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2019

# BILLET D'ÉTAT

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WEDNESDAY, 27<sup>th</sup> FEBRUARY 2019

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## *THE BUSINESS OF THE MEETING*

1. Policy & Resources Committee – Extending the United Kingdom's Membership of the World Trade Organization, P.2019/19

## *APPENDIX*

1. Committee *for* Health & Social Care – The Children and Young People's Plan 2019 - 2022

# BILLET D'ÉTAT

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## TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

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I hereby give notice, pursuant to Rule 2(4) of the Rules of Procedure, that at the Meeting of the States of Deliberation to be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **27<sup>th</sup> February, 2019** at **9.30 a.m.**, the item listed in this Billet d'État is submitted for debate.

R. J. COLLAS  
Bailiff and Presiding Officer

The Royal Court House  
Guernsey

18<sup>th</sup> February, 2019

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**POLICY & RESOURCES COMMITTEE**

EXTENDING THE UNITED KINGDOM'S MEMBERSHIP OF THE WORLD TRADE  
ORGANIZATION

The States are asked to decide:-

Whether, after consideration of the Policy Letter dated 15<sup>th</sup> February, 2019, of the Policy & Resources Committee, they are of the opinion:-

1. To agree that the United Kingdom's membership of the World Trade Organization should extend to Guernsey.
2. To agree that the States commit to meet the UK's World Trade Organization obligations, on an ongoing basis, and to resolve any issues or disputes promptly in a manner which is consistent with the States of Guernsey's extant policy with regard to international standards, the 2008 Framework for developing the International Identity of Guernsey agreed with the UK Government and protecting the Bailiwick of Guernsey's international reputation.
3. To delegate authority to the Policy & Resources Committee to negotiate and agree on behalf of the States, with the States of Alderney and the Chief Pleas of Sark, all such matters as may be necessary to enable a request to be forwarded by the Policy & Resources Committee, on behalf of all three Bailiwick authorities, to the UK government for the extension of the United Kingdom's membership of the World Trade Organisation to the Bailiwick.
4. To direct the Policy & Resources Committee (following the conclusion of suitable agreements with the States of Alderney and the Chief Pleas of Sark) to send a formal request to the UK Government for the extension.
5. To agree that suitable legislative and administrative measures are implemented and adopted, including statutory privileges and immunities relating to the World Trade Organization and its officials, in order to ensure that the extension may have effect.

6. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**POLICY & RESOURCES COMMITTEE**

EXTENDING THE UNITED KINGDOM'S MEMBERSHIP OF THE WORLD TRADE  
ORGANIZATION

The Presiding Officer  
States of Guernsey  
Royal Court House  
St Peter Port

15<sup>th</sup> February 2019

Dear Sir

**1. Executive Summary**

- 1.1. As a result of the United Kingdom (UK)'s withdrawal from the European Union (EU), the Bailiwick of Guernsey (the Bailiwick) has taken steps to ensure that there is a continued flow of trade to, and from, the Bailiwick – in respect of the UK, the EU and globally - to provide certainty for business and to promote stability and economic growth. The Bailiwick has been clear in outlining that an orderly exit by the UK, from the EU, is in the best interests of the Bailiwick. Significant steps have been, and continue, to be made to ensure that the Bailiwick's interests are taken into consideration as part of the UK's withdrawal from the EU.
- 1.2. Shortly after the UK's EU Referendum, the Policy & Resources Committee (the Committee) identified that membership of the World Trade Organization (WTO) would play an important part in the future of the UK's and the Bailiwick's trading relationships with other jurisdictions. This strategic objective is an important part of the States of Guernsey's Brexit planning and risk mitigation strategy. It will help to provide certainty for business and ensure that the Bailiwick has access to and is subject to globally applied international trade rules, which will complement the customs arrangement signed between the Committee *for* Home Affairs and HM Treasury in November 2018.

- 1.3. The States are asked to approve the extension of the UK's membership of the WTO. This recommendation is being made in advance of the UK leaving the EU on 29<sup>th</sup> March 2019, in particular to offset some of the major risks if the UK leaves the EU in a 'no-deal' scenario. The Committee has worked closely with UK counterparts to ensure that the Bailiwick is compliant with the UK's obligations under its own membership. It has also sought agreement with the UK Government on how all parts of the Bailiwick will participate in the WTO including the resolution of potential disputes.

## **2. Background**

- 2.1. The Bailiwick has a long-standing relationship with the UK in terms of trade. It has a constitutional relationship that provides for the free trade in goods with the UK. These arrangements are underpinned by rights described in historic Royal Charters.
- 2.2. The General Agreement on Tariffs and Trade 1947<sup>1</sup> (GATT 47) was extended to the Bailiwick. The WTO was established in 1994 pursuant to the Marrakesh Agreement<sup>2</sup>, which replaced GATT 47. The UK became a member in its own right at the WTO's inception, albeit one that was represented as part of the EU bloc. The Bailiwick was not able to join the WTO at that time.
- 2.3. The UK signed the Convention Establishing the European Free Trade Association in 1960, which led to the establishment of EFTA. Guernsey was included in the territorial extent of this Convention. The Convention was implemented by the European Free Trade Association (Guernsey) Law, 1960 (the 1960 Law). This enabled Guernsey to participate in the co-ordination of trade within EFTA. The UK withdrew, including in respect of Guernsey, from that Convention on 31<sup>st</sup> December 1972 (on accession to the European Economic Community). The 1960 Law was subsequently repealed.
- 2.4. In 1973, when the UK joined the EU, the Crown Dependencies entered into a special relationship with the EU allowing for the trade in agricultural products and placing the Bailiwick within the EU customs area. This allows for tariff-free trade. This relationship is defined by Protocol 3<sup>3</sup> to the UK Act of Accession.<sup>4</sup> The European Communities (Bailiwick of Guernsey) Law, 1973 was enacted to give

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<sup>1</sup> [https://www.wto.org/english/docs\\_e/legal\\_e/gatt47\\_01\\_e.htm](https://www.wto.org/english/docs_e/legal_e/gatt47_01_e.htm)

<sup>2</sup> [https://www.wto.org/english/docs\\_e/legal\\_e/04-wto\\_e.htm](https://www.wto.org/english/docs_e/legal_e/04-wto_e.htm)

<sup>3</sup> Protocol 3: <https://gov.gg/CHttpHandler.ashx?id=3464&p=0>

<sup>4</sup> The relationship between Guernsey and the EU treaties is described in Appendix 1 Policy & Resources Committee: Acknowledging The Triggering Of Article 50 Of The Treaty On European Union In Respect Of 'Protocol 3' (2017) <https://gov.gg/article/158324/Triggering-of-Article-50>

effect to this new relationship with (what is now) the EU. The Bailiwick benefits from access to certain trade rules, and remedies, in respect of agricultural goods under Protocol 3.

- 2.5. The WTO provides the rules on which the international trading system is based. It deals with the regulation of the trade in goods, services and Intellectual Property (IP) between its members. It also provides the framework for negotiating trade agreements (which provide for more preferential market access than standard WTO rules allow) and for dispute resolution. Outside of the trade agreements and maximum tariff rates, WTO members define the areas where they make commitments to be open or closed in respect of market access. These terms are negotiated by WTO member states by economic sector classification (in the case of services) or type of goods. Where there is a commitment to be liberal in terms of market access, the WTO prohibits discrimination and operates on a principle of equal treatment of foreign and domestic trade in defined sectors (further details can be found in Appendix 1).
- 2.6. At the time that the WTO was being established, the UK consulted the Crown Dependencies about extending the UK's membership of the WTO. Neither Guernsey nor Jersey were able to obtain extension at that time because neither had up-to-date or sufficient IP regimes. The Isle of Man was in a position to obtain extension of the UK's IP regime and thus was able to become part of the WTO alongside the UK. Since that time, both Guernsey and Jersey opted to implement their own domestic IP regimes and seek extension of WTO membership at a later date, i.e. once their IP regimes were compliant with the required standards.
- 2.7. The States of Guernsey and the Government of Jersey have had intermittent negotiations in respect of extending the UK's membership of the WTO. However it was not previously possible to agree a process for this which would demonstrate compliance to the satisfaction of all parties and therefore progress was slow.
- 2.8. The UK Government's Brexit objectives include the establishment of an independent trade policy and being able to establish new trading agreements with other countries<sup>5</sup>. The UK is a member of the WTO in its own right, but operates in a bloc within the EU which is itself a WTO member. In order to become a fully independent member of the WTO, the UK Government has

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<sup>5</sup> The Government Negotiation Objectives for Exiting the EU, 17 January 2017  
<https://www.gov.uk/government/speeches/the-governments-negotiating-objectives-for-exiting-the-eu-pm-speech>

commenced a ‘technical rectification’ process. This is a method used by WTO members to make technical changes to their WTO commitments where there are no underlying substantive changes. This means that the UK commitments after Brexit will remain as close as possible to those WTO commitments it had as an EU Member State. When the UK goes through the technical rectification process, there is an opportunity for the Bailiwick to be included in the UK’s WTO membership.

- 2.9. Therefore, in 2017, HM Government consulted Guernsey (and Jersey) to ask whether the Channel Islands wished to be included within the territorial scope of the UK’s membership of the WTO.
- 2.10. The Committee has ensured it was appropriately resourced to develop a strategy to take forward these complex discussions, working closely with the Law Officers’ Chambers. During 2018, Bailiwick officers undertook a compliance assessment exercise in respect of the major WTO agreements, which is being assessed by UK authorities. This assessment also included Alderney and Sark.

### **3. The Case for WTO Membership**

- 3.1. The UK’s exit from the EU will end the Bailiwick’s relationship with the EU under Protocol 3 to the UK’s Act of Accession. This will in turn end the Bailiwick’s participation in the EU Customs Union and its indirect relationship with the EU’s participation in the WTO in respect of agricultural goods and the Common External Tariff. Through this relationship, the Bailiwick also benefits from being able to take part in the trade in agricultural goods covered by the EU’s own trade agreements with third countries, including its Free Trade Agreements (FTAs). The ending of this relationship could have a detrimental impact on the Bailiwick’s economy if no alternative framework is put in place. Extension of the UK’s WTO membership will help provide certainty for business and ensure Bailiwick businesses are afforded the same protection as is available to businesses in the Isle of Man.
- 3.2. It is one of the UK Government’s objectives to seek ambitious arrangements for services and investments that go well beyond WTO commitments<sup>6</sup>. These high level ambitions are aligned to the aspirations of the States and were included in Guernsey’s own Brexit objectives<sup>7</sup>. Discussions have been ongoing for some time

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<sup>6</sup> Dr Liam Fox: A world beyond Europe and a time beyond Brexit, 1 February 2019

<https://www.gov.uk/government/news/dr-liam-fox-a-world-beyond-europe-and-a-time-beyond-brexit>

<sup>7</sup> Policy & Resources Committee: Managing the Implications for Guernsey because of the UK's Changing Relationship with the EU <https://gov.gg/article/154352/Managing-the-Implications-for-Guernsey-because-of-the-UKs-Changing-Relationship-with-the-EU>



as part of the wider EU exit negotiations with the UK's Department for International Trade (DIT) and Department for Exiting the European Union (DExEU). The aim and purpose of the negotiations have been to ensure that the Bailiwick is as best placed as possible, at the point that the UK leaves the EU, to continue to develop its economy.

3.3. As the future trading policy objectives for the UK and EU become clearer, the Bailiwick's own consideration of extending the UK's membership of the WTO becomes more important. In particular, it will help ensure that the Bailiwick is well placed as part of the wider exit negotiations. Furthermore, it will provide appropriate protection and potential opportunities for Bailiwick businesses which trade globally. Extending the territorial scope of the UK's WTO membership will be an important step for the Bailiwick's economy, to both maintain and deepen the free flow of goods, services and IP with other WTO members, including EU Member States and the majority of countries worldwide.

3.4. The benefits for the Bailiwick in joining the UK's WTO membership go far beyond the Bailiwick's previous trading relationship with the EU, which was only in relation to agricultural goods. The benefits of joining the UK's WTO membership include:

- Trade Protection - Protection from arbitrary trading controls being imposed on the Bailiwick by trading partners for goods, services and IP following the UK's withdrawal from the EU, as all WTO members have to adhere to certain non-discrimination obligations.
- Trade Opportunities – Greater opportunity for the Bailiwick to access any FTAs negotiated by the UK, which are based on WTO standards but provide for more preferential trade terms.
- Mutual Recognition – Potential for the Bailiwick to benefit from any mutual recognition agreements (MRAs) negotiated between the UK and other WTO members. MRAs are aimed at recognising and agreeing conformity standards for certain goods.
- Global Markets – The Bailiwick would have access to global markets for goods and services (including, but not limited to, EU Member States) within a stable, non-volatile and transparent framework of trade rules.
- Trade Defence – The Bailiwick could benefit from protection against unfair trade practices.
- Dispute Settlement – The Bailiwick would have access, through the UK, to the WTO Dispute Settlement Body which provides a fair mechanism/process to resolve trade disputes, without ceding the jurisdiction of the domestic courts.
- Assisting Overseas Development - Around two-thirds of WTO members are classified as 'developing countries' giving access to developed markets at a

lower tariff rate. This provides developing nations greater opportunity to develop their economies. Through participation in the WTO, the Bailiwick could help support developing countries through trade.

- 3.5. If the Bailiwick was not to be part of the WTO after the UK's exit from the EU, it would be in a minority of countries worldwide. This could leave it vulnerable to discriminatory treatment from trading partners. It would also mean that the Bailiwick would not be able to raise any trade disputes within the protection of an international trading framework. Furthermore the Bailiwick would need to be and remain compliant with WTO rules in any event to benefit from any future trade opportunities which the UK might negotiate with other nations.
- 3.6. The extension of the UK's membership of the WTO is an important part of the States of Guernsey's contingency planning, which focuses on putting in place mitigating actions in case the UK leaves the EU without a deal on 29<sup>th</sup> March 2019<sup>8</sup>. On 26<sup>th</sup> September 2018, the Vice President of the Policy & Resources Committee gave a statement to the States Assembly detailing that:

*"Consideration is also being given to the potential opportunity for Guernsey to join the UK's membership of the World Trade Organization (WTO). Joining the WTO would enable Guernsey to trade in goods and services globally using the WTO's rules which ensure that all countries trade on the same basis and are protected from any unfair or excessive trade sanctions (trade restrictions or high tariffs). Obtaining membership of the WTO would be significant for the Bailiwick's future. It will ensure that the Islands can trade with, and be treated as, any other global trading partner. Preparatory work has progressed well and I am hopeful that we will be in a position to present more details on this to the Assembly for consideration in the coming months."*<sup>9</sup>

- 3.7. The President of the Policy & Resources Committee gave a detailed statement on 30<sup>th</sup> January 2019 on the Bailiwick's planning in case of the UK leaving the EU without a deal. This included the work being undertaken to extend the UK's membership of the WTO<sup>10</sup>. Subsequently, on 7<sup>th</sup> February 2019, the President met the Secretary of State for International Trade in London to discuss these plans.

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<sup>8</sup> <https://www.gov.gg/brexitplanning>

<sup>9</sup> <https://gov.gg/article/167403/Vice-President-Policy--Resources-Committee---Brexit-Update>

<sup>10</sup> <https://www.gov.gg/janbrexitstatement>

#### **4. The Basis of WTO Membership – General**

- 4.1. The Bailiwick is able to join the WTO through the extension of the UK's membership to it, as has been achieved by the Isle of Man. This would be in accordance with the Bailiwick's constitutional relationship with the UK through the Crown and the Framework for developing the International Identity of Guernsey agreed with the UK Government<sup>11</sup>. As with Jersey, the Bailiwick has been exploring the possibility of extending the UK's WTO membership since the WTO was formed, particularly following the establishment of new IP regimes in the Bailiwick.
- 4.2. Consideration has also been given to the Bailiwick becoming a WTO member in its own right<sup>12</sup>. However, such a proposal would be disproportionate when considering the years it would take to accede to the WTO as an independent member and the substantial resources which would be required to negotiate accession and ongoing trading arrangements with all the other WTO members. The same result can be achieved in a more proportionate and manageable way, through extending the UK's WTO membership. If the Bailiwick were to seek to join the WTO as an independent member, unless other arrangements were concluded with the UK, it could risk the creation of a conceptual 'hard border' between the Bailiwick and the UK, which would run contrary to the long-standing position, guaranteed by the historic Royal Charters, that there is free movement of goods between the Bailiwick and the UK.

#### **5. The Basis of WTO Membership – Goods and Customs Territory**

- 5.1. One prerequisite to the extension of the UK's WTO membership is the Bailiwick being within a 'customs territory' with the UK. This provides a basis for applying the WTO commitments in relation to goods and allows the Bailiwick to apply external customs tariffs (principally the UK set tariffs) to goods entering the border of the customs territory in a unified manner.
- 5.2. In July 2018, the States directed the Committee *for* Home Affairs to negotiate a customs arrangement with the UK<sup>13</sup> to succeed the EU Customs Territory. A 'Customs Arrangement' with the UK was signed by the President of the Committee *for* Home Affairs and a Minister from HM Treasury on 26<sup>th</sup> November

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<sup>11</sup> Framework for developing the International Identity of Guernsey (2008)

<https://www.gov.gg/CHttpHandler.ashx?id=2174&p=0>

<sup>12</sup> WTO accessions [https://www.wto.org/english/thewto\\_e/acc\\_e/acc\\_e.htm](https://www.wto.org/english/thewto_e/acc_e/acc_e.htm)

<sup>13</sup> Committee *for* Home Affairs: Customs Duties and Associated Powers Required in Respect of Brexit (2018) <https://www.gov.gg/article/165679/Customs-Duties-and-Associated-Powers-Required-in-Respect-of-Brexit>

2018, to come in to effect when the UK and the Bailiwick leave the EU Customs Union. This Customs Arrangement (titled a Customs Union) is limited to eliminating import and export duty, and adopting a common customs tariff. The Customs Arrangement reaffirms the extant close customs arrangements between the Bailiwick and the UK and helps to ensure that, when the UK leaves the EU, traders moving goods between the UK, the Bailiwick and the other Crown Dependencies will continue to do so free from any customs duties or tariffs<sup>14</sup>. The Customs Arrangement specifies that the duties and quantitative measures applicable to goods entering the UK customs territory (including the Bailiwick) are applied in a unified manner.

- 5.3. The establishment of the Customs Arrangement was a significant first step in the extension of the UK's WTO membership to the Bailiwick. The Customs Arrangement allows the Bailiwick to maintain regulatory autonomy and fiscal independence<sup>15</sup>. The Bailiwick will therefore adopt a new external tariff (set by the UK) which replaces the current Common External Tariff that applies in the EU's Customs Union (set by the EU).
- 5.4. On the 26<sup>th</sup> November 2018, HM Treasury laid the statutory instrument (SI) before Parliament (The Crown Dependencies Customs Union (Guernsey) (EU Exit) Order 2018). This SI legally provided for the Customs Arrangement between the Bailiwick and the UK and formally established the operation of the UK-Crown Dependencies Customs Union in accordance with section 31(2) of the Taxation (Cross-border Trade) Act 2018. Accordingly, the Bailiwick will introduce, where it is considered necessary for the operation of the Customs Arrangement, correspondent customs provisions limited to import/export duty and import controls as applicable in the UK<sup>16</sup>.
- 5.5. The UK and the Bailiwick will need to establish agreed frameworks relating to the movement of certain goods, referred to as 'prohibitions and restrictions' (P&Rs), underpinned, where necessary, by legislation. These P&Rs are, in the majority, aimed at protecting the trade in goods which pose risks to human, animal and plant health such as high risk foods, protected animals, animal derived products, and organic and plant products. There are also measures which are subject to international sanctions, such as the restriction on the movement of military

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<sup>14</sup> A customs duty or tariff is a charge paid on importation of goods. The charge is calculated on the value of the good (*ad valorem*) and the levy varies on the type of goods, by a standard classification. This differs from consumption taxes and excise duties, provided they are not levied in such a way that has an equivalent effect.

<sup>15</sup> <https://www.gov.uk/government/publications/customs-arrangements-with-the-crown-dependencies>

<sup>16</sup> <https://www.gov.gg/article/169118/The-Customs-and-Cross-Border-General-and-Enabling-Provisions-Bailiwick-of-Guernsey-Law-2018>

weapons and other specified goods. These measures are necessary to help protect the integrity of the Customs Arrangement.

- 5.6. The Bailiwick's membership of the EU's Customs Union means that the WTO requirements in respect of the trade in goods, in particular those in the General Agreement on Tariffs and Trade (GATT), are already met.
- 5.7. The UK defines what level of market access for goods it is prepared to offer in a schedule to GATT. A draft goods schedule was published by the UK government on 24<sup>th</sup> July 2018<sup>17</sup>. In line with the technical rectification approach, this schedule has its origins in the EU's schedules and is modified to make it relevant for the UK without substantive policy changes being required.

## **6. The Basis of WTO Membership – Services**

- 6.1. The General Agreement on Trade in Services (GATS) provides the framework for trade in services. The various commitments are made on a sector by sector basis and through the manner in which each service is supplied. It is possible to place reservations against any sector and to make any sector unbound by WTO rules. The UK defines what level of market access it is prepared to offer in a schedule to the GATS. A draft schedule was published by the UK government on 3<sup>rd</sup> December 2018<sup>18</sup>. In line with the technical rectification approach, this schedule has its origins in the EU's schedules and is modified to make it relevant for the UK without making substantive policy changes.
- 6.2. The Bailiwick is not part of the EU in respect of the free movement of services and so has not previously had to comply with the EU's services schedule. This means a detailed assessment of compliance of policies and legislation has been undertaken across all relevant sectors (described in Section 10) to ensure compliance with the UK's schedules.

## **7. The Basis of WTO Membership – Intellectual Property**

- 7.1. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) is the third core piece of the WTO architecture, alongside GATT and GATS. In 2002, the States agreed to establish a modern IP regime that was TRIPs

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<sup>17</sup> <https://www.gov.uk/government/publications/uk-goods-and-services-schedules-at-the-wto> and [https://www.wto.org/english/news\\_e/news18\\_e/mark\\_24jul18\\_e.htm](https://www.wto.org/english/news_e/news18_e/mark_24jul18_e.htm)

<sup>18</sup> <https://www.gov.uk/government/publications/uk-goods-and-services-schedules-at-the-wto> and [https://www.wto.org/english/news\\_e/news18\\_e/mark\\_03dec18\\_e.htm](https://www.wto.org/english/news_e/news18_e/mark_03dec18_e.htm)

compliant in order to assist with any move to participate in the WTO<sup>19</sup>. This regime has been developed with the strategic objective of ensuring it would be TRIPs-compliant. The Bailiwick's IP regime was independently assessed as being TRIPs-compliant by David Llewelyn, Professor of Intellectual Property Law, King's College London in 2010<sup>20</sup>.

## **8. The Basis of WTO Membership – Other**

- 8.1. WTO membership entails commitments towards a package of international agreements. In general, WTO membership necessitates joining all core WTO agreements, rather than being able to pick and choose which agreements members wish to participate in. However, there are also a limited number of optional or 'plurilateral' agreements that WTO members can choose to partake in, or not. If the UK's WTO membership were to be extended to the Bailiwick then the Bailiwick, as a whole, would need to comply with all the core WTO agreements.
- 8.2. Two of the largest goods-related agreements that will affect the Bailiwick, and must be adhered to, relate to Sanitary and Phytosanitary (SPS) measures and the Agreement on Technical Barriers to Trade (TBT).
- 8.3. The SPS Agreement requires that WTO members apply unified international standards when they introduce, or operate, measures that seek to protect humans, animals, and plants from diseases, pests or contaminants<sup>21</sup>.
- 8.4. The TBT is aimed at ensuring that technical regulations and standards, including packaging, marking and labelling requirements, and procedures for assessment of conformity with technical regulations and standards do not create unnecessary obstacles to international trade<sup>22</sup>. This agreement ensures that countries do not apply controls at the frontier, on goods, that are unjust and have the aim of economic protection.
- 8.5. The WTO also includes an Agreement on Subsidies and Countervailing Measures. Adherence to this agreement will play an important part in any future consideration that may be given, by the Bailiwick, to granting subsidies or other

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<sup>19</sup> Board of Industry: Bailiwick Intellectual Property Legislation and Economic Opportunities in a Knowledge Economy (2002) <https://www.gov.gg/CHttpHandler.ashx?id=3694&p=0>

<sup>20</sup> <http://ipo.guernseyregistry.com/article/159430/TRIPS-Compliance>

<sup>21</sup> [https://www.wto.org/english/tratop\\_e/sps\\_e/spsagr\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm)

<sup>22</sup> [https://www.wto.org/english/docs\\_e/legal\\_e/17-tbt.pdf](https://www.wto.org/english/docs_e/legal_e/17-tbt.pdf)

financial contributions with the primary aim of distorting trade<sup>23</sup>. It is important to note that this agreement does not restrict the Bailiwick from granting subsidies or financial support, but any such subsidy must be in compliance with the agreement, transparent, declared to the WTO and not aimed at distorting trade. All current funding programmes have been reviewed against this agreement and are compliant.

- 8.6. The UK is seeking to join the General Agreement on Procurement (GPA) as an independent member. The GPA is a plurilateral agreement, meaning that it is an optional WTO agreement that opens up government procurement markets above certain financial thresholds. It will be for the WTO membership to determine whether they accept the UK's proposed terms to join the GPA. It is not recommended that the Bailiwick takes part in the GPA at this stage, but the option to participate at a later date should be retained.

## **9. Access to More Preferential Trade – Free Trade Agreements**

- 9.1. One of the UK's objectives, following its exit from the EU, is to be responsible for its own independent trade policy. This includes developing ambitious FTAs with developing markets on terms that are more suited to the UK, rather than those developed to suit the breadth of the economic interests within the EU. In addition to this, the UK is seeking a continuity approach by transitioning many EU trade agreements, including its extensive network of FTAs, and replacing them with UK agreements on identical terms. These transitioned agreements should apply to the Bailiwick to the extent that they applied to the Bailiwick under Protocol 3.
- 9.2. Trade from the Bailiwick is global and external-facing and the ability to be included within the territorial scope of FTAs, to an extent that hitherto has not been possible, presents a potential economic opportunity. This could help to maintain and develop these trade flows.
- 9.3. The Committee *for* Economic Development has been engaging with industry to identify which countries Guernsey businesses trade with globally and which other markets present new opportunities. In September 2018, the Committee *for* Economic Development surveyed Guernsey businesses across all business sectors. The survey findings provided clear evidence showing that there are trade flows in goods and services across the globe in areas such as the EU, North America, Australia, New Zealand, South Africa, the Middle East and Asia.

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<sup>23</sup> [https://www.wto.org/english/tratop\\_e/sps\\_e/spsagr\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/spsagr_e.htm)

Furthermore, the survey identified that, for the trade in services, there is anticipated trade growth in areas such as the EU Member States, South Africa, Australia, New Zealand, North and Latin America, Hong Kong and Singapore.

- 9.4. It is important to note that WTO membership is not a requirement for the Bailiwick to be party to any UK FTA, but confirmation of adhering to the WTO rules and obligations is required. This means that the Bailiwick must demonstrate the same level of compliance as the UK has in respect of its membership of the WTO. As such, partaking in the UK's WTO membership will provide a compliance baseline in support of the Bailiwick's participation in any potential future FTAs.

## **10. Compliance with the UK's WTO Obligations**

- 10.1. The process for the Bailiwick to join the UK's WTO membership is complex and requires an analysis across the Bailiwick in relation to all applicable WTO agreements<sup>24</sup>, in particular on goods, services and IP.
- 10.2. In order to determine the possibility of WTO extension to the Bailiwick, officers carried out a review of the policies of the States of Guernsey, States of Alderney and Chief Pleas of Sark as they relate to international trade and the UK's WTO schedules. This was to identify any areas of legislation or policy relating to international trade, in particular in relation to services and IP, which may not currently comply either with the UK's commitments or the general WTO rules.
- 10.3. In April 2018, the Committee provided DIT with a substantial assessment of how Bailiwick legislation aligned with the relevant WTO agreements and what was expected to be in the draft UK Schedules (which had yet to be finalised and published at that stage). In August 2018, officials from DIT visited the Bailiwick to work through the compliance assessment and met with officers from across the States and the Law Officers' Chambers, which ensured that there was a clear and mutual understanding of how the Bailiwick complies with the varying WTO obligations.
- 10.4. Further engagement with the Department for Business, Energy and Industrial Strategy (BEIS), DIT and HM Treasury has focused on IP and the services elements of WTO compliance. This provided a basis to explore and compare the different approaches and policies between the Bailiwick and the UK. The Policy & Resources Committee has coordinated its work with all relevant Committees during the compliance assessment process. For example, for agri-foods and

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<sup>24</sup> [https://www.wto.org/english/docs\\_e/legal\\_e/legal\\_e.htm](https://www.wto.org/english/docs_e/legal_e/legal_e.htm)



fisheries trade, policy issues fall into the mandate of the UK's Department for Environment, Food and Rural Affairs (DEFRA) and in Guernsey the Committee *for the Environment & Infrastructure*, the Office of Environmental Health and Pollution Regulation and the Committee *for Economic Development*.

- 10.5. In general, the Bailiwick is open to international trade and could be considered as having a relatively liberalised free market approach to economic development. Generally, there has not been an approach to policy or regulation that was designed to or had the effect of distorting trade with the intent of protecting the small, internal markets.
- 10.6. As a consequence, no significant issues of non-compliance which would prevent extension of the UK's WTO Membership before 29<sup>th</sup> March 2019 were identified. In due course, some minor adjustments may be needed to reduce the risk of any dispute arising, but these are not considered to be contentious. In other cases, our approach to certain matters is, necessarily, different to that of the UK given our constitutional autonomy. Should a dispute arise, the Bailiwick may need to consider the issue arising in greater detail to discharge its international obligations. This would be a long-standing commitment and would form part of the ongoing work as the Bailiwick manages its participation of the WTO in the medium and long term.
- 10.7. The core texts on which the compliance assessment has been carried out are the UK draft schedules<sup>25</sup>:
- UK draft Goods Schedule:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/762822/UKs\\_Goods\\_Schedule\\_at\\_the\\_WTO.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762822/UKs_Goods_Schedule_at_the_WTO.pdf)
  - UK draft Services Schedule:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/762808/SCW380 - UK GATS Schedule-FINAL 03 12 2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762808/SCW380_-_UK_GATS_Schedule-FINAL_03_12_2018.pdf)
- 10.8. As the WTO develops and as the UK exercises its rights as an independent trading member of the WTO to develop these schedules, the Bailiwick will have the opportunity to contribute to the development of these obligations to ensure that the Bailiwick's interest are taken into account. The necessary governance arrangements will be agreed with the UK Government, underpinned by a Memorandum of Understanding, in order to manage the Bailiwick's ongoing participation in the WTO as part of the UK's membership.

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<sup>25</sup> <https://www.gov.uk/government/publications/uk-goods-and-services-schedules-at-the-wto>

## **11. Resolving Disputes**

- 11.1. Resolving trade disputes is a core activity of the WTO. A summary of these processes is included in Appendix 1. The way that the WTO Dispute Body works does not raise the sort of jurisdictional issues that are sometimes raised in respect of the Court of Justice of the European Union. In addition, the remedies available are not financial but are intended to rely on persuasive power to remedy or withdraw an illegal act by another WTO Member.
- 11.2. Necessarily, trade disputes could be brought against the Bailiwick (or, more correctly, against the UK as the WTO member in respect of Guernsey). In these situations, the Bailiwick would have to address the policy or legal areas which the WTO dispute mechanisms considered to be incompatible with WTO obligations. If WTO disputes are raised, the Bailiwick may, on a pre-emptive basis, have to agree with the UK what measures can be taken to amend its policy or legislation to align with WTO obligations. It would be desirable for the Bailiwick to correct or otherwise address any issue relating to WTO compliance before a trade complaint is raised as a formal dispute. This would protect the Bailiwick's international reputation and its status as a participant member of the WTO. It would also reduce the risk and costs associated with managing a trade dispute.
- 11.3. The UK Government has established a Trade Remedies Authority (TRA) (at present this role is carried out by the Director General of Trade at the European Commission). The UK TRA will enable the UK to manage any offensive and defensive trade disputes that may arise between the UK and other WTO members. Should the Bailiwick wish to raise a dispute through WTO dispute mechanisms because of treatment by another WTO member it would need to raise the matter with the UK Government in order to engage the UK TRA.
- 11.4. The Memorandum of Understanding with DIT (see paragraph 10.8) will cover the arrangements, particularly with respect to compliance and dispute resolution.

## **12. Process of Extension**

- 12.1. The UK is already an independent member of the WTO. The UK is able to extend its membership of the WTO, to a territory for which it has responsibility for international relations, by a unilateral declaration from the UK to the WTO Secretariat.

- 12.2. There will not need to be any negotiation on the accession, however, it is possible that there will be additional scrutiny on the legislation and policies of the Bailiwick by other WTO members. It is for this reason, as previously indicated, that a comprehensive review of compliance has been undertaken and that it would be necessary to make a commitment to address concerns promptly through close working with the UK before such concerns risk becoming an official dispute.

### **13. Consultation**

- 13.1. The Committee has worked closely at political and official level with the UK Government and Parliament, in particular with the Cabinet Office, DExEU and DIT. Senior officers from Guernsey meet with senior officials from the Cabinet Office and DExEU in London on a fortnightly basis to develop and coordinate such work relating to the UK's withdrawal from the EU. The President of the Committee has also discussed this work in depth with Robin Walker MP, Parliamentary Under-Secretary of State at DExEU, most recently at the quarterly meeting held on 28<sup>th</sup> January 2019, and with the Rt Hon Liam Fox MP, Secretary of State for International Trade in correspondence (see Appendix 2) and at a meeting on 7<sup>th</sup> February 2019.
- 13.2. The Committee *for* Economic Development has coordinated engagement with the private sector to understand the concerns of importers and exporters in Guernsey and to raise awareness of Brexit issues. The first phase of work included fact-finding and developing an understanding of the issues faced by businesses. A series of Brexit engagement workshops were held in the autumn of 2017. That work informed the commissioning of a business survey to ascertain the Brexit preparedness of businesses and to identify the flow of goods and services. The survey findings were reported back to the Committee during the final quarter of last year, and have informed further meetings with business representative bodies and individual businesses regarding concerns and potential solutions.
- 13.3. In general, businesses that rely on trade in goods and services on a global scale are extremely supportive of joining the UK's WTO membership and these opinions have been confirmed in the results of the survey. Industry representatives are also supportive. The survey identified that:
- Two-thirds of all businesses considered the extension of the UK's WTO membership to the Bailiwick for trade in goods to be important

to their business (68% very/quite/a little bit important); one third (32%) answering very important.

- All manufacturers considered the extension of the UK's WTO membership to the Bailiwick for trade in goods to be very, quite or a little bit important to their business; around half (52%) said very important. The proportion that considered it to be important was also above average in the professional/technical (79%) and information/communications (91%) sectors.
- Importers and Exporters are significantly more likely to consider WTO extension to be important (79% and 88% respectively).

- 13.4. The States of Alderney and Chief Pleas of Sark have been consulted throughout the Committee's work to manage the impact of Brexit, including on the work to join the WTO. This included direct engagement with the relevant Committees in Alderney and Sark, as well as through the Bailiwick Council, Alderney Liaison Group and Sark Liaison Group. Representatives for the Committee have recently visited the newly constituted States of Alderney and Chief Pleas of Sark to discuss this matter. The States of Alderney's Policy & Finance Committee and Sark's Chief Pleas will soon be considering this matter with a view to the UK's membership being extended to the Bailiwick as a whole.
- 13.5. The Law Officers of the Crown have been consulted and have provided legal advice throughout.

## **14. Legislation and Resources**

- 14.1. There are no direct financial costs for requesting extension of the UK's WTO membership as the WTO membership costs would be managed by the UK Government. There are no additional resource requirements. There will be additional work required when developing new policies and legislation to ensure that they meet the WTO obligations. Should the Bailiwick wish to raise a dispute, or defend a dispute raised against it, there may be consequential financial and resource implications. In due course there may be additional resources needed to support the negotiation and management of the UK's FTAs to the extent it is agreed they extend to Guernsey.
- 14.2. In November 2017, the States agreed a set of legislative proposals to protect Guernsey's interests as the UK exits the EU<sup>26</sup>. This included facilitating the

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<sup>26</sup> Policy & Resources Committee: Protecting the interests of the Bailiwick of Guernsey as the UK leaves the EU (2017) <https://gov.gg/CHttpHandler.ashx?id=110188&p=0>

extension of the UK's membership of the WTO and participation in FTAs and other trade agreements. The International Trade Agreements (Implementation) (Bailiwick of Guernsey) Law, 2018 was granted Royal Sanction in December 2018.

- 14.3. Subject to what is said below concerning privileges and immunities, no further legislation is required to give effect to the agreements as a direct consequence of extending the UK's membership of the WTO. Legislation may be required as part of the Bailiwick's ongoing participation in the WTO, either to maintain compliance with the UK's existing WTO commitments or to ensure future compliance if trading commitments alter. These will need to be presented to the States separately for consideration, as and when they arise, with an explanation of why they are required to meet the relevant WTO obligations.
- 14.4. As a matter of formality, and in line with provisions made in the UK and elsewhere, an Ordinance under the Privileges and Immunities (Bailiwick of Guernsey) Law, 2004 can be made in respect of the WTO.

## **15. Compliance with Rule 4**

- 15.1. Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 15.2. In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications. HM Procureur has advised that there is no reason in law why the Propositions should not be put into effect.
- 15.3. In regard to Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees, the Civil Contingencies Authority, the Brexit Transition Group<sup>27</sup> and part of the Policy & Resources Committee's Brexit Group's<sup>28</sup> activity includes regularly monitoring the resources dedicated to managing the implications of Brexit and to assessing the opportunities which may arise. It is not envisaged that additional resources will be required when the UK extends its membership of the WTO to the Bailiwick.

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<sup>27</sup> The establishment of the Brexit Transition Group is described in a statement made by the President of the Committee at the States of Deliberation meeting held on 30<sup>th</sup> January 2019:

<https://www.gov.gg/janbrexitstatement>

<sup>28</sup> The Policy & Resources Committee's Brexit Group is a strategic group which includes politicians and officials from its own Committee, the Committee *for* Home Affairs and the Committee *for* Economic Development along with the Law Officers and representatives from the Guernsey Financial Services Committee and industry where appropriate.

- 15.4. In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the Propositions above have the unanimous support of the Committee.
- 15.5. In accordance with Rule 4(5) of the Rules of Procedure of the States of Deliberation and their Committees, the Propositions relate to the duties of the Committee because its mandate includes responsibilities to, “advise the States and to develop and implement policies and programmes relating to: (a) leadership and co-ordination of the work of the States” and “(c) external relations and international and constitutional affairs, which includes: 2. relations with the United Kingdom and other jurisdictions; 3. relations with the European Union and other supranational organisations; 4. relations with the other islands of the Bailiwick ...; [and] representing, or overseeing the representation of, and negotiating for, the Island; ...” The Committee considers that the measures outlined in this Policy Letter touch on all those aspects of its mandate.
- 15.6. Further it is confirmed that the proposals outlined in this Policy Letter are strategically aligned to the objectives of the States of Guernsey. Phase One of the Policy & Resource Plan<sup>29</sup> set out the vision for Guernsey in 20 years’ time and the priority areas for the next five years. It was approved on 16<sup>th</sup> November 2016. ‘Our Place in the World’ is one of four themes and is supported by the measures outlined in this Policy Letter. The underlying priorities of this theme are for Guernsey to maintain its reputation as a “*centre of excellence and innovation*” and to develop further its “*mature international identity*”. The ‘Our Economy’ and ‘Our Quality of Life’ themes are also significant in regard to this Policy Letter.
- 15.7. Phase Two of the Plan<sup>30</sup>, which sets out the Committees’ policy plans, was approved on 30<sup>th</sup> June 2017. Phase Two focusses on the work that Principal Committees need to do to move towards achieving the vision set out in Phase One. In response to the ‘mature international identity’ priority, the Policy & Resources Committee’s policy plan recognises that a significant focus of the Committee’s work in the short to medium term will be on the protection of the island’s interests in the aftermath of Brexit. One of the objectives identified within Phase Two is to “*ensure our interests are taken into account in the UK/EU*

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<sup>29</sup> The ‘Future Guernsey’ document was amended by and then approved by the States on 16<sup>th</sup> November 2016. The final version is available at <https://gov.gg/CHttpHandler.ashx?id=105052&p=0>. (The final version includes the amendments made by the States. An earlier version was published in Billet d’État XXVIII of 2016.) The Resolutions of 16<sup>th</sup> November 2016 can be found at: <https://gov.gg/CHttpHandler.ashx?id=104885&p=0>

<sup>30</sup> Billet d’État XII of 2017: <https://www.gov.gg/CHttpHandler.ashx?id=107774&p=0>

The Resolutions of 30<sup>th</sup> June 2017 can be found at: <https://gov.gg/CHttpHandler.ashx?id=108566&p=0>

*exit agreement and seek new opportunities where possible".* The Committee considers this work to be one of its top priorities.

- 15.8. The Committee's consultation with other parties is outlined in Section 13 above, in accordance with Rule 4(5).

## **16. Propositions**

The States are asked to decide whether they are of the opinion:-

1. To agree that the United Kingdom's membership of the World Trade Organization should extend to Guernsey.
2. To agree that the States commit to meet the UK's World Trade Organization obligations, on an ongoing basis, and to resolve any issues or disputes promptly in a manner which is consistent with the States of Guernsey's extant policy with regard to international standards, the 2008 Framework for developing the International Identity of Guernsey agreed with the UK Government and protecting the Bailiwick of Guernsey's international reputation.
3. To delegate authority to the Policy & Resources Committee to negotiate and agree on behalf of the States, with the States of Alderney and the Chief Pleas of Sark, all such matters as may be necessary to enable a request to be forwarded by the Policy & Resources Committee, on behalf of all three Bailiwick authorities, to the UK government for the extension of the United Kingdom's membership of the World Trade Organisation to the Bailiwick.
4. To direct the Policy & Resources Committee (following the conclusion of suitable agreements with the States of Alderney and the Chief Pleas of Sark) to send a formal request to the UK Government for the extension.
5. To agree that suitable legislative and administrative measures are implemented and adopted, including statutory privileges and immunities relating to the World Trade Organization and its officials, in order to ensure that the extension may have effect.
6. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

Yours faithfully

G A St Pier  
President

L S Trott  
Vice-President

A H Brouard  
J P Le Tocq  
T J Stephens



### World Trade Organization (WTO) – A summary

#### *History and background*

1. In 1947 the UK was an original signatory to the General Agreement on Tariffs and Trade (GATT 47) which aimed to liberalise trade by reducing or eliminating trade barriers such as tariffs and quotas on a mutually acceptable basis. The agreement was first discussed within the United Nations prior to 1947 following the failure of negotiating governments to agree and create an International Trade Organisation. GATT 47 was signed by 23 nations in Geneva on 30<sup>th</sup> October 1947, and took effect on 1<sup>st</sup> January 1948. It remained in effect until 123 nations signed the 'Uruguay Round Agreements' in Marrakesh on 14<sup>th</sup> April 1994, thus establishing the World Trade Organization (WTO) on 1<sup>st</sup> January 1995. The WTO is a successor to GATT and the original GATT text (GATT 1947, albeit modified by GATT 1994) is still in effect under the WTO framework<sup>31</sup>.
2. The WTO deals with the global rules of trade between nations. Its main function is to ensure that trade flows as smoothly, predictably and freely as possible. Its primary purpose is "to open trade for the benefit of all." The WTO currently has over 160 members, accounting for 98% of world trade.<sup>32</sup> As a WTO member, each country commits to a range of comprehensive trade principles and rules in respect of goods, services and intellectual property (IP).
3. The total budget for the WTO is around US\$200 million per year. The WTO is primarily funded by member countries making contributions (based on a formula relating to each member's share of international trade). The budget covers the WTO's various work streams including: trade negotiations, administrative and technical support, trade policy monitoring, trade dispute resolution, technical assistance and training for development countries.
4. The UK contributes less than 4% of the total WTO budget. Details of its participation in the WTO can be found at:  
[https://www.wto.org/english/thewto\\_e/countries\\_e/united\\_kingdom\\_e.htm](https://www.wto.org/english/thewto_e/countries_e/united_kingdom_e.htm).

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<sup>31</sup> The General Agreement on Trade and Tariffs 1994 [https://www.wto.org/english/docs\\_e/legal\\_e/06-gatt\\_e.htm](https://www.wto.org/english/docs_e/legal_e/06-gatt_e.htm)

<sup>32</sup> European Union Committee: [Brexit: the options for trade \(5th Report, Session 2016-17, HL, Paper 72\)](#)

## WTO Principles

5. The WTO embraces the philosophy that free trade, or more accurately freer trade, is the route to economic progress. The opening paragraph in the preamble of the treaty which established the WTO<sup>33</sup> ('the WTO treaty') outlines the objectives to raise "*standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, and expanding the production of the trade in goods and services, while allowing for the optimal use of the world's resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at different levels of economic development*". It is important to note that the WTO acknowledges that its goal is not free trade at all costs; but rather it is balanced by protecting the global natural environment and resources.
6. An objective of the WTO is that the benefits of trade should be shared by all countries, not only the wealthy ones. This recognises that uncontrolled competition between countries can have harmful consequences – particularly important as more than two-thirds of WTO member countries are classified as developing. Multilateralism is the basis of the WTO system with the principle that the more partners there are to an agreement the better.
7. The WTO is a democratically constituted body that is governed by international law. Each member country has equal standing at the WTO meaning that each one has the same capacity to effect change through voting. The WTO creates rules about free trade such that member countries are bound by the same trading rules and standards and no one nation, person or corporation is above the legal obligations imposed by the organisation. The WTO does not have its own political agenda, its objectives are those expressed by its constituent members.
8. A core principle of the WTO is dispute resolution. There have been over 300 disputes. If any rules are broken, there are consultative and legal processes which are applied. If a dispute is upheld legal measures, such as defensive measures and compensation awards, can be handed down for countries to adhere to. This compensation does not mean monetary payment; rather, the respondent to the dispute is supposed to offer a benefit, for example a tariff

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<sup>33</sup> Agreement Establishing the World Trade Organization  
[https://www.wto.org/english/docs\\_e/legal\\_e/04-wto.pdf](https://www.wto.org/english/docs_e/legal_e/04-wto.pdf)

reduction, which is equivalent to the benefit which the respondent has nullified or impaired by applying its measure<sup>34</sup>.

9. The WTO aims to inhibit protectionism. Protectionism can lead to discontent and aggravation amongst the WTO membership leading potentially to trade wars. Recently, the President of the United States of America unilaterally applied aggressive tariffs on certain products from Mexico, Canada, the European Union and China, ostensibly to reduce the USA's trade deficits and protect American national interests. In response, WTO member countries can formally request the USA to consult with the aim of resolving the matter or can register a trade dispute with the WTO Dispute Settlement Body. This can result in some of these high tariffs being removed or defensive measures being implemented to mitigate their impact.
10. WTO negotiations produce general rules that apply to all members, and specific commitments made by individual member governments which are listed in 'schedules of concessions'<sup>35</sup>. There are two schedules for WTO members: a 'Goods Schedule' and a 'Services Schedule'. The Goods Schedule includes: the maximum tariff levels which will be imposed on a particular product or product category; tariff rates quotas (which allows for a product to be imported at a lower tariff, up to a set quota); limits on export subsidies; and any domestic support. The Services Schedule shows a range of sectors and sub-sectors that the WTO Member is liberalising. If a sector is not listed in the schedule, then the WTO Member makes no commitment to liberalise that sector. For listed sectors, the schedules show the degree of market access or national treatment liberalisation or restriction, according to how the services are delivered (these are referred to as 'Modes of Supply'<sup>36</sup>). Currently, the EU has a single Goods Schedules and a single Services Schedule for all its Member States (although, consolidated versions for the most recent EU accessions are not always available).

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<sup>34</sup> [https://www.wto.org/english/tratop\\_e/dispu\\_e/disp\\_settlement\\_cbt\\_e/intro1\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/disp_settlement_cbt_e/intro1_e.htm)

<sup>35</sup> World Trade Organization, 'members' commitments':

[https://www.wto.org/english/tratop\\_e/schedules\\_e/goods\\_schedules\\_e.htm](https://www.wto.org/english/tratop_e/schedules_e/goods_schedules_e.htm)

<sup>36</sup> There are four modes of supply in respect of the trade in services that are protected by the WTO:

- Mode 1 — Cross border trade: from the territory of one Member into the territory of any other Member
- Mode 2 — Consumption abroad: in the territory of one Member to the service consumer of any other Member
- Mode 3 — Commercial presence: by a service supplier of one Member, through commercial presence, in the territory of any other Member
- Mode 4 — Presence of natural persons: by a service supplier of one Member, through the presence of natural persons of a Member in the territory of any other Member

11. There are two central WTO principles aimed at avoiding and prohibiting discrimination between trading partners<sup>37</sup>. They are the Most-Favoured-Nation treatment (MFN) and National Treatment' (NT):
  - a. MFN is about treating trade from other WTO jurisdictions the same. Members cannot, usually, discriminate between WTO trading partners. Therefore, if a country improves the benefits it gives to one trading partner (for example by lowering a customs tariff rate for a particular type of product) it has to give the same treatment to all other WTO members. Some exceptions are permitted<sup>38</sup>.
  - b. NT is about treating foreigners and locals equally. For example, foreign (imported) and local (locally produced) goods should be treated equally. NT applies only once a product, service or item of intellectual property has entered the local market. Charging a customs tariff on an import, for instance, is not contrary to the NT principle, even if locally-produced goods are not charged an equivalent levy.
12. There are certain exceptions to the WTO's non-discriminatory principles. These exceptions arise only where specifically authorised. For instance, the WTO may authorise preferential trading areas for certain WTO members to benefit from more preferable tariff rates.
13. Some issues remain beyond the scope of the WTO such as labour (including wages and working conditions) and environmental commitments. WTO allows members to have their own policies on environmental protection even if this might impact on international trade. Importantly, in terms of economic policies, the WTO has no direct control over domestic tax issues. Direct taxation is only within the jurisdiction of the WTO if it is applied in such a way that they distort trade<sup>39</sup>. However if a tax was introduced, which acted as a trade barrier to entry of foreign goods, this would potentially infringe the WTO principles and trade rules.

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<sup>37</sup> The World Trade Organization, 'Principles of the trading system': [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/fact2\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm)

<sup>38</sup> The WTO website gives these examples of exceptions, "... countries can set up a free trade agreement that applies only to goods traded within the group — discriminating against goods from outside. Or they can give developing countries special access to their markets. Or a country can raise barriers against products that are considered to be traded unfairly from specific countries. And in services, countries are allowed, in limited circumstances, to discriminate. But the agreements only permit these exceptions under strict conditions."

<sup>39</sup> The WTO and Direct Taxation [https://www.wto.org/english/res\\_e/publications\\_e/disc\\_paper9\\_e.htm](https://www.wto.org/english/res_e/publications_e/disc_paper9_e.htm)

14. Competition law is also outside the WTO's jurisdiction. The WTO's objectives are international and not national. It is concerned more about the normal functioning of global markets and not the operation of national markets. It is for WTO member countries to enact competition laws to ensure that damaging monopolies and practices like price controls are not employed by companies. If multinational companies demonstrate harmful market dominance, they should be controlled by the domestic laws of the countries in which they operate.

### ***WTO Governance and Agreements Overview***

15. The WTO is formed of a Ministerial Council who oversee the work of a General Council as well as councils with certain special focus, including the appellate body (the equivalent of the WTO court). Figure 1 provides a pictorial summary of WTO governance structure.
16. The body of WTO law is contained in its international agreements<sup>40</sup>. The WTO's main agreements cover goods, services and intellectual property. These agreements are not static but rather they are renegotiated from time to time and new agreements can be added to the overall package. However, the WTO trade rules move and change at a very slow pace. By contrast, European Commission trade rules are more regular and detailed in nature covering, for example, specific manufacturing or production criterion for certain products to ensure uniform trading standards for products across the Single Market.

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<sup>40</sup> [https://www.wto.org/english/docs\\_e/legal\\_e/legal\\_e.htm](https://www.wto.org/english/docs_e/legal_e/legal_e.htm)

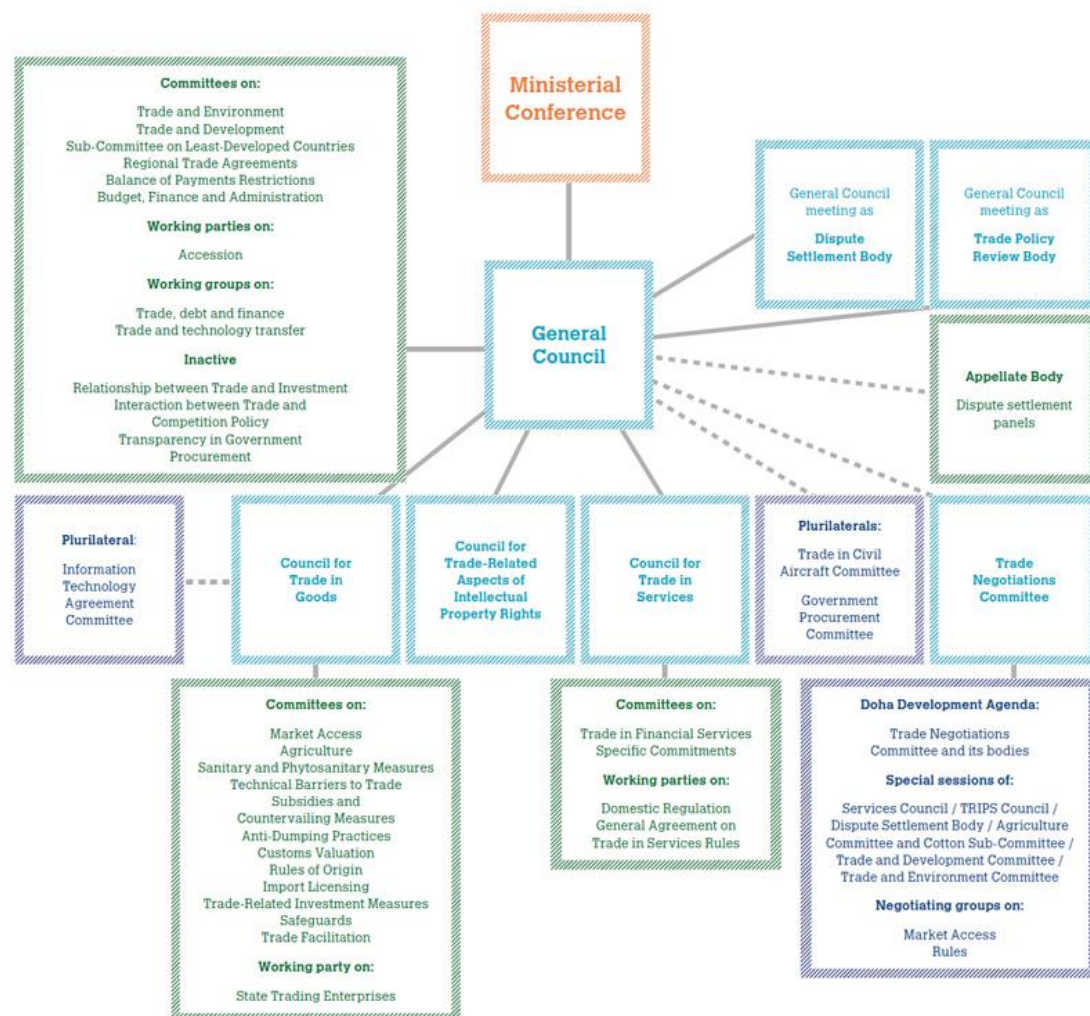


Figure 1: WTO Governance - source: [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/orq2\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/orq2_e.htm)

17. The main WTO agreements are summarised below:

#### General Agreement on Tariff and Trade (GATT)

The GATT is one of the precursor agreements before the WTO formed. Its aim is to promote international trade by reducing or eliminating tariffs. It has been developed and modified following a number of rounds of GATT trade negotiations (the most recent being the Uruguay Trade Round<sup>41</sup>).

<sup>41</sup> [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/fact5\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact5_e.htm)

#### General Agreement on Trade in Services (GATS)

GATS was inspired by essentially the same objectives as its counterpart in merchandise trade, the GATT, by creating a credible and reliable system of international trade rules, ensuring fair and equitable treatment of all participants (principle of non-discrimination) stimulating economic activity through guaranteed policy bindings, and promoting trade and development through progressive liberalization. In summary, the GATS was designed to reflect the growing level of global trade in services.

#### Agreement on Trade-Related aspects of Intellectual Property Rights (TRIPs)

The purpose of this agreement is to protect parties who have acquired rights in IP. It sets down minimum standards for the regulation by national governments of IP as applied to nationals of other WTO member nations. The agreement also provides for stronger enforcement of rights beyond the consultation mechanisms that were usual in earlier international IP Conventions.

The rights protected include, inter-alia, patents and copyright, trademarks and geographical indications, industrial designs and layout designs for Integrated Circuits. It also covers areas such as the protection of literary and artistic works, and for the protection of performers, producers and broadcasters as well as more commercial rights in patents, copyright and related rights. The agreement also provides for stronger enforcement of rights beyond the consultation mechanisms that were usual in earlier IP Conventions.

#### Agreement on Agriculture

The scope of this agreement can be broadly summarised as: setting rules for agricultural trade, in the light of the results of the Uruguay Round of trade talks, setting detailed rules to limit agricultural support measures, both domestic and export subsidies, and procedures in case of new subsidy schemes. Measures which assist developing, least developed and net-food importing countries are also included.

#### Agreement on application of GATT Article VI: anti-dumping

This agreement sets the rules for investigating complaints about the dumping of imported goods (i.e. flooding the local market with goods at lower prices than those provided domestically) and for applying anti-dumping duties (as a defensive measure).

#### Agreement on Subsidies and Countervailing measures (ASCMs)

This agreement sets the rules for dealing with subsidies and their adverse effects on the global trading platform. For instance, this includes a prohibition of export

subsidies (such as those used to get rid of surplus agricultural production) and rules to limit the distorting effects created by domestic support policies on the interests of third countries.

#### Agreement on Safeguard Measures

This agreement sets out the rules for the application of safeguard measures, which are generally import restrictions which protect a domestic industry that is facing serious injury as a result of increases in imports. The criteria are set out which would justify such exceptional action.

#### Agreement on Technical Barriers to Trade (TBT)

This agreement differs to some of the other agreements which impose specific rules and procedures on trade measures. Instead, this agreement is more focused on promoting conformity with international norms and standards (which also reduce barriers to trade). The main commitment of this agreement is therefore to use international standards wherever possible (although the right to set one's own standards is recognised), and to justify any necessary departures from them. There is also an emphasis on recognition of standards of other countries, and on bilateral agreements on the equivalence of standards.

#### Agreement on Sanitary and Phytosanitary measures (SPS)

This agreement concerns the protection and improvement of human and animal health in member countries. It also concerns phytosanitary (plant) matters. Similar to the TBT agreement (above), there is some freedom to set health and environmental standards at levels considered necessary in the domestic context, but also a commitment to use international norms where possible.

#### Agreement on Trade-Related Investment Measures (TRIMs)

The essence of this agreement is for trade negotiations to try to avoid the trade-restrictive and distorting effects of measures which restrict foreign investment and, further, to help to facilitate investment across international frontiers, open up foreign markets and increase the economic growth of all WTO partners.

#### Agreement on Government Procurement (GPA)

This agreement seeks to establish an effective multilateral framework of rights and obligations in the area of government procurement. Some of the main areas include non-discrimination, national treatment and transparency in the procedures for seeking tenders, selecting suppliers and awarding contracts. The agreement applies to all contracts above a set threshold level, that threshold is reviewed from time to time. The specific procedures related to tendering are set out in detail.



**Letters from the President of the Policy & Resources Committee to the Secretary of State for International Trade**

21<sup>st</sup> January 2019

Dear Dr Fox

**EXTENSION OF THE UK'S MEMBERSHIP OF THE WORLD TRADE ORGANIZATION (WTO)**

The government of Guernsey has a strong working relationship with the UK government, which has developed further in recent years as the United Kingdom continues to move towards its exit from the European Union. Although the Bailiwick of Guernsey did not participate in the UK's June 2016 referendum, it is and has been seeking to manage the impact upon the Bailiwick. The UK's exit from the EU will end the relationship the Bailiwick has with the EU under Protocol 3 of the UK's Treaty of Accession. We appreciate the support we have received from the UK Government to date, acting on behalf of the Crown, in ensuring that the Bailiwick of Guernsey's interests are taken into account.

The Bailiwick of Guernsey (comprising the three jurisdictions of Guernsey, Alderney and Sark) has a constitutional relationship with the Crown that has lasted for centuries. The Bailiwick has its own judiciaries, its own legislatures and other important distinctions from the UK. The relationship is underpinned by the right for the free trade in goods between the Bailiwick and the UK. Our relationship with the UK Government relies on trust, confidence and respect for our interests, even where they may differ from those of the UK. The Bailiwick has a long-standing policy of taking its international obligations seriously in order to safeguard the reputation both of the islands and the UK. It is on this basis that Guernsey agreed an international identity framework with the UK in 2008. It is within that framework that we wish to seek the extension of the UK's membership of the WTO to Guernsey.

As a jurisdiction with a reliance on global trade in goods and services, and in light of the relationship with the UK, Guernsey formed part of the UK's membership of General Agreement on Tariffs and Trade, 1947 (GATT 47) and the European Free Trade Area. Guernsey is part of the EU Customs Union under the UK's membership of the EU, in accordance with Protocol 3 to the UK's Treaty of Accession to the EU. It was not possible to extend the UK's membership of the WTO at the time it was created. The government of Guernsey decided to pursue extension when the islands had legislated

to implement a modern intellectual property ('IP') regime that would be compliant with WTO standards (in particular the Agreement on Trade-Related Aspects of Intellectual Property Rights); an objective that has now been met.

As a consequence of the UK's decision to leave the EU, the current trading relationship that the Islands have with the EU will cease to exist. The impacts for the Bailiwick of Guernsey in respect of UK, EU and global trade in goods and services are significant. In the absence of Protocol 3, the Bailiwick needs to consider how best to trade both with EU Member States and globally in the future. Consequently, Guernsey's government prioritised preparatory work to seek extension of the UK's membership of the WTO in time for the UK's exit from the EU. There has been a very constructive working relationship between our officials in this regard.

The objective of being included in the territorial scope of the UK's membership of the WTO remains one of the highest priorities for the Bailiwick. Whilst we have been able to demonstrate compliance with the UK's draft schedules there are a few minor issues to resolve, on which we are working closely with your Department. [redacted] This is in line with the long-standing approach that we have taken on other international obligations. We, of course, have a long track record of delivering on such commitments when they have been given by us in the past.

In an exchange of letters in September/October 2018, the Prime Minister repeated previous assurances that the long-standing constitutional relationships between the UK and the Crown Dependencies will not change. The Prime Minister also recognised the long-standing close trading relationships, which underpin the new customs arrangements recently agreed between the UK and Guernsey. [redacted] Such businesses will need to rely on WTO principles when the UK has left the EU. If the UK does not extend its membership of the WTO to Guernsey before the UK leaves the EU and if there is a 'no-deal' outcome, these constitutional and trading relationships will be placed at risk. Protecting these economic interests is important for the British family as a whole.

Our industry engagement across all sectors has provided strong evidence that extension of the UK's membership of the WTO is an important issue for more than two-thirds of businesses in the Bailiwick. Guernsey was the fastest growing market for UK imports of goods and services between 2010 and 2017, with increases of 456% to £2.4bn (ONS Pink Book 2018); emphasising its importance as an economic partner to the UK. WTO membership is strategically important for business development post-Brexit and operationally important for traders when the Bailiwick loses the access to the EU's Free Trade Agreements that Protocol 3 provides. As a consequence, this is a significant strategic threat to our no-deal contingency planning.

I would welcome an assurance that the UK will extend its membership of the WTO to Guernsey before the UK leaves the EU. As I have outlined, this is particularly important for a no deal scenario. An early indication of the UK's willingness to extend the WTO membership to us will be necessary to ensure that the island has the necessary domestic parliamentary approvals in place. In Guernsey, the next parliamentary session when this subject can be considered will be on 27 February 2019 and an order paper will need to be published a reasonable time in advance.

Given the urgency of the situation, I would welcome a meeting with you in London to discuss this matter as soon as possible and I or another senior member of Guernsey's government would ensure we were available at any time that would suit you.

I have copied in the Lord Chancellor, the Rt Hon the Lord Keen of Elie QC and Robin Walker MP in light of their responsibilities for managing the relationship with the Crown Dependencies.

Yours sincerely

**Deputy Gavin St Pier**

Chief Minister of Guernsey/Le Prumier de Giernes

8<sup>th</sup> February 2019

Dear Liam

#### **EXTENSION OF THE UK'S MEMBERSHIP OF THE WORLD TRADE ORGANIZATION (WTO)**

Thank you for taking the time to meet with me yesterday in London, following my letter of 21 January 2019. It was helpful to discuss the critical importance of the extension of the UK's membership of the World Trade Organization ('WTO') to the Bailiwick of Guernsey, taking into account the economic and political consequences of failing to do so.

I was extremely grateful for the constructive and positive dialogue, which reflects the engagement that Guernsey has had with the UK Government since the UK's EU Referendum. I am pleased that the UK is continuing to take the interests of the Bailiwick into consideration as we move closer to the date that the UK will leave the EU. As I said, the government of Guernsey takes its international obligations extremely seriously and

is seeking to be part of the UK's WTO membership in good faith and by maintaining high standards alongside the UK. I am sure this will be part of an ongoing dialogue and strengthening of our relationship during the months and years to follow. I have, as a matter of urgent priority, directed my officials to work with your Department's officials to develop a memorandum of understanding to underpin this relationship and provide reassurance regarding our approach to WTO compliance.

I welcome your offer to discuss with you these and other trade matters at any time and look forward to continuing to work alongside the UK, as part of its WTO membership, to help maintain and champion free trade and to seek to build a stronger and more resilient global economy together. It will be important that we continue to engage closely together as the UK develops its network of Free Trade Agreements in order that Guernsey's interests are properly represented. I would therefore also be pleased to welcome you, or one of your Ministers, to Guernsey in the very near future to build and strengthen the relationships and understanding between our jurisdictions which will be so important in the months and years ahead.

As for my letter of 21 January 2019, I have copied in the Lord Chancellor, the Rt Hon the Lord Keen of Elie QC and Robin Walker MP in light of their responsibilities for managing the relationship with the Crown Dependencies.

Yours sincerely

**Deputy Gavin St Pier**

Chief Minister of Guernsey/Le Prumier de Giernes

# THE CHILDREN & YOUNG PEOPLE'S PLAN

2019-2022



States of  
Guernsey



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# FOREWORD

**From Heidi Soulsby the President of  
the Committee for Health & Social Care**

Welcome to the updated Children and Young People's Plan (CYPP) for 2019-2022 which sets out how we will work alongside children, young people and their families as well as articulating our aspirations for the future.

This is a period of unprecedented and sustained change across all public services, which is having considerable impact on our capacity to meet the growing needs of children and young people. However, this refreshed plan is a statement of our collective ambition for how public services, the third sector, the community and individuals involved in improving the outcomes of all children and young people will work together in a way that provides the best support.

We recognise that many families in Guernsey and Alderney are thriving. All families, whatever their situation, have many strengths, as do the communities in which they live. We need to ensure that these strengths are the starting point for how we work alongside children,

young people and families. We want to focus on these strengths and ensure that families are able to build the resilience that will enable them to live a fulfilled life.

Most of our children and young people achieve good outcomes and go on to lead successful lives as adults, but there are some who do not. In particular, children from poorer backgrounds often do not achieve the success of the more affluent. We need to be focused and innovative to make sure that we help – and challenge – children and young people to achieve more.

This Plan is about enabling the more vulnerable in our communities to thrive as well and provides the framework for how we intend to meet this challenge.

It articulates how we will reshape services and deliver them differently, how we will adopt an approach of ‘strengthening’ families; working ‘with’ them rather than delivering services ‘to’ them. This goes to the heart of the new

model of care for the Bailiwick, known as the **Partnership of Purpose: working better together to provide people-centred care.**

We are working from a firm foundation with evidence that where we have already worked together it has made a real and lasting difference to children and young people’s lives however we know we need to do more.

This strategic document cannot, and does not, refer to everything we do for all children. It sets a framework for what we must do together. The CYPP is relevant to all services, universal, targeted and specialist and its emphasis is on how we collectively ensure that every child in Guernsey and Alderney, regardless of their circumstances, has access to the best services and best outcomes.

Therefore a key focus of this Plan, also a principle aim of the Partnership of Purpose, is on **early help and intervention**. This means working together to identify when a child or family need support and helping them

to access that support before their difficulties become so great that specialist services are required. This means doing what works best in each community, children’s centre and school, and adopting a **can-do** attitude.

This plan provides a strategic framework, setting out a shared sense of purpose and direction, ensuring we use our collective resources wisely and make a much needed difference to children’s lives.



# INTRODUCTION

This updated plan sets out the progress we have made and the refreshed objectives at the midpoint of the 2016-2022 CYPP. The Children Law 2008 requires the creation of such a Plan at least once every three years. However, this Plan was designed to have a six -year life span to enable a longer term and more consistent approach to be taken based on recognition that there was a need for wholesale change in the islands approach to meeting the needs of children and their families, and that evidence of the impact of that change would take time to emerge. The Plan is therefore intended to be an ambitious and transformational document for the Bailiwick. It seeks to put in place the building blocks for a child welfare approach that recognises the need for early identification of children's needs and the provision of the right help, at the right time, in the right place to prevent those needs from escalating.

The CYPP represents the local vision and aspirations for children and young people in The Bailiwick. The Plan shows how partners

will work together to address locally identified needs, integrate provision better and focus on early intervention, safeguarding and mitigating the effects of child poverty to improve outcomes. The CYPP sets out what actions will be delivered and, as appropriate, what resources we will commit to deliver the priorities in the CYPP.

Within that context, this update looks briefly at what has been achieved in the first 3 year period, from 2016-2019 and confirms what core priorities will be the focus for action in the next 3 year period of the Plan , for 2019-2022.

We recognise that it is not possible for any Committee to achieve the outcomes set out in the Plan without close working together with other Committees and stakeholders developing shared approaches and shared resources. This approach needs to become 'how we do things' and working more collaboratively will be a major focus across all areas of the Plan over the remaining 3 years.

Committees working collectively to review current funding arrangements such as family allowance will ensure that the needs of children, young people and their families are met more effectively.

# GOVERNANCE

Whilst the Committee for Health & Social Care (HSC) remains the lead political committee, the Children & Young People Plan (CYPP) Supervisory Group has been established to provide cross committee and cross community governance and strategic oversight of the Plan. The diverse membership of The Supervisory Group reflects the fact that it is only with the active engagement of all States Committees, with our partners in the voluntary sector and with our communities, that we have made such good progress in the first 3 years. This continued collaboration will be crucial to sustaining this work over the next 3 years.



# LINKS TO OTHER KEY STRATEGIES; 'WORKING BETTER TOGETHER'

The CYPP is the joint strategy with a shared responsibility across all areas of The States of Guernsey and as such sets out in detail how we are committed to co-operating and working together to improve the outcomes for all children and young people across The Bailiwick.

If we are to be successful in the next three years in delivering the challenging objectives that we have set then we must ensure services are working together better. This means having an enhanced focus on sharing resources, information and outcomes across all services.

The CYPP is embedded as a core element within the overall vision for The States of Guernsey and as such is one of the 23 core priorities included within the Policy & Resource Plan that was

agreed by the States Assembly. This ensures that joined up local governance, commissioning and planning strategies all feed through to service delivery.

Therefore the CYPP must be part of the Public Service Reform Framework and inform and be informed by other States of Guernsey plans and strategies such as The Corporate Parenting Strategy, Island Safeguarding Children Partnership (ISCP) reports, The Disability and Inclusion Strategy, The Mental Health and Wellbeing Strategy, The Drug and Alcohol Strategy, The Partnership of Purpose, Domestic Abuse Strategy, and the Joint Strategic Needs Assessment (JSNA). These strategies and processes must be complementary; each having a focus on outcomes, partnership working and

consultation. To avoid duplication, the CYPP will, where possible, be integrated with other States wide strategies and draw on the same data sets.

The next three years of the Plan will also seek to bring together work in similar areas that is taking place across a number of services and sectors such as within The Early Years. In this area we will deliver a strategy which sets out how we can align resources and objectives to deliver better outcomes for our youngest children and their families. This will not only benefit the community over both the short and long term but also ensure efficient and effective use of investment and resources by focusing on early intervention which is a core commitment within the Plan.

# OUR COMMITMENTS TO OUR CHILDREN

The CYPP Conference in June 2017 and subsequent CYPP/ISCP conference in 2018 confirmed that the 4 priority outcomes are still key to delivering better outcomes for all children and young people:

The CYPP Conference also discussed themes around inclusion, the voice of children, young people and their families and better use of shared data/research evidence. All stakeholders highlighted these areas as important elements and as such the 6 commitments that underpin the 4 priority outcomes have been refined to reflect this feedback.

## Our 6 Core Commitments are:

- Listen to the voices of all children and young people
- Focus on early help and prevention
- Tackle inequality and disadvantage and actively promote inclusion
- Work in partnership with each other and families
- Collate and use data, evidence and information effectively
- Communicate the plan with the community

Each of these core commitments form a key part in achieving our four priority outcomes.



## SAFE AND NURTURED

We want to ensure all children and young people are protected from abuse, neglect or harm at home and in the community, have nurturing relationships that build their emotional resilience and to engage in safe behaviour.



## ACHIEVE INDIVIDUAL AND ECONOMIC POTENTIAL

We want all children and young people to achieve their full potential and to be supported in the development of their skills, confidence and self-esteem to enable them to achieve as much independence and financial security as possible.



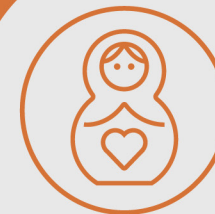
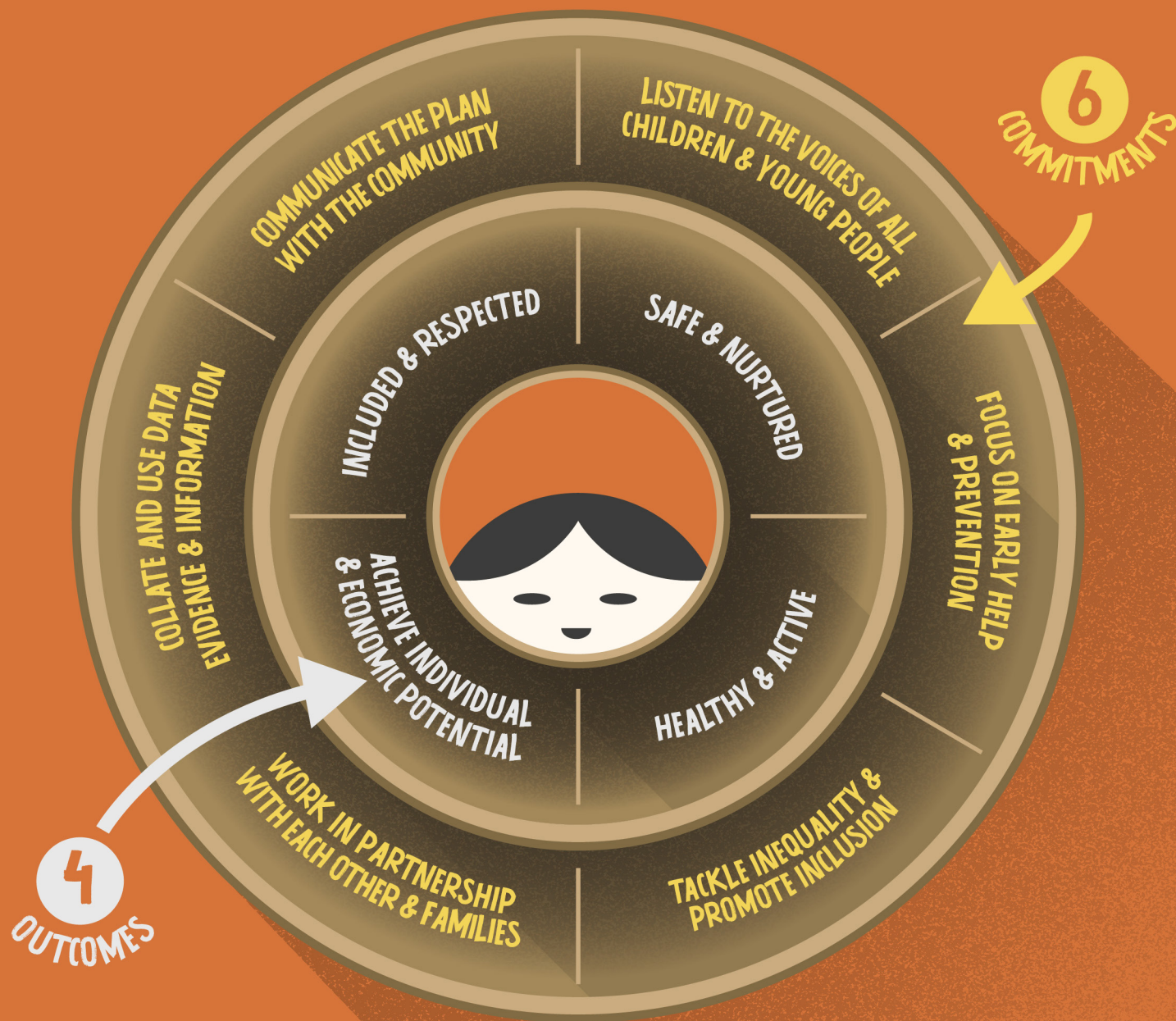
## HEALTHY AND ACTIVE

We want all children and young people to have the highest possible standards of physical and emotional health and to lead active lives that promote their long term health.



## INCLUDED AND RESPECTED

We want to ensure that all children and young people have help to overcome inequalities and are valued members of their communities. This means having a voice in decisions that affect them and being supported to play an active and responsible role in all aspects of their lives.



The CYPP is our commitment to ensure that all children and young people are **Safe and Nurtured, Healthy and Active, Achieve their full potential and are Included and Respected**

By '**Working Better Together**' we will ensure the voices of children and young people are heard in the Bailiwick.

# CHALLENGES AND PROGRESS SO FAR

In 2016 we set ourselves some aspirational objectives and Key Performance Indicators (KPI's) so that we could track how well we are doing.

We have made some good progress against many of these and there have been some notable successes around areas such as an increase in attendance, a reduction in exclusions in schools and our immunisation figures above the World Health Organisation target.

However there have been some challenges in other areas which has meant that we have not made as much progress as we might have liked. The attainment and progress of children at the end of Key Stage Two last year was affected by cohort variation which affected final outcomes, the Strong Families initiative although now staffed is only in its infancy and consequently has not had the desired impact thus far and referrals to CAMHS have increased despite a significant increase in initiatives and intervention to support positive Mental Health and Wellbeing.

In order to have an impact on these and other areas in the next phase of this plan we must refocus our efforts on the core commitments as set out in this document, demonstrate a Bailiwick commitment to them and work together to facilitate real lasting change which will have positive impact on all our children and young people.

In writing this refreshed document, we recognise that to track progress better we needed to revisit the KPI's to ensure they are firstly better understood and meaningful and secondly more clearly linked to the new objectives in this latest document. As detailed within Appendix 1, progress against some of these has been challenging; however where these have not yet been met they are included as a continued focus within the new set of KPI's for 2019-2022.

When we launched the plan in 2016 there were some key objectives we knew that we had to act on across all areas of The Bailiwick if we were to have an impact on the lives of children and young people.

We have been successful across some of these areas but not all. We said we would:



**Consult and work collaboratively;  
ensuring that we are able to identify and prioritise the resources  
we need to implement the Plan up until 2022.**

All committees have significant resources available to support the Plan, and Policy and Resources has funded a full time Senior Officer to drive the Plan forward over the next 2 years. Although cross committee and pooled budgets are still in their infancy the first pooled budget for CYPP is being piloted in 2019. There has also been progress in using resources better across services through more strategic joined up working however this needs progressing further and there is a commitment to do this in 2019.

In addition, as part of this plan we will revisit agreements and coordinate the work delivered through third sector organisations and services better to reduce duplication, increase efficiency and re-focus on areas that are of priorities for the CYPP.

Realising this vision, in which vulnerable children are protected within a framework of universal services to improve the well-being of every child, will require excellent and integrated working with the ISCP across services focusing on the needs of each child, young person and/or their family.

**Work towards signing up to the United Nations Convention on  
the Rights of the Child (UNCRC);  
ensuring we reflect these principles in everything we do.**

We have made significant progress in this objective and anticipate receiving the United Kingdom's ratification of the UNCRC extension to Guernsey and Alderney in 2019.

This is a key objective which supports the future development and implementation of the CYPP. By gaining the UNCRC extension to Guernsey and Alderney we can clearly demonstrate how we are improving the lives of Children and Young people by meeting the articles within the convention. This means we must have regard to the importance of acting, so far as possible, in a manner which is compatible with the United Nations Convention on the Rights of the Child (UNCRC) within all States of Guernsey strategies and policies.

Specifically within the CYPP, the four priority outcomes support the implementation of the UNCRC in every area. These outcomes are underpinned by the General Principles of the United Nations Convention on the Rights of the Child (UNCRC). We are committing to the co-design and co-delivery of UNCRC awareness raising training across all areas of the community and will support all schools to achieve the UNICEF Rights Respecting School Award as a vehicle to embed UNCRC within all schools.

**Explore how we can use our schools and community centres;**  
**ensuring we provide locally based services that are accessible to children and families, such as one stop shops or advice 'clinics'.**

In addition to existing services opening across the islands such as the Bright Beginnings Children's Centre we are reviewing other existing services to make them more accessible.

We are also piloting a one stop shop for children and young people in St Peter Port in a bid to reach out to all children and young people across Guernsey who often find it difficult to access appropriate support and advice.

Plans are progressing to develop the first 'Community Hub' which will bring together a range of services for all members of the community including children, young people and their families. This development where joint working across services and the third sector can be developed is a core cross committee initiative and an exciting initiative which will establish a collaborative way of working as the norm within The States of Guernsey. Locally accessible services will remain a priority for 2019 onwards.

**Improve our IT infrastructure;**  
**ensuring we fully utilise data and information collection so that we can measure improvement and success in meeting children's needs.**

A new system (MOSAIC) will be implemented in Children and Family Community Services to support the use of information and data within the Multi-Agency Support Hub (MASH) which will enable better information flow and reporting. This will support consistent approaches across all services in identifying vulnerable children who are known to agencies.

A combined 'dashboard' that sets out progress against our agreed key performance indicators within the Plan is also in development and will ensure that we are not only tracking our successes but also highlight any risks so that we can early action on these. These reports will aid closer and more accurate tracking against objectives and KPIs.

**Improve our information systems and the way we share information;**  
**ensuring we enable better joint working across all services so that parents and children only have to tell their story once, and can access the help that they need when they need it.**

This a key objective within the Public Service Reform agenda and there have been significant improvements in multi-agency working and information sharing, including the Team Around the Child (TAC) process.

The MASH also provides a means of information sharing about children's needs and is using the information collated to not only improve outcomes for children but also to provide evidence about services that need to be prioritised for future commissioning.

An information sharing protocol that is understood across all States services to facilitate better sharing of information will be agreed which will reflect the new GDPR arrangements.

**Routinely seek feedback and act on it; ensuring we know how our services are working and report upon this. This includes continued consultation with children and young people, as part of the ongoing consultation on the progress and impact of this Plan.**

We have consulted widely with children and use the Children and Young People's survey as a key document to gather feedback. In addition a key objective of The Youth Commission within this iteration of the Plan will be to focus upon ensuring that all children and young people are not only listened to but their voices and feedback are acted upon.

We now need to focus on routinely seeking the views of children and their families on the services that they receive both at the time, and when they have ended so that we can better meet their needs.

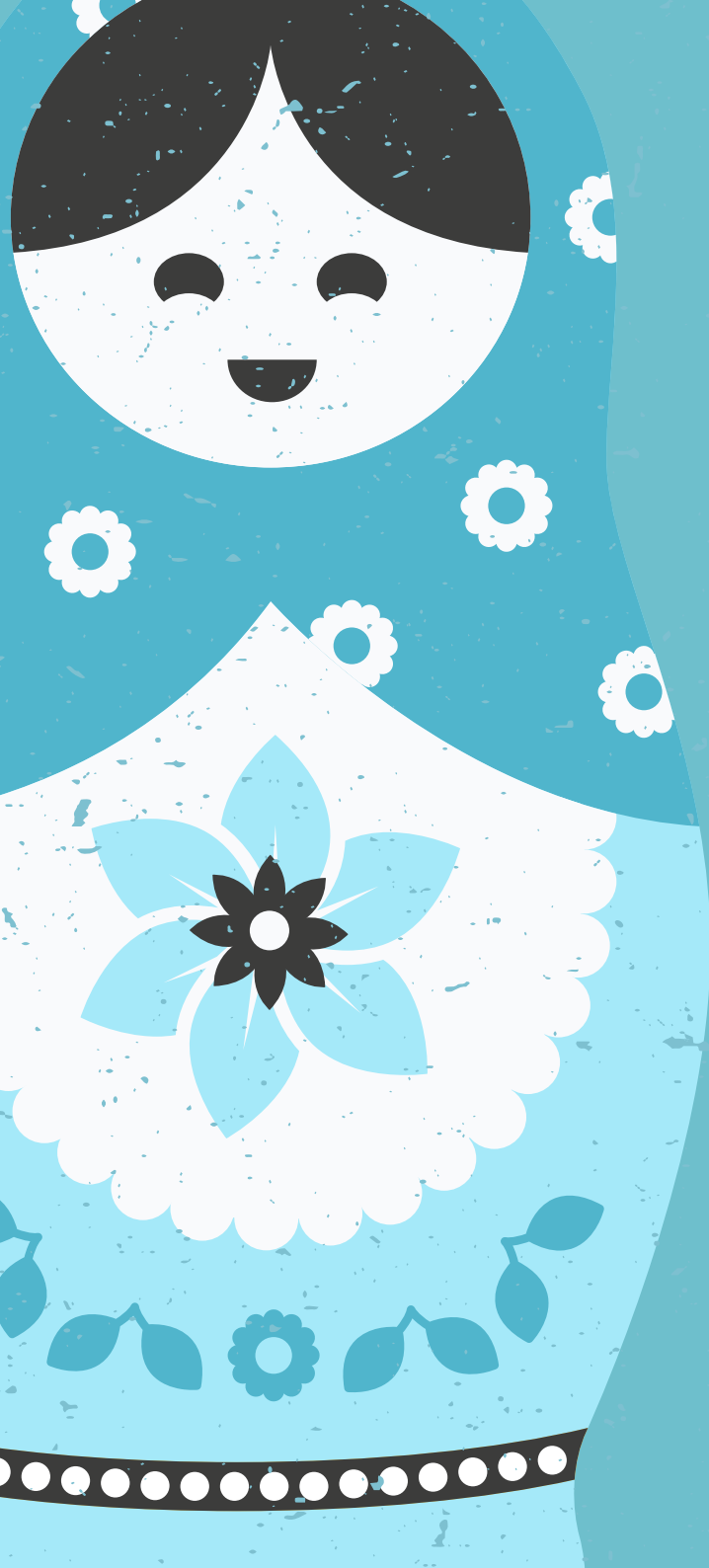
In response to feedback, a version of the CYPP will be designed by and for children and young people in 2019.

**Develop and share information for children, families and professionals about what help is available across the islands; ensuring that there is access to websites, leaflets and information in schools, colleges, and other settings where children and families go.**

The Islands Safeguarding Children Partnership (ISCP) has approved a document that sets out an approach to help and support children and their families. This is being updated to reflect user friendly language and will be published as part of the HSC Care and Support Framework launch in 2019. The Multi-Agency Support Hub (MASH) will also publish information about its approach in 2019.

Work is also being undertaken on mapping out evidence based programmes being offered to children and families in order to publish this as part of the core offer from HSC in 2019/20.

We need to work harder to share information across all areas of the Bailiwick and will be devising a CYPP Communication Strategy that ensures all information is better understood and accessed by children, young people and their families.



## PRIORITY ONE **BE SAFE AND NURTURED**

We want to ensure children and young people are protected from abuse, neglect or harm at home and in the community, have nurturing relationships that build their emotional resilience, and engage in safe behaviour.



# PROGRESS SO FAR



Reviewed services for **children with a disability** and worked to better understand and meet their needs



Fewer children with complex needs being placed **off Island**

Fewer children in **residential care**



Extension of **Specialist Foster Care**, including options for children with additional needs

Implemented a **Reparative Care Team** to support the Island's most vulnerable children



**Evidence based program work** for children and families including early help and more complex needs



Developed a **pilot for 'Strong Families'** to be started in 2019 - an on island intensive support programme to be delivered in partnership with the third sector



**Continued to develop MASH** as the single point of access to support for children and families



**Reviewed the work of the MASH** to ensure it is meeting the needs of Children and Young people

Worked with the third sector to develop the Bailiwick's **1001 Days programme** to target help through the maternity pathway and in the first years of life



We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<p><b>Continue to develop and deliver an appropriate model of MASH within the context of The Bailiwick.</b></p> <p><b>Publicly launch and consolidate the MASH.</b></p>	<p>The MASH has improved multi-agency information sharing and working but needs to make better use of data to inform service developments.</p> <p>However, to date, it has not been possible to publicly launch the MASH which we need to do.</p>	<p>Finalising the agreed model for the MASH to ensure future sustainability.</p> <p>Recruiting a data analyst to ensure accurate data capture.</p> <p>Resolving recruitment and retention issues which negatively impact on the working of the MASH.</p> <p>Publicly launching the MASH.</p> <p>Implementing and embedding New Management Information Systems into MASH processes.</p> <p>Working with the ISCP to provide guidance for professionals to ensure children are safe.</p>	<p>There will be an increase in the % of children and young people who tell us they have been helped.</p> <p>There will be an annual decrease in the number of re-referrals into the MASH (from 2019 onwards)</p> <p>100% of children allocated for an assessment of need within the MASH process have their needs assessed within 10 days.</p> <p>100% of children who are presented to MASH with safeguarding concerns and need a Child Protection Plan (CPP) are subject of Child Protection (CP) Case conference within 15 days.</p> <p>100% of all children subject to CP Strategy meeting (taking place within MASH) will be allocated to a social worker within one working day.</p>
<p><b>Develop and deliver/ commission early help services with a specific focus upon those children at risk of:</b></p>	<p>We know the earlier we can meet the needs of children the better the outcomes.</p> <p>Currently:</p>	<p>Delivering and commissioning the 1001 Days and the following programmes through HSC and third sector services:</p> <ul style="list-style-type: none"> <li>• Mellow Parenting</li> </ul>	<p>80% of parents who attend to Mellow Parenting Programme report that they are better equipped to parent their children.</p> <p>Embed Incredible Years (IY) School Ready Programme in all primary schools.</p>

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<ul style="list-style-type: none"> <li>• <b>Domestic Abuse</b></li> <li>• <b>Parental substance and alcohol misuse</b></li> <li>• <b>Parental mental health issues</b></li> </ul>	<p>84% of referrals into the MASH are affected by one or more.</p> <p>35% of referrals into the MASH are affected by all three.</p>	<ul style="list-style-type: none"> <li>• Maternal Early Childhood Sustained Home Visiting Programmes (MESCH)</li> <li>• Incredible Years (IY)</li> <li>• Great Expectations</li> </ul> <p>To recruit a mental health nurse who will work across the perinatal pathway and continue to develop that pathway to for all new parents.</p>	<p>There will be an increase in the numbers of children and families receiving support at the earliest point including prior to birth.</p> <p>Because all relevant professionals will have access to appropriate 1001 days training.</p>
<p><b>Develop and implement the Strong Families Programme to ensure children and their families achieve better outcomes.</b></p>	<p>These are evidence based programmes which will demonstrate improved outcomes for identified vulnerable children and their families over time.</p>	<p>To recruit the manager and other posts for Strong Families Programme.</p> <p>Developing programmes and support for families that have a positive impact upon the negative effects of:</p> <ul style="list-style-type: none"> <li>• Unemployment</li> <li>• Drug, alcohol and substance misuse</li> <li>• Domestic Abuse</li> <li>• Non-school attendance</li> <li>• Offending behaviours</li> <li>• Homelessness</li> </ul>	<p>Of children and families involved in the programme:</p> <ul style="list-style-type: none"> <li>• Increase in school attendance</li> <li>• Reduction in CP incidents</li> <li>• Increase in academic outcomes</li> <li>• Reduction in exclusions from school</li> <li>• Reduction in instances of children involved in/on edge of criminal activity</li> <li>• Reduction in children subject to CP Plan</li> <li>• Reduction in the numbers of children being received into care</li> </ul>

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<b>Develop an 'offer' for children with a disability and/or additional needs to access short break services.</b>	We have undertaken an independent review of Children's Disability Services and short break care provision on island which provides evidence that we need to continue to develop services and support for children and their families.	Continuing to secure the recruitment of short break carers.  Commission and work closely with the third sector to further develop short break care in the community.  To develop a business plan and consequently a service offer for children with additional needs during periods of school holidays.	There will be sufficient short break carers in the community to support families.  All families with children with additional needs will access to a holistic assessment to identify appropriate short break care.  Children with additional needs will have the support required to access any out of school clubs.
<b>Continue to develop services for children with additional needs including those with Social and Communication Difficulties.</b>	A review of children's disability services identified this as a significant area that required improvement in order to better meet the needs of children and young people.	Continuing to develop a multi-agency and multi-disciplinary diagnostic pathway and (virtual) team for children with Social and Communication Difficulties.  Developing a clear and transparent pathway for children with possible neuro developmental challenges.	100% of children referred to the Resource Allocation Panel for diagnosis will have been assessed within 6 months of referral.

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<b>Develop and implement a project to support and deliver accommodation and improved outcomes for care leavers.</b>	Children leaving care struggle to transition to independent living and they tell us the current provision on island do not meet their needs.	Working in partnership with the third sector to develop accommodation and support accessible and appropriate available for all care leavers.	100% of care leavers will have been offered appropriate accommodation and support required.



## PRIORITY TWO **BE HEALTHY AND ACTIVE**

We want children and young people to have the highest possible standards of physical and emotional health and to lead active lives that promote their long term health

# PROGRESS SO FAR



Established the Daily Mile in **12 schools** and **5 community settings**



Reduction of **under 18's bookings** at maternity services



Relaunched the **Guernsey Healthy Schools Award**

Decrease in **dental decay** in primary school children indicating an island-wide improvement



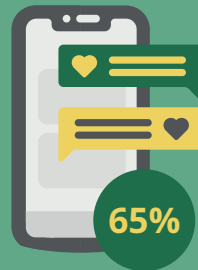
Ensured **activity** is an integral part of the Bailiwick curriculum



Embedded activity and nutrition in **Early Years Quality Standards**



Of primary school children found lessons on **healthy eating** 'quite' or 'very' useful;



Of children in years 5 and 6 found lessons on **sex and relationship** education 'quite' or 'very' useful;



**Immunisation**, Greater than the World Health Organisation target



Established the **Be Active Forum** to promote physical activity and good diet for **250 members**.



Of primary school children think it is important for a school to **make them confident**



Of these primary school children said **their school does** make them feel confident

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<p><b>Increase activity and reduce obesity through promoting activity of all types and at all levels (activity is much more than sport) including active travel.</b></p>	<p>The Bailiwick is similar to other Very High HDI (Human Development Index) countries in recording a small proportion of children accessing the recommended amount of physical activity on a daily basis.</p>	<p>Introducing a range of interventions which will focus on helping young people to improve diet and increase activity.</p> <p>These include:</p> <p>Establishing a project that enables schools to deliver the objectives of the Food in Guernsey Schools policy.</p> <p>Expanding access to sport and activities for Looked After Children (LAC).</p> <p>Supporting the development of healthy nutrition and activity in Early Years settings.</p> <p>Relaunching the work of the Guernsey School Sports Partnership (previously the PE in Schools project).</p> <p>Ensuring that young people are actively involved in the Guernsey Island Games 2021.</p> <p>Relaunching a communications programme on importance of increasing activity and improving diet through the Health Improvement Commission.</p>	<p>100% of all schools will have completed the Healthy Schools Award.</p> <p>External inspection in schools report positively within area of personal development, behaviour and welfare.</p> <p>Specific activities targeted at Looked After Children are available on a weekly basis and taken up.</p> <p>100% of Early Years Providers completing their Early Childhood Environment Rating Scale (ECERS) audit will score at least a 3 in subscales 6, 7 &amp; 28.</p> <p>Children and Young People report an increase in the involvement of activity and sports as a result of the Island Games.</p> <p>The Child Measurement Programme will evidence a reduction in the % of children measured as being overweight or obese in Years 1 and 5.</p> <p>There will be an a increase in the % of children in Years 6 and 10 self-reporting that they consume the recommended five portions of fruit and vegetables a day.</p> <p>There will be an a increase in the % of children in Years 6 and 10 self-reporting to be physically active for an hour per day.</p>



We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<p><b>Focus on supporting children and young people who are inactive/ less active to be more active.</b></p>	<p>Levels of sedentary behaviour especially amongst the older cohort are higher than we would want them to be.</p> <p>More young people need to undertake active transportation to and from school.</p> <p>We need to establish a shared community understanding and commitment to healthy diet and nutrition for young people.</p> <p>We need to target resources and efforts on children and their families who are disengaged with activity and healthy eating.</p>	<p>Providing advice and support to schools, committees and the wider community; supporting:</p> <ul style="list-style-type: none"> <li>• Schools to establish a physical activity framework; ensuring healthy eating opportunities are embedded within all aspects of school sites/buildings, curricula and policies.</li> <li>• An increase in active travel opportunities.</li> </ul>	<p>The physical activity levels reported through the completion of the 2021 active healthy kids report card will have improved against 2018 indicators.</p>
<p><b>Develop robust measurements for establishing physical literacy levels including the establishment of a healthy report card in association</b></p>	<p>We currently do not have broad, reliable and robust measures of activity and healthy eating.</p>	<p>Continuing to promote and implement the Guernsey Healthy Schools Award in 2017</p> <p>Refining a programme of measurement of behaviours</p>	<p>We will have a robust set of measurements which will establish a profile of activity levels of young people in Guernsey.</p>

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<b>with the International Active Healthy Kids Global Alliance.</b>		<p>linked to healthy weight, including physical activity, sedentary time and healthy eating. Report card (in association with the International Active Healthy Kids Global Alliance).</p> <p>Focusing on monitoring and targeting children and young people who are inactive/less active.</p>	
<b>Support early years provision so that settings can effectively ensure that children are active for three hours per day and work with early years on food provision.</b>	Embedding an enjoyment in being active and eating healthily at an early age has positive outcomes in later life.	Supporting colleagues in early years settings to establish 3 hours per day of activity for young people and establish good practice re: food provision for early years.	<p>Reviews within Early Years settings will demonstrate an increase of children being active for three hours per day and an increase of healthy food within settings.</p> <p>Benchmark and Early Years Foundation Stage Profile (EYFSP) data will show an increase in attainment in Moving and Handling on entry and end of Reception.</p>

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<b>Ensure availability of free contraception and chlamydia testing for the under 21's.</b>	<p>The cost of unintended pregnancy is not only financial but teenage mothers are less likely to be in a stable relationship, employment and more likely to have post-natal depression and poor mental health.</p> <p>Undiagnosed chlamydial infections are associated with pelvic inflammatory disease pelvic pain, tubal pregnancies and infertility.</p>	<p>Continuing with the under 21's contraception pilot which will run until June 2018.</p> <p>Implementing the provision of routine chlamydia screening into the antenatal booking for all service users under the age of 25.</p>	<p>There will be a 50% reduction in under 18's conceptions by 2023.</p> <p>20% of the eligible population (under 25's) screened by 2023.</p>
<b>Implement the provision of an immediate postnatal contraception service for vulnerable service users.</b>	<p>We need to enable families with vulnerabilities to space their pregnancies, providing them with time to engage with the services they require to support their family.</p>	<p>Developing and delivering a multidisciplinary postnatal contraceptive service that is free at the point of access.</p>	<p>75% of eligible service users will have accessed the service available by 2023.</p>
<b>Ensure a reduction in the number of women who are smoking at time of delivery.</b>	<p>The 'smoking at time of delivery' rate in 2017 was 12%.</p> <p>There is strong evidence that reducing smoking in pregnancy reduces the likelihood of stillbirth.</p>	<p>Developing and delivering a flexible smoking cessation service that takes account of service user's wishes.</p>	<p>There will be a 50% reduction in the number of service users smoking at the time of delivery by 2025.</p>

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
	<p>It also impacts positively on many other smoking-related pregnancy complications.</p> <p>Whether or not a woman smokes during her pregnancy has a far reaching impact on the health of the child throughout his or her life.</p>		

**Implement a perinatal mental health pathway which includes a smooth referral process between Maternity and Health Visiting Services and Primary and Secondary Mental Health Services.**

Currently the perinatal mental health service is fragmented and evidence suggests a holistic multidisciplinary approach can improve service user outcomes.

Mental health problems in the perinatal period are very common, affecting up to 20% of women.

Untreated perinatal mental illness affects maternal morbidity and mortality with almost a quarter of maternal deaths between six weeks and one year after pregnancy attributed to mental-health related causes.

Developing and delivering a perinatal pathway for service users with mental health illnesses that supports their development as a parent and focuses on achieving and maintaining an optimal level of mental wellbeing within the perinatal period.

75% of eligible service users will have accessed the service available by 2023.

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
	Children of affected mothers and fathers are at higher risk of poor mental health, physical health,		
<b>Provide protection from a range of communicable diseases by continuing to develop the childhood immunisation programme.</b>	<p>Current data collection systems create difficulties in promptly accessing population-wide immunisation data. Better collation of this data will support us to form a quantitative view.</p> <p>Vaccination is the second most effective intervention in reducing the burden of infectious diseases, only surpassed by access to clean water.</p> <p>On a small island it is important that childhood vaccination rates are maintained to provide protection to vulnerable members of the community.</p>	Ensuring immunisation rates are above the World Health Organisation targets for childhood immunisations and develop the immunisation schedule following advice from Public Health England.	<p>The uptake of diphtheria, tetanus, pertussis vaccinations will be over 90% by 2020.</p> <p>The uptake of measles containing vaccine will be over 95% by 2020.</p>
<b>Further improve the oral health of children with innovative interventions that can reduce the levels of childhood tooth decay</b>	In England almost a quarter (24.7%) of 5 year olds have tooth decay. This can be an indicator of wider health and social care issues.	Targeting supervised tooth brushing and dietary advice to childhood settings to help reduce oral health inequalities.	The supervised tooth brushing service will be available in 80% of pre-school settings within Guernsey by 2022.

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
	<p>In Guernsey in 2016 86% of reception age children examined were free from obvious dental decay.</p> <p>Poor oral health impacts on children and families wellbeing and is costly to treat.</p> <p>Children who have toothache or who need treatment may have to be absent from school.</p> <p>In England tooth decay was the most common reason for hospital admission for children aged 5 to 9 years in 2012 to 2013 and between 2014 and 2015.</p>	<p>Engaging parents/guardians and encourage children to brush their teeth from a young age, supporting home brushing.</p>	<p>90% of reception age children in Guernsey will be free from obvious dental decay as recorded in the annual school dental screening programme, by 2022.</p>
<p><b>Reduce the number of children who are discharge home from paediatric acute services to an environment where an adult member of the household smokes.</b></p>	<p>Passive exposure to tobacco smoke significantly contributes to morbidity and mortality in children.</p> <p>Exposure to environmental tobacco smoke is associated with increased wheezing illnesses and increased symptoms in asthmatics.</p>	<p>Developing and delivering a smoking cessation service (in collaboration with Quitline) that supports all parents with children who are admitted to Frossard Ward.</p>	<p>There will be a 50% uptake of the service for parents of eligible service users by 2022.</p> <p>There is currently no service in place.</p>

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
	Parental smoking is also associated with an increased incidence of both upper and lower respiratory tract infections.		
<b>Increase the number of paediatric nurses within the acute setting of Health and Social care that have training in the appropriate management of service users admitted with a mental health crisis.</b>	<p>The paediatric acute inpatient service can have up to 40% of its beds occupied by a service user known to the Children and Adolescent Mental Health Service (CAMHS).</p> <p>The majority of paediatric nurses in the UK do not have a mental health qualification.</p> <p>Currently support is provided directly from the CAMHS during a weekday, though there is no support available out of hours or weekends when the majority of these patients are admitted. This can lead to extended stays in hospital without mental health assessment/ therapy.</p>	<p>Developing and delivering a training programme that facilitates the upskilling of a team of nurses within the acute paediatric services.</p> <p>Utilising the experience of the current CAMHS team to provide a shadowing placement as part of the learning environment.</p> <p>Identifying nominated staff as mental health wellbeing champions and enrol nominated staff onto an accredited training programme.</p> <p>Securing level one Mental Health Wellbeing First Aid training for all staff within the acute paediatric setting.</p> <p>Developing a business plan and secure funding for a dual qualified paediatric and paediatric mental health nurse.</p>	<p>Mental Health and Wellbeing Champions will be in place and have accessed training by January 2020.</p> <p>100% of acute paediatric staff will have undertaken the Mental Health Wellbeing First Aid training by January 2021.</p> <p>A dual qualified paediatric and paediatric mental health nurse will be in role by January 2023.</p>



## PRIORITY THREE

# ACHIEVE INDIVIDUAL AND ECONOMIC POTENTIAL

We want all children and young people to achieve their full potential and to be supported in the development of their skills, confidence and self-esteem to enable them to achieve as much independence and financial security as possible.



# PROGRESS SO FAR



Of primary school children either 'liked' or 'loved' **learning new things**

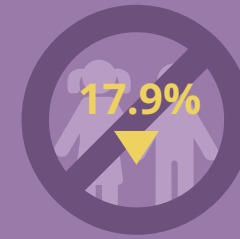


Of primary school children thought that their school helped them to **achieve good results**

Of secondary school children think it is important for a school to make them **confident** and that their school does this



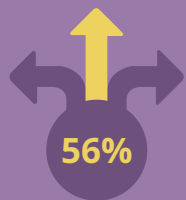
of secondary school children said the same about teaching them **how to stay healthy**



**Reduction in exclusions** of children with Special Educational Needs and Disabilities



There were **no exclusions** of Looked After Children in 2017-18



Of young people are encouraged to try **different ways** of doing things at school

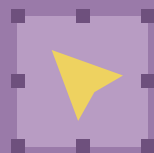


There is a **Mental Health and Wellbeing** Champion in all schools



**Attendance** for children with Special Educational Needs and Disabilities has increased

**41%** Of young people have the chance to use things they have **learned in different situations**



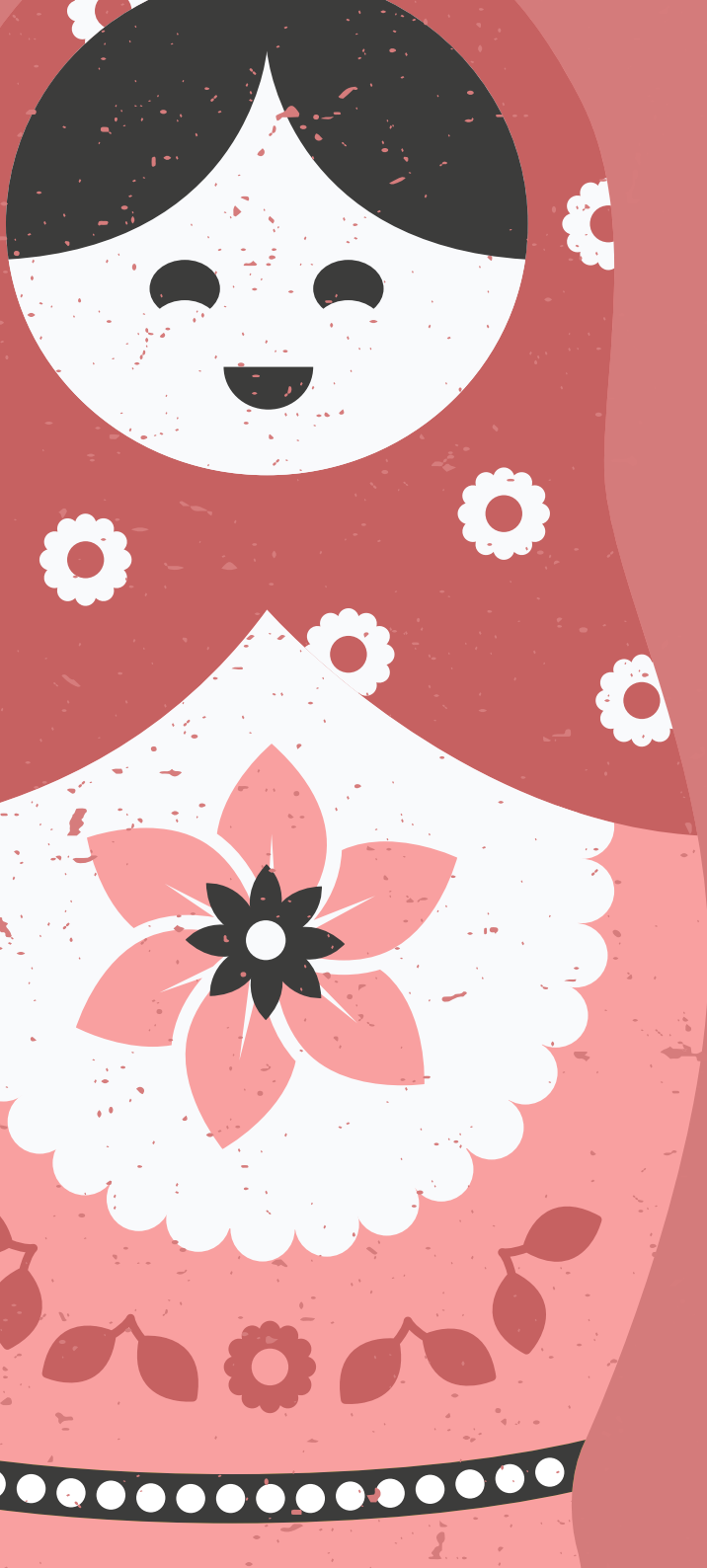
**14% Increase** in children accessing at least 15 hours of preschool education since starting the **Universal Pre-School Education Scheme**. Up to 95.8% total take up.

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<b>Reduce the 'gap' in attainment and progress between groups of learners who are vulnerable and their peers.</b>	<p>We need to continue to improve the outcomes of all children vulnerable to underachievement – most notably those in receipt of uniform allowance (UA) and those who are 'looked after' (LAC) particularly within the secondary phase of education.</p>	<p>Co-producing resources, advice and guidance for schools to ensure that that LAC are successfully supported into school, at school and onto future pathways.</p> <p>Co-designing, devising and implementing a States of Guernsey employment and training scheme for children who are looked after.</p> <p>Monitoring, challenging and supporting schools to ensure that vulnerable children make expected progress and attainment.</p> <p>Specifically monitoring LAC as a 'virtual school'.</p> <p>Co-designing, devising and implementing a plan to identify the barriers to learning for the most disadvantaged children.</p>	<p>100% of LAC are accessing education or training or in employment.</p> <p>100% of all LAC, UA, EAL and Special Educational Needs and Disability (SEND) learners make at least predicted progress based on previous end of key stage result.</p> <p>The attainment gap between these groups and their peers reduces.</p> <p>Personal Education Plan (PEP) procedures are embedded and used consistently and effectively across all schools.</p> <p>All schools will have a designated member of staff for LAC.</p> <p>Every school will receive training regarding PEPs and this will be shared training with Social services.</p> <p>External inspections will provide evidence that the gap is narrowing.</p>
<b>Develop a broader range of metrics and opportunities to demonstrate the achievement</b>	<p>Most schools but not all use the feedback from Pupil Perception and The Children and Young People Surveys.</p>	<p>Co-constructing a renewed self-evaluation tool which aligns to the existing and new inspection process and reports against broader outcomes to inform their</p>	<p>Year on year analysis of Pupil Perception, The Children and Young People Surveys and in school surveys show an increase in areas below expected levels and in specific areas that were highlighted as concerns.</p>

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<b>and successful outcomes of all children and young people.</b>	<p>development plans.</p> <p>The broader outcomes from 'The Bottom Line' of the curriculum need to be built into reporting KPI's and/or School Self-evaluation document.</p>	<p>Supporting and challenging schools to understand and act upon feedback from The Children and Young People Survey.</p> <p>Providing supporting and advising on strategies to improve feedback outcomes across specific identified areas.</p>	<p>Schools are able to report the following with a range of evidence across the broader outcomes:</p> <ul style="list-style-type: none"> <li>• Show positive attitudes to learning</li> <li>• Demonstrate high aspirations</li> <li>• Make Healthy lifestyle choices</li> <li>• Participate in the community</li> <li>• Have respect for self &amp; others</li> </ul>
<b>Demonstrate the measurable positive impact of pre-school attendance for all four year-olds from increased access to learning and employment for parents.</b>	<p>Since the introduction of the scheme there has been a 14% increase in children accessing at least 15 hours preschool education and we now have 95.8% up take.</p> <p>Since the introduction there has been an increase in children starting school at levels that are typical for their age. This means fewer children are left behind reducing learning gaps.</p>	<p>Co-constructing an Early Years Strategy to ensure there is a greater alignment and understanding of service areas across this sector.</p> <p>Collating and analysing data to demonstrate additional benefits to The Bailiwick i.e. increases in parental employment.</p>	<p>An Early Years Strategy for the Bailiwick will be in place.</p>

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<b>Increase attendance and decrease exclusions of children who are vulnerable.</b>	<p>Engagement in Education with the identified vulnerable groups has improved.</p> <p>Students who were excluded has continued to reduce most notably exclusions for children with SEND has reduced by 17.9%.</p> <p>Attendance for children with SEND has increased.</p> <p>There were no exclusions of LAC in 2017-18.</p> <p>Attendance across all secondary schools is 93.6%.</p> <p>Attendance across all primary schools is 95.9%.</p>	<p>Supporting and challenging schools to understand and act upon attendance and exclusion data.</p> <p>Supporting schools with strategies to further reduce exclusion and increase attendance.</p>	<p>No children who are LAC or subject to a child protection plan will be excluded.</p> <p>There will be a continued reduction of exclusions for children with SEND.</p> <p>Annual attendance in Primary schools will not fall below 96%.</p> <p>Annual attendance in Secondary schools will not fall below 94%.</p>

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<b>Continue the development of Mental Health &amp; Wellbeing (MHWB) across all schools.</b>	<p>Although schools are developing a more consistent approach to supporting MHWB in their schools.</p> <p>A MHWB strategy is continuing to be developed within each school.</p> <p>Continue the development of Mental Health &amp; Wellbeing (MHWB) across all schools.</p>	<p>Delivering Level 1 Mental Health First Aid Training (MHFA) in all schools and services as requested.</p> <p>Deliver Level 2/3 MHFA training to all MHWB Champions in schools.</p> <p>Linking with and input into the overarching States of Guernsey MHWB Strategy and other services and agencies (i.e. CAMHS) to ensure alignment with corporate and service objectives.</p> <p>Develop activities to support positive mental health of children and young people who have been affected by online activity.</p>	<p>100% of all schools have accessed MHFA level 1 training.</p> <p>100% of all MHWB Champions will have accessed Level 2/3 MHFA training.</p> <p>States of Guernsey services working with children will be offered the opportunity to access MHFA training within their service area.</p>



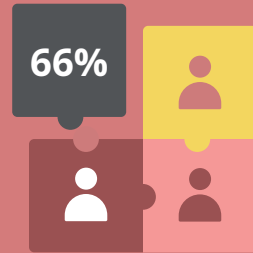
## PRIORITY FOUR BE INCLUDED AND RESPECTED

We want to ensure that children and young people have help to overcome inequalities and are valued members of their communities. This means having a voice in decisions that affect them and being supported to play an active and responsible role in all aspects of their lives.

# PROGRESS SO FAR



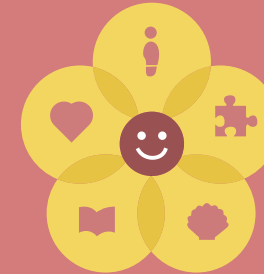
Commissioned a service to provide **accommodation and support** for homeless young people



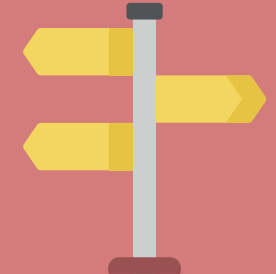
Of primary school children told us that people of **different backgrounds** are valued in their school



Of schools completed and implemented an **equality and inclusion** review



Organised a **5 ways to wellbeing** fair for all children and young people



Implemented an **alternative curriculum pathway** for vulnerable young people

**73%** of primary school children said that the school cares whether they are **happy** or not



Implemented the **Article 12 Project** (Respect for children's views)



Planned delivery of **Young Carers** in Schools Programme



Developed a **Shadow Children's Board** for Education Sport & Culture



Of primary school children said they had an impact in **changes to school policies**



Committed to the Development of a **Shadow Children's Board Corporate Parenting**

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<b>Promote and support the implementation of the United Nations Rights of a Child (UNCRC).</b>	<p>Children and Young People welcome the development of a rights based approach.</p> <p>UNCRC development presents a significant and exciting opportunity to effect culture change.</p>	<p>Working closely with the UK Government to secure confirmation that the treaty will be extended to Guernsey and Alderney.</p> <p>Raising awareness about UNCRC through a joint programme in schools with other stakeholders.</p> <p>Developing training and support for schools to implement the UNICEF Rights Respecting Schools Award.</p>	<p>UNCRC will be extended to Guernsey and Alderney.</p> <p>UNCRC will be known to children and young people and their families and across the community.</p> <p>Services for children will be underpinned by UNCRC standards.</p> <p>100% of all schools obtain UNICEF Rights Respecting Schools Bronze Award by July 2019.</p> <p>100% of all schools obtain UNICEF Rights Respecting Schools Silver Award by July by 2022.</p> <p>10% of all schools have started Gold Award by end 2022.</p>
<b>Recognise the need for advocacy for children involved in child protection processes.</b>	<p>This is central to children's rights and key to the UNCRC which The Bailiwick is seeking to become a signatory to.</p>	<p>Commissioning The Youth Commission to implement an advocacy project which focuses on ensuring that every LAC has access to a voice in the decisions made around them.</p>	<p>100 % of all looked after children will be offered advocacy.</p> <p>80% of young people in residential will have accessed advocacy.</p> <p>50% of young people in fostering placements of 12 months or less will have accessed advocacy.</p> <p>80% of young people subject to a Childs Plan will have accessed advocacy.</p>



We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<b>Ensure every Young Person has a voice in the decisions made around them.</b>	<p>Children and young people tell us that they want to be more involved in decisions that affect their future.</p> <p>In Primary schools 31% of pupils responded that their school asks pupils what they think about school life 'quite a lot' or 'a lot'.</p> <p>In secondary schools 43% of pupils responded that their school/college enables young people to make decisions about the future of the school/college 'quite a lot' or 'a lot'.</p>	<p>Setting up 'shadow' boards for Education Sport and Culture and Corporate Parenting.</p> <p>Holding 3 ESC Education and 6 Corporate parenting boards annually.</p>	<p>Monitoring the number of children attending and measuring the impact of their decisions and feedback upon the 'overarching' boards.</p> <p>There will be an increase in the % of children and young people telling us they have been listened to.</p>
<b>Ensure continued participation of Children and Young People within the continued development and implementation of the CYPP.</b>	<p>Children and young people tell us that they want to be more involved in decisions that affect their future.</p> <p>In Primary schools 31% of pupils responded that their school asks pupils what they think about school life 'quite a lot' or 'a lot'.</p> <p>In secondary schools 43% of pupils responded that their school/college enables young people to make decisions about the future of the school/college 'quite a lot' or 'a lot'.</p>	<p>Commissioning the Youth Commission to work across the four outcome areas to identify participation projects to ensure that children and young people influence strategic thinking.</p> <p>The Youth Commission will co-ordinate the construction of CYPP document for children by children.</p>	<p>Each outcome area will have key data and information which demonstrates how children and young people have inputted upon key decisions in each area.</p> <p>There will be an increase in the % of children and young people telling us they have been listened to.</p>

We will...	We know we need to do this because...	We will do this by...	We will know we have been successful because by 2022...
<b>Ensure all children and young people and adults that work with them are aware of online safety issues</b>	<p>Feedback from children and young people demonstrates that online training has a positive impact. In 2017/18:</p> <p>72% of year 8s increased their knowledge of online safety issues.</p> <p>80% of post-16 increased their knowledge of online safety issues.</p> <p>40% of year 11s increased their knowledge of online safety issues</p>	<p>Continuing to provide access to online safety training in all schools.</p> <p>Provide access to training for services and adults that work with children.</p> <p>Work with the ISCP to provide advice and guidance about online safety to parents, professionals and the voluntary sector.</p>	<p>100% of all schools will have access to online safety training across a number of year groups.</p> <p>Services and agencies working with children and young people will have access to online safety training.</p>



# APPENDIX 1

## KEY PERFORMANCE INDICATORS




# HOW WILL WE MEASURE SUCCESS

The previous plan set out the following KPIs and these are presented to demonstrate the progress that have been made over the last 3 years and subsequent gaps. As detailed earlier, where these KPIs have not yet been met, some have been carried over into the refreshed plan, some have been ceased, and others have become business as usual. KPIs included within the new plan are linked more clearly with new objectives.

Safe and nurtured					
Indicator	2014	2016	2018 target	2018 current	Status
Numbers of children on the Child Protection Register*	92	33	Maintain	77 over 2017 ranging from 29-39	😊
Percentage of referrals to the MASH that result in a child protection plan	New	5%	Analyse and maintain	4%	😊
Percentage of children identified through the MASH as being in need of protection who access advocacy services	New	New	100%	100% of children aged 10+	😊
Percentage of children on the Child Protection Register for the second time in 2 years	21%	2%	Analyse and maintain	2%	😊
Percentage of children and young people who are referred to the Convenor for the same reason within 12 months of the care requirement being revoked**	New	New		9%*	😊




\* Calculations of children on the Child Protection Register are now being collected in a different way which provides a range over the course of the year and a more accurate picture.






\*\* Of the 44 children who had their care requirements revoked in 2016, 4 were re-referred within a period of 12 months on the same 35(2) condition of referral as the one that formed the basis for the making of the care requirement

Indicator	2014	2016	2018 target	2018 current	Status
Reduced number of children on the CPR as a result of the toxic trio of parental substance / alcohol misuse domestic abuse and mental illness	54	41	Maintain and monitor	27	
Reduced number of children in care	76	67	Reduce to 60	Available January 2019	
Reduced number of children entering the care system	26	18	15	Tbc	
Percentage of hearings by the Child Youth & Community Tribunal where the child or young person actively participates	New	New		68%*	

\* there were 96 individual children aged 6 and over who attended hearing of the Child Youth & Community Tribunal during 2017. 65 of these children attended one or more of the hearings that took place during 2017

## Healthy and Active

Indicator	2014	2016	2018 target	2018 current	Status
Percentages of children measured as being overweight or obese in Year 1 children,	18.6%	16%	Reduce and stabilize	17.2%	
Percentages of children measured as being either overweight or obese in Year 5 children	31%	31%	Reduce and Stabilize	26.2%	
Percentages of boys and girls in Year 6 self-reporting to consume the recommended five portions of fruit and vegetables a day	2010 boys 28% girls 34%	boys 26% girls 26%	boys 29% girls 29%	Available May 2019	

Indicator	2014	2016	2018 target	2018 current	Status
Percentage of boys and girls in Year 10 self-reporting to consume the recommended five portions of fruit and vegetables a day	2010 boys 23% girls 20%	boys 18% girls 24%	boys 23% girls 27%	Available May 2019	
Percentages of boys and girls in Year 6 self-reporting to be physically active for at least 30 minutes three or more times a week*	2013 boys 74% girls 85%	boys 89% girls 87%	boys 90% girls 90%	Available May 2019	
Percentages of boys and girls in Year 10 self-reporting to be physically active for at least 30 minutes three or more times a week*	2013 boys 67% girls 58%	boys 83% girls 73%	boys 85% girls 75%	Available May 2019	
Under 18 conception rate per 1,000 population	2012-14 18.8 per 1,000 women	16.9 per 1,000 women	14.5 per 1,000 women (by 2023 reduce 50% to 8 per 1,000 women)	Available February 2019	
Improved emotional and mental health and wellbeing outcomes:	472 children referred to CAMHS	471 children referred to CAMHS of which 367 were allocated	Reduce and stabilize	530 referred 330 allocated	
Reduced Child and Adolescent Mental Health Service referrals					

\*The recommended guidelines are that young people are advised to be active 60 minutes every day and a revision to the indicator is being reviewed to reflect that change.

## Achieve Individual and Economic Potential\*

The attainment of Children and Young People who are vulnerable to underachievement improves:	2014	2015	2016	2017	2018 target	2018 current	Status
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*NB: The numbers of CYP who have EAL or who are LAC are very low in some instances therefore the percentage increase or decrease can be misleading*

### KS2 (level 4+) in English

Children with Special Educational Needs	67.6%	67.6%	60%	58.9%	68%	55.8%	☹️
Looked After Children	100%	100%	66.7%	100%	100%	50%	☹️
Children Accessing Uniform Allowance	70.6%	70.6%	72%	66.7%	75%	66.3%	😐
Children with English As Additional Language	58.3%	58.3%	91.7%	92.3%	95%	72.2%	☹️

### KS2 (level 4+) in Maths

Children with Special Educational Needs	69.1%	69.1%	61.7%	65.6%	69%	57.4%	☹️
Looked After Children	100%	100%	66.7%	50%	100%	50%	😐
Children Accessing Uniform Allowance	68.6%	68.6%	70%	74.4%	78%	67.4%	☹️
Children with English As Additional Language	66.7%	66.7%	100%	92.3%	100%	77.8%	☹️

### KS4 5 A\*-G (exclude colleges)











Children with Special Educational Needs	65.9%	62.6%	60%	64.2%	68%	69.2%	😊
Looked After Children	71.4%	33.3%	37.5%	18.2%	75%	62.5%	😊
Children Accessing Uniform Allowance	81%	65.3%	69.1%	80%	84%	76.5%	☹️
Children with English As Additional Language	100%	100%	81.3%	100%	100%	77.8%	☹️

\* Priority outcomes KPIS are listed out of sequence due to the additional data presented for the Achieve Individual and Economic Potential priority KPIS.



The gaps in attainment between Children and Young People who are vulnerable to underachievement and their peers narrows:	2014	2015	2016	2017	2018 target	2018 current	Status
<b>KS2 (level 4+) in English</b>							
Children with Special Educational Needs	42.1%	29.5%	36.8%	39.3%	28%	38.8%	😐
Looked After Children	-16.2%	-10.7%	21.8%	-13.7%	10%	36.4%	😞
Children Accessing Uniform Allowance	31.7%	20.8%	18%	23%	15%	23.8%	😐
Children with English As Additional Language	24.1%	31.7%	-3.5%	-6.2%	0%	10.6%	😞
<b>KS2 (level 4+) in Maths</b>							
Children with Special Educational Needs	33.4%	24.8%	33.6%	31.5%	21%	39.7%	😞
Looked After Children	-13.7%	-12.6%	21%	37.8%	10%	38%	😐
Children Accessing Uniform Allowance	32.2%	20.8%	19.4%	15.5%	12%	24.5%	😞
Children with English As Additional Language	6.4%	21.2%	-12.8%	-4.8%	0%	10.3%	😞
<b>KS4 5 A*-G (excluding colleges)</b>							
Children with Special Educational Needs	30.8%	29.9%	29.9%	33.9%	25%	20.3%	😊
Looked After Children	18.8%	51.4%	40.2%	72.4%	15%	28.8%	😊
Children Accessing Uniform Allowance	9.8%	21.1%	10.7%	10.6%	6%	13.5%	😞
Children with English As Additional Language	-10.1%	-15.7%	8.5%	-11.4%	0%	55.8%	😞
There is an increase in percentage of 3-4 year olds accessing free 15 hours or more pre school	N/A	N/A	N/A	84.8%	87.5%	90.5%	😊

*NB - Total % accessing pre-school (including colleges) is 95.8% The average number of Preschool Education Funded hours (15 hours) children are accessing is 15 hours. The average total number of Preschool hours that children are accessing overall is 19 hours, this is an increase of 10 hours in the last 2 years.*

There are improved learning outcomes for all four and five year olds. % achieving good level of development	New	New	45.2%	51.1%	60%	54%	
There is increased attendance across Primary and Secondary schools	2014	2015	2016	2017	2018 target	2018 current	Status
Primary	96.1%	96%	96.6%	96.2%	96.6%	95.9%	
Secondary (including sixth form)	92.8%	92.5%	93.8%	93.5%	93.8%	93.6%	
Children with Special Educational Needs	92.1%	91.3%	91.7%	89.4%	92.1%	91.5%	
There is a decrease in the number of sessions missed (exclusions) from Primary and Secondary schools	2014	2015	2016	2017	2018 target	2018 current	Status
Primary Children with Special Educational Needs				170	80	86	
Primary Looked After Children				0	0	0	
Primary Children Accessing Uniform Allowance				77	35	47	
Secondary Children with Special Educational Needs				339	100	294	
Secondary Looked After Children				6	0	0	
Secondary Children Accessing Uniform Allowance				149	40	171	

Be included and respected					
Indicator	2014	2016	2018 target	2018 current	
Increased number of organisations that support under 25s completing one form of an Equality Diversity and Inclusion (EDI) audit:  Diversity, inclusion, fairness, equality, respect and acceptance (DIFERA) accreditation scheme; Guernsey Employment Trusts employers EDI audit; or Education's EDI audit.	New	New		Available 2019	☹️
Number of organisations carrying out an EDI audit that have developed an action plan	New	New		Available 2019	☹️
Increased number of organisations supporting children and young people achieving the Charter Kite mark	New	New		Available 2019	☹️
Increased number of children receiving advocacy: Child protection / LACs Tribunal Special Educational Needs & Disabilities (SEND)	New	New		100%	☹️
Number of young people referred to advocacy	New	New		14 (11 families)	
Number of initial/review conferences attended	New	New		5	
Number of meeting dates yet to take place in which advocacy is on track	New	New		2	
Number of young people not engaged	New	New		7 (5 families)	
Number of home visits completed	New	New		12	
Number of Core Meetings attended	New	New		4	
Number of young people directly feeding into meeting	New	New		3	
Number of young people with staff providing feedback	New	New		2	



FOR MORE INFORMATION  
GO TO [GOV.GG/CYPP](http://GOV.GG/CYPP)

**IN THE STATES OF THE ISLAND OF GUERNSEY  
ON THE 28<sup>th</sup> DAY OF JANUARY, 2019**

**The States resolved as follows concerning Billet d'État No IV  
dated 18<sup>th</sup> February, 2019**

**POLICY & RESOURCES COMMITTEE**

**EXTENDING THE UNITED KINGDOM'S MEMBERSHIP OF THE WORLD TRADE ORGANIZATION  
P.2019/19**

I: After consideration of the Policy Letter dated 15<sup>th</sup> February, 2019, of the Policy & Resources Committee:-

1. To agree that the United Kingdom's membership of the World Trade Organization should extend to Guernsey.
2. To agree that the States commit to meet the UK's World Trade Organization obligations, on an ongoing basis, and to resolve any issues or disputes promptly in a manner which is consistent with the States of Guernsey's extant policy with regard to international standards, the 2008 Framework for developing the International Identity of Guernsey agreed with the UK Government and protecting the Bailiwick of Guernsey's international reputation.
3. To delegate authority to the Policy & Resources Committee to negotiate and agree on behalf of the States, with the States of Alderney and the Chief Pleas of Sark, all such matters as may be necessary to enable a request to be forwarded by the Policy & Resources Committee, on behalf of all three Bailiwick authorities, to the UK government for the extension of the United Kingdom's membership of the World Trade Organisation to the Bailiwick.
4. To direct the Policy & Resources Committee (following the conclusion of suitable agreements with the States of Alderney and the Chief Pleas of Sark) to send a formal request to the UK Government for the extension.
5. To agree that suitable legislative and administrative measures are implemented and adopted, including statutory privileges and immunities relating to the World Trade Organization and its officials, in order to ensure that the extension may have effect.
6. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

J. TORODE

HER MAJESTY'S GREFFIER