in the first place.

3250 Well, before the follow-up report by HMIC, perhaps in the Committee's Policy & Resource Plan update, perhaps in other opportunities that it has to update the States, I hope that it will demonstrate critical progress on this particular area of the Report and I looking forward to hearing it.

The Bailiff: Deputy Fallaize.

3255 **Deputy Fallaize:** Thank you, sir.

3260 I think there has been something of a disconnect between what the Committee *for* Home Affairs would like the States to concentrate on in this Report and what has driven the wish of the Assembly to debate the Report. I think it is explained because the responsibility of the Committee *for* Home Affairs in this matter is for the Guernsey Police and the Guernsey Border Agency and, clearly, the Report is overwhelmingly positive about those agencies and therefore the Committee *for* Home Affairs wants the States to at least note, if not celebrate, that the services for which it is responsible are performing well and indeed improving. That is fine.

3265 But of course the Assembly is primarily holding to account the Committee *for* Home Affairs and not the services, the Border Agency and the Police Force, because that job has been delegated to the Committee, so I do not think there is any surprise that there is some difference in terms of the emphasis or the focus placed on different parts of this Report by the Committee and some States' Members.

3270 I think the most concerning aspect of the Report, as far as the Committee is concerned, or the States in holding to account the Committee is concerned, when it was published, was this suggestion that there had been involvement from the Committee in specific policing cases. I do not see how anybody can read the Report and not reach that conclusion, because it essentially says that in black and white.

3275 However, since the Report has been published, there has been a Scrutiny hearing at which the author of the Report appeared and others appeared and there has been an opportunity in various ways to test further this impression created by the Report and I think it has been not just addressed but disproved. I think the Committee has disproved, ironically with the assistance of the evidence provided by the author of the Report, the claim that there was unhealthy involvement in specific policing cases.

3280 I feel personally that can be disregarded as a concern, with the exception that I am not quite sure why it appeared in the Report in its original form. Partly because of what was said by the author of the Report at the Scrutiny hearing and because the Report, generally, appears to be very plausible, there has been quite a lot of praise heaped on this Report and on the author of the Report.

3285 But actually I think that what was written in black and white and what was said at the Scrutiny hearing was contradictory Therefore I am not as impressed by the authorship of the Report as some other people are. Nevertheless that is quite incidental. The Committee, I think, has disproved the claim made originally by the author that there was involvement in specific policing cases by the Committee.

3290 The second issue is around the claim, also made in the Report, about a lack of strategic leadership on the part of the Committee. Now I do not think this has been so successfully disproved or challenged by the Committee. I do take Deputy Prow's point, I think it was Deputy Prow who said when he spoke that the Committee wanted to commission a review of the services before, so they had more evidence available, before they wrote a general strategic plan. I think that is a logical and sensible argument.

3295 But we are now more than half-way through this States' term, so I just make the point that I think, in principle, it is going to be quite difficult if, in the future, major States' Committees take the view that they cannot adopt strategic plans for the areas of policy and the services for which they are responsible until they have commissioned external reports into those services, which may not be presented until more than half-way through a States' term. I do not think that is going to be a tenable position moving forward.

3300 I think there is some disconnect between the argument Deputy Prow puts and the claim in the Report about a lack of strategic leadership. But the HMIC has been invited back and no doubt, if they feel it necessary, they will be able to touch on that issue in their repeat, follow-up report.

3305 Then there is the issue of general operational interference. I do not mean involvement in specific policing cases, Deputy Ferbrache has referred to it and Deputy Lester Queripel and they take different views about the extent to which politicians should interfere – that is a pejorative word to begin with – become involved in operation matters. Now the criticism, if there is any here, is that the Committee *for* Home Affairs has been too keen to become operationally involved. But this is an obsession which is almost unique to Guernsey and discourse around Guernsey politics.

3310 In other political environments, people are not obsessed about the extent to which politicians are involved operationally. Deputy Lowe was asked a question earlier today about the search for the missing plane and she said, very firmly, it is not for politicians to become involved, those are operational matters, and more or less created the impression it would be improper for politicians to become involved.

3315 That is a perfectly valid point of view. But what happened, I think it was over the Christmas period when there was the problem of migrants trying to cross the Channel and there was some criticism of the way in which that was being dealt with by Border Control and police in the UK? The response of the Home Secretary was to say, 'I am cutting short my holiday and I am returning to the UK because I am going to take personal charge of that situation.' Nobody said, 'Oh well you really ought not to be interfering in operational matters.'

3320 Deputy Lowe repeatedly says in the States that it is not for parliament, it is not for politicians to become involved in sentencing policy. Deputy Ferbrache has made the point as well, about the need to protect the integrity of the courts. But almost every other jurisdiction in the world has a body of law and not case law, but law on statute, in place – or government policy – which has 3325 much more of an impact on the freedom the courts have to issue sentences of various lengths in relation to various crimes. Much more than Guernsey does.

When the prison population was increasing in the UK, one of the things the UK Government did was to change sentencing guidelines and sentencing policy, which resulted in fewer people going to prison. I am not saying one approach is right and one approach is wrong, but now we 3330 are fearful, I think, as a body of politicians, about this claim that we are interfering operationally and I think it has become almost an obsession. It is almost unique to Guernsey, it does not happen in other jurisdictions, and sometimes it is necessary for politicians to become more involved in the services for which they are responsible.

3335 It cannot be done in an irresponsible way. It cannot be done in a way which undermines the professionals who are employed. But there is not always a thick black line between what is policy

and what is operational. I do not think, when Deputy Ferbrache was in the States in the first time around, some of the people he served in the States with would have been overly obsessed about whether they were involved in policy matters or operational matters. I think that has crept into some of our consideration in the States too much.

3340 The final thing I want to say about the relationship between the Committee and the Police and the Border Agency, which to some extent is criticised in the Report. It is identified there is a lack of clarity. The answer is a police law. That was established as a policy requirement by the predecessor Committee. I think the present Committee still recognises that there is a need for a new police law but has been unable to prioritise it.

3345 That is the answer, because through that law it would be possible to better define the duties of the Police and the duties of the Committee and the relationship between the two and a modern police law would, for example, require the Committee *for* Home Affairs, annually or every two years, however periodically, to produce a strategic policing report. If that kind of framework was set out in a modern piece of legislation, I think quite a lot of the lack of clarity in the relationship
3350 between the Committee and the Law Enforcement agencies, which has been highlighted in this Report, would just be dealt with and would not arise.

So I really do think there is a need to get on with a new police law. I do not know what the hold-up is. I know that in 2016 there was every intention that it would be a priority in this States' term. Then –

3355 I will give way to Deputy Prow.

Deputy Prow: I thank Deputy Fallaize for giving way. I understand the point being made about bringing in legislation, but we had a very comprehensive update around Brexit, of which the Committee *for* Home Affairs is very heavily involved in legislation. I just make two points. The
3360 HMIC review is really talking about a governance piece, which goes beyond a piece of paper in my view. That is what I hope I was trying to put over in my speech.

I am just asking, through you sir, if Deputy Fallaize agrees with me that the most important element of this is to give some sort of strategic guidance, which could also be enshrined in legislation – I completely accept that point – but in the first instance that we sit down with the
3365 Head of Law Enforcement and using Prof. Staite and her skills that we actually develop some sort of workable strategic direction, which is transparent and actually meets the answer to that recommendation?

Thank you, sir.

3370 **Deputy Fallaize:** Yes, I do accept that. But I think if in legislation the Committee *for* Home Affairs, as soon as it took office, was required to produce a strategic policing plan, which is what you would find in most other jurisdictions, then the kind of discussions and dialogue that Deputy Prow is talking about, would have been necessary.

3375 It is slightly unfortunate that nearly three years into this States' term that the Committee is now saying, 'Now we need to enter into a discussion with the Head of Law Enforcement in order to get to a point where we can have a strategic plan.' So I do think that, if there was legislation in place, which clearly articulated the duties of the Committee and the duties of the Law Enforcement agencies, then both parties would be helped.

3380 At the moment, everybody knows what has happened. There has clearly been some tension in the relationship between the Head of Law Enforcement and the Committee. But part of this problem is caused by the fact that neither party is absolutely clear what the responsibilities of the other party are. That is partly because we sort of make it up as we go along rather than, as would be the case in most jurisdictions, having it set out in law what the responsibilities are of the various parties.

3385 Historically there has been the same problem in Education. The Education Office and previous committees going right back say the Education Law is perfectly fit for purpose, because it is permissive, so it does not stop us doing what we need to do. That is fine but what it does mean is

that there is absolutely no clarity for any of the other stakeholders in the system about who is responsible for what and I do not think that is particularly helpful.

3390 Deputy Prow makes a fair point about Brexit. I was going to go on to say, before I gave way to him, that in May 2016 a police law was a priority of the outgoing Home Department as they were and then, within a month or two, the British public in their wisdom decided that the UK should leave the European Union and now that, of course, has created a great deal of work for the Committee for Home Affairs and other areas of the States.

3395 But I am not quite clear whether it is that the Committee does not have the resources to progress the work or whether it is that there is not the drafting time available at St James' Chambers, and I am not actually clear when we might be able to expect a police law to come back before the States, or indeed a policy letter, which would not need to engage the resources of St James' Chambers, which would at least set out what will be in a new police law when it is finally drafted.

3400 I think some clarity around that would be useful but clearly the Report is complimentary, in the main, of the Law Enforcement agencies. That is good news and I think it is also very good news that the original claim, in black and white, that the Committee involved itself too much in specific policing cases has not just been addressed but disproved. I am still not sure how it made its way into the Report.

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The Bailiff: Deputy Graham.

Deputy Graham: Thank you, Mr Bailiff, Members of the States.

3410 I was not intending to speak this afternoon but I had rather assumed that the undertakings given by Deputy Mary Lowe as President and the comments of the head of Scrutiny, Deputy Chris Green, might have helped draw a line under this. So what I am about to give you is totally unscripted, but I am going to do my best.

3415 I am going to make it clear, I speak not only as a former commander, myself, of an operational unit, so I know what it is like to be inspected, but also, ironically, in the last two years of my Army career, part of my job was to go around inspecting on the operational units and assessing their fitness for role. I have to say I did not always get that right. There you go.

3420 I do not dispute for one moment or accuse of insincerity the likes of Deputy Roffey who – and I can easily understand anybody looking in cold blood at the HMIC Report – will be saying to themselves there is something not right going on here. Then it is particularly difficult for a Committee, and it need not just be the Home Affairs Committee, to deal with a Report like this, knowing that in your heart you cannot quite accept the accuracy of some of the stuff in it. It is how you respond to that.

3425 I am going to confine my remarks, and I am trying to make them as general and applicable to Government in general, rather than just as a defence of the Committee, but it might help to narrate how these things happen in order for you to understand the generality rather than just the specific. I would like to talk briefly about this business of strategic direction. Rather like Deputy Peter Ferbrache, I think this can be overblown in a small jurisdiction like this.

3430 If you are talking about a national police force, for example in the United Kingdom, and the Home Secretary, there is some strategic stuff to go on with, real strategic stuff. Are we going to go for a national police force, are we going to disband county and regional police forces? That is strategic stuff. Also, verging on the operational, we are no longer going to do stop and search. That sort of stuff. That is big, strategic stuff. It is a clear direction as to the way a government wants a very huge agency to proceed.

3435 Here in Guernsey, I am not suggesting that the work of the Border Agency and Police Force is easy, but actually the concept is really fundamentally quite simple. I think the role of politicians in it is quite simple. I think our task, certainly *vis-à-vis* the Police, is essentially to say, 'Here are the Laws and if they need improving we, as a Committee, will improve them; here are the regulations. These are our priorities, here is the money, keep the Island safe, enforce the Laws.' To the Border

3440 Agency: 'You have got your own Laws and regulations, please protect our borders for us. Please collect our Customs and Excise duties for us and let us know if you have got any difficulties.'

This strategic direction stuff, I would appreciate some specific direction from the likes of Deputy Peter Roffey on precisely what they mean by that. I think probably it means the sort of stuff that we as a Committee, when we formed back in 2016, inherited. On the Law Enforcement
3445 side, we came at a time when we were in the second year of a four-year delivery plan written by our predecessors.

I suppose we could have looked at that and said, 'Look, we are new Committee, this is a load of nonsense, tear it up and we will bring a unique wisdom to this.' I think we did the sensible thing. We engaged directly in various familiarisation tours and discussions with service chiefs, to
3450 get the feel for how things are going, but at not stage do I ever recall the then Head of Law Enforcement saying to the Committee, 'We lack strategic direction.'

Certainly, and Deputy Peter Roffey mentioned, where did we stand on the restructuring of Law Enforcement. Well, I will tell him where we stood. Remember we inherited this from some fairly illustrious people. Deputy Peter Gillson was the Minister. Francis Quinn was the Deputy Minister.
3455 Deputy Mary Lowe was a Member, Arun Wilkie was and Matt Fallaize was too. This was a four-year delivery plan. We were in the second year of it. And this is what it said about restructuring of Law Enforcement:

Continuation of a programme of reorganisation and restructure of Law Enforcement delivery across Guernsey police and the Guernsey Border Agency, in order to rationalise existing services into a coordinated and shared working structure.

Now, that his high-level stuff. I suppose it is strategic. In my view you employ somebody like the Head of Law Enforcement and you pay them a pretty impressive salary and say, 'Get on with
3460 it.' If there is a continuity of restructuring to go on. If the message is more cooperation, as a highly paid leader, and I am sure he would agree with this, it is his job to go away, analyse the way ahead, come to the Committee, if he has got problems on that, does he need more resources and so on, and get on with it. At no stage do I remember the then Head of Law Enforcement coming and saying, 'I cannot do my job because you have not given me strategic direction.'

I am trying not to make this a defence of the Committee I am trying to make a general point, really, and that is I think we did the wise thing. I, certainly, as an experienced operational commander, took a look at Law Enforcement and it was immediately clear to me that they were
3465 doing a good job. But it was almost a good job despite some of the headwind into which they were walking.

One of the headwinds was a very heavy reliance on overtime. This was a real factor and it impacted on the morale of the force. After some difficulty, the Committee were given access to the staff survey that had been conducted the year before, I think. Morale was very low. Now that
3470 can be partly explained by the fact that the almost integration of the Border Agency and Police was bound to create certain frictions. But I think it was deeper than that. I think it was a Police Force and a Border Agency that were under pressure and the only way they could do their job was excessive use of overtime, which I think impacted on morale to quite a degree.

When we looked at the two agencies, there were some clear areas of difficulty, particularly on the technical side, on forensics, on the IT side and also at the financial crime unit, where some specialists were very difficult to recruit and retain. The forces were doing a very good job. In my
3480 view the Committee did the sensible thing, they said, 'Okay, here is the strategic direction we have inherited from the previous Committee. It has got three years to run. In the meantime we have observed some potential weaknesses, let us get the HMIC in to help us to evaluate what needs to be done.'

Deputy Fallaize has a point. It is a bit disappointing that at this late stage in this four-year term we are now, reinforced with this Report, able to make a clearer judgement on what the way ahead
3485 is. It is a pity it took so long. This was not really the fault of the Committee. It took a long time to

get the inspection team up and running and they then came rather later than expected and the net result was, really, was that the inspection itself did not finish until some time early in 2018.

3490 I think that is regrettable, but it is not as if in the meantime there was a total vacuum of dialogue and engagement between politicians and the Law Enforcement agencies. There was continual dialogue. Somebody mentioned, I think Deputy Fallaize, that relations between the Committee and the Head of Law Enforcement may have been a bit prickly at times. But you learn to live with that and it may be partly an explanation as to some of the comments that were made in the Report.

3495 Enough about strategic direction. Certainly if there was a lack of it, it was not because the Committee was obsessed with low-level operational stuff. I have got my own views on this. I think many Members will be sympathetic with this. I think this business of the interface between the political and the operational runs through every single Committee and I can think of other Committees, probably Health & Social Care, where it is just as sensitive as it is in Law Enforcement.

3500 I think a sensible attitude is to say there is no such clear line. It waves about a bit. Because it waves about a bit, what it requires from both parties, is a bit of common sense and a decent relationship, one with the other.

Deputy Peter Roffey said if some of these accusations of interference were so inaccurate, why did we not challenge them? Well, we did when we got the draft Report, but certainly my advice to the Committee – some Members of the Committee really wanted to wade in and say, 'This is a load of nonsense. This did not happen.' And so on – I did caution them, I said it is in the Report, it is in the Report for a reason, either the Head of Law Enforcement or one of his senior officers has made this accusation or this complaint. It is what it is. That is how they perceive it and we need to deal with it.

3510 I happen to feel personally that some of these alleged complaints had no foundation and were really over-reacting to perhaps the Committee, sometimes, getting a little bit too close. Who knows? In my view, the Committee and any Committee of the States has a duty to respond to pressures from fellow Members and also from our public. I think the art of being a politician sometimes requires us to look those people in the face and say, 'That is how it is. We support what is going on. If you do not like it, do not look to me to rectify it.' In other words, declare one's faith in one's own judgement.

3520 But there are times where it would be irresponsible not to pass on concerns to those whose responsibility it is to face up to them. I think the difficult thing is, in distinguishing between on the one hand alerting an operational service to a problem and then trying to tell them how to deal with it. If you go to an architect and say, 'I want my house to have plenty of room in it and I want you to do this, that and the other,' you do not then tell him how to create it, in my view. Otherwise you are wasting money. That is the analogy I would use for how Committees, and certainly the Home Affairs Committee, has to deal with its interface with, particularly, Law Enforcement.

3525 Finally, Deputy Fallaize raised this business, and I think Deputy Yerby was also hinting at it, of sentencing policy. Deputy Mary Lowe must respond for herself. I think, certainly, that Deputy Fallaize does not quite understand my viewpoint on it. I am not saying that the Home Affairs Committee has no responsibility at all for sentencing policy. I think it does. I think it has a duty to make available to the courts a range of punishments and sentences.

3530 Of course previous Committees have done that. I think where our responsibility stops is at telling the judiciary how to use those tools. If the sense is that the tools provided are insufficient in themselves, then fair enough, it is the Home Affairs' Committee's responsibility to come up with more tools. In fact, in as far as the role of short sentences is concerned, the Committee is actually addressing that now, as indeed it has been considering it for some time.

3535 Members of the States, thank you for listening. I hope that did not come over too much as a defence of the Committee. It is meant to really give some fairly general guidelines from my view, not only as a Member of the Home Affairs Committee, but as somebody who has been on the end of inspections, in fact at both ends of them. I hope we are able, actually, to draw a line under this. That will be for the President to do in her closing remarks, but I can assure you that, from what I

3540 have seen of the new Head of Law Enforcement, and also from what I know of my colleagues, there could not be any greater resolution together to address the findings of the Report and to get on with the job.

The Bailiff: Deputy Tindall.

3545 **Deputy Tindall:** Thank you, sir.

I start by thanking those in the Guernsey Police and the Guernsey Border Agency for the work they do. We are indeed lucky to have not only Law Enforcement of quality but also the safe and secure Bailiwick in which we live. To ensure this situation continues, commissioning this Report, we looked at whether the capability and capacity of the Bailiwick Law Enforcement was
3550 appropriate and necessary. I am afraid therefore I cannot be as complimentary to the Committee as others has been as, to be honest, I would have been extremely surprised and disappointed if it had not been so requested.

This review enables us to see if the way things are done are done well and where improvement can be made. This is by looking at processes and protocols and making sure they are effective and followed. I hope that simple explanation goes some way to helping Deputy Ferbrache appreciate their importance.
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I therefore agree with the President of the Committee *for* Home Affairs and others in this debate that this Report is one which not only her Committee but all of us, here, sir, can learn from and that is why I welcome the debate. It is interesting to note that speakers so far generally have concentrated their concerns at the good governance, as Scrutiny also chose to do at the hearing. New laptop, I apologise to everybody but I am on a learning curve with this!
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I do cover the same, as it is so fundamental because if good governance is present it means the operational work is supported and helps crime rates to be kept low. I will give a different perspective and, as good governance is the business we are in, I feel it is essential to ensure we identify concerns. I begin with voicing my surprise that when a Committee welcomes such a Report and accepts the recommendations, in the opening speech by the President of Home Affairs, there is no mention of these eight recommendations, indicating action by tomorrow.
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In the interests of openness and transparency, I hope this will be rectified in the President's closing speech in the way requested already by Deputy Merrett and Deputy Soulsby, by having a reasonably detailed explanation of what is being done, when completion is expected and why they have not been done by 31st January 2019. Committee Members saying that the work can now be got underway seems to miss the point. Work should have been done before now, at least as envisaged by the reviewer, by tomorrow. So an explanation is needed.
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I am concerned over the content of the Report itself, as well. Can we rely on it? When it was first presented to us, we were given to believe there were many inaccuracies, which the Committee have drawn to the reviewers' attention, but which have remained unchanged and which later were backed up by the Head of Law Enforcement himself. However this Report was completed by HM Inspectorate of Constabulary and Fire and Rescue Services, a well-respected body, which means it is difficult for me to dismiss their comments and their concerns.
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As well as the contents of the Report as a whole, I am also concerned about the evidence provided by the Committee, not just to HMIC but also to the Scrutiny Panel. The President of Scrutiny says, in his report on the hearing when the Committee was questioned, that he was unimpressed and disappointed by the level of disclosure of documents and information provided to the panel. The Report indicates a lack of understanding of not only the importance of minutes but the necessity for their scrutiny, be it by the Committee of the same name or by the Inspectorate.
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As the appreciation or lack of the importance of minutes is a recurring theme for me in the States, I feel it is important that we learn from this the need for clear guidance on the way minutes are taken, their contents and the need for them to be shared, to ensure good governance. What

3590 has happened here is a good example of the importance of a properly written set of minutes and understanding of their value.

The next concern I have is the apparent lack of clear identification of roles and responsibilities as set out in recommendation 6. This is essential part of good governance and I am surprised there was a need to set out this recommendation at all. Similarly, the lack of strategic plan, 3595 recommendation 5, and I add at this point that I disagree with Deputy Graham. We do need to give strategic direction.

For example, should we put our energies into prevention of financial crime or domestic abuse or illegal drug use or all three in equal shares? Just considering those three, I do see this need for the strategic objectives to be set out. Of course it would be in consultation with the Head of Law 3600 Enforcement but I am concerned that the new head's role is not hampered because he will not be given strategic objectives until the work indicated by Deputy Prow is undertaken.

I refer again to the report by the President of Scrutiny, who states that the comments of the Committee for Home Affairs at the hearing led him to question whether all Members fully understood the rationale behind the critical remarks made by HMIC on governance. To me, that 3605 speaks volumes, and sounds all too familiar, albeit in other arenas, as Deputies should have a knowledge of what good governance looks like.

I must add that this is just one Report from one Committee identifying poor governance. For me, they are not alone and it indicates a real need for there to be a more proactive approach to good governance in the States. I often struggle to understand why such basic principles that have 3610 to be applied in business, and compliance with such, inspected by the regulator, are not applied as a matter of course in Government.

Whilst the way we work is not fundamentally broken, there is room for improvement. Another lesson to be learned. Which leads me to one specific issue of Law Enforcement, which I take an interest in – the prevention of financial crime – and one particular aspect of the Report, which is 3615 worrying to me, and that is the use of THEMIS. This is computer system which is the gateway through businesses advise the criminal crime division for any suspicious activity. This facility is a fundamental requirement under the anti-money laundering/countering terrorist financing framework, which we need to fulfil our international responsibilities.

Yet through this Report I am disappointed to have confirmed that it is in dire straits. I have supported the need to provide resources to the FIS in many debates, yet nothing was said about the concerns over THEMIS. I hope that the President, when summing up, can reassure me and those in the industry who use THEMIS, that it has now been updated in accordance with the area 3620 of improvement 15.

For me, ensuring this happens is essential, whether or not it is considered an operational matter, as we are required to ensure we adhere to international standards and the ability to report 3625 suspicions in a timely fashion is one. Other common issues across the States have been identified by some already, but I would like to add the need to improve external communications in order to challenge inaccurate public perceptions, in this case, for Law Enforcement, the crime level.

We all recognise the general issue and the frustration of a lack of means to have effective communication with the public, something in Health & Social Care we have been calling for, for a 3630 while. This Report raises the question of whether we, as Deputies, are sufficiently supported in our roles, in particular, in our understanding of what is good governance, what it takes to provide strategic leadership, as both are vital for effective oversight of public services.

However, it does rely on Deputies knowing their limitations and undertaking the necessary training when they need it. I am therefore very grateful to the Committee for enabling this debate 3635 and just hope lessons are learned.

Thank you, sir.

The Bailiff: Deputy Le Clerc.

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Deputy Le Clerc: Thank you, sir.

I will try and be brief. I had no intentions of standing up but I am not sure that these areas have been covered by anybody else, really, during debate. I will draw people's attention to pages 103, 104, and 105. Because I think you could substitute Home Committee for ESS Committee, HSC
3645 Committee, Education Committee, when it comes to human resources, information technology and finance and these are the areas that have been centralised.

I think we could fall foul of any report like this – any one of those Committees, because I think we all acknowledge it could be us reading a report about our own committees, because there has not been the ongoing financial support for most of these areas. Again, I think it was Deputy
3650 Ferbrache, when he debated, was talking about the cuts and the FTP savings. Again, some of the reasons the report highlights is those FTP savings, Committees were under huge pressure to make those savings and they were being given advice by Capita, these were ideas and suggestions from Capita, to make these savings.

Things were rushed through and I think, yes, there have been substantial savings and I am sure
3655 P&R would say, yes, substantial savings have been made. But I think some of the cuts, and they were cuts, are coming home to roost now. I think this Report highlights some of those areas where savings were made and cuts were made and it is coming home to roost.

I think there are some stark warnings in those particular pages about where we need to start thinking about putting major investment back in because I could be standing here with ESS and I
3660 know other Committees could be, with exactly the same comments across those three areas. So I thank Deputy Lowe for bringing this Report, because I think it has enabled me to get up and say, look, we need to be very careful here and we need to make sure that we start investing in some of these areas that have been highlighted.

So thank you.

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you very much, sir.

I attended the Scrutiny hearing and I found it quite interesting. I just have to say I thought
3670 Deputy Green did particularly well, because it is not always easy. What I would say is I think Scrutiny hearings could be longer, because you just get to a line of questioning that is beginning to reveal something and then you have to tune in next week to get the end of the conversation, or to the next follow-up hearing. So some of the issues that did crop up, that did need further explanation, there simply was not the time to do it.

3675 Page 93 of the Report says, speaking of the references to the operational element:

While to the individual these are important matters, we were surprised at how much time such matters take up in Committee meetings, and how frequently they do so.

So the time they take up and how frequently they do so. Because you could easily be left with the impression, after the Scrutiny hearing, that there were only three things that needed to be
3680 addressed, the bike light, the rogue bus driver and there was a discussion on an email chain where a Member of the Committee was advocating for, I think, a better pay package for a member of staff because they did not want to lose them. That is not unreasonable and that sort of thing has happened but you got the sense there was much more to be discussed, to reveal the whole picture, the entirety. With the redacted minutes, of course, that would have been difficult, although I do remember at the tail end of an email exchange ...

3685 I can give way to Deputy Oliver.

Deputy Oliver: Sir, the minutes were not redacted. The only things that were redacted were nothing to do with Law Enforcement. All the minutes to do with Law Enforcement were there.

3690 **Deputy Brehaut:** I thank Deputy Oliver for that clarification. It was Deputy Graham who said, I think, in the email chain that was discussed, that he did not want to contribute further because he

thought it was getting too operational. So there was clearly a view from the inside that the email chains, at times, were inappropriate.

3695 Now other than the time constraints on this Scrutiny hearing that left me frustrated, what I wanted to hear, if I am honest, is more from the former Chief of Police, because he referred to a report that him and other officers presented to the board to discuss the relationship between chief officers and the Committee. Now that speaks to a deterioration in relationship that needs to be addressed and there is obviously, as Deputy Fallaize has spoken about directly, breakdown might be too strong a word, but a very difficult, at times, relationship, between the Chief of Police
3700 and the political Members.

I was surprised at the gentleman from the HMIC, I am sorry his name escapes me: I got the sense that having written the Report and being invited back to Guernsey, I have to say he did appear almost as a witness for the defence for Home Affairs, which took me by surprise.

3705 This was someone who had written a Report that was hugely critical and I got the sense that he had thrown them under the bus then, realising what sort of impact this has had, he pulled them out and was brushing them down quite quickly, realising that in a small community he had thrown a stone into a very small pond and the ripples had perhaps travelled a little bit further than he had imagined and he felt in some way a duty of care to the Committee. That prevented him, in my view, from saying just a little bit more to flesh out some of the issues that were being
3710 debated.

I have been a critic of JESSC, fairly consistently. I have concerns, I have to say, about the blue light service, simply because I called for an ambulance, an ambulance did not arrive, it was only the fact that my neighbour at the time was a former police officer and he managed to make a call I could not make at that time and some 40 to 45 minutes later an ambulance turned up.

3715 That is over two years ago, by the way. I have concerns about that, that in sharing that experience, other people have shared their experiences with me. Where I do have confidence actually, I have to say it is wrong to single out individuals, but I have to say Capt. David Barker, on national television, under immense pressure, the past few days absolutely excelled himself. He did not flinch, he presented with great clarity, for people who were not familiar with the Island, gave them the context and spoke of the efforts they were making.
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He also spoke about collective working, with the French colleagues, with Alderney, with Jersey and the rest. JESSC, actually, rather than be dragged back in to be isolated in Guernsey, he spoke of the strength of having JESSC not to be solely isolated on Guernsey.

3725 If we recall, at the time this Report was published, we had this anonymous whistle-blower and this whistle-blower said, 'Actually, this Report is speaking to my life experience. This actually happened to me.' The response from the Home Department was, 'Thanks, we are open-minded people. If that person ever felt there was an issue that needed to be addressed then I am sure we could have ironed those differences out.'

3730 But that is not the sense I got from the email sent by a Member of the Home Department, Deputy Mark Leadbeater, when that individual, unknown to us, was described as someone without credibility, someone who was spineless and someone who was not well-regarded amongst his peers. What does that say about relationships at a senior level to someone who had, allegedly, not long left Home Affairs?

3735 I know my repetition of language is well known. Deputy Roffey also talks about the curate's egg and I think he is right with this Report. There are good and bad bits. What we are getting today, and Deputy Fallaize touched on this also, is, I do not blame Home for wanting to talk about the good bits but really we do have to talk about the bad bits too. We should not forget that.

3740 Let us just imagine, for one moment, that this report was critical of the Chief of Police. Let us imagine it was and it said that this Report found some failings on his part and that the Chief of Police could have left under a cloud. Fortunately he did not do, because that did not happen. But I am left wondering, because what I do not get, other than the sense of, from the Home Affairs Department, 'it has sort of been 10 years', I want to understand why they triggered this review

other than that? Did they get a sense? Did they get a gut feeling? Was something not working? Did they want to explore this further when they committed the £75,000? Because I do not think ...

3745 I will give way to Deputy Prow.

Deputy Prow: Thank you Deputy Brehaut for giving way.

3750 Could I just make the point that I have already made that the Committee spent a lot of time with the then Head of Law Enforcement in setting out and discussing the terms of reference? It is with his input and his agreement that the terms of reference were set. Also, with officers for the Committee for Home Affairs. So I really do not understand the point that he is pursuing around the former Head of Law Enforcement.

3755 I do not think that line of debate is helpful in any way whatsoever. The fact of the matter is we have a HMIC Report with eight recommendations and 26 areas for improvement. We have heard in this debate time after time that we accept the recommendations, we accept the areas of improvement, and we are going to sit down, and have already started, in an exercise of working hand in glove with the Head of Law Enforcement in delivering those recommendations and those areas of improvement.

3760 Is that not the bottom line? Emails that said this, emails that said that are not helpful, especially at this stage. We have been through a whole Scrutiny hearing and we have had this debate. I really would urge the Deputy to move on and accept that the criticisms in the Report are accepted –

3765 **The Bailiff:** This is becoming a speech, rather than just a brief interjection.

Deputy Prow: Thank you, sir.

The Bailiff: Deputy Brehaut.

3770 **Deputy Brehaut:** Is Deputy Prow giving way to allow me to finish my speech? It is very good of him! The point is a hypothetical one, but serious. It is about accountability. If there were failings on the part of the Police, we would expect them to be accountable. When there are political failings we do not really feel the same pull to accountability.

3775 The message in this Assembly is we have had the Report, it has shown the Police in a good light, we could have done better, let us move on. Deputy Prow referred to something very specific, which was, 'We accept the findings of the Report'. I hope Deputy Green will recall this: several times, because he asked the question to the President of the Home Affairs Committee several times, do you accept the findings of the Report? The answer came back, 'Yes, we do accept the findings of the Report.' Do you accept that you got too involved with operational issues? 'No, I do not think we did.'

3780 So it was not on the day absolute acceptance of the findings of the Report as it has been portrayed. I think we do need to move on. I have said my bit. But we should not shy away from political accountability. This Assembly, at times, and specific individuals, are obsessed with every operation element of E&I, every last bit of operational element; people go over in fine detail. If another Committee today is having a similar introduction to that type of Scrutiny, it is uncomfortable, it is difficult, but we should not shy away from it. It is about being accountable and demonstrating a willingness to be so.

Thank you.

3790 **The Bailiff:** Deputy St Pier.

Deputy St Pier: Deputy Fallaize, I am conscious, when he spoke made the point that this is very much about the political accountability rather than the Law Enforcement, which is clearly to be held to account by the Committee in our system of government. But I think it is worth picking

3795 up on the observations of Deputies Prow, Ferbrache, Inder, Soulsby and I think others, to make some observations about the quality of the Law Enforcement service that we do have.

As Deputy Soulsby said, we do not have a failing service, and it is appropriate to keep it in perspective. We are extremely fortunate, by comparison, to many other services around us and when the chips are down I think we are all extremely grateful for the work that Bailiwick Law Enforcement do and they do a fantastic job.

3800 That does not of course mean that they are not capable of further improvement and that, of course, is exactly what this kind of Report is designed to help deliver. I think I would like to commend the Committee on their response to this Report and I think, if I may, I want to just quote from the media release that came out just shortly after the Report was published. It was, I think, a media storm that Deputy Inder referred to. In that context, Home and Policy & Resources have worked extremely closely together. On 28th November, the media release said:

P&R offered to assist Home Affairs with its response to delivering on the recommendations outlined in HM Inspectorate of Constabulary's Report. As a result the two Committees met, at the request of Home, to develop an initial plan to take forward the various issues identified.

Following a full discussion on the Report and the need to implement the recommendations, P&R offered to support in four ways:

To support CHA to secure independent expert support for the strengthening of governance and strategic thinking.

Which is the Prof. Staite that Deputy Prow referred to.

To ensure the delivery of tactical IT projects –

and I am going to talk about IT a little bit more in a moment –

is reinforced at the monthly oversight group meetings ...

because we already review that quarterly across the States.

Working with the Oversight groups for Home and Law Officers to ensure dovetailing into the work around the wider transformation of justice;

Through the civil service leadership changes led by the Chief Executive to ensure that the Committee for Home Affairs is well supported in the development and delivery of its strategic policy objectives as agreed in the States' Policy & Resource Plan.

3810 At that time, I think Deputy Lowe was quoted as saying:

We have during this term developed an excellent collaborative relationship with P&R. This has been evidenced by us working together on many issues, including planning for Brexit as well as P&R responding to our requests for assistance in turning around the early implementation issues in the population management office, securing funding for tactical IT projects and understanding the funding issues with JESCC. Our Committee looks forward to this collaborative approach continuing to ensure HMIC's recommendations are progressed as quickly as possible.

3815 So the Committee *for* Home Affairs have absolutely accepted the report and are determined to deliver the recommendations of it. Indeed they have submitted a request for further funding to assist with a follow-up review, which has been referred to in debate. Again, with the permission of the President of Home, I think it is worth just giving that to you in full. On 22nd January, Deputy Lowe wrote to me:

As you will be aware, the Committee *for* Home Affairs, with the assistance of the new Head of Law Enforcement, has started to work on how to implement the areas of improvement and recommendations from the Report.

I will not give it in full.

The Committee is keen to demonstrate that it is taking seriously the concerns raised in the Report and is planning on inviting HMIC to carry out a follow-up inspection this autumn to ensure that Bailiwick Enforcement is moving in the appropriate direction. It is considered usual to have a follow-up inspection within 12 months of the original visit. The Committee would like to ask Policy & Resources to consider allocating funds to the Committee to enable this follow-

up inspection to take place. The Committee anticipates the costs will be in the region of £30,000 but will only be able to confirm when HMIC has been contacted and accepted a request for this inspection.

3820 Now, that request has not yet been considered by the Policy & Resources Committee. I am sure we will do so soon. So early in the year, I am sure it will be no surprise, the response is likely to be to seek to manage within the resources for the year and if not then we will call upon the Budget Reserve. As I say, that is a decision for the full Committee in due course. But the main point of quoting that letter in full, and I am grateful for Deputy Lowe's agreement that I should do so, is to demonstrate the commitment which Home have to deliver the recommendations against the Report.

3825 So I think my final point is in relation to IT. Deputies Roffey, Green, Yerby, Le Clerc, all referred to IT amongst others. Deputy Roffey, in particular, said there needs to be a step change. Absolutely. That of course is precisely why the Future Digital Services project has been running, because it has been recognised that there are and have been inherent weaknesses across the States for some time and Future Digital Services is an absolutely critical part of public service reform.

3830 Deputy Green said that he and his Committee will be taking this matter further and I look forward to further scrutiny on this because actually I think we have a very good story to tell in terms of our response to this challenge and, in particular, again, if I may, I think Deputy Le Clerc made the point that this is a challenge which has appeared across many Committees. In that sense I think this Report was, as is often the case with reports that are commissioned, telling us what we already knew.

3835 We already knew that there were challenges within IT and they were being addressed. Prior to the formation of the Information Support Services in April and May 2017, we had this disaggregated system of managing IT across the States and there was no professional oversight of IT in Home. On the formation of ISS, a full technical review was conducted that showed that there was a long-term under-investment in IT systems that were out of support, that were out of accreditation and were lacking oversight in any form or strategy. That, as Deputy Le Clerc said, is not unique to Home Affairs. It applies to Health and to Education and indeed to ESS as well.

3840 So of course the recovery programme has begun in order to address this question of the disaggregation of the service which existed before ISS was formed. In the context of Home, that consisted of 21 tactical projects, from the replacement of the local area network, CCTV, Tetra and that is now reported quarterly to the Committee for Home Affairs and is, as I said earlier, a regular agenda item now on our monthly oversight group meetings.

3845 The challenge now remains that this is a tactical stabilisation of IT within Home and a lot of effort is going into that. It is not the transformation of IT. That will only follow, as the HMIC Report says, when we have the strategic direction through the transformation of justice and the justice and equality workstream. But I think that P&R, through its operational responsibility of IT, have acted in a timely manner, in an appropriate manner over the last 18 months, to understand, perhaps for the first time, the real scale of the challenge we have got in IT across the entire States and the associated spend.

3850 We have acted swiftly to put in place the stabilisation and recovery programmes and to improve critical systems and we have recognised that stabilisation does not meet the needs of Transformation, which is why we have progressed the Future Digital Services project, which is moving towards a conclusion in terms of the way we intend to work in the future.

3855 The key point is that in response to this Report, Policy & Resources and Home Affairs are working extremely closely, not only on the Government's review that Deputy Prow referred to, but also in terms of the justice review. I think if there is one criticism and possible regret from Home themselves, is it would have been nice to have got going on that earlier in this term. But there have been plenty of other things to distract them but I think it is recognised that is something that would have been ideal.

3860 The point is we do now, I think, have some real traction and some real clarity about how we intend to progress that work with some real determination from all those around the table. So all

of that is a very positive outcome from this whole process. As ever, no doubt, it has taken longer than perhaps many of us would have wished it and was desirable. But let us focus on the key element, which is we have got a good service, which is not failing, as Deputy Soulsby said; the recommendations which always come out of this kind of report are being taken seriously and are being responded to not just by one Committee but in a cross-Government way, which is entirely appropriate given our system of Government.

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Thank you very much, sir.

I had three New Year resolutions, politically speaking. The first is to be brief and to the point in the Chamber. (**Several Members:** Hear, hear!) The second is to be nicer and more friendly to all of my political colleagues; and the third is to do more grandstanding and showboating. So they are a little bit in conflict and this is perhaps in the middle of all these!

We have had a lot of great speeches today. I think Deputy Merrett, Deputy Yerby, Deputy Graham and his wise words, were among some that stood out; Deputy Prow as well. But I think we need to focus on the context of the Report, perhaps. The first is reference has been made to past Home committees and Home departments. I remember Deputy Gillson, which again only he only had two years in office, Deputy Le Tocq, previous Home Minister, Deputy Mahy and so on. There were quite a few changes in approach and some of us, nostalgically, look back to the good old days, perhaps, of Deputy, later Conseiller Torode in the States, who was a political head of policing for over 20 years.

Of course it was a different context in those days. As we hear all the times, the States was a different place and regulation was a different place and information technology was certainly in a different place.

We have struggled to find a way forward relevant for this era. Because, as somebody said, Deputy Ferbrache would have had no difficulty in identifying the nuances, Deputy Fallaize, I think, too, interesting points, between operational and working. I certainly tread a difficult line on committees, including and especially planning. Again, we all have different committee cohesions, different patterns, different styles and perhaps I am too much of a free-for-all at times and different people interject and shout out, whereas other Committee chairman are perhaps stricter.

I know over the years Deputy Lowe, who is like Mother of the House, and is also our favourite auntie in many ways, politically speaking, has very much advised me that you need to take a grip. I know that the Committees she has been on with myself, which she chairs, are always very tightly disciplined and very focused and perhaps that particular style suits Home Affairs, but I know from Members who I have worked with, who sit on the Committee, that they do a lot of Committee work. They sometimes meet for a whole day, sometimes two days a week. They meet more frequently than some Committees I could mention that employ significantly more staff or have larger budgets.

Again those Committees are perhaps run in a different way and have different responsibilities. Deputy Le Clerc reminded us that any one of us could be in this sort of scenario. Well yes, but funnily enough, Employment & Social Security, because of its long history of statutory powers, has actually, I think, a very well protected role for the administrator and their Deputy and, generally speaking, rightly or wrongly, Committee Members of that department, past or present, would not argue whether Mrs Le Page of Torteval should have more pension or not. That is not something we would do except in the rarest of examples.

I think Home Affairs is very well aware of the nuances. We heard the amusing points Deputy Roffey made about bike lights and so on but, actually, road safety is a priority area and organisations I belong to, like Living Streets, have also wanted, if I am honest, I would not say to interfere with Home Affairs and the Police, but they have always wanted, perhaps, a stricter attitude towards motoring infringements and pavement surfing and parking in the wrong places,

3920 than some other Members. Again that is a view of a campaigning group, which is then reflected sometimes by persons elected past or present to the Assembly.

I think there is a role for that. Deputy Inder mentioned that a lot of Deputies, who were perhaps jumping on a bandwagon on this Report, had actually made points earlier in this Assembly, about priorities. We have heard today a strong voice to take domestic violence, so-called family violence, even more seriously as a priority than it already is. And I know it is a high
3925 priority.

We have also heard today criminal justice reforms, perhaps involving grooming legislation, I know Jersey have active legislation there but in practice I think there have been perpetrators who have been on that sort of offence here, but they perhaps have had a different legal route to the
3930 same ends.

Again, I occasionally myself, get involved with commenting on court cases one way or the other. I know we should not do. But on the other hand, Deputy Fallaize and other Members have made the point that politicians sometimes have to be responsive to public opinion and clearly, as Deputy Graham outlined, there are nuances between interfering in arrests or sentencing policy or
3935 anything like that than perhaps settling new legislation, which has lighter or tougher penalties for a particular kind of offence.

I personally think that the Home Affairs Department, if indeed they did discuss the dangerous antics, allegedly, of a bus driver who was not on the right side of the road – hopefully a one-off incident – I think that was worth discussing. The reason why I think it was worth discussing is just
3940 across the water in the county of Warwickshire, or near there, there was a tragic incident involving a bus driver, who ploughed into a shop, killing two people. It turned out, operationally, he had too long shifts for a person of his age and situation.

That became a national headline and Deputy Lowe and other Members are very conversant. Just because we are small does not mean to say we do not have to consider stopping and
3945 searching the appropriate person, that we do not have to protect our borders and we do not have to ratchet up our security. So the fact that we have 65,000 people, rather than 65 million, does not mean to say that the risks, proportionately, are reduced.

We happen to be a law-abiding society with a very strong detection rate but that in itself is no argument for complacency. By the way a few Members have pointed out, almost in passing, that
3950 crime rates have dropped over 10 years, although Deputy Inder argued that in certain areas that is not happening.

I would argue we have to look at context, again. Because I am afraid to say that, generally speaking, it is the younger elements in our society who are more likely to be naughty. If we are indeed an ageing society then you are less likely to see delinquent pensioners perhaps creating in
3955 the streets than the younger, more maverick element. That might be a factor, apart from improved policing. I think the previous Chief of Police set out to do what he delivered and very much created a sharper, more responsive, more proactive force.

On the other hand we did lose elements of our former lifestyle as well. When I was younger, in fact for the first decade I was a States' Member, I was a Member of the Police Consultative
3960 Committee and many people from different voluntary organisations, groups, Douzaines, used to meet up on a tri-monthly basis, with very senior officers of the Police expressing their concerns. That was a useful forum in its day and I think perhaps, now we have a new Head of Law Enforcement, now is the time to consider a different approach in the community.

The argument that the Home Department's only role is to get the budget right, to get the legislation right, and then tell the Head of Law Enforcement, get on with the job because we trust
3965 you, is right, but we have to have a sense of democratic accountability that what the Police are doing is reflective of what is right for the community and how they feel.

I think a problem with all consultancy reports, whether they be from chartered accountants or English or Scottish or Welsh Government agencies, is they do not necessarily see the context we
3970 operate in in Guernsey and that context is a difficult one because we are often friends and acquaintances with the people we are overseeing. We also have a national state policy, a

legislature, managing a county or municipal level situation. So we are both poacher and gamekeeper.

3975 If any inspector came here thinking that we have the equivalent, or Deputy Lowe was the equivalent of an elected police commissioner, he or she would be mistaken, because Deputy Lowe is not a police commissioner. That is a created role of the UK, usually a party political role, and our system is more akin to a ministry but not a single minister, but a five-member ministry setting policy and regulating. So that is another point that I would make and we have to bear that in mind.

3980 Going specifically to the recommendations, recommendation 1:

The Committee for Home Affairs, in consultation with the Head of Law Enforcement and other stakeholders, should carry out a post-implementation review and future options appraisal. The outcome of this work should provide enough evidence upon which to base a clear, compelling strategic vision ...

That is important because it shows we cannot just move on. People do not want this to die, they want it to continue.. They want work to come out of that to inform this Committee and their successors, maybe, too.

3985 Recommendation 2 was, funnily enough, more about HM Procureur and working together, as fast as possible, with the Head of Law Enforcement on letters of request for mutual legal assistance; something that may become even more important with the data work law approach tomorrow, perhaps.

3990 Recommendation 3 is about victim care. We do need more attention to the victims. Domestic violence, I have covered. A strategic plan that sets out the objectives and priorities, well I notice Deputy Graham working from a copy of the previous Committee's strategic plan. I think maybe there needs to be a presentation and publication of the new Home plan, perhaps later this year.

Recommendation 6: this is the important one that most Deputies have alluded to. By 31st January 2019, well that is actually tomorrow, the Committee in consultation with the new ...

... Head of Law Enforcement, should design, publish, and subsequently operate in accordance with, a document that clarifies each party's responsibilities for ... objective and priority setting; strategic governance and oversight; operational direction and control; independence; and ... performance information for governance purposes.

3995 Now Deputy Tindall reminded us again of the importance of procedures and process, which of course is very much a part of our modern financial landscape, as well as data protection. Do you know what? We reinvent the wheel all the time. It is frustrating, too, because in the previous States one of our ministers, Presidents, was concerned that he and his board needed greater insight, and he encouraged an entire board to do a corporate governance, Institute of Management, Institute of Directors-level course. Subsequently he has gone on to a fair sailing career, it is fair to say.

4000 We have not seen that. In fact we have seen a curtailment of training and induction for States' Members. We have not seen enough professional training for Members on their roles on boards, in terms of their duties and policies and that has to be a failing of this States and of perhaps the SACC committee, in a way. Not so much the new SACC committee. We will wait and see on that one.

4005 Then recommendation 7, the Head of Law Enforcement should ensure the Border Agency ... Well, the Border Agency, Deputy Prow ... and vetting is more operational.

4010 But there are a lot of recommendations. We still have not seen the practical fruits of them. We want to move on from the bad, political side of this. But I think the importance of getting the balance right, between politicians reflecting public concerns and professionals getting on with doing the job has to be there.

4015 I believe the Home Affairs Department have got it right most of the time and I would also say that people should think about the difficulties of being in the public eye, politically, with the public largely perceiving you as managing and organising and being responsible for events when, in reality, you have not got all the balls in your court.

I would say one final element in relation to what Deputy St Pier said. One of the problems which made me uncomfortable with this process over the last few months was that some of the failings of the Law Enforcement area, such as capital prioritisation, perhaps, use of buildings and particularly IT, which the reviewer Mr Parr seemed to think was worse than some other places of comparable type, were not under our control, as individual Members, or the Home Affairs Committee,

Many of the corporate hub elements come from the corporate centre, which is part Policy & Resources. We have heard for many years now this idea of one organisation and we can see the benefits of that, in terms of training, procurement, savings and so on. But how many police forces in England and Wales, I ask you, would actually be sharing facilities with a library and a hospital? Maybe not so many.

By combining elements, because Guernsey covers everything from Air Traffic Control to managing fires, and so we have to bear that in mind and realise that we might be operating public services at a smaller level, but they are discreet within themselves and I am sure the Police and the Border Agency, in a way, from time to time, have different needs and different standards from other parts of our public service.

I know some people in St Peter Port, some of the concerns raised about the emergency services working together, I am sure they can find a way to work together in order to model what happens elsewhere, in order to get the balance right.

The Bailiff: Deputy Lowe will reply to the debate.

Deputy Lowe: Thank you, sir.

There are a few, which I will make comment on, that Members have actually raised during the debate. But I am not going to go through everybody's speeches because, at the end of the day, some of it is repetitive. Some of them, clearly, they did not listen to my speech in the first place. They were prepared speeches and they still wanted to bring out elements which were totally inaccurate, because I corrected them this morning in my speech.

What I will do is circulate the speech that I made this morning. Perhaps Members could read it so if they did not listen to it this morning, perhaps get some factual information out in future, if they are asked questions.

I thank Deputy Green for his speech and for recognising and congratulating Home Affairs for taking on the HMIC Report and we are grateful for that. We are grateful for the way that he invited us in, because we thought that was appropriate as well so we did not resist that in any way, shape or form.

He did make a comment about they were not allowed to see documentation. There are two things here, first of all. When you said, through you sir, that you could not see the documentation, I think Members need to be made aware, who were not at Scrutiny, that HMIC made it very clear, when they come and inspect a force, they do so under strict guidelines that whatever they hear from individuals remains with them, so at no time would they be identified.

For that reason and that reason alone, they will never disclose who actually gave them that information. That was the reason, and Matt Parr did explain that at the time, why they withheld it and I think he went on to say it is even more important in a small Island where individuals could be identified. So again it was not we that held it back, it was the HMIC held it back for the reasons he explained at the Scrutiny hearing.

You also asked if we would be looking to have statutory inspections occurring. I am a great supporter of inspections and, indeed, my Committee are as well, which I am really grateful for. So we had not been in post long and we actually took on, invited Ofsted to look at the FPAS, we within six months decided to have the HMIC Report and approach them. As Deputy Graham rightly said, it took quite some time for that to actually happen but we got there in the end and we are where we are now.

We also want to do fire and rescue. We also want to do prison. We also want to do probation. I think any good governance around the States should be that all services are reviewed every three years or every five years. That should be set in stone, really. Unfortunately it does not happen. But
4070 from my time when I was Minister of Social Security, it was something that did happen and I think it still happens now, which is good, because it is important that you have an independent review.

Again I need to emphasise the word 'independent', because it was independent – HMIC, rightly so, it is their Report. When they came back with the final Report and we saw the date, 31st January
4075 and we received it right at the very end of October, we just said this is not going to be possible to be able to do that, after consulting the Head of Law Enforcement at the time, and the Head of Law Enforcement at the time he also felt it would probably be inappropriate, bearing in mind there is a new Head of Law Enforcement starting within weeks and it would be for him to take those forward in the way that he wished to do.

Lots of work has taken place since, with the new Head of Law Enforcement. We have gone
4080 through it all and, as I said in my speech this morning, some will be coming forward quite soon and others are going to take longer. Some Members here have said today that is not good enough, they want to know dates. Well, sorry, you are not going to know dates, because we cannot give you dates. It is as simple as that. I made it very clear this morning, they are all trying to get this through as quick as they can, rightly so, but equally every day work has to continue.

We have an Island out there we need to keep safe and secure. They want to get this in place as
4085 soon as possible. We are side-tracked a lot by Brexit, with what is going on with Brexit. You heard this morning the President of P&R's speech. Listen how many times you heard Home Affairs during that speech. Time and time again was Home Affairs. We have been swamped, rightly so, with work regarding Brexit. Something has to be put aside to that and that is right and proper. We
4090 have to make sure we have got everything in place for Brexit. So I thank, through you sir, Deputy St Pier this morning for highlighting the work that has been involved with Home Affairs.

I now move on to Deputy Roffey. Deputy Roffey made some comments about he believed that
4095 governance had been denied by Home Affairs. No it had not. About strategic direction. Again, that has been covered by my Committee Members as well. There was a plan in place, 2015-2018. It only finished three weeks ago, four weeks ago. So it was not a case of anybody was held up. That plan was there.

What also happens at Home Affairs is that we have business monitoring meetings and in those
4100 business monitoring meetings, which are held six-monthly, every service chief comes in independently and separately and they are taking over a day and a half to do and we meet with them to say what has happened in the last six months, regarding the plans, where they are now and what they are going to do for the next six months. Those work extremely well. That is working with your staff. That is the relationship that we have got right across Home Affairs, whether it is Population Management, Fire and Rescue, Probation, FPAS, Police, Customs the whole lot. I have missed out some but we have several areas, across Home Affairs, of our mandate.

The business monitoring takes place with all those service chiefs. So for any service chief or for
4105 the Report to indicate that they had no idea what was happening is absolute fallacy and a nonsense, because we all work together and at no time have we heard any service chief say, 'We do not know where to go, what we are doing.' We have all worked together during this term and we continue to do so. They welcome it and we welcome it as a Committee.

The only other thing I would say to Deputy Roffey, he was on about hobby horses. It is a nice
4110 headline, I am sure, for the media. But what I do need to say and remind Deputy Roffey that, here we go, on 1st February 2017, if we are talking about hobby horses, he asked questions under Rule 11 and I will remind him, question three:

Would her Committee, as a matter of policy, encourage the Island police force to rigorously enforce the Law on driving on pavements?

That was not actually bringing it to the attention, that was saying please ask them to rigorously
4115 enforce the Law on driving on pavements. If that is not trying to get us to do political interference,

I do not know is. I would say that is fine, if Members want to do that, we will pass it on. But it is down to the Law Enforcement what they want to do, when they want to do it, with the resources that they have got.

4120 Right I now move on to Deputy Ferbrache. Thank you Deputy Ferbrache, you are right about resources. A good news story, in this very room, yesterday, around this time, the Bailiff had the official job of swearing in eight police constables yesterday. Good news story. We are still recruiting police, it is excellent. We have got six locals that were amongst the eight and the other two, local connections, they came here when they were youngsters. So it was a delight to actually welcome the eight new constables. Yes we are still recruiting and there will always be recruitment
4125 required, but I just thought that is a nice story to tell you about. Even yesterday we had eight new police constables sworn in here in this Royal Court.

Deputy Soulsby, she wanted to know about domestic abuse. That is definitely still one of our priorities, Deputy Soulsby. It has not gone away, it is on one of the priority lists to do. Do not fear about that one. It is one we have concerns about and want to keep it up there to be able to do.
4130 Again, and I know it is going to sound like Brexit is an excuse, it is not an excuse, when the list of legislation is circulated, all the work that has taken place, there is a huge amount that has taken place and we are nowhere near finished yet.

The staff are spending an enormous amount of time whether it is at is customs, whatever it is, for Law Enforcement, it is huge. Therefore work has to be prioritised, simple as that. Painful?
4135 Absolutely. Realistic? Definitely. So do not fear about that we will continue to make sure that domestic abuse is up the top there. But I do know that training has improved over the years, definitely, amongst Law Enforcement, regarding domestic abuse.

Deputy Yerby, she mentioned resources are fundamental. They are absolutely fundamental. But, and it is a big but, I have just said it, we have all got to prioritise. We have had to prioritise at
4140 Home Affairs. Have we prioritised to the detriment of making sure that the Island is no longer safe and secure? Absolutely not. The Island will remain safe and secure.

What we have done, and continue to do, we work with P&R to make sure that the Oversight Board, if we see an area where we have really got to take that forward and we have not got the resources, the Oversight Board has worked extremely well with that and I am thankful to P&R for
4145 the resources that they have given us and working together to make sure that continues.

Could we have an open cheque book? Could we have more resources? Absolutely right; I would love it. But I accept the responsibility, as President of Home Affairs, with my Committee, that we have to prioritise, like everybody else, and we take that very seriously. As long as it not to the detriment of the Island.
4150

Right, Deputy Fallaize was next. Certainly I think we all agree there are some areas in that Report, which when you read it, it does not actually tell the full picture; it has been taken out of context. I think when we put on the presentation with States' Members, we explained some of those areas have been taken out of context and enlightened Members and we covered some of it at the Scrutiny hearing as well. Unfortunate. We did put it forward as well, the correction. We were
4155 told it was their Report and they will decide what is in it, even if we wanted corrections put in there. We take it on the chin. That is fine. Talk about accountability, absolutely right. We will do that. That is our job to do that.

Because of the accountability we support the recommendations and we support the areas for improvement. If there had been a report coming back with no recommendations and no areas for improvement anyone would have thought what have we paid money for, for the last 10 years, surely there should be some areas for improvement? Surely there should be some recommendations? Because what is going on here? Are HMIC too cosy to Law Enforcement to actually put forward a report, to write something as independent members? Has it gone wrong?
4160 No.

We are all comfortable with this Report. Absolutely right we are. Equally, with taking this forward, which we have already done and we had already carried out some of the work before it was absolutely published, we want to make sure that we get things right. If we did not want a
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4170 report that had recommendations and areas for improvement, well I could have saved £75,000
and written it myself, really. But it would not have been independent and it would have been what
I wanted to put in and the Committee wanted to put in. That is not how we work. We are
prepared to put ourselves forward and say, 'Come and have a look at us.'

4175 Unfortunately it took 10 years. That will not happen again, because while we are around as
Committee, we want to make sure that we do get reports regularly of inspections across Home
Affairs. That does cost money but the cost is worth it, because you should have somebody looking
outside at you who have that expertise.

I thought it was a little bit unfortunate to bring in the incident, this morning, from the
statement by a couple of speakers here today. I think that is too major to start playing political
games, talking about political interference. I was saddened by that. I now move onto ...

4180 Sorry, I will give way to Deputy Inder.

Deputy Inder: Deputy Lowe, thanks for giving way. I know you have been selective and I do
not mean that unkindly, but as you are going from the responses from Deputies you actually
missed one of mine which I felt it quite important, so I will ask you again. Under preparedness to
4185 tackle child sexual exploitation, your Committee must have informed HMIC that at the time of
inspection grooming was not a criminal offence in the Bailiwick of Guernsey. So your Committee
must have informed the authors.

However, we were informed that new draft legislation would soon make grooming illegal in the Bailiwick. This is
welcome.

I think I asked in my speech if you could give me some indications if draft legislation is being
prepared when are we going to see it?

4190 **Deputy Lowe:** Thank you, Deputy Inder.

Yes, absolutely, it is being prepared. It is with Law Officers. I am going to repeat it again,
because this message has to get out, they are swamped with Brexit. Absolutely. In fact I wish some
of the documents were put all together and you could see the height of them and the amount of
work that they have got.

4195 It goes back to prioritisation. Do we prioritise with the grooming before we do Brexit? Do we
prioritise with the Appeals Law before we do Brexit? Do we prioritise with our Education Law
before we do Brexit? It is right across our Committees and we have to accept that we do not have
the resources. It is definitely one of the priorities that is in the list for under St James' Chambers
and I am hopeful – do not hold me to it – we will have it by the end of the year.

4200 But it has got to be in the pecking order and we cannot put all of this legislation ahead of
Brexit. Simple as that. That was why I asked the question this morning could we start considering,
maybe, outsourcing some of this to help the Law Officers and also to keep Government going
forward, really?

4205 Right, Deputy Tindall, I have got 'minutes' here and a little asterisk by it. Okay, I think you
mentioned here Deputy Tindall about why were the minutes not circulated? Because of the advice
that we had. We were given advice they could not be circulated, so that is why they were not
circulated in the first place.

4210 When it came back with the draft Report, with a comment saying they would have preferred to
have been able to see the minutes, we went back to get advice with that and we were told,
actually, if the Committee decide they want to do that, there is an option to be able to do that.
But that was not the advice we were given originally. So we gave the minutes to HMIC, so they
had all the minutes. None of them redacted. They had absolutely everything to do with Law
Enforcement. It was covered just before by Deputy Oliver, which I thank her for. So they saw
absolutely everything.

4215 I will give way to you, Deputy Tindall.

4220 **Deputy Tindall:** I thank Deputy Lowe for giving way. My point was exactly what I think she is reiterating. There should be guidance on the use of minutes, how they can be used and how Scrutiny can be enhanced by their distribution. This is an example of how guidance, in the first place, was incorrect.

4225 **Deputy Lowe:** Right, while I am talking about minutes, it was mentioned in some of the speeches earlier and I think it is important to actually just reiterate what was actually said when we were actually at the hearing of Scrutiny. Matt Parr from HMIC made it very clear that he had read every minute, every statement, every document that had been submitted as part of that inspection. There was absolutely nothing whatsoever that he saw that he had any concerns with, regarding the Committee. Nothing. He said if he had been that would have been drawn to our attention as part of the Report.

4230 In fact it was also said, and I think somebody alluded and said they came in at almost the last minute and they rescued the Committee – rubbish. Fiction, again. The day we released that Report back in November or the end of October; November I think it was, Matt Parr was interviewed by all the media from London and I have here the quote. He said:

No I do not think it is political interference. I think it is quite appropriate. There has got to be oversight and the Committee *for* Home Affairs do just that.

4235 He made that clear as well and reiterated that at the Scrutiny hearing. So you have got a Report that actually says you have got a good police force. You have got the head of HMIC, not somebody who works for HMIC, which he was quick correct. Scrutiny welcomed him and said, 'You work for HMIC.' He said, 'Stop there, I am HMIC.' He was very clear to make sure everybody knew his role at HMIC.

4240 He was telling you all you have got a good police force that you can be proud of; you have got a Committee that have not been politically interfering. That did not suit some. I can understand it. I can understand if somebody wants to get out there and throw in all sorts of things at us. That is fine, we will take it on the chin. We are comfortable with the work that we have done. We are comfortable that we have accepted the areas for improvement and the recommendations. So we are not hiding from anything. I read you out the list this morning, how much we had actually involved our Report, by circulating, by putting on presentations, by going to Scrutiny, by answering Deputy Roffey's questions.

4245 We have nothing to hide. What I would say to you all and those that have been a bit critical. I have said it before in our statement and I will say it again, the door is open at Home Affairs. You do not have to ask questions via the media. Come and see us. We can actually tell you the facts. Then if you want to go to the media, fine. But actually come and see us. We welcome it. We have no problem answering any question from States' Members. So please work with us, in the same way that we work with all our service streams across Home Affairs.

4250 Deputy Le Clerc and a couple of others, you are absolutely right, this would apply to every Committee across the States really. So I think there is very little more that I have got to say. I think I have covered most of it. I am sure somebody will jump up if I have left something. We are looking forward and we have started working with Prof. Staite, who is helping us with the governance, now she has finished the work at HSC. Again it was not something new for us, Prof. Staite is already working with HSC and now she has finished her work and she is coming to us and I think she is going to go to other Committees after that. That is great. I look forward to working with Prof. Staite on that as well.

4260 So I say to States' Members, thank you for your speeches. We have heard what you have got to say. We understand some feel frustrated because we are not doing perhaps what you would like us to do or we did not like the Report. I think again, when you hear it in context of exactly what happened and some of those criticisms that were in there have been dismissed, and I think probably recognise that and when you went to Scrutiny you changed your mind from what you actually heard at Scrutiny.

4265

I am happy to help change your mind rather than take States' time in here. If any of you still have concerns about the HMIC Report and any of the areas within it, come and see us. You are absolutely welcome. So, sir, I thank you and I thank Members for the debate. It has been very helpful and I ask Members to support.

4270 Thank you very much.

The Bailiff: We come to the vote and I remind Members that under the Rules that govern the debate on an appendix report, the Proposition is to take note of the Report. It is as simple as that, to take note of the Report. Those in favour; those against?

Members voted Pour.

4275 **The Bailiff:** I declare it carried.

STATUTORY INSTRUMENT LAID BEFORE THE STATES

The Income Tax (Pensions) (Contribution Limits and Tax-Free Lump Sums) (Amendment) Regulations, 2018

The Bailiff: Shall we just very quickly deal with legislation? There is just one statutory instrument to be laid before the States. Let us deal with that and then we will rise.

4280 **The Senior Deputy Greffier:** The following legislation is laid before the States: The Income Tax (Pensions) (Contribution Limits and Tax-Free Lump Sums) (Amendment) Regulations, 2018.

The Bailiff: That concludes the business for today. We resume tomorrow at 9.30 a.m.

The Assembly adjourned at 5.38 p.m.