



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 24th June 2015

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Present:

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

Law Officers

H. E. Roberts Esq., Q.C. (H.M. Procureur)

People's Deputies

St. Peter Port South

Deputies J. Kuttelwascher, B. L. Brehaut,
R. Domaille, A. H. Langlois, R. A. Jones

St. Peter Port North

Deputies M. K. Le Clerc, J. A. B. Gollop, P. A. Sherbourne,
R. Conder, L. C. Queripel

St. Sampson

Deputies G. A. St Pier, K. A. Stewart, P. L. Gillson,
P. R. Le Pelley, S. J. Ogier, L. S. Trott

The Vale

Deputies M. J. Fallaize, D. B. Jones, L. B. Queripel, M. M. Lowe,
A. Spruce, G. M. Collins

The Castel

Deputies D. J. Duquemin, C. J. Green, M. H. Dorey,
B. J. E. Paint, J. P. Le Tocq, S. A. James, M. B. E., A. H. Adam

The West

Deputies R. A. Perrot, A. H. Brouard, A. M. Wilkie,
D. de G. De Lisle, Y. Burford, D. A. Inglis

The South-East

Deputies H. J. R. Soulsby, R. W. Sillars, P. A. Luxon,
M. G. O'Hara, F. W. Quin, M. P. J. Hadley

Representatives of the Island of Alderney

Alderney Representatives L. E. Jean and S. D. G. McKinley, O. B. E.

The Clerk to the States of Deliberation

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

Absent at the Evocation

M. M. E. Pullum, Q.C. (H.M. Comptroller);
Deputy P. A. Harwood (*indisposé*); Deputy M. J. Storey (*indisposé*);
Deputy E. G. Bebb (*relevé à 10h 15*); Deputy A. R. Le Lièvre (*absent de l'Île*);

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Air Marshal Peter Walker C.B., C.B.E.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Senior Deputy Greffier

EVOCATION

CONVOCATION

The Senior Deputy Greffier: To the Members of the States of the Island of Guernsey, Billet d'État XI of 2015. I hereby give notice that a meeting of the States of Deliberation will be held at the Royal Court House on Wednesday, 24th June 2015 at 9.30 a.m. to consider the items contained in this Billet d'État which have been submitted for debate.

Minute's silence for Mrs Jill Brouard

5

The Bailiff: Members of the States of Deliberation good morning to you all. You will all be aware that sadly a few weeks ago Deputy Brouard's wife Jill sadly lost her fight against cancer. May I just ask you all to stand for a moment to show your respect?

Members stood in silence.

The Bailiff: Thank you very much.

Welcome to pupils from Castel School

10

The Bailiff: Members of the States, may I extend a very warm welcome to the pupils of the Castel School who are with us this morning for a short while, (**A Member:** Hear, hear.) and I thank all those school teachers and States' Members who facilitate the possibility of these visits. It has been a while, I think, since we have seen any schools here, and we are delighted to see you here. We hope that you find it a useful and beneficial meeting.

15

Thank you very much.

Questions for Oral Answer

CHIEF MINISTER

Code of Practice for Access to Public Information – Update on reports due for debate

The Bailiff: We move on quickly to Question Time.

20 Deputy Green, you have a question for the Chief Minister.

Deputy Green: Thank you, sir.

Can I ask the Chief Minister to update the Assembly on any progress made so far by the Policy Council as regards the report required by the States by no later than July 2014, which is to set out
25 the Policy Council's assessment of the feasibility, desirability and the potential cost of providing a right of appeal to an independent person, or persons, in respect of a request made for access to information which is refused by a States' Department or Committee. Can I ask when that report will be produced for debate?

30 **The Bailiff:** Chief Minister.

The Chief Minister (Deputy Le Tocq): I thank Deputy Green for the question and the opportunity to update the Assembly.

The officers at the Policy Council have commenced work on a consolidated policy letter
35 addressing the matters of the appeal mechanism in respect of the Code of Practice for Access to Public Information.

When the States agreed the policy in July 2012, they agreed that there would be no allocation of dedicated resources to manage the delivery of the Code of Practice on Access to Public Information. This means that the work is being undertaken by suitably experienced officers in
40 addition to their main responsibilities, which have included meeting other priorities directed by the States, such as the States' Review Committee, and the Constitutional Investigation Committee. Inevitably the focus to date has been on the roll out of the policy with a low impact on resources, to ensure that there is a consistent approach to applying the Code of Practice across the organisation in line with the policy agreed by the States.

45 It is unfortunate that this means the additional work directed to the Policy Council as part of the States' Resolution, as well as the review of the introduction of the Code of Practice, has been delayed. However, the Policy Council recognises the importance of this work, and it is anticipated that a policy letter will be brought before the States of Deliberation before the conclusion of this term. This policy letter will also review the first year under the Code of Practice and recommend
50 modifications to the Code in response to the feedback from States' Departments, as well as to look at the feasibility and implications of introducing a 30-year rule.

The Bailiff: Are there any supplementary questions?

55 **Deputy Green:** One supplementary question, sir.

The Bailiff: Deputy Green.

60 **Deputy Green:** Does the Chief Minister agree with me that perhaps, in retrospect at least, there should have been an allocation of dedicated resource to manage the delivery of the new Code of Practice, bearing in mind the importance of transparency to our community?

The Bailiff: Chief Minister.

65 **The Chief Minister:** Yes, I do agree that in retrospect it would have been wise to do that, but at the time that we debated this the States was certainly not minded to add extra resources into quite a number of different initiatives, and I think those are proving now to have been poor decisions in terms of the ability to deliver on time.

As I said, we are very hopeful that this particular initiative will get underway now that work on other priorities is beginning to be concluded.

70

The Bailiff: Just before we move on, I have had a request to remove jackets. It is quite warm in here, so those who wish to may remove their jackets.

Deputy Trott do you have a supplementary?

75 **Deputy Trott:** Yes, sir.

In the knowledge that we have learnt this morning that this piece of work is now at least one year behind, does the Chief Minister agree with me that there would be some benefit for him to update the Assembly at its next full sitting of all the other workstreams that are this amount of time or more behind?

80

The Bailiff: Chief Minister.

The Chief Minister: This is something, in fact, that the Policy Council is monitoring and has discussed around the table, and it is well within the realms of possibility that when we get our information that it would be right to inform the Assembly in due course.

85

The Bailiff: Deputy Gollop.

90 **Deputy Gollop:** Conversely, does the Chief Minister believe that it is maybe the duty of the Policy Council, and its possible successor the Policy & Resources body, to inform States of the likely resources in human terms needed to progress a resolution, and therefore that that would indeed change perhaps both the decision of the States, and the nature of the resolutions put before it, if one had prior knowledge of the likely timescales that would occur if there was a shortage of manpower to progress the resolution?

95

The Bailiff: Chief Minister.

The Chief Minister: I think there was a question there somewhere. *(Laughter)*

100 My comment in response is: absolutely right, and I think through my involvement and others' with the States' Review Committee and, as this Assembly will discover, with moves to reform the Civil Service which we are working on with the Chief Executive, there is a need for that resourcing in the future structure of the States to be far more flexible, so that we can require and have staff moving to help on particular project work from time to time. It is beginning to happen at the moment under current structures, but it is very much harder to happen under current structures, because of the Departmental layout than it would be hopefully in the future, so my anticipation and hope is that the new structures will enable that far greater flexibility of allocation of resources to key matters such as this.

105

The Bailiff: Deputy Brehaut.

110

Deputy Brehaut: Thank you, sir.

This freedom of information broadly which is to the community and for everyone, and ultimately online, there are also freedom of information requests for very specific... from

115 individuals. Do you think there is enough give within the system that an individual wanting a specific piece of information shared with them, and their family, are able to access that piece of information currently?

The Bailiff: Chief Minister.

120 **The Chief Minister:** I can only go by the amounts of – the volume, as it were, of – applications, and it would, I think, seem that the system, from what I can tell, and this is only my perspective, is working adequately to that end. There has to be an appropriate allocation of resource in the structures, so that we have not got staff wasting their time, as it were, whilst there are no applications taking place.

125 At the same time, you want to have that flexibility that I talked about in response to Deputy Gollop's supplementary, so that the right staff are used to make the system work well. But, yes, generally I would agree that we need to have a balance between the focus of the types of question that come in. Not all of them are as important, or should be treated in the same priority as others.

130

The Bailiff: Deputy Rob Jones.

Deputy Robert Jones: Thank you, sir.

135 Given that the Code has had time to bed in, would it not be appropriate to review its effectiveness, because I have always stated that I feel this Code is flawed, and until we remove the barriers to scrutiny, to effective scrutiny, I think we are going to be left with a perception that the States is not as open and as transparent as the public may believe that we are.

140 **The Bailiff:** Chief Minister.

The Chief Minister: I agree with Deputy Jones's analysis, and that is why I said in response to the initial question from Deputy Green that that review would be part of the Policy Council's report in due course.

145 **The Bailiff:** Deputy Green, your second question.

Deputy Green: Thank you, sir.

150 The second question is: can I ask the Chief Minister to update the Assembly on any progress made so far by the Policy Council on the report required by the States during quarter 1 of 2015, which will evaluate the effectiveness of the Code of Practice agreed by the States in 2013, and also recommend any changes to it, which it considers appropriate, with that report; and also due to include details of all information requests which have been refused to date, with the reason or reasons for that refusal, and an indication as to under which part of the Code the refusal was made. Can I ask when that report will be produced for debate?

155

The Bailiff: Chief Minister.

160 **The Chief Minister:** The officers of the Policy Council have commenced work on a consolidated policy letter, containing a review of the first year under the Code of Practice and recommending modifications to that Code in response to the experiences over the last 12 months. I hope that the delay in bringing this forward has been explained in my response to your earlier question.

165 The Policy Council recognises the importance of this work and it is anticipated that a policy letter will be brought before the States of Deliberation before the conclusion of this term, as I said before. This policy letter will also address proposals relating to an appeal mechanism in respect of

the Code of Practice for Access to Public Information, as well as the feasibility and implications of introducing a 30-year rule, as I said before.

The Bailiff: Yes, Deputy Laurie Queripel.

170

Deputy Laurie Queripel: Thank you, sir.

Is the Chief Minister aware of the nature of the recommendations that will be coming forward, and if so, is he in a position to tell us whether there will be a greater emphasis on disclosure, rather than an emphasis not to disclose?

175

The Bailiff: Chief Minister.

The Chief Minister: Yes, I think the general move anyway in terms of communication push... sorry, pull rather than push – I cannot remember which way round it is. But I think he understands what I am trying to say, that is a generally accepted thing, so I think that is a good value that is affecting all of our Departments, and right across the States, but certainly in terms of this, there is a general expectation that information should be available rather than have to be sought after.

180

The Bailiff: Deputy Fallaize.

185

Deputy Fallaize: Thank you, sir.

Access to information regimes are now quite common around the world. Could the Chief Minister give an undertaking that when the Policy Council lay this policy letter before the States, that they will include in it an assessment of how much other jurisdictions, and I am thinking in particular of Jersey, commit annually to their own access or freedom to information regimes, because I think that would be very useful to advise the States of how much it would cost to put in place a serious access to information regime.

190

The Bailiff: Chief Minister.

195

The Chief Minister: Sir, I believe we could do that because some of that has already been undertaken, and it is clear that in other jurisdictions more resources are put towards those, although it is debatable as to whether they actually prove to be any more satisfactory to those asking for that information. So there is a balance there, but I think it is appropriate that we should do so.

200

The Bailiff: Deputy Green, your third question.

Deputy Green: Thank you, sir.

205

The third and final question is: can I ask the Chief Minister to update the Assembly on any progress made so far by the Policy Council on the report required by the States during quarter 1 of 2015 which will evaluate the feasibility and implications of expanding the current Code of Practice to include automatic disclosure similar to the UK 30-year rule and when that report will be produced for debate?

210

The Bailiff: Chief Minister.

The Chief Minister: Sir, I am going to sound like a record that is stuck here. I did suggest to Deputy Green that one answer could suffice for all three, but he wanted to put them in this format, so here we go.

215

The officers at the Policy Council have commenced work on a consolidated policy letter looking at the feasibility and implications of introducing a 30-year rule. I hope the delay in bringing this forward has been explained in my response to your earlier questions.

220 The Policy Council recognises the importance of this work, and it is anticipated that a policy letter will be brought before the States of Deliberation before the conclusion of this term. This policy letter will also address proposals relating to an appeal mechanism in respect of the Code of Practice for Access to Public Information, and contain a review of the first year under the Code of practice and recommend modifications to the Code in response to the experiences of the last 12 months. *(Laughter)*

225

The Bailiff: I see no-one else rising.
So we will move on Greffier with legislation.

Billet d'État XI

ORDINANCES

I. The Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 – approved

Article I.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015', and to direct that the same shall have effect as an Ordinance of the States.

230 **The Senior Deputy Greffier:** Article I – The Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015.

The Bailiff: Members, this is the first 54 pages of the brochure. Is there any request for any debate or clarification? No. We go to the vote. Those in favour; those against.

235 *Members vote Pour.*

The Bailiff: I declare it carried.

II. The Electricity (Guernsey) Law, 2001 (Amendment) Ordinance, 2015 – approved

Article II.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Electricity (Guernsey) Law 2001 (Amendment) Ordinance, 2015', and to direct that the same shall have effect as an Ordinance of the States.

240 **The Senior Deputy Greffier:** Article II – The Electricity (Guernsey) Law, 2001 (Amendment) Ordinance, 2015.

The Bailiff: This is at pages 55 to 59 of the brochure. Any requests for clarification or debate? Yes, Deputy Gollop.

245 **Deputy Gollop:** I wanted to... We looked at it, of course, at Legislation, but it is one of those Laws that is probably necessary but I think has to be implemented in a fair and even-handed kind of way, because it does give the Electricity Authority a certain amount of *power*, not only of entry, perhaps – (*Laughter*) I know they are *switched on* to their responsibilities (*Laughter*) – but I am perhaps perturbed that they could be in a position of second guessing, if not denying, the right of
250 supply to certain kinds of customer, and then that could over time weaken economic development and industrial possibilities.

So I do hope that when, in the public interest, the Electricity Authority makes an adjudication there might be opportunity in difficult cases for negotiation with the Commerce & Employment Department, or some other States' Department, to ensure that the powers are being usefully used
255 and not wrongly used.

The Bailiff: Anyone else? Do you wish to respond Deputy Stewart?

260 **Deputy Stewart:** I do not think so at this time, Mr Bailiff.

The Bailiff: Thank you. In that case we go to the vote on the Electricity (Guernsey) Law (Amendment) Ordinance, 2015. Those in favour; those against.

Members voted Pour.

265 **The Bailiff:** I declare it carried.

**III. The Criminal Justice (Sex Offenders and Miscellaneous Provisions)
(Bailiwick of Guernsey) Law, 2013 (Commencement) (No. 2)
Ordinance, 2015 – approved**

Article III.

The States are asked to decide:

Whether they are of the opinion to approve the draft Ordinance entitled 'The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 (Commencement) (No. 2) Ordinance, 2015', and to direct that the same shall have effect as an Ordinance of the States.

270 **The Senior Deputy Greffier:** Article III – The Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 2013 (Commencement) (No. 2) Ordinance, 2015.

The Bailiff: This is at pages 60 and 61. Any requests for any debate or clarification? Yes, Deputy Conder.

275 **Deputy Conder:** Sir, I do not know if my question is appropriate. If it is not please stop me. Could I just ask under this legislation, if an appeal is ongoing against a previous conviction, whether it is a requirement to register under this legislation?

The Bailiff: Yes. Deputy Gillson, Minister of the Home Department.

280

Deputy Gillson: *[Inaudible]* ... we can find out and provide the answer to you in due course.

Deputy Conder: Thank you, sir.

285

The Bailiff: No-one else rising. We will vote. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

**The Income Tax (Approved International Agreements) (Implementation)
(United Kingdom and United States of America) (Amendment) Regulations, 2015;
The Bovine Semen (Importation) Order, 2015,
The Sheep and Goats (Identification and Notification) (Amendment) Order, 2015;
The Data Protection (Transfer in the Substantial Public Interest)
(Amendment) Order, 2015;
The Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2015**

290

The Senior Deputy Greffier: The following Statutory Instruments are laid before the States: The Income Tax (Approved International Agreements) (Implementation) (United Kingdom and United States of America) (Amendment) Regulations, 2015; The Bovine Semen (Importation) Order, 2015, *(Laughter)*

295

A Member: It is a serious subject.

The Senior Deputy Greffier: The Sheep and Goats (Identification and Notification) (Amendment) Order, 2015; The Data Protection (Transfer in the Substantial Public Interest) (Amendment) Order, 2015; and The Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2015.

300

The Bailiff: I have not received notice of any motion seeking to annul any of those Statutory Instruments. So we move on.

HOME DEPARTMENT

**IX. Police Complaints Commission –
Reappointment of Members –
Mr Stewart Chisholm reappointed as Chairman;
Mr Nigel Ward reappointed as an ordinary member**

Article IX.

The States are asked to decide:

Whether, after consideration of the Report dated 13th April, 2015, of the Home Department, they are of the opinion:

1. To approve the reappointment of Mr Stewart Chisholm as Chairman of the Police Complaints Commission for four years, with effect from 1st July, 2015.
2. To approve the reappointment of Mr Nigel Ward as an ordinary member of the Police Complaints Commission for four years, with effect from 1st July, 2015.

305 **The Senior Deputy Greffier:** Article IX – Home Department – Police Complaints Commission – Reappointment of Members.

The Bailiff: I invite the Minister of the Home Department, Deputy Gillson, to say anything he may wish to say in support of the Report in the Billet.

310 **Deputy Gillson:** Sir, I would just like to thank Mr Chisholm and Mr Ward for their past service and for their willingness to stand again, and I commend them to the Assembly.

The Bailiff: Thank you. Is there any further debate? No.

315 Well, there are two Propositions on page 1220 of the Billet, the first to approve the reappointment of Mr Stewart Chisholm as Chairman of the Police Complaints Commission for four years, and the second to approve the reappointment of Mr Nigel Ward as an ordinary member of the Commission again for four years, in both cases from the 1st July. I put both to you together. Those in favour; those against.

320 *Members voted Pour.*

The Bailiff: I declare them duly reappointed.

APPOINTMENTS LAID BEFORE THE STATES

Commerce and Employment Department – Office of the Financial Services Ombudsman – Three appointments made to the Board

325 **The Senior Deputy Greffier:** The following appointments are laid before the States – Commerce & Employment Department – Appointments to the Board of the Office of the Financial Services Ombudsman.

The Bailiff: Again, I have received no notice of any motion to annul that appointment, so we may move on.

Billet d'État IX

POLICY COUNCIL

IV. Financial Transformation Programme – End of Programme Report – Debate commenced

Article IV.

The States are asked to decide:

Whether, after consideration of the Report dated 30th March, 2015, of the Policy Council, they are of the opinion:

1. To note the Final Report on the States' Financial Transformation Programme.

330 **The Senior Deputy Greffier:** Billet d'État IX – Article IV – Policy Council – Financial Transformation Programme – End of Programme Report.

The Bailiff: The debate will be opened by the Chief Minister.

335 **The Chief Minister (Deputy Le Tocq):** Thank you, Mr Bailiff.

The States made a number of decisions which led to the establishment of the Financial Transformation Programme in 2009. One of the main objectives of the FTP was reducing base line net general revenue expenditure of the States by at least £31 million per annum by the end of 2014, and was a key element of the strategy for returning to a balanced budget position.

340 However, the work undertaken earlier by Tribal HELM and the experience of the 2004 changes in the machinery of Government have highlighted how some negative and counterproductive cultures existed in certain areas of the public sector, which included inflexible attitudes towards system change, lack of or resistance to different thinking or alternative ways of spend or delivery of public services which might help improve standards, as well as to reduce costs, over-satisfaction sometimes or familiarity with the *status quo* coupled with a risk aversion to new ways

345 of working, and sometimes a paralysing fear of change because of what it may result in, for example a reduction in the number of jobs or the need to retrain.

I know this because I was involved as Deputy Minister for T&R under Deputy Trott's benign and unalloyed leadership (*Laughter*) at the end of 2004 to 2008 term, when the initial fundamental spending review brief was being drawn up. I was also Chairman for four years of the PSRC, during which time the then Chief Executive of the States attempted to initiate a modernisation and reform agenda which never got off the ground, largely because of this culture of protection of the *status quo* and resistance to change of alternative thinking. Of course, when budget surpluses were regular, and plentiful, there were little or other pressures to challenge these unhelpful

350 practices, and indeed we could continue blindly perhaps by the oft-quoted but in this case ill-advised maxim 'If it ain't broke, don't fix it'.

355

It remains the intention, however, of the Policy Council to commission a formal independent programme closure report for the FTP later this year. This work will include the formal identification, documentation, and sharing of the key lessons learnt during the programme's

360 lifespan, and will be specifically helpful in applying the lessons learnt for ongoing transformation of public services, with the expressed intent of serving the community of Guernsey better, and never giving up on improving the value for money we achieve in our public services.

So, despite its slow start, by the end of the programme over 500 individual initiatives have been completed, securing £28.7 million of annually recurring reductions in general revenue

365 budgets. These initiatives have ranged from tactical measures to projects which are truly

transformational, such as the move to a single head of law enforcement, the transformation of primary education, and the creation of the Hub, which has changed the way we deliver a number of back office functions, and allowed us to standardise a number of key business processes across all States' Departments, and to ensure that the staff required to support them are deployed efficiently and effectively.

370

Overall then it has transformed the way in which the States views its finances, and improved the culture of cost consciousness across the public service. As highlighted by the cross benefit review of the programme commissioned by the DAC and undertaken by KPMG, FTP savings have enabled below inflation increases in net revenue expenditure over the programme's lifespan, and significantly assisted in removing the budget deficit.

375

Clearly we cannot always predict the future and subsequent changes to services standards, changes in demand for services, or price rises for materials and supplies, could all impact future expenditure levels. However, every effort has been made to ensure that the value of savings signed off for each initiative is both annually recurring and sustainable. In a small number of cases it has become apparent, through the monitoring process in place, that the level of savings achieved in the second or third year have differed from that signed off. Where this happened savings totals have been adjusted accordingly.

380

We are now in a much more beneficial situation where £28.7 million a year less needs to be put into general revenue budgets in future than would otherwise have been the case. The cumulative cash saved to date has now exceeded £54 million. For clarity, that is £54 million that due to the success of the programme we did not have to withdraw from the Contingency Reserve to fund our deficit. This is a significant achievement, and one which shows this Assembly takes its financial responsibilities seriously, and is delivering on its commitment to control public sector costs.

385

Of course, not all Departments have delivered in full on their FTP targets by the end of 2014. But following the recommendations agreed as part of the 2015 Budget debate those residual values will now be targeted over 2015, 2016 and 2017. Provision has now been made within the budget to support Home, Education and Health & Social Services Departments over the next three years, while the work to release further efficiency savings is being completed.

390

So, sir, looking forward, a number of important issues have already been highlighted in this report, including the need for clearly defined and most importantly clearly communicated rules for benefits, identification, and management, and the impact of the States' silo mentality on our ability to deliver collective, collaborative, and cross-cutting savings. There are a number of live projects started under the FTP, but yet to be completed, which have the combined potential of releasing between £3 million and £6 million of additional recurring savings. If these additional savings are released as planned, we will significantly exceed the original expectation, albeit over a longer period of time. However, the majority of these savings will remain out of reach unless we are all prepared to tackle the artificial boundaries, duplication of effort, and diminishing economies of scale that our operational silos do create.

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The pressure on the public sector to demonstrate value for money and the fiscal, economic and demographic challenges the Island faces have not gone away because the FTP has ended. In fact, the FTP has been a States-wide effort, and it has been important in starting to embed a culture of joined up thinking, and working, across the public sector to create efficiency, but it was never intended to be a single one-off solution to these issues. It was always going to be the first phase of a much longer journey that we have now begun. So the FTP coming to a close is not the end of public service reform, it is the end of one phase, and the beginning of the next. It has given us a strong foundation from which to build, and leaves us far better equipped in the future as an organisation for the Service Guernsey initiative, and the next phase of public service reform, making sure that the services we deliver are joined up, of the right quality, and are value for money, and focus on front line delivery and removing back office duplication. To focus on improving outcomes and not maintaining current systems.

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So, one thing that I really do believe in, public service and not self-service: that is what this has all been about.

Welcome to further group of Castel School students

420 **The Bailiff:** I will call Deputy Hadley in a moment.

Just before I do so I would like to welcome a new group of Castel School students who have joined us. Welcome, and we thank you very much for coming along, and thank you to your teachers for bringing you. (**Several Members:** Hear, hear.) Thank you very much.

**Financial Transformation Programme –
Debate continued –
Proposition carried**

425 **The Bailiff:** Deputy Hadley, and then Deputy Dave Jones.

Deputy Hadley: Mr Bailiff, on the last occasion this Assembly voted on the Financial Transformation Programme I think I and, I think, Deputy Gollop were the only Members of this Assembly that voted against the Propositions, so perhaps it is not a surprise that the Chief Minister will know I do not agree with him.

430 Now, it seems a long time ago that half of the Members of this Assembly were elected in 2008, Members will, of course, be well aware that in its day it was the worst States ever. We were young, bright eyed, bushy tailed, eager to save the Island from the profligate spending of previous years, as enunciated by the Chief Minister. A knight in white shining armour was the Treasury Minister of the day, Charles Parkinson, who told us about this amazing company called Tribal, soon to change
435 its name to Tribal HELM, and then again to Capita, and it may well have changed its name again.

They advised governments like us that have not got the brain power or common sense to see the wood for the trees. We would be able to save millions with cross-departmental working, by cutting out waste. We were given the new wonder drug FTP, the Financial Transformation Programme. Sadly, like many wonder drugs the patient did not respond as quickly as was hoped.

440 In fact, the response in some areas was hardly noticeable, so the order went out: 'You will have to cut.' I, currently, as Members will be aware, am the only Member of this Assembly that serves on three Departments, Housing, Education and the Health & Social Services Department, and I can assure you, Mr Bailiff, that every one of these Departments has made cuts. Not savings
445 through a transformation in the way we work, but cuts which have damaged the service.

The Housing Department has been forced to reduce its maintenance budget. So a Department which has been assiduous in looking after its estate has now been told it cannot do that.

Then Education Department has reduced staff training, staff costs, abolished the English Speaking Board, reduced grants to university students, paid a million less to the colleges and,
450 worst of all from my point of view, it has closed two schools primarily to save money. In short it has considerably reduced its investment in Education.

Deputy Sillars: Sir, point of correction, please.

455 **The Bailiff:** Deputy Sillars.

Deputy Sillars: Sir, being the Minister of Education, I will pick up the last point otherwise we will be here all day. The two primary schools were not shut for FTP; they were shut for educational benefits, because a one school form entry is not as good as two- and three-form. (*Interjections*)

460 **The Bailiff:** Deputy Hadley.

Deputy Hadley: Well, I think although on this particular issue, it is about the only issue I do not see eye to eye with my new colleagues in Education (*Laughter*) yet – however, I think even they would agree that, while the schools may have been closed to give a better education, that would probably not have happened were there not the need to reduce money spent on education, and it is still true to say –

Deputy Conder: Point of correction, sir.

470 **The Bailiff:** Deputy Conder.

Deputy Conder: In my speech I did emphasise the FTP savings but the overriding reason was for sound educational reasons, and we would have closed them even if there had not been an FTP Programme.

475 **The Bailiff:** Deputy Hadley.

Deputy Hadley: Well. (*Laughter*) I wonder if the Minister of the Health & Social Services Department is going to interrupt this –

480 **Deputy Luxon:** I can confirm I probably will be, sir. (*Laughter*)

Deputy Hadley: I was going to say, Mr Bailiff, and will say, that the scale of these cuts and the damage to these Departments pales into insignificance when compared with the Health & Social Services Department.

The Health & Social Services Department has been underfunded for years, and the Financial Transformation Programme has nearly brought the organisation to its knees. A very quick look at the Appendix shows you some of the cuts. The spend on nurses has been reduced by quarter of a million, on recruitment of staff by £100,000, on procurement by £630,000, on staff training by £89,000 and on other staff by about £1½ million. The way that these figures have been presented to us make it difficult to understand some of these cuts, and in recent weeks I have asked the financial department of HSSD some questions, some of the information they have readily available, but to be honest they are too busy to give me most of the answers I want.

495 However, to give you some flavour of what is happening, a month ago I and some other members of the board went to listen to concerns of two very important departments, the maintenance and laundry staff. We were told in no uncertain terms by the maintenance staff they were understaffed and so short of space that working in corridors was now being considered a serious option. They also pointed out that staff training had been curtailed, one of our FTP savings. The laundry staff explained that for years they had been asking for new equipment, that because of breakdowns they were having to use domestic washing machines. This hospital service is vital because laundries in the private sector are unwilling to deal with hospital laundry because of the danger of handling infected materials.

500 We know that nursing levels have been cut to unsafe levels. When the new board took office not all of the hospital beds were open, and I think even more are closed now. Two of our board members were shocked at the low staffing levels at night, and now more beds have had to be closed, as I have said, even though nurses are being asked to work overtime to keep existing beds open. We are running our Hospital with too few nurses, and are demanding too much of existing staff. As the pressure increases local nurses need sick leave, go for less stressful jobs, and other leave the Island. We need to recruit an additional 70 nurses over and above our present staffing levels to achieve a safe staffing level. A task force looked at nurse recruitment has come up with

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recommendations which are too little too late, and in fact, despite this initiative from the Chief Executive of the States nursing levels are still going down.

515 According to the Appendix HSSD saved £630,000 on procurement. This means that the Hospital cannot buy anything quickly because there are not enough staff to prepare the business case that T&R demands. I frequently raised this issue with Deputy St Pier and Deputy Luxon. Far from improving the situation T&R has recruited one of our key staff to work for them. Let us understand what this means. A year ago I raised my concerns in this Assembly about the urgent need for a decompression chamber. The Chief Minister told this Assembly that he had banged heads together and Deputy Luxon, then PSD Minister had been told to work with Deputy Dorey, 520 then HSSD Minister to ensure –

Deputy St Pier: Sir, point of order.

525 **Deputy Hadley:** – to ensure that –

The Bailiff: Deputy St Pier.

Deputy Hadley: Is this a point of correction?

530 **Deputy St Pier:** It is a point of order, yes.
This is all very interesting, sir, but it has nothing whatsoever to do with the debate on the FTP.

The Bailiff: Deputy Hadley.

535 **Deputy Hadley:** Mr Bailiff, it has everything to do with the debate, because the FTP cuts listed in the Appendix make it quite clear that £630,000 was saved on procurement. Procurement is an essential part of the Hospital service. If we cannot procure things we have problems. Because there are not the staff in the department to procure equipment, it means that for a year we have been unable to procure a hyperbaric chamber.

540 Cutting staff means that you cannot operate, and there are a number of instances where I can list where staff have been cut. It is very much the issue. About the same time last year I raised the issue of the failure of fluoroscopy equipment. This is vital equipment used to enable doctors to carry out procedures while watching the image on a screen. Because it took months to prepare a business case, the equipment was ordered months later than it could have been, and patients who 545 could not be dealt with on Island had to be transferred off Island in a sick condition. All of our radiological equipment, except the new fluoroscopy equipment, is out of date. The average life of radiological equipment is seven years, and all of the equipment is greater than seven years old. You have all heard the CT scanner has broken down three times in the last three months, and this is vital equipment. We need the equipment to be replaced, but it is all subject to a business case 550 which is nowhere near completion. So we are still running with an ancient CT scanner.

Many of the buildings at the PEH are past their useful life. The clue is in the title, the Princess Elizabeth Hospital – our long-serving monarch had not become Queen when the hospital was named after her and she has recently celebrated 65 years on the throne. Members of this Assembly know that there are two wards in a dangerous state, and we have no prospect of doing 555 anything about it because of the FTP cuts on procurement. Given the current situation regarding procurement it is well into the long grass.

So, Mr Bailiff, when the Chief Minister boasts about the success of this scheme, let us look at the down side. Yes, procurement was a transformational change – the States of Guernsey did make a recurring saving of £630,000, so that HSSD can no longer purchase lifesaving equipment. 560 A real success. Cut the procurement staff and then you cannot spend any money. That is what the FTP savings have done to the Health & Social Services Department.

I thank the Minister for not interrupting me.

The Bailiff: Deputy Dave Jones and then Deputy Lester Queripel.

565 **Deputy David Jones:** Thank you, Mr Bailiff, Members of the States.

It is difficult to follow that, in some respects, because what I wanted to say is: we often come to this Chamber beating ourselves up about all the things that have not gone right for the Government. Well, I think the FTP Programme has saved £29 million recurring expenditure and we ought to be congratulated for that. We came through an age of profligacy, in a way, because we had many millions of pounds in surplus for many years, and we threw money at every problem, and those days are long gone.

570 But the one big elephant out of the entire herd in the room that we do not seem to have tackled with FTP is the States' pay bill. That continues to go up and up every year, and it has been deftly avoided, in my opinion, by the FTP as part of what the Chief Minister has described as public sector costs. It is our biggest cost, it takes over half of the total of the Island's income, and I am standing here saying this while in the Public Gallery we have lots of new civil servants who have come to see how this Parliament functions, and it is no reflection on their future careers. (Laughter) But it has to be said, that it is a massive expenditure and we simply have to get to grips with it.

580 Now we have been very good at closing things like public toilets, which is hugely annoying to members of the public, and all the small stuff that we have managed to do, very efficiently, but this one issue about the States' pay bill, as I say, we have managed to avoid right through this whole process.

585 The Chief Minister in his speech referred to operation silos, and I think there is a degree of that. We are still – (Interjections and laughter) I will just pause, sir, while our new entrants leave the Chamber.

Right, as I was saying, we are very good at closing things like public toilets but at the same time as we are closing things that the public find very useful to have, we are still employing more and more people at times when I believe we should be seriously looking at the public pay bill, and the numbers of people we employ.

590 Now, I am not talking about front-line staff and Deputy Hadley very aptly put forward the reasons he believes the FTP has not been a success, certainly in Health, and other areas. We are going to have to come back at some point and ask the public to pay more in taxes, because the States expenditure is continuing to rise. The FTP has stopped a lot of it in its tracks, and we have made significant savings, but the general trend in States' expenditure is upwards.

I go back to what I was saying, the Chief Minister's comment about operational silos, I believe, is a cause for this. We still employ people in certain Departments and give them fancy titles, people we all happily lived without for years, and should learn to do so again. All we are doing is adding to that pay bill, putting people into jobs that I do not believe that we need, and as I said I am not talking about front line staff. We always seem to have more chiefs than we do indians, and that is a common complaint to me by the public when they look at some States' Departments.

600 So, we have to get a grip with the States' pay bill at some point. Now I am not sure, perhaps the Chief Minister can help in his summing up, exactly whether that comes under the new Chief Executive's initiative of looking at the States' Civil Service overall. He gave an excellent talk to Policy Council on Monday addressing many of the big issues, such as recurring sickness throughout the Civil Service. That is certainly on a downward trend, because of actions that he has already taken. I was quite impressed with that, although at one point I was about to nod off because it was quite a long presentation, but he might be able to help, whether that is part of the new CEO's remit. But my view is we cannot get to grips with this soon enough.

610 The other complaint that is often made to me is about the rises in charges for Departments. The general feeling amongst the public is that the rises in charges made by the Departments are to pay for the annual Civil Service pay rises. No other business would be able to do that. No other business out there in the community can say we are going to put up or charges simply because we are going to give automatic pay rises every year. It does not happen everywhere else. When

615 people are charged more for housing licences, and more for planning, and more for other things,
their belief is that it is about beefing up those pay scales every year rather than what they actually
need. Sorry I will give way to

The Bailiff: Deputy Fallaize.

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Deputy Fallaize: I am grateful to Deputy Jones for giving way.

I accept that he is right when he cites public opinion, but can I assume that as the longest
serving Minister in the States when people tell him that, he points out to them that only 10% of
the savings generated by the FTP are generated through increased fees and charges and the rest,
625 the Policy Council tell us, is allocated to efficiency savings and reductions in grants and subsidies.

Deputy David Jones: Of course, that is true, but the generic point I am trying to make is that
the public believe that when charges go up for them, for services that they receive from States'
Departments, it is merely to help to cover the cost of the annual pay rises that we give to the civil
630 servants. (*Interjections*) They may very well be wrong, Deputy Langlois, but that is the general
perception that I get back from the public. I think that we have to tackle this issue. It has to
become a major work stream in the son of FTP, or whatever it is going to be called, and I hope, as
I say, the Chief Minister in his summing up will be able to give us some assurance that that is the
major work stream of the Chief Officer of the States of Guernsey.

635 Thank you.

The Bailiff: Deputy Lester Queripel, and then – Deputy Bebb, do you wish to be *relevé*?

Deputy Bebb: Yes, please, thank you.

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The Bailiff: Then Deputy De Lisle and Deputy Conder.

Deputy Lester Queripel: Thank you, sir.

Sir, by the time I have finished making this speech – (*Interjections and laughter*) Sir, by the time
645 I have finished making this speech, I will have made 100 speeches in this Chamber, some better
than others it has to be said (*Laughter*) but every one a gem in its own right. I do not want anyone
to go to the trouble of presenting me with a trophy or a certificate or anything like that, because
that would cost the taxpayers of the Island money, and that is exactly what this speech is all
about, of course, saving the taxpayers money.

650 I had always hoped that my 100th speech would focus on a good-news story, and I am really
pleased to say, in my view, that is very much the case today, because I believe this is a good-news
story for the people of Guernsey. The States is working smarter, and by doing so it has now
realised annual recurring savings of £28.7 million. Whilst I understand that the intention was to
reduce the base line in that expenditure by £31.1 million by the end of 2014, that does not detract
655 from the fact that this is a good-news story for our fellow Islanders, in my view, especially if we
take into consideration that there are a number of live projects nearing completion which will
deliver between £3 million and £6 million worth of additional recurring savings.

I am sure the long-standing Members of the Assembly will correct me if I am wrong, sir, but I
cannot recall any previous Assembly undertaking a financial transformation programme in an
660 attempt to identify where major savings could be made across the whole of the States. So this
Assembly really did embrace that challenge. I really wish the media would, for once, give us credit
for that, instead of focusing on the fact that we fell £2.4 million short of our target, as we are told
on page 991. Because many of our fellow Islanders are of the opinion that we are the worst States
ever, and to a large extent I think that is media driven.

665 Okay, we do not always get it right, and let's not make any mistake about that, because we
deserve all the criticism we get when we get it wrong, but we also deserve credit when we get it

right. The fact of the matter is that no other States' Assembly has realised £28,700,000-worth of recurring savings, with additional savings of anywhere between £3 million and £6 million waiting in the wings.

670 So, sir, taking all that into consideration, on this particular issue I would go so far as to say we are the best States ever. I think we should be shouting that from the rooftops. (*Interjection and laughter*) In fact, I wish the Chief Minister would have gone so far as to hire an aeroplane to fly over the Island trailing one of those long banners behind with the message 'FTP saves taxpayers £28.7 million' (*Interjection and laughter*) and these savings are recurring. Being a lover of
675 pyrotechnics, sir, I would also like to have seen a firework display staged for fellow Islanders to enjoy – that is the level of celebration I think should have been attached to this good-news story.

Deputy Brehaut: Would the fireworks be in colour, sir, bearing in mind (*Laughter*) Deputy Lester Queripel's – ?

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Deputy Lester Queripel: That is a very good point, sir, I am coming on to that in a minute. I give way to Deputy Trott, sir.

The Bailiff: Deputy Trott.

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Deputy Trott: I am very grateful, and I always feel reluctant to interrupt such a lucid speech, sir, but there have been a couple of fundamental errors in what my good friend has said so far. This Assembly is not responsible exclusively for these savings. These savings go back to 2009, so the previous Assembly needs some credit.

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With regard to expenditure control, States' spending slowed at a faster rate during the period 2004 to 2008 than at any other time in the history of the States. So those are worthy of mention, sir, because they are fundamental contradictions of what my friend has recently said.

The Bailiff: Deputy Lester Queripel.

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Deputy Lester Queripel: Thank you, sir, I stand corrected by Deputy Trott's superior knowledge. Thank you.

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The irony, of course, of hiring a plane is that would have cost taxpayers money, so I can see why the Chief Minister did not actually do that, although having said that, we could have used a Trislander for nothing, seeing as we actually own them.

Sir, I really do think we should be talking up this good-news story as much as possible. This Assembly has not had many opportunities to relay good-news stories to our fellow Islanders, and the good news is that we are getting this right. We are identifying millions of pounds' worth of savings, without having to make too many cuts in services.

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I am not quite sure where Deputy Hadley is coming from, sir, because in answer to a Rule 6 Question I asked of the Chief Minister, quite a while back, 'is the overall intention of the FTP to simply recommend cutting services?' the answer back was: 'the Programme is fundamentally not about cutting services as can be seen from the pie chart which illustrates the service cuts represent 2% of the savings made to date.' Picking up on Deputy Trott's point, that was between
710 2009 and 2013. In the current Billet we are told that service cuts are as follows: PSD £16,000 and the Home Department £32,000, which again is a very low percentage.

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Speaking on a personal note, sir, just to pick up on what Deputy Brehaut said, if I remember correctly, Deputy St Pier once said in this Chamber that approximately £80,000 worth of taxpayers' money had been saved by printing some documents in black and white instead of colour. So that is a significant saving, I think. When I asked him to break that figure down he said that anything between £40,000 and £80,000 could be attributed to me and my quest to encourage Departments to print documents in colour only if it was necessary to do so. So whichever way you look at it, sir, that is either one and a third years of my salary taken care of, or possibly two and half years even.

720 I would like to congratulate every Department and Committee, and also the Policy Council, the Law Officers, and the Royal Court for the part they played in realising these savings under the FTP. Our two biggest spending Departments are HSSD and Education. I take great comfort from HSSD saving a considerable amount of money on off-Island placements, because hopefully that means that some of our fellow Islanders who were once in care in the UK are now back here in Guernsey close to their families, so the Department certainly need to be congratulated for that.

725 Picking up again on Deputy Trott's point, of course, with the greatest respect to Deputy Luxon and the current board, we really do need to congratulate the previous boards of HSSD, for identifying the majority of those savings.

I would like to focus, if I may, for a moment on one particular Member of the previous board of HSSD – that particular Member being my St Peter Port North colleague, Deputy Martin Storey. We have not had the pleasure of his company in this Chamber for some months now due to his ill-health, but I know he worked extremely hard trying to reduce expenditure at HSSD during his time on the board, so all credit to him for that. We can only hope that one of these days he will recover from his illness and sit with us once again in this Chamber (**Several Members:** Hear, hear.)

730 Finally, sir, in closing, just one person I would like to mention who will play a major part in identifying future savings across the States, and I know it is frowned upon by some of my colleagues to mention the names of civil servants in this Chamber, but I am going to do it anyway, and the reason I am going to do it is not only because I want my appreciation of his efforts to be recorded on *Hansard*, but also because I think it is important for our fellow Islanders to know about the major efforts he is making behind the scenes on their behalf. Because Paul Whitfield, the Chief Executive Officer of the States, is absolutely determined to streamline the whole operation. He has now introduced an initiative known as Service Guernsey, which, of course, as the Chief Minister alluded to, is primarily an extension of the FTP. He wants to ensure sustainable delivery of public services; he wants to increase efficiency; he wants to avoid waste; and he wants to reduce costs – which, of course, is exactly what we need to do. So we are on the right path and we are heading in the right direction. Not only is this a good news story for our fellow Islanders, I would go so far as to say, sir, it does not get much better than this.

745 On that note I will bring my 100th speech in this Chamber to a close. (*Applause*)

A Member: Hear, hear.

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The Bailiff: Deputy De Lisle.

Deputy De Lisle: Thank you, sir.

755 Very briefly, the delivery of over £28.7 million of recurring savings is indeed a good news story, particularly as nearly 70% of the savings were through efficiency savings. I had supported the FTP particularly with respect to potential savings from cross cutting areas, particularly of procurement and IT support services, where obvious duplication and costs could be avoided. However, I am disappointed in that the original estimates suggested that some £15 million of recurring savings could be leveraged through improvements in these areas, which became collectively known as cross-cutting savings. In reality the total savings attributed to these areas fell well short of this forecast, with a maximum of £3.1 million being attributed to these themes over the five years of the Programme.

760 However, I note that the potential savings from the cross-cutting areas of property, procurement, and support services make up almost £5 million of the residual benefits believed to still be available from projects commenced under the Financial Transformation Programme. However, this still does not add up to the £15 million in the original estimates that would come from these particular areas of saving through cross-cutting. Can the Chief Minister give the Assembly some assurances that he will strive to obtain the results intended in this area and thereby significantly increase the FTP performance in efficiency savings?

770 I also ask him: when will we have the second phase of public service reform that he has referred to in his address? I find that that has been long coming before the Assembly, but I am encouraged to hear the Chief Minister talking of continuity in public service reform.
Thank you, sir.

775 **The Bailiff:** Deputy Conder.

Deputy Conder: Thank you, sir.

Sir, I am an unashamed supporter of the Financial Transformation Programme. I have said it in this Assembly on a number of occasions, and I am proud to be a Member of an Assembly that has delivered on the Financial Transformation Programme.

780 I remember during the election of 2012 in response to a question, I think, at the hustings, I said I anticipated this Government would not be the worst States ever, but it is was very likely to be the most unpopular, because it had some very tough decisions to make. Referring back to that election again, I recall when I was writing my own manifesto and I looked at other people's manifestos I think many of us, in fact the vast majority, included in their manifestos the statement that one of their priorities was to reduce the States' deficit.

785 Sir, I think we should acknowledge the role that Treasury & Resources Department have played, and to congratulate them for their leadership in the Financial Transformation Programme, all of us, myself included, occasionally, perhaps quite frequently, have had our differences with T&R but on this occasion we should acknowledge the role of the Minister of T&R and his team, not easy to encourage, drive Departments forwards in terms of achieving savings.

790 As Deputy Hadley reminded us very early in the term of this Assembly, by a very, very large majority we re-endorsed, under the leadership of the then Chief Minister, Deputy Harwood, our commitment to the FTP.

795 Sir, if governments run deficits, if they continue to run deficits, there are all sorts of implications, but one very simple one is that they will never be in a position to transfer surpluses to capital reserves. The consequence of having diminishing capital reserves is that all of the infrastructure and investments which we spend so much time discussing here are impossible to fund. Governments – especially small governments of small islands – have to generate surpluses in order to be able to maintain the infrastructure of the island. Nobody else is going to do it for us. In the absence of those efficiency savings, and those surpluses, the only alternative would be for further real cuts in services, and the staff that are so important to us, those front-line staff that Deputy Hadley referred to. In the absence of efficiency savings, services to our fellow Islanders would have to have been much greater.

800 Just to address my own Department, Education, my Minister and very, very good friend, Deputy Sillars, said from day one when he led our team that we would honour the FTP savings only provided that it did not impact upon educational outcomes, that has been our mantra, that was our mantra, and I believe we have delivered on that.

805 Sir, by any measure, £28.7 million savings in annual recurring savings is an extraordinary achievement for any Western democracy, a £54 million accumulative saving in cash is extraordinary, actually it is quite near to the cost of a school that is quite dear to my heart. I am not making any claim on that, but it is quite extraordinary to achieve those ends. That is what is in the pot now that would not have been without FTP. That is something that most other Western democracies, they would give their eye teeth to have been able to achieve. What would have been the alternative? Increases in taxes, or increases in borrowing levels. All of which would have had serious implications for this, and successive Governments, and our fellow Islanders.

815 To be clear, I have no objections to raising existing taxes. I do, as you might recall, have objections to introducing new taxes, but I have no objection to increasing our tax base. If we need to increase Government spending, as Deputy Jones quite rightly said, then we need to make a case for it and find it. But we have to first address our own costs, and we have to continue to address our costs, and that is something that we should acknowledge, so that we can look our

fellow Islanders in the eye and say on this matter at least we did honour our commitments, and we have by and large delivered.

825 We, this Government, are the custodians of our fellow citizens' taxes – governments have no money of their own. It behoves all of us to use our fellow taxpayers' funds wisely, and to at least some extent we have delivered on that promise.

Thank you, sir.

830 **The Bailiff:** Deputy Langlois, and then Deputy Dorey and Deputy Fallaize.

Deputy Langlois: Thank you very much, sir.

835 Sir, after starting today's business with the Sheep and Goats Identification and Notification Statutory Instrument, we move on to barely more significant matters, a little matter of this £30 million a year, which we have pretty much achieved in terms of saving, and we will fall into far too much self-congratulation if we are not too careful. In fact it has taken a hundred speeches from Deputy Queripel, I have now been reminded, to find some common ground in which I can thoroughly endorse most of what he said (*Laughter*) and I am very pleased about that.

840 I think there are two matters before I cover the particular area that I wanted to. I cannot let two matters go. One is Deputy Jones's comments about the wage bill, which is an extremely important aspect of our expenditure, and forgive me in terms of just breaking that down a little bit more. Before we get carried away with thinking that this is just running away, it bears no relation to the way the private sector works. It bears no relation to the economy, inflation and so on. That is simply not the case.

845 The wage bill consists of three elements. The number of people we employ – and the number of people we employ is being tackled. It is constantly changing, sometimes it goes up, sometimes it goes down, and the number of people in the public sector, and this is one reason why the FTP proposed that the size, the overall financial size of the public sector, should be defined as a proportion of our economy. The FTP and Service Guernsey tackle the staffing levels and will continue to look for efficiencies, and therefore I am confident that those efficiencies will be found, and that we are moving closer to the right number of people than we ever have before.

850 The second element of a wage bill is the structure of the salaries, and there is a thing, a rather shady sort of feature in there, called incremental creep, and if I can translate that for people outside of the world of wage bills, a large number of our employees enjoy systems where virtually regardless, or regardless of performance, they are entitled to a rise each year. Those are old structures which have been negotiated many, many years ago.

855 I share the view, Deputy Jones's view, and others', that this is a system which does not necessarily work in our favour; that it is a system where performance management can be ignored. We know now that performance management is going to be a major part of the next drive, and I would favour certainly looking at the incremental pattern of salaries in a way that says 'no, actually increments are earned through performance'. That has to be done. It will have to be done in the future. However, sir, people are in a particular position, a particular place, they have a particular contract, changes to that would have to be gradual. You cannot change that sort of system overnight.

865 The third element of the wage bill is the price of labour. Now this one is where we are in danger of misleading the public, and in danger of making all the wrong decisions if we ignore it. We cannot ignore the basic realities of labour markets. We have got to have the right people in the right jobs. Our staff are paid because they are worth it; because they actually do a good job. They are much derided by members of the public, by the media, from time to time, and yet we have a hugely professional group of staff in all sorts of different places. If we then start comparisons to the private sector, which is the usual tactic and technique for those seeking to criticise, then yes over the last four years there has been in one sector, local sector, some significant reduction for a number of people in their rate of pay, in their take home pay, at the end of the year, and that is because they are part of a global sector who suffered an enormous

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875 downturn in 2008. That was always bound to knock on to the local financial services sector, and it has done so, and it has been painful for a number of people who had achieved very substantial salaries, much of which was tied up with bonuses and that has been removed and so on and so forth. But, sir, let's not get carried away with the idea that everybody in Guernsey other than public servants have experienced massive pay cuts. It is simply not true.

880 The median earnings, the average median earnings continue to rise, and they rise faster than inflation, and therefore on average across the economy it is absolutely right that we have to be competitive. We have to be competitive as an employer, and we have to look carefully at what we need to pay to get the right people in the right jobs. We are in a very low unemployment situation. If you advertise a job you have got to be competitive in order to get those right people. Some of the problems which are being experienced and are being quoted relating to particular
885 Departments on recruitment actually track straight back to that, and it tracks back to that not only in Guernsey but in particular professions such as nursing it is an international problem. It is an international problem right across Europe at least.

So, within the context of the wage bill, let's make sure we keep all of that in mind before we assume that public servants just simply have a privileged position and without any regard they get
890 paid more and more. As I have mentioned before, over this term certainly most public servants have actually received lower than inflation pay increases. There is a pay policy in place which should maintain it at inflation for the next two years, and that will be the case, despite the fact that median earnings in the economy more generally are rising.

I was going to make some comment about Deputy Hadley's gloom and doom homily, but I
895 think I will leave it at saying beware of misleading comments, which can actually get carried away with very heartfelt concerns about a Departmental situation. I am not in any way deriding the passion that he shows for the problems faced by one, or possibly more than one, of the Departments he represents. But let's not get carried away to that being totally the fault of the FTP.

Now, like the Chief Minister I was an earlier part of the long journey through the FTP. Let's also
900 remember that in percentage terms there was a target time set, there was a target time of a number of years, and a target was set. You set a target for a savings programme of this type, sir, from what you know at the time. You were where you were to adapt a particular phrase, and you set that target, and do you know exactly where those savings will be found, well of course you do not, because if you did you would have done them before and so on and so forth, so you are
905 talking about a long journey. But, remember that the FTP has achieved roughly 92.5% of its target. Now in many areas if we achieve 92.5% of a target we would all be saying 'jolly well done', rather than trying to run it down. If, by the time the additional savings, which are rolled over, have been saved, we will have achieved 112% of that target, and therefore the target could not have been far out in the first place when it was set.

910 Improvement of that sort is far from a perfect process. It is a process; it is a live process; and therefore it will be always a moving target. The greatest achievement of the FTP, in my view, is the variety of savings which have been made. If I give just one example, the average increase in supplementary benefit expenditure over the last 10 years has been £1.1 million per year. That is the average increase per year of supplementary benefit expenditure. In 2014 I am pleased to
915 report that supplementary benefit expenditure fell by £400,000. We are still applying strict needs tests. We are still finding where the needs arise and making sure that people are supported. But the largest contributory factor to this reduction was with various FTP work streams including work incentivisation initiatives. Now that is a very particular and different type of initiative to many of the other savings that have been made. But it is one example and there is huge variety.

920 Does this £30 million a year 'ish' mean that we should now suggest to the new States next year, 'Well there you are, you are back in clover, now spend, spend, spend'? Absolutely not. The biggest danger of this programme is that you actually think that you have reached the end of the rainbow and therefore you can revert to previous habits. Does this mean that we have actually achieved a culture change so that in the mind of every one of our staff, and every one of our
925 politicians, it is now totally natural to think of savings and containment of costs? No, I do not

believe we have reached that point yet. I think that has to come through the subsequent phases including Service Guernsey and so on.

930 Does it mean that we have made a great stride compared with many years ago, and I believe we have, and I think we should give due credit, particularly to the staff teams who have put in the work to do that.

The Bailiff: The order in which I will call the next speakers will be Deputy Dorey, Deputy Fallaize, Deputy Gillson, Deputy Trott.

935 **Deputy Hadley:** Point of correction, Mr Bailiff, if I may.

In his speech the Deputy Chief Minister said that I had made misleading statements. The statements I made were accurate, and largely from the back of the Billet. If he thinks any of my statements are misleading, rather than give a blanket suggestion that they are misleading, I would like him to point out which ones he considered were misleading.

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A Member: Hear, hear.

The Bailiff: Deputy Dorey.

945 **Deputy Dorey:** Thank you, Mr Bailiff.

First I would like to carry on from Deputy Langlois' speech and I am very pleased that the work incentivisation which was proposed in the March 2012 proposals from the previous Social Security Department have been carried out by the new Department and they have resulted in the savings that we hoped they would (*Laughter*) and I am very pleased.

950 I would also like to carry on with those points he made in relation to Deputy Hadley's speech, and I would like to correct some items. In terms of HSSD and the capital prioritisation debate which happened in September 2013, the Hospital redevelopment was one of the additions that the then HSSD board added to the projects and we had spent, the previous HSSD board had spent considerable board time and resources in developing plans for a redevelopment, and in particular the two wards that he referred to. Also in that capital prioritisation budget one of the projects was the replacement of radiology equipment, so that was again included in the projects which were being brought forward in the capital prioritisation.

955 He also referred to procurement at length. Some of the savings which he referred to were actually savings which had resulted from better procurement, it was not reduction in staff, and I refer to one particular project in relation to artificial joints, where previously they had been purchasing from different companies for different consultants and work had been done, a lot of it had been done in previous boards' time, in relation to agreeing one supplier, and that had resulted in considerable savings, so I think you have to look at the fact that those were positive contributions.

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Deputy Hadley: Sorry, Mr Bailiff, point of correction.

The Bailiff: Deputy Hadley:

970 **Deputy Hadley:** The FTP savings on these particular joints date back to 2008, when I was on the board and Deputy Hunter Adam was the Chief Minister, it was not part of the Financial Transformation Programme – (*Laughter*) was *Minister of HSSD*, and as far as procurement is concerned it is a fact that part of, yes, part of the procurement is historic due to the replacement of those joint better purchasing, but also part of the procurement savings are definitely loss of staff, which has inhibited the Department in purchasing new equipment.

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The Bailiff: Deputy Dorey.

980 **Deputy Dorey:** I can assure you that the savings for those joints was during the FTP Programme. He also mentioned about staffing levels, where HSSD then had a very experienced Hospital Director who had many years in hospital management in the UK, and we also had frequent reports on staff nursing staffing levels and we were not aware of any particular problems in relation to that.

985 I also continue in March 2015 Deputy Luxon made a statement in relation to HSSD, and there were subsequent questions, one of the questions in his answer Deputy Luxon said my board was surprised when we asked for details of current initiatives under way, the Department did not have any worked up proposals likely to achieve any of the £3.7 million saving, which is the outstanding FTP saving. Well, I was surprised at that comment, and I wanted to make sure of the facts and I went back through some of the reports.

990 There was an extensive report which went to the Department in July 2014 about FTP savings about the progress on them, and I refer to one in particular that Deputy Hadley mentioned, which is about the laundry. Considerable work had been done about the replacement of the laundry equipment, and the fact that that was not only going to mean a better service but also less labour intensive and savings, work had been done and that was the report that we had which went to our board. We had also been working on A&E consultant contracts with the Primary Care Company Limited in relation to A&E, we had spent a considerable amount of time working on reforming the ambulance service and we had committed resources to that which the report we had received showed considerable savings, unfortunately due to the lack of support and subsequently the Civil Contingencies Authority, that never went ahead. There were other things, and I will just name a few like the road traffic accident cost recovery, reprioritisation of low impact drugs and therapies, the Guernsey Employment Trust and Food Waste. So there was considerable work being done. I am slightly disappointed that that information did not get to your board.

1000 In relation to the FTP I think there was a very useful report done which was asked to be done by the Public Accounts Committee by KPMG on the FTP project, though I was slightly concerned that where they showed the impact on general revenue they seemed to, just like T&R, miss the transfers to the transformation and transition fund and the employment fund which does not show quite such a healthy position in terms of 2015. I was particularly interested in the fact about the air subsidy. I think that highlights the situation that in the 2012 budget when these general efficiency targets were spread across all Departments and it was basically a percentage of each Department's budget, there were very different starting points.

1010 Commerce & Employment for example had this air subsidy which was given to, effectively, subsidise all air fares where it was given directly to the airlines, and it was interesting that York Aviation had reported that if any reduction it would affect the numbers travelling, and that information was used when we and I and others tried to increase the charges at the Airport in relation to funding some of the capital works and stop them being funded by general revenue, but the argument was that any increase in airfares would have a sizable impact on the numbers travelling, but the actual outcome was that they did not have an effect when they removed that subsidy, and it proves that perhaps we do not always need to listen to consultants, because they do not (**A Member:** Hear, hear.) always get it right, and perhaps understand the Guernsey situation, which is very different in relation to air travel to other places.

1020 Finally, again I pick up from the point that Deputy Langlois said that going forward I think the key for us is always controlling expenditure, and why we have done so well is the economy and low unemployment levels, and the effects that has on benefits. We have been extremely successful, and it is so important that we continue that success in the future. The other factor is when something like the FTP Programme finishes it is important that we keep the pressure on, because it is very easy to take your eye off, and yes there are some problems with the FTP, there has been, but it is important that we keep the pressure on spending.

1025 I suppose the situation is highlighted by Deputy Green's question this morning, and resources to advance projects. We all want projects advanced, and I do too, but there is a balance you have to do in terms of the level of public expenditure the services we can offer, and the development

1030 work we can do on policy, and to get that right will be a considerable challenge. Perhaps we have
in the past concentrated too much on trying to make savings, and not making some of the
advances which we need to do in our society. Just as an example where perhaps we can take our
eye off the ball, I go back to the La Mare debate when we have embarked on expenditure, in my
view, without having the full facts we need to go ahead with the project. I think there was a
1035 comment made, well we might have wasted money anyway but so what let's got ahead, was made
in the debate. I think there are challenges ahead, and we have to be very careful with expenditure.
Thank you.

The Bailiff: Deputy Fallaize:

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Deputy Fallaize: Thank you, sir.

Deputy James: Sir, point of correction, please.

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The Bailiff: Deputy James.

Deputy James: Sir, I did not particularly wish to interrupt Deputy Dorey during his speech, but
he made reference to the fact that the consultant interim Chief Officer Mr Smith did not bring the
shortage of nursing staff to the attention of the board. That may have been correct, but what
1050 Deputy Dorey failed to acknowledge was, during my time on the board under his leadership, that
almost every single month during my time on that board, I expressed concern about the shortage
of nursing staff at the HSSD and the abject failure, in my view, of our Department to show any
initiative to improve that staffing situation. So it is absolutely important for the record that the
board were not unaware of the dire situation where the nursing vacancy rate, as it was then, and it
1055 has continued to worsen since.

I am sure that Deputy Luxon will confirm that I currently drive the current board – well, I
perhaps go over the top sometimes in terms of nursing vacancies – but nobody could be unaware
of how poorly off the Health & Social Services have been in terms of nursing vacancies over the
last four, five years, at least.

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The Bailiff: Deputy Fallaize – sorry, Deputy Dorey.

Deputy Dorey: Point of correction.

I was referring to a period in 2013 when the appointment to the Hospital Director was not the
gentleman that was just referred to, and the fact that he was very experienced and yes, I am fully
1065 aware of the fact that you did bring staffing levels, but the situation did improve and we were
having reports in 2014 that did not give us information that there were any serious problems in
staffing levels.

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Deputy Luxon: Sir, point of correction.

Deputy Dorey may well be right, and I apologise, but those reports were simply not correct if
he is saying that that is what those reports were saying. The unfilled positions in key areas of
nursing and social care, and others within HSSD, have been on the borderline of chronic to unsafe
in areas, as has been proved by the acuity tool, and earlier reports that came out through the
1075 NMC review. So I did not really want to stand up and get involved with the comments that Deputy
Hadley had made earlier with corrections, but we need to deal with the realities of where we are,
not trying to work out rewriting history if that is what we are trying to do.

The Bailiff: Deputy Fallaize.

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Deputy Fallaize: Thank you, sir.

1085 Deputy Luxon talks about rewriting history. Well today we have heard various interpretations of history, and I suppose that is inevitable when we have this sort of debate, and to some extent I am going to contribute to that by offering a slightly different interpretation of the course of the FTP.

First of all we have heard speeches bordering on self-congratulation, I think, particularly from Deputy Lester Queripel, and a very hostile speech towards the programme from Deputy Hadley.

1090 Now in a way I agree with both of them. I think that it is clear that the Financial Transformation Programme has been a success, in that it has come very, very close to achieving its objective, and when the States, the last States, undertook a programme which had an objective of saving around £30 million it was greeted with widespread cynicism by the media, and to some extent publicly. The allegation, supposition, was that the States would not be able to save £30 million or anything near it, and the success of the programme is in effect disproving that claim that was made back in 2008 and 2009, and doing it very largely by efficiency savings and reducing grants and subsidies, 1095 which I think account for around about 80% of the total programme savings. So it has been a success from that point of view, and I think it has been a necessary Programme because of the emergence of the deficit in general revenue post Zero-10.

1100 But where Deputy Hadley is right, I think, and I would not perhaps choose to express it in quite the way that he has, but where he is right is that there are consequences of reducing expenditure. There are consequences of our present fiscal policy. Some of our services are creaking, and some of our infrastructure is in a very poor state of repair. The report which the Health & Social Services Department is laying before the States next month is a consequence, not so much of the FTP, but it is a consequence of our approach to fiscal policy. Now I make no comment at this stage, although my views are probably quite well known, about our approach to 1105 fiscal policy generally, but we should not pretend that it does not have consequences. If we very deliberately, and quite aggressively, try to contain expenditure, in ways which almost no other jurisdiction manages, including Jersey and the Isle of Man, it will have an effect on essential services, particularly health and social care, and education, because they make up, along with pensions, they make up the lion's share of States' expenditure, and I do not think that if we are 1110 going to indulge in a degree of self-congratulation today, because of the success of this Programme, we should not overlook the consequences on our public services and on our infrastructure.

1115 I also agree with Deputy Hadley's critique of the way in which this programme was sold to the States initially, by a gentleman who, well, was trying to sell us snake oil. I thought at the time... What happened is that they came over for a couple of weeks; they were assisted by civil servants. I was not referring to Deputy Trott by the way, no. They came over for a couple of weeks, were assisted by civil servants, came up with a list of 107 SOR's I think they called them, and off the back of that told the States that they were profligate, and services were not being delivered efficiently, and there were tens of millions of pounds of savings to be generated.

1120 Now, much of that has been proved to be complete bunkum. (**A Member:** Hear, hear.) I think that that ought to have been scrutinised rather more carefully by the Treasury Department of the time than it was. So, I think Deputy Hadley has a point, and Deputy Dorey reinforces that we ought to be rather more sceptical of consultants than often we are. I do accept that in very technical areas we need the assistance of consultants, but it is very easy for people to land on 1125 Guernsey, take one look at public expenditure, for example, apply some of the disciplines they may have been used to in other jurisdictions and make farfetched claims, which later prove to have been without foundation. I think there was a degree of that at the beginning of this programme.

1130 Returning to the point about the successful delivery of this programme, we really are very poor at communicating success. I know there are now efforts, the communications team has been reinforced, and there are clearly improvements in recent months, but generally speaking the States are still very poor at communicating. I think almost any other Government anywhere in the world, having delivered these sorts of savings would have been, to use Deputy Lester Queripel's

1135 phrase, shouting it from the rooftops. The prevailing perception in Guernsey remains that the States are profligate, and that there have not been savings.

I read frequently because Jersey have announced an efficiency drive because of their budget problems – which make ours pale into insignificance almost – people in Guernsey saying that is what we should do, Guernsey should have an efficiency savings programme. (*Laughter*) Well for most of the time that I have been – well since 2010 then, we have debated almost nothing but how to generate efficiency savings. Clearly we are at fault, because we do not communicate very successfully the initiatives that the States are undergoing.

1140 I do think that some senior Members of the States contribute to this because repeatedly they create the impression the States are still profligate, there is still a great deal of waste around. Now, Deputy Trott used to be known as the good-news Chief Minister, and I do not necessarily advocate trying to claim that black is white, (*Laughter*) but I do think there are times when we ought to be a bit more positive about initiatives that have been successfully delivered by the States and not, just because it is popular, not constantly reinforce this prevailing perception of profligacy and waste and inefficiency (**A Member:** Hear, hear.) because it is inaccurate. (**Several Members:** Hear, hear.)

1150 Now, the final point I want to make is about the lessons learnt. There is a section in this policy letter about lessons learnt. Paragraph 3 talks about the difficult early stage of the Programme and says that there was a lack of sense of urgency and it was compounded by a lack of clear political leadership

‘For many the pursuit of 107 opportunities collated by external consultants and led by the newly formed Transformation Executive felt both imposed and disenfranchising.’

1155 Well, what a surprise that was! I remember laying an amendment when the Treasury & Resources Department brought the Financial Spending Review to the States in 2009 and proposed delivering it in a way which completely conflicted with our system of Government, being down centrally, that T&R and the Policy Council would take the whole thing over and Departments could not be trusted so they should be side-lined. It was perfectly obvious it was not going to work, because that is not the way our system of Government works. My amendment was narrowly defeated and – this is going to sound like self-congratulation – but what happened, for two years almost nothing. There was a very, very slow start to the programme, because the majority of States’ Members, and the majority of civil servants, did feel completely disenfranchised, because the whole thing was being run from the centre. At the end of the previous States, only around 1160 £7 million or £8 million of savings had been generated, we were 40% of the way through the programme and we had barely saved 25% of the target.

1170 At least two thirds of the savings generated through this programme are attributable to the present States. That arises because of a decision made by the previous States and then continued by the present States that towards the end of the previous States there had to be a change in the way this programme was delivered, and as I understand it there had to be a degree of intervention from the then Chief Minister, because the thing clearly was not working. The way that the Treasury Department had tried to make it work was failing, and instead Departments were given cash savings targets. Now the way in which that was done, perhaps was slightly dubious, and it was done rather quickly, and it was done rather arbitrarily, but nonetheless the principle I think was right.

1180 In order to succeed with any kind of programme in the States, there has to be a degree of political ownership from inside States’ Departments, and Committees, because that is where the majority of States’ Members sit and that is where the majority of civil servants work. Now, there is always a lot of criticism of the Treasury & Resources Department, and at the moment I hear a lot of criticism about the authority, or the influence, of T&R and to some extent it is justified. But I would say to Members who are new – well not new to the States but who were new in 2012, be careful what you wish for, because the previous T&R undertook the flagship policy programme of the States, and did it by trying to centralise all decision making completely.

1185 Now this Treasury & Resources Department has not done that. They have allowed
Departments to make decisions in respect of the Financial Transformation Programme and that
has worked. That is why we have saved around about £30 million, because eventually, after two
years, the Treasury was persuaded that you cannot deliver programmes completely from the
1190 between Treasury & Resources and Departments in the present States. I am decentralist by nature;
I want decision making to be devolved. I disagree with centralisation, I do not think that
completely centralised decision making in our system of government can be remotely successful,
but that is what happened in the last States over the Financial Transformation Programme, and it
failed, and I am very grateful for the interventions there were towards the end of the last States
1195 which changed the way this Programme was running, because if we had carried on as we started
we would have been lucky to save a third of what has in the end been saved.

Thank you, sir.

The Bailiff: Deputy Gillson.

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Deputy Gillson: Sir, this speech is in three distinct parts, the success of the FTP, areas of
criticism, and thirdly a view of the Home Department, its achievements and concerns for the
future.

1205 I have consistently been a supporter of this FTP, and I remain a supporter of the FTP. Even
though the FTP did not achieve its target of £31 million, to make recurring savings in the region of
£28 million is a great success. The programme has had the effect of making everyone conscious of
costs, of the reality of the new economic circumstances the world has forced upon us. So for that
reason I am happy to say that the FTP should be classed a success. It is a success which, as others
have said, could only have been achieved with the great support of staff in all Departments.

1210 So, sir, the FTP has been a success, so what are the areas of criticism, and how valid are those
criticisms.

1215 The first and often made comment is that fees and charges are not savings. This is true: a fee is
not a saving. However, the ability for a Government to increase its revenue by the appropriate
application of fees and charges has always been part of the FTP programme, and I believe it is a
valid part of the programme. The FTP has made us all focus on what services we provide, and
whether they should be totally funded by the taxpayer, or whether it is appropriate for the
recipient to share the cost. The question which follows from this is what constitutes an
appropriate type of fee. I think it is fairly simple, it is reasonable to include as an FTP saving, fees
for services where there is a defined beneficiary for the service – my favourite example being
1220 paying for planning applications. If, when I make a planning application the only person who
benefits is me as the landowner, and my family, it definitely makes sense for me to pay for the
cost of the processing of the application. Why should other taxpayers effectively subsidise my
application?

1225 So there are fees which are valid. FTP fee-based savings which I feel should not be included are
fees which have been charged to other Departments or to other Government bodies. Fees
charged in this category should not be included in the FTP.

1230 Sir, there is one FTP item and I use the word item, and not saving, quite deliberately. There is
one item I do feel I have to specifically refer to, and this is the transfer of the payment of medical
consultants from HSSD to Social Security. I view that as taking money from one pocket rather than
the second pocket.

I can and do agree with the logic for Social Security fund paying these costs. But since the total
cost is basically the same, there is no saving. £x thousand was paid out of the HSSD pocket. It is
now paid out of the Social Security Fund pocket. Both pockets are funded by the population of
Guernsey. There is no saving. The cost of running Guernsey's public services has not reduced.

1235 Now the logic and justification for supporting this transfer was that there was a saving to
general revenue and therefore it falls within the FTP because the FTP was set up to reduce general

1240 revenue costs. The problem I have with this is that it is semantic argument, and one based on a reinterpretation of the original 2009 FTP Report. When I read the 2009 States' Report and the Tribal FTP Report which accompanied it, there is reference to 'encompassing all operational Departments'. There is reference to 'the financial bottom line of the States'. There is reference to 'revenue savings'. The T&R Report itself quotes the Tribal Report as referring to 'net revenue savings'.

1245 The only reference I can find to general revenue is in terms of the loan taken from the general revenue cash pool to meet the costs of revenue in capital projects. Note that in the T&R Report they refer to revenue projects, not general revenue projects. Now in making this distinction I run the risk of using confusing semantics, so let me clarify what I am trying to explain in a story Spike Milligan once told. As you may know he served in the army during the War and one Armistice Sunday in the 1970's he was passing a cathedral where there was a service on and he decided to go in. On entering the usher asked his name, he gave it and he was taken to a seat right at the
1250 very front with the senior officers, the great and the good. That may not be a surprise because he was a famous person, except he did not give his real name. Remembering his rank as an ordinary soldier and member of the rank and file he gave his name as General Public (*Laughter*) which the usher took to be the rank of General, rather than a member of the general public. (*Laughter*) He then did quip that if he had been a private citizen, he would probably have been put at the back.

1255 But, sir, the serious point I am making is that the original reports referred to savings of a generic revenue nature, a member of the general public in the Spike Milligan story, rather than the specific general revenue account. And so it is only by this inappropriate narrowing of the definition that the HSSD/Social Security transfer becomes eligible for FTP saving, and such a narrow definition is wrong, and the FTP item should have been excluded. (**A Member:** Hear, hear.)

1260 The point which the Programme Management Office has missed in allowing this to be classed as saving is that as soon as you have to resort to such semantic arguments, based around little more than which pocket the money comes out from, then the argument is lost, and the item looks like what it is, a fudge.

1265 Sir, I now go on to another area of savings which I find dubious. The vacancy factor, and I would like to draw Members' attention to page 993, specifically the amount in the right-hand column which has got £1.6 million described as 'vacancy factor'. I fail to see how a vacancy factor can be classed as an efficiency saving. It is completely wrong for this to be on the list, and wrong for Capita to have received a fee on it.

1270 If I may remind Members that a vacancy factor is, in general terms, 5% of each Department's established staff budget. It has been removed from the Department annual budgets, and about 40% of that is classed as an FTP saving, £1.6 million. KPMG in their report accept the use of vacancy factors in budgeting is not uncommon, and that is true, but it is a big step away from classing such budgeting as a saving, and paying a fee on it. Let's just for a moment consider a little more about the vacancy factor, and why I hold this position.

1275 To state the obvious, the vacancy factor is an arbitrary amount removed from the budget. To be able to do this a Department must have an agreed staffing established. In other words it must be in a position to say that in order to provide xyz services, it needs say 30 staff. So what impact is there of not having the 30 staff? Three scenarios are possible: full services are not provided, which is not in the interests of Government or the public; staff work extra hours without pay to provide
1280 those services, which is not sustainable in the long term; or staff cover the vacancies with overtime, which will cost at least time and a half normal time. None of the above are efficiencies. Far from being efficiencies, I would argue that vacancies upon which they can see factors based as a saving are in fact a measure of Departmental inefficiency. Having a vacancy for any length of time has to be due to the inability to recruit, which is an inefficiency of the recruitment process.
1285 Not having a replacement ready in order to take over from a retirement is an inefficiency in succession planning. Vacancies are not an indication of efficiency.

I am concerned looking forward that the introduction of vacancy factors in budgets will effectively result in actual budget reduction. Now this may be needed, but it should be done in an

1290 open way not an opaque vacancy factor way. If a Department or service can operate effectively,
can provide a required a required level of service with less than the agreed establishment, then
reduce the establishment which will reduce the budget. That would be an open and transparent
way of reducing budgets.

1295 Sir, as I said I am a total supporter of the FTP, I believe it has been a tremendous success, and it
is shame that items like this have been included in the FTP. It is a shame because such savings,
dubious savings, cast doubt on the size of the achievement and the validity of achievement. This is
why we at Home Department have declined to include some items in the FTP. Better to have a
lower total which we feel is fully justifiable, than a higher total with some dubious items. Hence
why at the start I referred to around £28 million of savings.

1300 Having said that, this is not all doom and gloom, we should not underestimate the success of
the FTP. We should not underestimate the sheer hard work and effort of the staff. The total saving
may not be the £31 million target, but it is substantial, and it is a substantial achievement. So,
when we look at this report and the headline issue, which has been that we did not hit the target,
we need to look at the reasons why this, not in a negative way, but we need to explore and
understand, to set a foundation for the further changes and further savings that have to come.

1305 To do that we need to consider a little history, the original savings total was identified by
Tribal, now Capita, and as has been mentioned expressed as 107 SOR's. Opportunities which they
considered were savings that might be possible to give rise to at least £31 million of savings. This
was changed in 2011 into Departmental targets as described on page 993. When this change
occurred there was still an expectation that at least some, if not a large proportion of the savings
would be generated from those opportunities.

1310 So it is appropriate to consider which of those failed to deliver, and T&R in 2012 kindly
provided me with a full list of these 107 opportunities. As an aside it is interesting to note that on
that list Home Department's savings, which were attributable to Home Department on its own,
excluding cross-cutting stuff was estimated to be only £54,000, which implies the remaining
1315 £2 million of our total should have been from cross-cutting savings. It is unfortunately the cross-
cutting savings which have not delivered as expected. The two most significant being the States-
wide area network, which was anticipated to deliver in the region of £800,000 and SAMP which
was expected to deliver £3.8 million, but according to this report delivered £50,000. My
understanding is there is little likelihood of the wide area network delivering significant savings,
1320 but on the positive side SAMP should still deliver those savings, just not within the FTP period.
Now had SAMP delivered its target, we would be well over the £31 million. So, sir, to be fair if we
were to remove the SAMP amount from the target and therefore compare a non-SAMP FTP target
with the non-SAMP savings, making a like for like comparison, we have an adjusted FTP target of
£27.2 million against savings in the region of £28 million. So even discounting some of the odd
1325 ones, it makes the States show it has done incredibly well in making these savings.

Now, I said I would address Home Department contributions, and I will state that I believe that
Home Department has done very, very, well. In fact in 2009 our budget was £29.4 million and we
have achieved total savings of £2.2 million. This leaves us with an FTP mortgage of £313,000, and I
have to say here and now, that I believe we are unlikely to achieve that total of savings in the
1330 short term without cutting services. Over the past few months we have put pressure on the
Department via the Chief Officer, to establish what savings can realistically be made, and this is
what we believe to be the real position. We have identified projects which may result in another
£100,000 but not certain. Achieving the balance of the £300,000, possibly all the £300,000,
depending on the outcome of those projects is likely to only be achieved by cutting services. Now,
1335 sir, I expect some Members to be saying, 'Oh, just the Home Department trying to find a way out'.
Not true. Let me demonstrate why.

It is worth pointing out that of our savings, 98% of them are due to efficiency. We have not
been able to generate new forms of income. In fact, we deliberately excluded. It was talked at one
point that some fines could be used as FTP savings, and we declined that on the basis that they
1340 are there to alter activity of people rather than to generate money. But, further evidence of the

efficiency changes of the Department is the Department's head count. In 2010 the start of the FTP the Home Department full time equivalent head count was 545.1. Compare that to the total at the end of 2014 which was 515.1, a reduction in staffing of 30 full time equivalents.

1345 Now, sir, let me be totally clear. I am saying that the Home Department has worked hard at transformational change, at driving efficiencies. I am suggesting the Home Department should not be held to this balance of £300,000 over the next two or three years, because I do not believe we can do it without cutting services, and there are a number of reasons why I think we should not be held. Now we will continue to look for change. We will continue to find savings where we can. It is just we are not hopeful, and we are trying to be honest. But, as I said the reasons why I think we should not be held to that final sum, this outstanding £300,000. First is the validity of the target. The Home Department was allocated a target of £2.6 million. Again page 993 – it is my favourite page – the question to ask is how was that target calculated? The answer is that really nobody knows.

1355 The Programme Management Office was not able to explain it to us, it seems that in 2009 the Department was asked what savings it thought might be possible, and it came back with a total of £2.6 million. But it seems that that was only an estimate, it was not given on the understanding that it be turned into some form of mortgage around the Department's neck. So, Home is arguably being penalised for being too optimistic in its estimates. Well, sir, it is worth actually turning to page 993 and looking at Table 3. The first column on the Table, on the left, details savings to 2011, £4.9 million. The second column details Departmental targets, totalling £28 million. Now it is quite noticeable about those two columns is that they add up to £33.1 million - but the target we have set is £31 million. Now, I am not suggesting anything wrong with that, but if you have a target of £33 million, Departmental targets of £33 million and the actual target is £31, then implicit in that is the acceptance that £2 million of those departmental targets would not be achieved. Because otherwise this report would be say comparing our actual against £33 million. So we have targets given to Departments, which we are being held to account to, which when they were set it was accepted implicitly that they could not be achieved.

1360 Now I mentioned earlier SAMP. Well there is a project called HOST, which is Home Department's project looking at the co-location of some emergency services. If this proves practical, and cost effective, it may well realise significant savings, unfortunately these are three or four years away. They are after the point when we are expected to clear the mortgage. So whilst they are there they are not going to be of benefit to us with this mortgage.

1370 Now what becomes very silly is that we could wipe out the balance if we accepted what I consider to be a false saving. Let me explain, it is to do with seized assets. There are occasions when assets resulting from criminal activity can be seized by the court. Effecting such a seizure in any particular case will involve work and resources, for which it was originally thought the Home Department could effectively raise a £300,000 recurring annual charge from the seized asset fund. Whilst it is reasonable to seek to recover costs, and something the Department has since agreed with HM Procurer, that it will do, there are many cases where the monies recovered should be repatriated to the victims of the crime as a priority. Therefore this £300,000 is not a secure income stream, and that is why the Home Department board have excluded it from any FTP, and one of the disappointing aspects of the FTP process is that if we as a Home Department were to play the game and allow this into the FTP, which bizarrely we could have done, we would be fine, we would have hit our target. But, because we are taking what we believe is the correct position of not including something which we believe is dubious, and therefore not including something which could discredit the FTP, we are being penalised with a £300,000 mortgage.

1380 Sir, as I said earlier we do not want to cut service to achieve our FTP target, especially when as I have demonstrated the target was pretty arbitrary, and arguably total targets were too high anyway. But we will if need be, if there is a need for the States as a whole to start cutting services we will cut our share. But that needs to be done by looking at the States as a whole, not on the basis of an arbitrary target set in 2010 of which nobody understands how the target was actually set.

1395 Sir, having been a few points there quite negative where does that leave us, the States, with
the FTP? Well, as I said at the beginning I will argue that on balance it has been more successful
than the numbers really indicate, because underneath the numbers is true transformation. Savings
of £28 million have been signed off, and it is a substantial amount. There are more savings to
1400 come, and as I said if you do a like-for-like comparison of the ex-SAMP targets with ex-SAMP
savings, the States has pretty well been on target, and that emphasises just what has been
achieved. So, on balance, we should not underestimate the success of the FTP and there are more
savings to come. The FTP has been a success and should be celebrated as success. It should not
be underestimated, and I agree with the Chief Minister, it is the start of an ongoing
transformation, and it needs to be the start of an ongoing transformation.

Thank you.

1405 **The Bailiff:** Deputy Trott, and then Deputy Soulsby and Deputy Gollop.

Deputy Trott: Sir, that was an excellent speech from Deputy Gillson, as was the speech prior
to that from Deputy Fallaize, and I want to address a couple of items from both of them.

1410 Let me start with Deputy Gillson who was very fair throughout, but there was a curious
moment or two. He advised us early on in the speech that a charge is not a saving, and he is
absolutely right, and went on to explain the Home Department's entirely logical and legitimate
stance on fees. Yet he repeatedly quoted recurring savings of nearly £29 million. You cannot have
it both ways. If a charge is not a saving we have not achieved the target of recurring savings of
£29 million. I will come back to that in a moment.

1415 But first I would like to deal with something that Deputy Fallaize said. I am always very proud
when people in this Assembly refer to me as an optimist; it is true my glass is usually half full. I
have to say on occasions during this term that has been a challenge, but nonetheless I have
managed to just about maintain that optimism. I have also never sought to claim that black is
white, but there was a time back in 2007 addressing a packed audience at Beau Séjour on Zero-10
1420 when I advised the audience that I do not believe then or indeed more recently that we have had
a black hole in our finances – we have had a grey hole, based on our demographics and the issues
surrounding an aging population, and I maintain that view.

Now Deputy Fallaize fell into the trap of telling us how important it is to be honest with our
electorate, and communicating an honest and legitimate message, and then he told us also that
1425 we have saved around £30 million a year. No we have not. If we look at page 994 of the Billet, sir,
where we are told in figure 7 the pie chart demonstrates the FTP whole programme savings by
category, it is quite obvious looking at that that efficiency savings, the real legitimate FTP savings,
amount to less than 70% of the overall figure. Fees and charges correspondingly account for
almost one in five pounds in each of the savings. So had my good friend Deputy Fallaize said we
1430 have made FTP savings of about £20 million, and had my equally good friend Deputy Gillson used
the same language, I would have had no issue, but they did not, and therefore I have. (*Laughter*)

Sir, Tribal told us back in 2007. How do I know? Well, not only was I there, but I asked them
this question. I said, what do you legitimately think we can save from our public sector
expenditure? Those who were there, Deputy Jones I am sure will remember this vividly – they said
1435 it should be relatively easy to save 10% to 15% of your expenditure, or if you like around
£40 million per annum.

Now, they were wrong, sir. They were so spectacularly wrong that we even had to change the
way we paid them, in order to keep them interested, such was the difficulty that they experienced
in finding the savings that they had experienced elsewhere. Why? Because we were not particular
1440 bloated then, and we are certainly not particularly bloated now. So, I make much of this next
comment and I wish Members would follow suit, and keep reminding our community of what a
good deal they get. The average taxpayer gets a great deal from public services. The average
taxpayer, or – I beg your pardon, I give way to Deputy Hadley.

1445 **The Bailiff:** Deputy Hadley.

Deputy Hadley: Would Deputy Trott agree with me that in fact it was not Capita or Tribal HELM or whatever we call them that actually found a lot of these savings, at the beginning of the start of this programme when I was elected? I was interviewed by the Colonel in charge of this operation, who asked us what savings could be made in our Departments, so in fact a lot of the savings were driven by Deputies, and civil servants, and they then wrote them down as their suggestions.

1455 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, that is a fair statement. That is what transpired. But then I suppose when you are all in something together it should not matter necessarily where the ideas come from, well not at least until you are paying a consultancy fee.

1460 Sir, the average taxpayer does get a great deal from public services, as I have said on numerous previous occasions, that two members of our community, a couple with average incomes and a couple of kids will not pay enough tax between them to educate their children, and the cost of education is only about one third or even less these days of our overall tax spend. So people do get a good deal. But, sir, people are not stupid, which is why we are seeing more and more of this enough is enough type campaign. There are a number of reasons why I think this is happening, but one of them is the fact that we are not always as honest and as clear with our message as we should be.

1465 Sir, I support the user-pays principle. I think it is right that if you are making a planning application... as I have done recently, and I await a favourable outcome from the Environment Department (*Laughter*) in the days, if not weeks or months ahead, sir. I support the principle of user pays, but I do *not* support the use of smoke and mirrors, or exaggerations of our success. It should have been enough to say that we have made £20 million worth of recurring savings legitimately, because that was an extremely and is an extremely good effort and the reason it has become more and more of a challenge is, as I have said because we are not bloated.

1470 Now let's just have a look by way of conclusion, if I may, sir, at page 1,000 of the States' Report, and immediately below the Table – those of you that have it – is a paragraph that starts 'the Health & Social Services Department'. Now the Health & Social Services Department has achieved £7 million of annually recurring savings under the Programme, £5.7 of the total being delivered in the final three years. This means the Department finished 2014 with a £3.6 million shortfall against its target. So the Department finished 2014 with a £3.6 million shortfall against its target, but if my memory serves me correctly, it is likely to exceed its budget allocation this year by multiple millions of pounds. The point that Deputy Hadley was making earlier: you can only squeeze the pips so hard.

1480 I believe that where Health & Social Services are concerned, particularly because of the demographic issues that I referred to earlier, and are well known to this Assembly, we have probably squeezed that Department's pips about as hard as we can for the time being at least.

1485 Thank you, sir.

The Bailiff: Deputy Soulsby.

1490 **Deputy Soulsby:** Sir, on behalf of the Public Accounts Committee, I would firstly like to pay tribute to all those across the States of Guernsey who have made significant contributions to the FTP process. Specifically to those individuals on the shop floor of the organisation who have invested vast amounts of their time and effort in supporting this initiative over the last five years.

1495 As the largest financial programme of this, or any other States, this Public Accounts Committee has been closely monitoring developments. The Committee continues to believe that the core principles of the FTP programme remain sound, as I have stated previously, running a fiscal deficit

albeit as a consequence of funding our capital requirements, is not sustainable and the States must seek to return to a balanced budget. The FTP was a significant tool in the quest to achieving this specific aim.

1500 However, the original vision of the fundamental spending review was focused on a cultural transformation throughout the States. Financial change being one of the key areas in the suggested first phase. The requirement for increased financial discipline through a cultural transformation is still needed today, as it was in 2009, and the Committee believes it is even more necessary now, with the increased external scrutiny arising from the multi-million-pound bond issue late last year.

1505 Now, I would firstly like to focus on the financial details of the FTP contained in the report. Members will be aware that the recent report issued by the Public Accounts Committee that analysed nine major projects of the programme that representing 35% of the total claimed savings. In that report the Committee has made a number of specific and broader reaching recommendations, and we welcome the T&R Minister's public recognition and broad acceptance of the key findings. As such it is not the Committee's intention to cover these in any detail within this statement, rather just a very brief summary where they directly relate to this report.

1510 We note the Policy Council Report acknowledges the financial rules were not documented, nor widely communicated, at the start of the programme, and the Chief Minister has addressed this today. This led to the level of uncertainty surrounding some of the claimed savings that prevailed afterwards. It is the Committee's belief that this was unacceptable for such a major programme, and wishes to emphasise again that it is essential that clearly defined rules are in place before the commencement of similar cross-departmental programmes in the future.

1515 Now the Committee's position on the inclusion of the £650,000 relating to visiting consultants is well known, and summarised well today by Deputy Gillson, and we note with interest that this figure is now classified within the Policy Council's Report as an internal transfer. However, similar concerns arise from the effective transfer of costs to Aurigny, as part of the air subsidy project. Whilst not specifically against the contract, the understanding of those within the FTP team was that internal savings were not within the scope of the programme. At the very least they were certainly against the spirit of the rules.

1520 Now one of the Committee's most significant areas of concern is the non-evoking of an advantageous contractual clause, relating to the use of the cost of capital. Significant capital costs could have been considered when calculating the net savings for a project. The decision not to use this clause to minimise a saving, and by definition the reward fee, does appear at odds with the premise of financial restraints of the FTP.

1525 Now moving on to future transformation. The original plan to deliver the 107 initial opportunities through seven work streams can hardly be claimed to have been an overwhelming success, as the Policy Council's own report acknowledges. Indeed the key focus on a holistic delivery mechanism, and the drive away from silo mentality, may have been compromised in the 2012 re-boot of the programme. The concentration on annual targets for individual Departments resulted in a focus on short term tactical savings rather than truly transformational change.

1530 The three recommendations of the Fundamental Spending Review Phase Two Report were to: one, establish a States' transformation programme, and two, articulate and communicate a vision for the States of Guernsey and, three embed a sustainable way of working. Within the details of the first recommendation the FSR Report states that the financial change programme should be initiated whilst and I quote:

'The organisational structures are established to enable the integrated transformation programme.'

1540 The T for transformation is an area that still requires further effort. Now one of the key cornerstones of the third recommendation, to embed a sustainable way of working, was the implementation of internationally recognised accounting practices. An area the Committee has constantly championed. While the States resolved in 2012 to phase in resource accounting and

1550 budgeting, and authorised T&R to use a fundamental spending review fund to enable it to happen. Three years later this has not happened. That is not acceptable, and consequently I will be laying an amendment against the SRC second policy letter, to ensure that under a new Government structure the move towards generally accepted accountancy standards takes place, and I will speak more on that in a couple of weeks' time.

1555 With regard to next steps, within such a sizable programme as the FTP issues are bound to arise. We would therefore call upon the T&R Minister, and the Chief Minister, to ensure that the lessons learnt from the years of working within the FTP, from the fundamental spending review through to today are acknowledged and embedded within the chosen future direction. In terms of identifying lessons learnt the Policy Council's end of Programme Report, whilst an extremely useful and informative document is self-reflective by its very own nature, and being largely written by Capita, for which they will have been remunerated. The Public Accounts Committee has actively encouraged Policy Council to agree to undertake further reviews connected to the FTP, and in particular, and probably most importantly, that of the SAP and Shared Transaction Service Centre. We understand this will commence within the next couple of months and are grateful to the T&R Minister for responding to our request that it is completed by the end of the year. We also welcome the Chief Minister's statement today that there will be a full closure report on the FTP. Something again the Committee has requested. The Committee will continue to focus on aspects of the FTP Programme where it believes it can add value within the bounds of PAC's limited resources. The Committee still requires assurance that all identified savings have been pursued to their fullest, those savings made are being appropriately monitored, the legacy of the investment in to the Project Management Office and transfer of skills in the consultants has been successfully embedded in the organisation, and finally that further programmes embrace the need for changed management if cultural transformation is to be truly achieved.

1560 The Chief Minister referred to adjustments being made to savings subsequent to their being banked, it is essential this Assembly continues to be kept informed of these changes.

1575 In conclusion, in terms of financial transformation is the work finished? Well clearly not, and the Chief Minister, give him his due, has made that very clear today. Irrespective of whether savings should have been included in the first place, it is clear that an increased level of ongoing monitoring is required if we are to be assured of their sustainability, and if we are to fully reap the benefits of the significant investment into the Programme. Public Accounts Committee wishes to be assured that ongoing, robust monitoring of the claimed savings will be undertaken, calls upon the Chief Minister to commit to providing detailed performance monitoring through the annual budgeting report. The management of change and performance within the whole organisation is going to be increasingly important for a truly effective and efficient service provision to the public to be maintained on an ongoing basis. Cultural transformation will be key, but at this stage the Committee is concerned that there is no substantive link to what happens next. The Project Management Office has been disbanded and there does appear to be somewhat of a vacuum. The Committee, and I hope any future Scrutiny Management Committee that supersedes it, will continue to take a keen interest in monitoring developments, as given the high cost of running the Financial Transformation Programme we can only be sure of value for money if you know that what began in 2009 is sustained, and indeed built upon over the next five years and beyond.

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1590 **The Bailiff:** Deputy Gollop.

Deputy Gollop: Yes, thank you, sir.

1595 I kind of wanted to give the speech Deputy Queripel did in a way, because I have been labelled, and Deputy Hadley rightly reminded us today, as an opponent, a person who voted against the FTP on more than one occasion, but in reality I certainly support parts of it. Just as some supporters have not agreed with all of it. I would say that anything that attempts to reform the public sector, drives efficiencies, reduces unnecessary expenditure, co-ordinates, has to be a good thing, and to a degree I support what Deputy Trott and others have said.

1600 It is, however, interesting that it can be looked at from a variety of different ways. I certainly
read an interesting comment by columnist Nick Mann in *The Press* a few weeks ago, and he very
much saw this as a process, like Deputy Fallaize did, that did not work initially when it was a
centralised dictate, and it only became more effective when it was owned by the Departments to
some degree. That is true, but at the same time, as has been pointed out by Deputy Soulsby and
1605 others, there were somewhat arbitrary targets given to Departments without obvious rationale
behind it on occasions, and there were some anomalies during the process too. For example, I
believe that one off bonuses could be given to Departments that performed well, but that was not
recurring. Was that an incentive to save money, was that an incentive to spend, you could look at
it in different ways?

1610 The initial process, I do not go as far as one Member did earlier in talking about perhaps in a
slightly pejorative way snake oil salesmen, but I did feel that the initial launch of this project
several years ago, was overly political, it allowed a consultant to tell States' Members what policies
they should be changing. I remember that in particular in relation to certain educational subsidies,
to infrastructure projects, to public transport, and we are still picking up the pieces now with the
1615 bus service, and only this year beginning to see the green shoots of recovery. So, we have to be
cautious with these projects, because, efficiency savings very quickly becomes a combination of
over centralisation and cuts, or putting the burden of cost onto the taxpayer in other ways. Just as
an aside I would remind Members of page 1040 where the Royal Court also managed to take part
in the process, and it is quite interesting to see that 65% of their FTP savings, £105,000, was for
1620 efficiency savings, but 35% was through increased fees and charges, so even at that level there
was an increase of fees and charges.

I think the process should go on, but very much in the sense that Government should get
smarter and do things better. My goal would not be necessarily to cut public expenditure, but to
redirect it into areas that are the most needed. Clearly efficiency savings in one area can lead to
1625 the kind of opportunities Deputy Hadley, and others, have outlined of expenditure where it is
needed. Earlier this morning we heard maybe we should be more in the vanguard of inoculation,
for example, of certain conditions. I mean we need to re-prioritise our spend.

I agree with some of Deputy Langlois' comments that it is easy to misunderstand the structure
of public sector employment, but I would caution the Assembly to recall that there is certainly
1630 some private sector pundits out there, who are of the opinion that we have increased our
expenditure on salaries, somewhat above the line of what they would have expected, and I
suspect that is due to a combination of pension costs and incremental increases and promotions,
but nevertheless it is clearly a cause for concern that we must continue to monitor and be aware
of.

1635 What I think though the FTP reveals as a real legacy, is quite what kind of process it was.
Reading the report, which is a good report and worth probably more extensive detail than it has
got, although we have certainly had some forensic speeches today by Deputy Gillson, Deputy
Soulsby and Deputy Trott, it does read almost more as an internal management consultancy
report from the senior executive to other Departmental people. It is not afraid to acknowledge
1640 relative failure, not only with the IT issues, but with the property management, which was very
much something launched on the States in an unexpected way, without due consideration. But, it
does seem to be a little bit of an apolitical process, there is not the sense that it has really been
politically driven. Its successes are, I suspect, more due to a combination of consultancy expertise
and staff cooperation and staff delivery. I am not too sure we as a political Assembly can take all
1645 the credit for this particular set of initiatives. I think that the nature of how we deliver change in
the future, from a more political communication point of view, is a lesson we have still to learn,
and may inform the debate next month.

The Bailiff: Does anyone else wish to speak in this debate? Deputy Sherbourne.

1650

Deputy Sherbourne: Thank you, sir.

Members, I will be brief, I have not got a long speech, but as someone who has been suspicious, I suppose is the word, about the FTP process, I would like to offer some thoughts which put me, I suppose, somewhere between Deputy Hadley's attack – a lot of the things he said I agree with – and the euphoria expressed by Deputy Lester Queripel.

My feeling is that, yes, the States' Departments, our civil servants, should be congratulated in achieving what they have done. As you know I sit on one of the largest spending Committees, Education, and basically in the last three years we have spent an inordinate amount of time finding those savings. We have not achieved our target of £7 million, but we have achieved something like it – I think £6½ million. We also, as Deputy Gillson has mentioned regarding the Home Department, will struggle to find the additional. But that is by the way, that is something for another day.

But there were hidden costs, there are hidden costs. T&R have not been able to assess the amount of staff time that was involved in the process of finding those savings, and managing them. I would suggest that the hidden cost has actually been to the detriment of our Assembly in that it has, if you like, focused the thinking on saving money, which is right and proper, and was a challenge for this Assembly, but it has taken it away from some of the more creative and demanding challenges that face the Island. Education has slipped in its attempt to implement policies which were outlined in the Vision Statement. We have suffered in debate because of that. You have said you have not produced your reports when you said you would. Well if I was to tell you that probably over a third of our time for the last three years has been spent in Committee trying to manage FTP savings, and applying the criteria that the Minister explained to you earlier, which was to ensure that we actually maintained the quality of education, that there was no disadvantage to our children, that has taken a lot of time, but mainly the time of our staff. It has resulted in so many things being held up, as far as I can see. I know some Departments found it quite a breeze to write off 10% of their budget, to actually raise charges to compensate. We have no such luxury, our decisions impacted on every sector in the Education Department's areas of responsibility, every sector, from primary rationalisation right the way through to secondary provision.

Can I just say to you the sort of things... and I hope my Minister will forgive me for actually sharing this, I remember a debate which really incensed me, one of the first suggestions for an Education FTP saving was to reduce the number of overtime hours for our caretakers. Okay, hit those that are least able to hit back. That was the way I looked at it, and I expressed that extremely strongly at our meetings. Cut the overtime payments to these people who are paid a poor wage to start off with, that are the heart and soul of the school, that make a school work. That was a real difficult decision for me, as an ex head teacher, and someone who has worked in many of educational institutions in the Island, and recognise that these people are *crucial* – not just the work they actually do, but the enthusiasm and the support that they give to the school. So I found that a terribly difficult decision to be involved in: much more difficult than the decision really for the closure of the schools, because they could be educationally rationalised. Now I do not want to compare the two, but it does indicate the sort of debates, discussions, time-consuming events that impacted on the work of our Department, and I suspect that that is true of other Departments.

I would like just for a few moments just to speak about a matter which several speakers have alluded to, and that is lessons learnt. I am interested in change management. I have been involved in that most of my career. I have seen a top-down model destroy a school: a top-down model where words were passed down from above without the necessary training and facilities and resources being given to front-line personnel. I have seen them destroy institutions. I believe that the first few years of the FTP process was beginning to do the same to this Assembly, or the past Assembly, nothing was happening, top down decisions.

My belief is you engage from the bottom up. The people who are doing the day-to-day work in institutions and in the services, they know where savings can be made. In fact they will be discussing them amongst themselves. I saw no evidence early on that that was taking place. I

1705 suggest that that is a culture change that needs to happen. It needs to happen fast. We engage with the people that deliver the services. If those decisions are either coming from the words – sorry – if proposals are just coming from politicians, that is just as bad. I do not want that. I want to discuss with the people that are doing the work, and that is not the senior managers. It was an error for the senior leadership team to be responsible for two years for the implementation of the FTP. We know that now. But what it meant was that it squeezed the period for Departments to meet their targets.

1710 I would not have objected to T&R or Policy Council saying to Departments, 'Look, we all need to make savings, we believe there should be a 10% across the board, please go away come back with ideas to do that.' We do not need Capita and organisations like that to do that. I honestly believe we could have achieved it. But that is water under the bridge.

1715 I just hope that as we move forward and I hope that the Chief Minister in his summing up will say just a few words about the future, the culture change, the training, the implementation, the change of culture, how we are going to achieve that, because that to me is our future. Not increased charges, not cuts to service. For heaven's sake, this Island has very good services across the board, they have been hard earned, hard won over decades! The Guernsey mentality in my experience has been one of extreme caution with regard to offering services, each change, each improvement has been hard won. We must not lose those. We must not give any of them away.

1720 Can I just finish by saying the questions that my colleague and friend, Deputy Green, asked, that is the sort of indication of what the FTP has done over the last three years. Because of time constraints for staffing, it has put on back burner those sort of challenges, if you like, that I started talking about – those things that really do impact on the Island. That is not to detract from the importance of efficiently spending our resources.

1725 What I would say, finally, is that I just think it has distorted our thinking for the last three years, and I hope that the sooner we can get to a more equilibrium on this the better.

Thank you.

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

1735 Sir, I think fortunately what Deputy Sherbourne has said has made my speech a little bit shorter, but I wanted to agree, essentially, distilling down Deputy Hadley's speech and getting to the essence of what he said, because I think there is a vein of truth running through it. I think the conversations people have around board tables are fundamentally different to the debate we are having on the FTP today, because I think the area that we have not touched upon – I am told my microphone is off – but sorry it is on. What we have not touched upon today is risk. What is the risk of proceeding with the FTP project?

1740 Now if we go back to one of the very early finds, it was like finding a seam of gold when it was actually fool's gold, was the bus contract, that you can drive home an FTP project, you can say to a company 'deliver this' – yes you will deliver it, but we are going to strip out a quarter of a million, or £300,000, or even more, and you lost something, and what was the actual cost to that? Whether it was confidence in the bus service, whether it was the message to the community and the belief in a transport strategy, however the community digested it, what is presented as a saving in a positive light had consequences that you do not always foresee.

1745 Now also Deputy Lester Queripel gave HSSD a pat on the back for off-Island savings. Of course, all off-Island spend that sits in that budget is not necessarily about people who are clients of HSSD because it is under one roof. But the point that needs to be addressed in this again is the risk to the community.

1750 When clinicians give recommendations to a political board to send somebody off Island because of the risk to the community, I believe what is happening now is the political interpretation, because by the very nature of these things being presented to the board, it gives an opportunity to interpret risk and weight that risk to some degree. If there is financial pressure

1760 driving that decision then you increase that risk. So having somebody back in the community is presented as a positive, and a saving, but is not without risk, and also what is the actual level of saving? Because to have somebody kept on Island with 24/7 care, with oversight from the Home Department, with input from a number of Departments, do we offset that cost against the comparative cost off Island? So although we can see the bottom line in not sending someone off and it is a saving, we should never disregard the risk of making that saving.

1765 I was a little bit disappointed, respectfully, in the opening by the Chief Minister, because there is a narrative that is incredibly appealing to the community, which is we had an obese Civil Service in numbers terms, that we were all working in silos, you could not get us into one corral, we were not talking to one another, or words suggesting that, when in my entire time in this Assembly the focus has been or seemingly on working with other Departments and delivering on saving initiatives. When I joined the States and when I became a member of PSRC, and I think it was a point made by Deputy Charles Parkinson on a number of times, when you looked at the cost of Guernsey's public service – and by that I do not mean just civil servants which frequently distorts this argument – when you look at the costs of providing the public services on Guernsey, it is much better than what Jersey deliver, and it is much better than the Isle of Man deliver.

1770 The other aspect of FTP that we do not discuss. I had a meeting some months ago with a senior member of staff, and without wishing to be rude to them, it looked like they had been mauled by an angry mob, because the pressure that staff are under to deliver, the real pressure that they are under to deliver this, is hourly, daily, weekly, monthly, and it is unremitting, and staff at a very high level, regardless of whatever salary people believe that they are earning, the demands have been intense.

1775 Just on that point that Deputy Jones made, I was confused about what Deputy Jones was saying the public believe that the Civil Service are overpaid and they do not like them getting incremental wage increases. Deputy David Jones, I am sorry, I do not know whether he was making that point or he was suggesting the public make that point, and perhaps he could clarify that. Thank you.

1785 **Deputy David Jones:** Actually, I never said anything of the kind. What I said was there is a public perception that the increases in Departmental charges are to fund annual pay increases.

Deputy Brehaut: That has given me the opportunity, thank you, to clarify that is absolutely categorically not the case.

1790 What I would like to see, sir, for my colleagues on HSSD, is what I could only describe as an FTP amnesty. How on earth can this Department inherit an FTP sum of £3 million or £3.7 million or whatever the sum is? How can we put that obligation on them, and then when they come into this Assembly and argue that they need a budgetary increase? It has been said by every Chief Officer, and there has been a few of them at HSSD that with saving at HSSD within health spend, you can manage it, it will plateau, but it is ultimately only going in one direction.

1795 So we can take the plaudits now; we can take the laurels; we can say that we have delivered on the FTP, but we should not conceal with that message to the community that we are done and dusted. We are not, because if you want to provide, or more importantly improve and enhance, then you have to go to the community at some stage and look at aspects of tax. I did not approve of GST but I think there are mechanisms such as TRP for example that could be increased.

1800 Just in closing, sir, I note the PAC Report on the FTP project. I do not know how much was paid to KPMG for their assistance, but perhaps if she could circulate that figure that may be useful too.

Thank you, sir.

The Bailiff: Does anyone else wish to speak in the debate?

1805 Chief Minister do you wish to sum up now?

The Chief Minister: I think I have got time, sir. I am not going to be very long. There were very few questions as such, but I will address those primarily, not go through everybody's speech individually. If I miss some please do indicate to me, but not many people asked for a response. I will make a few comments on some things that I think have been highlighted and drawn to my attention.

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Starting with Deputy Hadley, I think it is good that this Assembly has an opportunity to hear the views of individuals like Deputy Hadley, and it is good that we address some of those things, because one of the things that a long programme – this has been a long programme – causes to happen is that we have had several different Assemblies that have been responsible for its delivery, and therefore different changes of individuals in this Assembly. Now that is not to say I agree with what Deputy Hadley said, but, of course, he uses terminology that others outside also use, and I do believe in certain instances he is misguided. Nevertheless, he touched on a few things that I think later on Deputy Gillson and others touched on, which were to do with the definition of what was intended when the FTP was actually established.

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One of the things that is clear from this is that if we are going to, in the future, go through a similar programme again we need to establish the rules right at the beginning and understand what they are. We may disagree between ourselves, and obviously it will be a majority decision, but we need to be clear what they are, so that we do not have effectively waste of time at the end of trying to say should that be included or not in this sort of programme. That clearly was not done at the beginning.

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Deputy Dave Jones just did hint at, and I think was a point later taken up by Deputy De Lisle and he asked for a response, so I will make this comment now, but he did hint at the need for ongoing transformation, particularly in the public sector and particularly in the Civil Service, and that is something that I know is very strongly felt out there. Now I do believe, as Deputy Brehaut has alluded to just now, we have a very good, efficient Civil Service and public sector compared to many other jurisdictions. That is not to say we could not be better, and whilst sympathising with that view, it is my experience of three terms in this Assembly now, that I have come across instances where it is not possible, because of ingrained cultures to see quick and flexible moving and working between, not only Departments, but in some cases between different sections within Departments, and that is not to say that the majority is very good, but where that occurs it does slow things up at the very least, and in the end it costs us a lot more. As we will be aware, and I am sure others will make this comment, when we have the debate on the States reform through the States' Review Committee proposals, in the end it is not just structures that matter, it is actually persons, it is capabilities, it is skills, it is the ability of people to work with one another. That applies right across the board. The good thing, I suppose, about the FTP is it has challenged that, and in some cases highlighted where further work is necessary, and it certainly is the intention, working with the Chief Executive, to bring proposals that will lay out an agenda of reform in the future, and that will address those issues to make it easier for us, and more importantly for him, in terms of management to be able to address some of those things, and bring about those sorts of reforms, so that we have a more flexible and more available, informed and shaped public service that really can suit Guernsey for the years ahead.

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Deputy Conder was absolutely spot on in terms of talking about focus, and I just want to say one further thing with that, and that is, again I am not for self-congratulation, I was not suggesting that, some may want to go in that... I do not think it is helpful for us to do that, but I think we need to honour those who have worked hard, under huge challenges, to bring this about. Deputy Trott was absolutely right that Tribal HELM's suggestion that it would be relatively easy to see 10% to 15% reductions was nonsense, was proven wrong. It has not been easy: it has been very hard indeed. There have been members of Capita who have worked alongside some of our senior staff, and other staff who have had to work, all of them as teams, very, very hard in very difficult situations, to focus on these issues, and to come up with the sorts of savings that we have seen. So I do want to honour that commitment. What it has done is it has, I think, dialled up the degree of hard work, focus, and skills development within our public sector that is ongoing, and I

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1860 am very glad that we have, and we work with now, a Chief Executive who is going to take that forward, because that needs to continue. That is a good part of the culture that needs to be rolled out, but more of that in due course.

Deputy Gillson, I will just focus on a couple of things. I think he raised some very valid points and he has done that around the Policy Council table before now, he has a view regarding for example fees and charges, which may not be shared by others, but he has shared those views.

1865 With regards to the transfer for the consultants from one fund to the other, again we have sort of agreed to disagree on – again if the rules were set up at the beginning we would be more able to deal with that, and he illustrated that perhaps very well indeed. I do not disagree with his interpretation, it is an interpretation, but again some of us feel that the savings have occurred even though they are now funded by contributors to a fund rather than by taxpayers. It is a subtle point, but because it is now transparent in the report that is before us, then I believe we have done the best we can with the current scheme and the current FTP as it exists.

1870 With regards to the vacancy factor, I do agree with him, and I think that is something that needs to be focused on in the future, because we need to make sure – well, first of all, that we are more efficient in our dealing with succession planning, and in terms of vacancies and recruitment. We need to focus on those areas where we are finding it difficult to recruit the right quality of staff. There is something that I often say, it is not about numbers, it is about getting the right staff in the right places, and perhaps that is broader certainly than FTP as such, but it is nevertheless a good point to make.

1875 I do not think there are many more comments that I need to make, and I do not see that I have noted any other questions or responses that I need to make, but sir, I will just finish by saying that the FTP clearly has challenged us as a Government, and it has challenged our public servants and civil servants, and it has raised the bar significantly. The focus, of course, has been on savings, and that has not been a bad thing, and we have talked about that, but I think at the same time what we have realised is it has brought about a cultural change. I think going forward that change needs to continue the way of not immediately thinking that throwing some more money at a situation, or indeed even just increasing the number of staff, will help alleviate a problem that we have got. We need to think differently, and that type of thinking is beginning to happen more readily, more first type of thinking that comes to mind, rather than the old days where perhaps we had money and that was seemingly an easier situation, is to throw money at it. In the future, sir, it is my belief that this will need to change into enabling us not just to save but actually to spend better. I think we are better placed as a result of going through this process of the FTP, and the lessons learnt, to focus on that question of how can we spend better, and how can we target our spending to those areas that really need to be our priorities now and in the years ahead.

1885 So, we are only asked, sir, to note the – for the Assembly to note this Report but I hope that we will do so.

1890 Thank you.

The Bailiff: Members, there is a single Proposition, it is on page 1043 and, as the Chief Minister said, it is to note the Final Report on the States' Financial Transformation Programme. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare it carried.
1905 We will rise and resume at 2.30 p.m.

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

Billet d'État XI

POLICY COUNCIL

IV. Population Management Regime Statutory Official and Appeals – Propositions carried

Article IV.

The States are asked to decide:

Whether, after consideration of the Report dated 13th April, 2015, of the Policy Council, they are of the opinion:

- 1. To approve the proposals for the establishment of the statutory Office of the Administrator of Population Management as set out in section 3 of that Report.*
- 2. To approve the proposals for appeals as set out in section 4 of that Report.*
- 3. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.*

1910 **The Senior Deputy Greffier:** Billet d'État XI, Article IV – Policy Council – Population Management Regime Statutory Official and Appeals.

The Bailiff: The Chief Minister will open the debate.

1915 **The Chief Minister (Deputy Le Tocq):** Mr Bailiff, I would like to put this particular short policy letter in the context of other workstreams with regard to the outworking of Resolutions of this Assembly with regard to population management. At the end of July the Assembly will debate the policy proposals for transition. This policy letter deals with how the new Law is to be administered.

1920 The proposal to appoint a statutory official reaffirms the important principle that the political focus should be on policymaking and not on day-to-day administration, which should be led by a suitably skilled civil servant. As such, this assignment of responsibilities is entirely in line with the proposals from the States' Review Committee that we will debate in a fortnight's time.

1925 The proposal also builds upon the experience of administering the Housing Control Law, our existing Law, where the vast majority of decisions are already taken at staff level. The difference will be that, whereas Housing staff takes these decisions under delegation from the Housing Department board, under the Population Management Regime the senior civil servant in the Population Management Office will have his powers and responsibilities set down in Law. From previous experience I am sure that during this debate we will hear from some quarters that this is a watering down of political responsibility, together with concerns that whoever holds the post of Administrator of Population Management will be subject to all sorts of lobbying and other pressures from employers and individuals to come to a positive decision in respect of their application. Apart from the fact that whoever is appointed to this role will be bound by the Civil Service Code in relation to integrity, objectivity and impartiality, these concerns are ill founded, and I am going to give you some reasons for that: firstly, because the proposed statutory official will not act independently, but he will be accountable to a political board.

1935 Secondly, the statutory official will not be able to act with complete freedom, because they will be required under Law to take account of the population management policies set down by the overseeing political body and any relevant strategic guidance provided by the States itself.

1940 Thirdly, because unlike the Housing Control Law, where decision making is reactive based on largely unpublished policies, the intention is for the new Population Management Regime to operate proactively and transparently with published policies. This is what we have been debating over recent years and what we agreed would need to be the case for our future policy. Applicants

should therefore be far more certain of the likely outcome for any permit application they make, and the statutory official's latitude for discretionary decision making will be very limited, reducing any perceived necessity for lobbying.

1945 Fourthly, although from time to time there will be occasions when the statutory official will need to exercise some day-to-day discretion, almost certainly in relation to an individual's complex personal circumstances, the statutory official will have an obligation to report such instances up to the political body where it becomes clear that there is a policy gap that needs filling and that political body can take action.

1950 Put simply, rather than the somewhat blurred arrangements that exist today, it will be clear to all that politicians are responsible and accountable for the policies on population management and that the Administrator of Population Management and his staff will be responsible and accountable for implementing those policies appropriately. Governance will therefore be strengthened, not weakened.

1955 Turning now to appeals, the policy letter sets out the arguments why the Policy Council considers it necessary that appeals be made to the Royal Court rather than a specially established tribunal. In particular, because the new regime is intended to operate under a high degree of transparency and because every permit rejection will need the reasons for that rejection to be fully explained in law, the likelihood is that appeals will be few and far between but highly complex in nature. Accordingly, the Policy Council believes that it will be in the best interests of all parties if appeals are heard therefore by the Royal Court, as it will be more experienced and adept in dealing with complex legal arguments around matters such as individuals' human rights than a tribunal of lay members that may only convene on an occasional basis.

1960 I ask the Assembly to approve these proposals as an important first step towards the
1965 introduction of this much needed new regime.

The Bailiff: Deputy Dave Jones.

Deputy David Jones: Thank you, Mr Bailiff.

1970 I thank the Chief Minister for laying that out, except that it is one of the areas that I have had difficulty with on the working party. The present-day situation is that we now have a board of five political Members who look at Housing Licences. It is true, as the Chief Minister says, that many of those licences are decided under policy by senior staff. However, we know, as a board, the amount of pressure we come under by powerful factions outside the States who constantly want longer
1975 licences, more licences, no licences at all. That pressure has been constant in the 15 years that I have served on that board and I do not think that that is going to change in the future. In fact, I think in a way the advisory panel is going to make it worse, because you will have an advisory panel who will be, in many ways, putting direct pressure on the statutory officials to take certain decisions, sometimes in the interests of business rather than always the best interests of the
1980 Island.

The other thing about this is we still have not done the biggest piece of work at all, which is a cost-benefit analysis for bringing people in. The ex-Chief Minister, Deputy Trott, said this morning, in talking about taxes and education, that many people will not even pay enough tax to educate their children; so, in many ways, for some of the people we bring in we are operating at a net loss.

1985 The other thing is the Chief Minister said in his opening statement that the statutory official would be responsible to a political board. No, the statutory official, under the present arrangements, will be responsible to the Policy Council. But we know that it may be in a few weeks' time that the Policy Council will no longer exist, and who will the statutory official belong to then? My view is that that is a debate we have yet to have, because I believe there should be far better political oversight rather than just having what will be, if it is Policy & Resources, a
1990 horrendously busy Policy & Resources board who will just say, 'Take this away – you deal with it,' rather than giving it the political oversight it is going to need.

1995 The other point I make is that it is not always going to be about policy. Many of the licence
applications that we hear as a board are compassionate licences and you need the judgement of
Solomon, on occasions. So the idea that this is all going to fall neatly into policy decision making
by these officials is simply not true. They are very difficult because, as the Chief Minister indicates,
they are based on people's personal circumstances, whereby two cases are never the same, and so
there is going to be the same amount in number, and could even possibly be more under the new
system, that will fall outside a tick-in-the-box policy that you can make the decision on into
2000 subjective judgements. And that is what they are – whichever way you wrap it up they are
subjective judgements. Some have been tested in the courts, others have not, and they will be the
subjective judgements now of statutory officials.

I think also that we have a duty to protect those statutory officials as well. If these decisions are
going to be made behind closed doors without the kind of political oversight that you have even
2005 got now, then I think you lay those officials open to all kinds of accusations of favouritism,
nepotism, call it whatever you like. When those powerful factions –
I will give way to the Home Minister.

2010 **The Bailiff:** Deputy Gillson.

Deputy Gillson: My understanding is that under the proposed structure of Government the
statutory official will report to the Home Department. The Home Department will have political
responsibility for population.

2015 **The Bailiff:** Deputy Jones.

Deputy David Jones: Well, that is probably the case but I am saddened about that in one way,
given that the Home Department board members made a decision not long ago that gave a
policeman back a job who had been convicted of assault, so – (*Interjections*) I am sorry, but it has
2020 to be said. That was a decision that was made by Home Department members in the past – sorry,
not the present one – that I think was a wrong decision. So I think that it needs to be a group of
Deputies who enjoy the overall confidence of the States of Guernsey, and not just tack it onto one
Department because it is handy to do it that way. That is the point I wanted to make. I am sure
Deputy Luxon will agree that they are the points I have made consistently all the way through this
2025 process, and that is one area where I have not changed my mind.

The Bailiff: Deputy Domaille, and then Deputy Lester Queripel.

2030 **Deputy Domaille:** Thank you, sir.

I actually agree with everything Deputy Jones has said. I think this is a backwards step, frankly.
I would just like to ask one question, Deputy Gillson. I had understood it – and I am going off
paragraph 3.14 – that the post holder will be reporting to the Policy Council. It is the last bullet
point in that... Yes, please do. Sorry, yes.

2035 **The Chief Minister:** I think Deputy Gillson was trying to address the points that Deputy Jones
was making that in the future the proposal of the States' Review Committee is that that role would
not be taken by the successors of the Policy Council but by the Home Department. This does not
stop you, or Deputy Jones indeed, from laying an amendment to the States' Review Committee's
proposals in a few weeks' time to suggest that that role should report to the future Policy &
2040 Resources Committee. But at the moment yes, once this is passed it will report to Policy Council.
In the future, the suggestion of the States' Review Committee is that it should be undertaken by
the future Committee for Home Affairs.

The Bailiff: Deputy Domaille.

2045 **Deputy Domaille:** Thank you for that. We will wait and see how that debate goes.
To come back to the main point, I think this business of moving it to a statutory official will take away public confidence in the openness of the system. (**Two Members:** Yes.)

2050 By way of example – and it is a model that I think works very well, and I think the Chief Minister’s opening remarks probably support it, actually – I look to the planning system, where the States agree the strategy and the policies and whatever. The vast majority of planning applications are dealt with by the staff but the public have the knowledge that there will be – there are, on occasions, and they are a very useful tool – open planning meetings, where people can see the whole process there working, for people to see how it is working. It has got an appeals process sitting behind it, as it has with the decisions made by staff, which shows proper openness and transparency in everything. And yes, the States give the direction, but it does leave the room for judgement calls in the end, in the final analysis, to either be made by planning professionals in the case of the tribunal; or, in the case of the open planning meetings, by politicians. So I would be suggesting that that is a much better system than appointing a bureaucrat to do things, which may or not be but we perceive to be being done behind closed doors.

2060 Thank you.

The Bailiff: Deputy Lester Queripel.

2065 **Deputy Lester Queripel:** Sir, I *think* I support the proposal. The reason I *think* I support the proposal is because we are told on page 1160, in paragraph 3.19, that the governance arrangements will be as follows. The States of Deliberation will determine strategic population objectives, the Policy Council will make population management policies in accordance with those objectives and the Administrator will implement the population management regime in accordance with the objectives and the policies set by the States and the Policy Council. I appreciate, sir, that Deputy Dave Jones has a lot more knowledge than I on this matter, but that indicates to me that the States of Guernsey will still be in control of population management, and I certainly resonate with that approach.

2070 I do have one concern, however, and that is a concern regarding legal aid, because legal aid is funded by the taxpayer. I have had several conversations with the staff at Legal Aid over the last three years and they have always impressed me with their approach. They have always been extremely co-operative. They have always been professional. So I have no concerns whatsoever about the staff who are working within Legal Aid. I do, however, have a concern about the cost of legal aid to the taxpayer. I used the word ‘always’ three times in the last four sentences on purpose, because I would much rather have seen the word ‘always’ used as the bottom of paragraph 6.4 on page 1165 than the word that has actually been used, because we are told at the bottom of the paragraph that ‘generally, the grant of legal aid is subject to a standard means and merits test’, but my understanding, sir, is that an application for a grant from legal aid is *always* subject to a means and merits test. So I would like the Chief Minister, please, to relay his understanding of the application process for legal aid when he responds. Also, if it transpires that the application process is *not* always subject to a means and merits test, can he give me an assurance that he will use his considerable influence to ensure that it *is* always subject to a means and merits test in the not-too-distant future? The reason I am so concerned, sir, is because I believe legal aid costs the taxpayer over £2½ million a year at the moment, and my great fear is that if anyone who is not satisfied with a decision made by the Administrator could apply for a grant to appeal against that decision and the costs for legal aid could spiral out of control. So I look forward to an assurance, hopefully, from the Chief Minister when he responds to that, sir.

2085 I would also like some clarification from the Chief Minister, please, sir, regarding the issue of the court itself. I appreciate I am being rather pedantic here, but detail means a lot to me. We are told in paragraph 4.9 on page 1162 that for an appeal to be heard by ‘the Court’ it is likely to be more expensive for the appellant and take more time to conclude, and that it also involves greater

2100 cost to 'the Court' and increases demands on its time. But in paragraph 4.14 on the same page we
are told that the 'Royal Court currently hears appeals made under the Housing Control legislation'
and in paragraph 6.2, at the bottom of page 1164, we are told that the 'Royal Court does not
foresee any resource implications arising from the proposals in respect of appeals.' So, sir, I am in
need of answers to the two following questions. Are we talking about two different courts here?
Obviously, sir, I am aware that we have a Magistrates Court and a Royal Court, but paragraph 4.9
refers to the 'Court', whilst paragraphs 4.15 and 6.2 refer to the 'Royal Court', plus paragraph 4.9
2105 tells us that an appeal heard in court is likely to be more expensive to the appellant, which means
it will be more expensive to the taxpayer if the appellant is receiving legal aid. So there appears to
be something of a contradiction in paragraph 6.2, whereas I said earlier the Royal Court does not
foresee any resource implications in respect of appeals. So something does not make sense to me
there, sir, and I am hoping the Chief Minister is able to shed a little light into what at the moment
is a very dark corner for me.

2110 I would like to finish by praising the Policy Council, which may come as a surprise to some of
my colleagues, seeing as I have criticised the Policy Council on more than one occasion in this
Chamber, but I am believer in giving credit where credit is due.

I am not the only Member of this Assembly who has expressed concerns about the poor levels
of communication both within the States and from the States to the people of Guernsey in the
2115 past, so I am absolutely delighted to see that a communications plan is to be developed to ensure
that as much information as possible is made available to the public in order for them to be able
to understand how the new Population Regime will affect them. We are told at the bottom of
paragraph 5.6 that the Policy Council 'strongly believes that such a communications plan is
essential', so all credit to the Policy Council, sir, for raising their game and doing their bit to
2120 improve the levels of communication to the people of Guernsey.

The Bailiff: Deputy Luxon, and then Deputy Laurie Queripel.

Deputy Luxon: Thank you, sir.

2125 I think I must have been drinking what Deputy Lester Queripel has been drinking this morning,
because I too think that this is a very good report and I am in complete agreement with his
approval of it too.

Sir, just a couple of points. I think the governance issue for me, having been sat on the
Population Steering Group for some time now, on 3.19 absolutely shows the point that this States
2130 of Deliberation, this Assembly, will determine the strategic objectives around population
management, and of course that is why we have been working so hard to bring the Population
Management Regime forward to the Assembly for approval so that we can move from the
outdated Housing Control Law. The Policy Council now, although it could be another States'
Committee in the future, would obviously be responsible therefore for the statutory body which
2135 would absolutely then administer these proposals.

Sir, Deputy David Jones is right: he has always felt that the statutory body role is not the right
way to go, and indeed I recognise Deputy Domaille's view as well. But of course they are
interpretations or opinions based on Deputy Domaille's experience with planning, that has worked
very well, and Deputy Jones', who obviously sat in the Housing Department and has seen the
2140 process work well. The officers who have been very much involved with the Steering Group in
formulating these proposals to take to the Policy Council and now to you, all, to a man and
woman, with their many years' experience absolutely believe that this structure that we are laying
before you would absolutely protect the interests of the people best and give that governance
and give that protection to the statutory body, the official, that Deputy Dave Jones is concerned
2145 about. I think if you go to paragraph 3.11 it absolutely maps out why it should be the case.
Indeed, in the current system the Housing Department actually delegates to officers within the
Department that delegated authority to implement it.

2150 The other good thing is that currently under the Housing Control Law there are 13 or 14 – Deputy Dave Jones will correct me if I am wrong – different ways of attaining local qualification for residing in Local Market property in Guernsey. The new regime that we are putting forward simplifies that down to a much tighter band of criteria and actually defines them in a much clearer way. That will allow the statutory official, who clearly will have to have the appropriate experience, to be able to have then within his control clear direction of what this Assembly... what each Government wants in terms of its Population Management Regime.

2155 So I would encourage Members not to be concerned with the concerns that Deputy Dave Jones and Deputy Domaille have made. This is a very well thought out process to give governance but also to give a practical application. And remember – the new regime is going to be far simpler and far more prescriptive and defined than the current system, which again I think supports this approach. So I would urge Members to accept what is a well thought out set of proposals, and we have taken into account those feedbacks from Members here and others through the workshops over the last two years.

2160 Thank you, sir.

The Bailiff: Deputy Laurie Queripel.

2165 **Deputy Laurie Queripel:** Thank you, sir.

I hear the words of Deputy Luxon, but I do rise to support some of the comments made by Deputy Dave Jones and Deputy Domaille.

2170 I am particularly interested to hear – or I *would* be particularly interested to hear, if they are going to speak - the opinions of the Members of the Home Department, bearing in mind that the political responsibility for this may lie with the Committee for Home Affairs in the future. The reason why I say that... I must apologise; I am jumping ahead of the Billet just for a moment. In the Home Department's report about the Law Enforcement Commission, on page 1193, paragraph C.3, they speak about the different models of Law Enforcement Commission that could come into play. There is one that they comment on, called the 'Introduction of a single-member Law Enforcement Commission', and in paragraph C.3 it says:

'On a practical level, there are concerns that a single-member Commission would lead to potential resilience problems and that such a model may attract criticism for concentrating too much responsibility on a single individual.'

I may be mixing apples with pears here, sir, but that is the opinion of the Home Department in regard to having a single-member Law Enforcement Commission. I wonder what their views are on having a single statutory official in regard to population matters.

2180 I agree with Deputy Dave Jones. I think there should be. I have got no problem with there being a statutory official, but I think they should be supported by some sort of advisory panel that has some political representation, because in my view there is no more fundamental issue than the issue of population. It impacts upon the life of every Islander. It has an impact socially, environmentally and economically, and I think it will give the public some confidence if they knew that their political representatives had some involvement in a very real way in regard to the oversight of the statutory official. I say that, sir, because it seems to me... and it is something that is very much in vogue at the moment and is something that I mentioned at the Vale Douzaine meeting on Monday evening. I had the Douzaine in rapt attention, as well as the Deputies who were in attendance – and that is code for saying they stayed awake while I spoke! I said it, but I advanced what I am calling my 'political circle theory', and it seems to me there are more and more areas being created that politicians are not allowed to... or should not have an involvement in. I understand the rationale for that to a certain extent, but there is the judiciary, there are statutory matters, and more and more we are hearing this reason given, when something goes wrong within a States' Department in regard to its functions or its services, 'That's an operation matter; it's not a political one.' It seems to me that the political domain is becoming encircled and there are more and more things that politicians cannot seem to be getting involved in or having a

say in, or having an influence on. I think we were voted in by the electorate, by our constituents and our parishioners, because they want us to have an influence. They want us to have a say, they want us to get involved, and it seems to me we are being isolated more and more within this political circle. I am really concerned about that.

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I will be really interested to hear from members of the Home Department in regard to their view in regard to a single-person Law Commission and how that equates to a single statutory official in regard to population matters.

I appreciate what Deputy Luxon and the Chief Minister have said about the policy, and that the Law has already been created by us and then the statutory official has to work within that, but they still have some room for interpretation. It will not always be the same person in that position. There will come a time when perhaps somebody with a more liberal approach might be in that position in regard to population.

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So I understand the reasoning behind this proposal, but I have some concerns. I think there should be some better political oversight and involvement.

2210

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Sir, I have never sat on the Home Department. I used to sit, in a way, on the Police Consultancy Committee, but I will come to that later.

2215

I did sit on Housing for four years, which I found a very interesting and challenging experience, and I can certainly say that the board then, and probably still today, looked at every application with a very great deal of rigour and detail. In many cases we reviewed the same case two or three times. We were not always united and sometimes the majority went one way and sometimes it went another, but in those days we had five political Members, which changed over time – in fact, some of them are still here, Deputy Brehaut and Deputy Dorey amongst others – and we also had two excellent non-States Members, one of whom I think it still involved in the Department. I mention that to give a perspective, because we were also assisted by two excellent officers as well as the Chief Officer, one of whom recently gave a well-informed presentation to the Chamber of Commerce. I think the attended lunch gathering there was somewhat interested to realise that, contrary to their own beliefs, about 90% of applications actually get passed. The issue may well be those that are not put forward.

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So I actually think, in a way, the Housing Department have been doing their job. I probably would like to see a more liberal regime, unlike Deputy Queripel, in some areas – Deputy Laurie Queripel – and I might disagree with the nuance of what Deputy Dave Jones said in relation to separating the interests of the population as a whole from those of the lobbyists, because sometimes clearly the lobbyists are way out on a limb; but sometimes the business of Guernsey is business and as we maybe be seeing, according to Deputy Kuttelwascher and the Economic Report, a decline in our population that may be a trend, we have to bear that in mind too. I think all those circumstances mean that I am very sceptical towards the tone of this report and will vote against it.

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I think the creation of a statutory... well, not necessarily called a statutory official now but an Administrator is, as Deputy Domaille has said, a retrogressive step. If I turn to page 1158, it says there are options for a statutory body, one of which was an independent organisation like the GFSC, or an independent official such as the Director of Civil Aviation – well, they could have mentioned the Director of Environmental Health and Pollution – or an official who is a civil servant such as the Registrar of Companies. The States has opted, or the Policy Council has opted, for a civil servant who is an official.

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Actually, if one was really being more relevant in seeking the right direction, I think an independent official would have been a better path to follow, because when an official is a civil servant there are two issues there. Firstly, he or she may have a line manager and appraisals; and secondly, more significantly than that, the official is a member of a united service – and we are

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2250 getting that message very strongly from the Chief Minister and the Policy Council that we do need
to think of ourselves as one body delivering the service, and I think that is right but it would put
such an official in a slightly difficult position when Government Committees or Departments or
Agencies are putting forward applications. I am thinking here of Health, Education and any others.
I do not think we should get ourselves in the situation that we have already seen in the past, with
possibly planning and certainly aviation, whereby there are issues as to whether we can separate
2255 our role in Government from our role in regulating the private sector.

I think political oversight has generally worked. If it did reach a stage where it perhaps was not
as smooth as it could have been it was because – to point out to Deputy Laurie Queripel –
perhaps at times Housing was more conservative than liberal, and that of course inevitably led to
appeals, some of which may have gone the wrong way from a political point of view, and led to
2260 the inevitability of change. But I do think that we have to tread carefully with this body. We are in
danger of delegating too much of our functions to non-politicians.

I would also point out that there is an interesting paragraph condemning an option for an
appeal mechanism. It is said that we turn down – unlike in Planning, which is a specialised body –
an appeal mechanism here... and gone for the Royal Court, which I would agree is an expensive
2265 and burdensome business. In paragraph 4.6 on page 1161 it says

‘However it is necessary to populate a tribunal or panel with individuals with appropriate knowledge, training or
experience. Appeals under the existing Housing Control Law not only engage matters relating to that Law, but also
human rights arguments and, as such, the consideration of such appeals can be highly complex and require an
assessment of detailed technical and legal submissions. The body that hears such appeals must therefore have a
detailed working knowledge of the relevant legislation and relevant precedent.’

If that is true, that surely would apply to Social Security tribunals, Income Tax tribunals and
Planning tribunals, and also it kind of suggests that members past and present of the Housing
Department might by inference lack those qualifications, so maybe this report is saying I did not
2270 know what I was talking about.

Deputy Luxon: Point of correction, sir. Deputy Gollop was talking about the appeal, but of
course that would be the Royal Court that would be looking at that appeal, not the political body
responsible. And there has only been one appeal a year over the last 10-year period, so it is a very
small incidence.

2275 **The Bailiff:** Does anyone else wish... Deputy De Lisle.

Deputy De Lisle: Yes, thank you, sir.

I think the points made by Deputy Gollop have some significance, because I note that in the
2280 paper here they say that the Administrator will have to have some discretionary powers. Those are
the breakdown of relationships, for example, bereavement, serious illness or disability, and abuse
in relationships. These are fairly complicated areas that would be left to the Administrator or his or
her designate. Also the Administrator will have to have some powers to deal with these cases on
an individual basis as they arise, taking account of the obligations according to the Island’s human
2285 rights legislation. All this seems to get more and more complex and you just wonder whether such
matters should be left to an individual or that individual’s deputy.

I also would like to establish the total costs of running the new Population Management
Regime, which I understand will be no more than the current costs of administering the Housing
Control Law. Many would want to know what is the cost of administering the Housing Control Law
2290 at the current time and whether in fact we should be looking at some reduction in the costs
through efficiencies in Government and the general austerity in Government services that we are
all supposedly leading to. It would be nice to know, anyway, what the costs are. I notice the two-
year contract cost of £85,000 in 2015, £95,000 in 2016 and £20,000 in 2017, but I just wonder
whether that would include the Deputy Administrator as well, because I see that a Deputy
2295 Administrator would also have to be appointed. It all starts adding up, sir, and perhaps the Chief

Minister can give some indication of what will be the costs of administering the Housing Control Law to the people of Guernsey, and at the same time perhaps allay some of my fears or concerns with regard to the duties and the different responsibilities and as to how far those responsibilities go with respect to that individual.

2300 I think there are many concerns here that we need to be cognisant of before going ahead and agreeing to and approving the proposals that have been suggested here for the statutory office of Administrator of Population Management.

Thank you, sir.

2305 **The Bailiff:** Deputy Gillson.

Deputy Gillson: Sir, in answer to Deputy Laurie Queripel's request for someone from the Home Department, I am speaking as an individual rather than in the capacity as Minister of the Home Department because as a Department we have not actually discussed this in any great detail.

2310 I am content with what is in here. I think there is an important difference in that the post holder would be a civil servant in the Department, not a completely independent person.
Thank you.

2315 **The Bailiff:** Does anyone else wish to speak? No.
The Chief Minister will reply to the debate.

The Chief Minister: Thank you, sir.

2320 Deputy Jones began and, as Deputy Luxon has already said, was consistent with expressing views that he has expressed around the table in many different formats for some time, although I think he illustrated the difficulty here that we find ourselves in. In wanting political oversight for this he was then critical of a political board or it going to the Committee for Home Affairs in the future, because he did not feel they would make the right decisions. I think that is the whole point. *(Interjection)* That is the whole point here, that actually, whether you have a statutory official, an independent official or a political board responsible, there are always going to be occasions where there are challenges and problems and discretion is necessary. It is not so much a matter of whether that occurs or not; it is a fact that it will occur and sometimes we will not be pleased with those decisions that have been made. In those circumstances we need to –

2330 **Deputy David Jones:** Sorry to interrupt. The difference being, sir, of course, that the politicians are accountable to the public and can be removed; statutory officials cannot.

The Chief Minister: That is not quite correct, sir, actually, in the sense that this will be a statutory official who will be a civil servant, and in many ways there will be a greater degree of accountability, or at least as much as there is at the moment with the current relationship between the Housing Department and its staff.

We certainly believe that what we are proposing makes the –
I will give way to Deputy Trott.

2340 **The Bailiff:** Deputy Trott.

Deputy Trott: I am grateful, sir. It seems to me that if that is the case and the civil servant is going to be beholden to his or her political masters, then what is the point of having a civil servant in such a post as is purported to be independent?

2345 **The Bailiff:** Deputy Le Tocq.

The Chief Minister: To be clear, we are not going for an independent official as such; there will be a statutory office that will operate the Law.

2350 The key thing is, and I think we came on to it at several points, we are not dealing with the old Housing Control Law, of which there were many anomalies – it has been difficult to operate in certain circumstances because it was not designed for today and we are now using it for different reasons – which is the whole reason this Assembly has decided to change to a new Population Management Regime. What we have done in designing that regime, this Assembly together, is be
2355 far more specific about the operation of that new Population Management Regime under the Law, and so as a result it will be clearer for individuals, when they come to make their applications with regard to permits, as to where they stand and it will be therefore easier for this official to make his or her judgements on that basis.

2360 But coming back to my point before, there will also need to be some discretion. As I pointed out earlier, it will be necessary for that individual to report to the political board responsibility. The States' Review Committee is suggesting in a few weeks' time that it should move from the Policy Council to the Committee for Home Affairs in the future, but wherever it reports to, if it is at the moment with the Policy Council then it will be down to the Policy Council to decide how to instruct and give directions to that statutory official as to how they should operate within that
2365 framework, or if there is a need to change the Law in some particular area.

I do think that it is a political decision, and that is why it is before us today, but we believe this is the best way to operate and we also believe, to pick up on something that Deputy Domaille said, that actually this will be more transparent, more open, than the current system. He talked about decisions happening behind closed doors. Well, in a sense that is what happens at the
2370 moment to a certain degree and certainly in some circumstances you would continue to do that, except when it comes perhaps to the Royal Court, because of circumstances that are of the individuals concerned.

I will give way to Deputy Lowe.

2375 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you very much. It is just something you said, and I wondered if you could continue and just expand on the comment you made that the individual will be in a statutory position but will have discretionary powers; which is all very well but when you have got just an
2380 individual, that discretionary power leaves them possibly wide open, from public perception – especially if it is a civil servant, who is sort of behind closed doors and it is not in the public arena – that they could be influenced, and that is the downside of not having a panel and having discretionary powers on just one individual. I wonder if he could expand and give me comfort on how that can be addressed, and give me reassurance that actually that is not going to cause
2385 problems from the public perception, and indeed from States' Members' perception too.

The Bailiff: Deputy Le Tocq.

The Chief Minister: I thank Deputy Lowe for the question.

2390 I think it is true to say that our anticipation is that the exercise of those discretionary powers will be less so than currently exists and would of necessity be so because of the move from our current system to a new regime.

If we were to set up a tribunal – to pick up on the points that Deputy Lowe has just raised and I think Deputy Laurie Queripel was raising before then – the problem with that is the tribunal, to
2395 some degree, probably would not be able to deal with all of the legal aspects in an effective way, apart from the fact it would cost a lot more to operate in that manner, and we would need to effectively employ three people to do what we believe would be more the job of one individual, with accountability to a political board. To talk about comparisons at the moment, I think the best comparison probably is the Data Protection Commissioner to some degree, which of course

2400 reports to the Home Department, but the reason why the Committee for Home Affairs in the future seems a good one is because there are probably lots of examples in that relationship the Home Department have with their officials, such as the Head of Law Enforcement, where there is a statutory responsibility but at the same time they are accountable and can be questioned and have to report to a political board, and that is certainly what will continue.

2405 Deputy Lester Queripel said that the current regime is open to... Well, he did not say this; this is in response to his comments. The current regime, I believe, is open to much interpretation, which is probably why he is again trying to pick out the way in which the current regime works and trying to see how the future regime will work, thinking that it will be the same. We do not believe it will be the same.

2410 As a result of that, can I just pick up on the question that he asked with regard to legal aid, as to why it says 'generally' there is a means and merit test. The reason for that is because occasionally the Legal Aid Administrator has some discretion. Where people are known to be on benefits and therefore of limited means they are sometimes passported into legal aid without that test taking place. It is very rare but that does happen. Other times, the Administrator has the ability to exercise discretion in exceptional cases – for example, in criminal cases where perhaps the person's funds have been seized, so they do not have access to those funds in order to support themselves. So those are the exceptions and that is why the word 'generally' is there as opposed to 'always'.

2420 I think I have answered Deputy Laurie Queripel's questions. Again, he talked about is it apples and pears. I think it is. I think the example he gave was one example, but I have given another in terms of the Data Protection Commissioner or the Head of Law Enforcement; and the reason that, for example, in the case of the Law Enforcement Commission not being the Home... I do not want to take the words from the Home Department Minister but, having said that, I have been in his shoes and I know that the difficult of that is you would have one statutory official and another
2425 statutory official effectively trying to report to the same board and governing in a different way, and that would not work. So it is slightly different when you are talking about the Police Complaints Commission situation and the Law Enforcement situation.

What we have got before us is, I believe, a system that will be cost effective. To come on to the points about costs that Deputy de Lisle raised, the costs at the moment you can tell from the States' accounts in that largely what the Housing Department now has to do is to administer the current regime. All we have said is we are committed to make sure that it will not cost any more than the current regime costs to administrate; and so, as a result of the fact that in the future there will not be a Housing Department board, that will in a sense reduce the need for political involvement and political costs on there, and I think it is pretty transparent as we move forward
2430 we will be able to make that comparison, but we are certainly committed to make sure that it does not cost any more in the future.

2435 Sir, I think this is just a matter, really, of political decision as to which way we go. We are recommending the Propositions that are in this policy letter and I encourage the Assembly to support them.

2440 Thank you.

The Bailiff: Deputy Lester Queripel.

2445 **Deputy Lester Queripel:** Sir, I did ask the Chief Minister if he could shed a light into a dark corner in relation to the apparent contradiction due to our being told in paragraph 4.9 that an appeal heard in court is likely to be more expensive to the appellant and the court, and then being told in paragraph 6.2 that the Royal Court does not foresee any resource implications in respect of appeals. I would appreciate if he could clarify that, please, sir.

2450 **The Chief Minister:** They are the same court that is being referred to.

The Bailiff: Thank you.

Members, there are three Propositions. They are on page 1169.

2455 It seems to me there may be some Members who would like Proposition 1 to be taken separately. Proposition 1 is to 'approve the proposals for the establishment of the statutory Office of the Administrator of Population Management as set out in the section 3 of that Report.' We will vote first –

A Member: Can we have a recorded vote, please?

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The Bailiff: – on Proposition 1 with a recorded vote. Proposition 1 on page 1169.

The Senior Deputy Greffier: The voting this session, sir, begins with the West.

2465

There was a recorded vote.

The Bailiff: Well, Members that clearly has been carried and we will get the formal record of voting in a moment.

2470 I put to you Proposition 2, which is to 'approve the proposals for appeals as set out in section 4 of that Report.' Those in favour; those against;

Members voted Pour.

The Bailiff: I declare it carried.

Proposition 3, to direct preparation of legislation. Those in favour; those against.

Members voted Pour.

2475

The Bailiff: I declare it carried.

V. Review of Adoption Law – Propositions carried

Article V.

The States are asked to decide:

Whether, after consideration of the Report dated 27th April, 2015, of the Policy Council, they are of the opinion:

1. To direct that the Adoption (Guernsey) Law, 1960, be amended, so that in addition to single people and married couples, it provides that a child may be adopted jointly by a couple who are:

a) in a civil partnership; or

b) in another legally recognised relationship between two people; or

c) two people (whether of different sexes or the same sex) living as partners in an enduring family relationship

with each adoptive carer having equal rights and parental responsibility.

2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

The Senior Deputy Greffier: Article V – Policy Council – Review of Adoption Law.

The Bailiff: The Chief Minister again will open the debate.

2480 **The Chief Minister (Deputy Le Tocq):** Sir, I have little to add to this short but simple and I
think self-explanatory policy letter, but I want to speak from a personal view point to support the
Propositions before us and also to encourage this Assembly to unanimously support these
Propositions. I am speaking as an adoptive child myself and I believe that the best thing that a
community can give to a new life after conception and birth is the hope of being in a loving
2485 family. (**A Member:** Hear, hear.)

It is not for governments to define what a family should look like, any more than a
Government should define what marriage should look like. We are living at a time when there are
multiple different ways in which families exist, and I am thinking particularly from the point of
view as an adopted child. Rather than being institutionalised, I think the opportunity of being in
2490 an environment where one is loved unconditionally and given all the hope and support through
life, whatever shape or form that takes, is far better and I think we should allow that to happen.

Our current Laws are very inflexible in that regard. I know that Members in this Assembly have
done and do take part in our community in terms of fostering and adoption and provide that sort
of opportunity. It very clear that a good family can be one person, two people – it really does not
2495 make a lot of difference. What is absolutely essential is that they are committed to that child.

I think the Propositions here before us are absolutely essential today to protect our community
and to give the best chances to those children in our community who need loving families, so I
ask this Assembly to support them unreservedly. (*Applause*)

2500 **The Bailiff:** Deputy Laurie Queripel, then Deputy Trott.

Deputy Laurie Queripel: Thank you, sir.

I suspect I am not the only Member of this Assembly feeling a touch uncomfortable or uneasy
about this report. I think that is natural, bearing in mind to some extent that different generations
2505 are represented within this Assembly. It does not mean, because you are part of a certain
generation you will be thinking a certain way, but nonetheless... And of course there will be
members of the public who will feel that this is not the right way to go and will not agree with
elements of the recommendations attached to this report.

So there are a number of reasons why I feel uncomfortable and why I have some concerns and
questions, and I will need answers to those questions if I am going to vote in favour of these
2510 recommendations.

Firstly, I am uncomfortable on a personal level because I want to be able to support proposals
and initiatives that are classed as socially progressive, but that does not mean that every idea that
is tagged as 'progressive' or as 'the 21st century way of doing things' will always lead to desirable
2515 outcomes or be without consequence or fallout. I am not bothered about not being politically
correct, because I think there is a difference between being politically correct and good social and
progressive policy.

In my view it is possible that there could be downsides to this and I think they need to be
considered and thought about now. The word that comes to mind for me is 'motive', and there
2520 are a number of issues that emanate from that, bearing in mind that we are told, whenever it
comes to matters to do with children, we need to put the interests of the children or the child first.

I realise that in order to be able to adopt a child, a same sex couple, for example, will have to
undergo a rigorous assessment process and meet stringent requirements, and that is what it says
very clearly on page 1172, paragraph 4.7. I must apologise to the Chief Minister and my
2525 colleagues if I have missed this, but I see very little in this report about the rights of the child.
Whether the child has the ability or right to say no to being adopted by a same-sex couple, if they
are old enough – I presume if they are old enough – to articulate that preference or that view. I
see nothing about that. If a child is adamant that they want to be brought up or live in a
traditional or a conventional family setting – a mother figure and a father figure – how do they
2530 stand? Where do they stand? I am concerned about that, because if you look at the Parry Report –
to give it its full title, 'Final Report to Health & Social Services Department board, States of

Guernsey and Alderney, Service Diagnostic in Respect of Children's Social Care' – on page 7, it says this:

'There is no clear voice for children and young people in care, and no forum for those children to come together, or for service users to inform the way in which services are delivered.'

2535 So I do want to know – and this is my first question: if a child is of the age where they are able to articulate a view or an opinion, where do they stand if they want to be part of a conventional family with a conventional mother and father figure, rather than being adopted by a same-sex couple? I am not doubting for a second that that same sex-couple could not provide a good home for that child. I am saying: what about *their* rights and what about *their* opinions and what about *their* views? We are told that everything should be in the best interests of the child. How
2540 can it be in the best interests of a child to place that child with a couple or within a situation or an environment where they do not want to be?

In relation to that, if a child is placed with a same-sex couple from a very early age, so young that it is not possible for that child to really be aware of what is happening or to have an opinion on where they are going and where they end up, what happens at a later stage when the child
2545 realises perhaps that it is not in a setting that it is comfortable in or wants to be in, if it does not want to be there? What processes, what mechanisms are there to address that, if that child actually says, 'No, I don't want to be in this situation; I want to be in a different situation'? So that is my second question: how will that situation be handled if a child who has been placed with a same-sex couple comes to the point in its life when it says, 'No, I don't want to be here; I want to
2550 be somewhere else'?

Again, in relation to that, have any studies been done... I am trying to put the best interests of the child forward here, sir, and I am trying to put myself in their shoes if they have a preference of a view, so I do not know why Members are muttering and complaining, because I am just trying to look at this from all angles and consider all things and consider the *child's* position and what that
2555 child might think, or what it might believe, or what preference it might have. So I am asking what studies have been done in regard to children being adopted by same sex couples that perhaps show, perhaps in later life, that they were not happy in that situation despite the best efforts of that couple, that they perhaps resent having been put in that position and it had a negative impact or effect upon their lives perhaps in later life. I do not know if any of those studies have
2560 been done, but that would be useful information to know what happens in that situation. Or has that situation arisen and has it been noted where children have been put in that situation, have not really wanted to be there and have resented being put there, particularly in later life?

I heard on the radio on Sunday morning – during the phone-in, it was – the view put forward by one of the panel members that if a child was adopted or placed with a same sex couple and was looking or desiring of a more conventional family setting... the point was made that perhaps
2565 the adoptive grandparents, as it were, could come into play there, or the families of friends could be accessed. That is an interesting theory and I do not think it is without merit, but it is not the same thing at all, which is why I have made the comments I have made and asked the questions I have asked. I want to know where the child stands in various... if they have an opinion in regard to
2570 where they are and if they want to be there or not, or how things turn out in later life and they actually say, 'I didn't really want to be there.'

So my point is: who or what is really being put first here in regard to this report and these recommendations? This is where I come to motive, motivating factors and priorities. Dare I say it, sir? Well, yes, I have, and yes, I do, because we are talking here about children's lives and their
2575 futures. Is there any pressure being applied to be seen to be putting in place politically correct processes, social policy ideas that are classed as progressive? I have got no problem with that. I have got no real problem with these policies ideas and these initiatives being progressed and being put forward, but are those things being considered as equal to or perhaps even above the best interests of all children?

2580 Another factor to consider: there is clearly a significant shortage of people – couples, families –
 putting themselves forward as prospective adoptive parents, and there is great pressure here. You
 could say it is a supply-and-demand scenario. This is another question: to what extent has that
 situation expedited this report and these recommendations? Have we properly examined or taken
 2585 under consideration why this situation exists? I am going to turn to the Parry Report again, and
 that gives us a clue why this situation exists and why this pressure is there. Just quoting a few lines
 from the Parry Report:

‘Child protection is therefore invariably seen as the only passport to social care services by other agencies and the
 threshold for registration is too low, resulting in increasing child protection registration and strain on resources... The
 number of children subject to child protection registration has more than doubled in the last year.’

A couple of pages further on it says this:

‘too many children are the focus of child protection processes due to a lack of children in need systems and resources.’

That must be one of the key reasons why there is so much pressure and need in the areas of
 adoption, fostering and placement.

2590 There is also something that concerns me in the appendix to the report at page 1176 – it is the
 last paragraph. That talks about inter-country adoption and it talks about ensuring that inter-
 country adoption takes place in the best interest of the child – which is good; it is talking about
 putting safeguards in place. But I do have a concern with the amount of children placed off Island.
 2595 Clearly there can be good reasons for this, but for children who were born here this is their Island
 home and there are many advantages to that, and that position, that situation should not be
 relinquished lightly or because there is a pressure or a shortage of options and homes need to be
 found somewhere.

I have said all that, but I do want to be able to support this report. But I am uneasy about
 aspects of it, so I am looking for answers to those questions, to those points. I am looking for
 2600 assurances – proof that children’s best interests are being put first and always put first and that
 they have a voice in these matters.

So I am struggling with this, but I do hope that the Chief Minister and perhaps other
 Members... I have heard a lot of whispered opinions around me while I have been speaking; they
 must have a lot to say. I do hope that the Chief Minister or other Members can put my mind at
 2605 rest, because I want to support this report and the recommendations.

Thank you, sir.

Article IV, Proposition 1:

Carried – Pour 36, Contre 6, Ne vote pas 0, Absent 5

POUR

Deputy Perrot
 Deputy Brouard
 Deputy Wilkie
 Deputy Burford
 Deputy Inglis
 Deputy Soulsby
 Deputy Sillars
 Deputy Luxon
 Deputy O'Hara
 Deputy Quin
 Deputy Hadley
 Alderney Rep. Jean
 Alderney Rep. McKinley
 Deputy Kuttelwascher
 Deputy Brehaut
 Deputy Langlois
 Deputy Robert Jones
 Deputy Le Clerc
 Deputy Sherbourne
 Deputy Conder
 Deputy Lester Queripel

CONTRE

Deputy De Lisle
 Deputy Domaille
 Deputy Gollop
 Deputy Laurie Queripel
 Deputy Lowe
 Deputy Paint

NE VOTE PAS

ABSENT

Deputy Harwood
 Deputy Storey
 Deputy Bebb
 Deputy Le Lièvre
 Deputy Collins

Deputy St Pier
Deputy Stewart
Deputy Gillson
Deputy Le Pelley
Deputy Ogier
Deputy Trott
Deputy Fallaize
Deputy David Jones
Deputy Spruce
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Le Tocq
Deputy James
Deputy Adam

2610 **The Bailiff:** Members, before I call the next speaker I can announce the result of the vote on Proposition 1, Article IV, the establishment of the office of the statutory official of the Administrator of Population Management. There were 36 votes in favour, 6 against. I declare the Proposition carried.

Deputy Ogier: On a point of order, sir.

2615 **The Bailiff:** Yes, Deputy Ogier.

Deputy Ogier: Before the hares are set running too much and before the debate wears on too far, would it be helpful for one of the Ministers to clarify whether a small child – aged five or six, say – would be forced to be adopted with parents that it did not want to be adopted to? That sounds to me to be a complete farcical situation, (*Interjection*) which needs to be cleared up right now.

2620

The Chief Minister: Sir, I can do so if you want me to, but I know other Members will want to respond in their own way.

2625 Of course not, and it seems to me that Deputy Queripel has very little knowledge of the current adoption system and what rigours exist at the moment, whether it is individuals or couples adopting. The rights of the child, the desires of that child and the expressions of that child are taken into consideration on all sorts of different levels.

2630 **Deputy Laurie Queripel:** Could I just say, sir, that is why I am asking the question – and that is why we are here, to ask questions and get answers to these questions.

The Bailiff: I was going to call next Deputy Trott and then I will call Deputies Brehaut, Conder, Le Clerc, Fallaize and Green.

2635 **Deputy Trott:** Sir, I have spent several days deciding whether I was going to stand and advise the Assembly that I too am deeply uneasy about this. I fundamentally struggle with the concept of a same-sex, a homosexual couple adopting a male child, and I hope that this debate will allay some of the concerns that I have got.

2640 I think that Deputy Laurie Queripel asked a very salient question, one that I was intending to ask and I will repeat it because I think it is very valuable, and that is: what evidence is there, particularly from the English experience where this has been allowed for a while? Before people jump up and down and say this is a typical homophobic comment, it is not. I am very friendly with a lesbian couple who have very successfully brought up a family, and many of my friends are homosexual, *but* let's not lose sight of the fact that the courts, when considering custody matters, do understandably have a propensity towards the mother. The courts traditionally look for a reason for the child to stay with the mother because it is believed by the courts... it would appear

2645

that the conventional wisdom that a mother's love and nurture is different to a father's is, I think, accepted by many.

2650 So the question I would have, in addition to those raised by Deputy Queripel, is this: what happens, in the case of a breakdown, when the courts cannot apply conventional issues of propensity as regards natural inclinations and tendencies.? How would they assess how the child was best served in such an environment once full legal adoption had taken place?

I hope that others, and the Chief Minister, will be able to allay the fears that I have so I can support this, but I make no apologies for having the concerns that I have just articulated.

2655 Thank you, sir.

The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you, sir.

2660 In listening to Deputy Laurie Queripel's speech I was reminded of an expression that some people give in their speech to describe the power of speech to disguise their thoughts.

I am very proud of my sister –

Deputy Laurie Queripel: Point of correction, sir. Deputy Brehaut is wrong.

2665

Deputy Brehaut: That is my default position, by the way, so I am quite happy with that!

My sister Sally did something that made me extremely proud a couple of years ago. She fostered a sibling group of children and I thought it was absolutely fantastic on so many different levels. These children were going home every night to care and affection and a degree of stability, but nevertheless in an institution; not with their own bed, a borrowed bed, not with their own soup bowl, not with their own tea cup, not with their own toys, not in their own space, but in a communal setting, and that is an unreal and unnatural experience for children. What my sister and her family provided them with was sanctuary and security – and let's be frank, they were not hit anymore, they were not punched, they were not abused, they were not left in wet bedding. They had love and care and affection.

2675

Why do we not think it is possible that two people who have committed to one another can give that to children in a loving and caring environment? I have not got one doubt or reservation about that. Children are not born with prejudice; they pick that up from the adults around them. I think for children who live in care and will be in care this evening, with the best intention and everything the state can throw at them it is not a home. 'Home' comes in many different shapes and sizes. Also, the conventional model of mother and father and the happy family, as we know, does not work either. There are many children who are not safe at home tonight in that model.

2680

So, please, let's approach these issues with an open mind and offer a new beginning, a new life, a life of love, hope and opportunity for children who could be potentially lost in the system.

2685

When you are a child, remember, a week is a long time – a month is an infinite period of time. Get these young children in a safe, loving home environment, please.

The Bailiff: Deputy Conder.

Deputy Conder: Thank you, sir.

2690

I did not intend to speak in this debate and I have not prepared a speech, but Deputy Queripel's speech has prompted me to stand.

Could I just say, first of all, in terms of the Chief Minister's speech, could I congratulate him on his leadership and the power of his oratory and his compassion? I was moved to applaud that brief speech that he made.

2695

Like the Chief Minister, I am adopted. Just to deal with one of the points that Deputy Queripel made, the Chief Minister has already made the point... In 1957, when I was adopted at the age of seven, the judge – in those days it was a judge who determined whether or not the adoption

2700 could go through – did ask me, at seven years old, whether I was prepared to be adopted. My
younger brother was not asked, he was too young, but my elder sister was. I am not sure what
happens here but I am sure if it happened in 1957, as the Chief Minister has demonstrated, there
will be the same protection now.

I have enormous regard for Deputy Laurie Queripel. I think it is the first occasion in three and a
half years that I have not been able to agree or have a high degree of regard for what he spoke. I
believe the way in which he presented his speech, in the way that I heard it, was not his intention.

I think the thing I was most concerned about, and I am sure the Chief Minister will respond,
was his idea that a child who did not like or who did not wish to remain in a single-sex family
could at some stage decide to withdraw and move into a heterosexual family. I think that perhaps
betrays, or displays, a level of misunderstanding – and I am sure it was misunderstanding on
Deputy Queripel's part that he did not intend. I entirely agree with what Deputy Brehaut has just
said in terms of same-sex relationships being as stable, as loving, as dynamic and interesting and
an appropriate family relationship for a child to grow up in as a heterosexual relationship or
indeed a single family.

If I just use this example perhaps to help Deputy Queripel understand why the case he made
cannot really stand up. I am very privileged to have in my family a partnership which is a gay
lesbian partnership and, simply by the nature of the fact it is a gay lesbian partnership, both of the
women involved have had children, obviously by IVF but equally heterosexual couples often have
to resort to IVF in order to have children. I wonder if Deputy Queripel might think that if a child
born of a lesbian mother did not like being in a single-sex... it might choose to leave under those
circumstances. Clearly not. An adopted child is as much a child of that family as a child born
naturally. It is not something that is negotiated in and out of. So if a child in the situation I have
just described is clearly permanently a member of that family, so is an adopted child. It is not a
lower form of family, and I think – entirely innocently, on behalf of Deputy Queripel – that is the
danger of the sort of points, or the weakness of the point of arguments he was making. There are
all sorts of family relationships. Clearly, physically it is not possible for a male gay relationship to
procreate, but it is absolutely possible and is common for a gay male relationship to be the home
of children, either adopted or produced in a different way.

So I urge colleagues to respond to this States' report and vote unanimously in just the way that
the Chief Minister has suggested we should. This is one of the occasions, I hope, that we might
feel that the message we give to this Island, to this community, is delivered by an unanimous vote.

Thank you, sir.

A Member: Hear, hear. (*Applause*)

The Bailiff: Deputy Le Clerc and then Deputy Fallaize.

Deputy Le Clerc: Sir, I thank Deputy Conder and Deputy Brehaut for their support of this
paper. This report is a *really* important report and I do not think it goes far enough and I am
looking forward, actually, to when we start to actually really work on what is outlined in
Appendix 1.

Many of you will know that I fostered for many years. I was the first single foster carer in
Guernsey and I would like to think that during that time I gave those young people who came
through my front door a loving and caring home.

When I decided I was no longer going to foster I then joined the Fostering and Adoption
Panel. I sat on that panel and I can say to Deputy Queripel there is an absolutely stringent
application process that every person, every adult goes through for that fostering and adoption.
Also, there is matching process as well, and a lot of time is spent by the Fostering and Adoption
Panel in matching the family to the child. One of the things that I will say in Guernsey is that a lot
of the adoptions now are with babies, so actually the child would not be included in that process

2750 because they are too young to be included in that process, but where they are older they would absolutely be included in that process and making those decisions.

I think one of the other things that I am really proud of was when I was on the Fostering Panel I was part of the panel that approved the first same-sex couple for fostering, so actually already in Guernsey we have got foster carers who are of the same sex who have got children in their care.
2755 That can either be for short term or long term, so sometimes, because of the age of the child and the circumstances of the child, they are not suitable for adoption, but actually they can be with that foster family, that foster carer, for as long as an adoption would take place until that child becomes an adult.

I just want to say some of those things are already happening in Guernsey under the fostering
2760 process, so this is just the formalisation of the adoption process and I would urge you all to support this. Every child in Guernsey is entitled to a loving and caring home and this will enable more children to go into a loving and caring home.

Thank you.

2765 **Several Members:** Hear, hear.

The Bailiff: Deputy Fallaize.

Deputy Fallaize: Thank you, sir.

2770 I doubt the vote is going to be unanimous, and in a way I applaud Deputy Queripel for having probably, as he sees it and as many others will see it, the courage to speak what is on his mind, and I say the same thing about Deputy Trott.

I think one of the most objectionable things about Deputy Queripel's speech, in my view, was that he equated the support of these proposals with being politically correct. I do not support
2775 these proposals out of any intention of being politically correct and although in a way I applaud Deputy Queripel for being true to what was on his mind, I think the points he has made do need to be confronted because I think he is just plain wrong.

One of the things he said I thought betrayed maybe a subconscious prejudice, because he asked whether the opinion of a child is taken into account if it is a child growing up in a same-sex
2780 household, a same-sex couple, but he did not extend the same thoughts to people growing with heterosexual couples. There are many children, as they grow up, who would be only too pleased at times to divorce their parents! (*Laughter*) I can remember many such occasions and I am pleased to report that my eight-year-old son seems now seems to be of a similar opinion on some days! (*Laughter*) But why restrict those sorts of questions to same-sex couples?

2785 Deputy Trott talked about the importance of mothers – the nurturing, stable environment in which mothers can contribute to bringing up children. I think where there is perhaps a misperception, in respect of applying those thoughts to this policy letter, is that we are not talking about children being taken from loving and nurturing homes. Paragraph 2.2 says that:

'in many cases adoption is the best option, and gives vulnerable children, including many with complex needs and a history of ill treatment, a home with a permanent family.'

2790 They are the children we are talking about. This is potentially, for many children, an alternative to being placed throughout their childhood in care, which cannot possibly be, despite all the efforts of carers, the most nurturing and stable environment in which a child can grow up.

The key point I think was referred to by Deputy Laurie Queripel, although bizarrely he used it in support of the concerns he was raising but I take it to mean the opposite. The key point is there
2795 are too few people prepared to adopt. So why would we wish to restrict the number of adults who can adopt still further? We do not have a surplus of adults prepared to adopt, we have too few, and therefore anything that can be done legislatively which is more likely to enable the authorities to place children in homes where they will be provided with some stability and some love and some care and some nurturing guidance, where previously very often they have been the victims

2800 of abuse or they have been in terribly dysfunctional families – why would we wish to place
restrictions on that? I just do not understand how that could possibly be in the best interests of a
child.

2805 Finally, Deputy Queripel raised concerns about the numbers of children who are growing up
away from Guernsey. In a way, he has a fair point, but what has to be recognised is that very many
of the children who are growing up away from Guernsey, or who have been allocated places in
families away from Guernsey, have been allocated those places so that they are not on the
doorstep of people who have abused them, or they are not near circumstances where they have
been left in vulnerable positions. The authorities do not routinely take children away from family
homes. They do not routinely take children away from Guernsey where there is no pressing need
for them to do so. So it seems to me that if we are placing the interests of the child first and if we
2810 believe, as I think the majority of us do, in the importance of a nurturing, stable, safe, secure
family environment, then we have absolutely no option but to support these proposals.

Thank you, sir.

The Bailiff: Deputy Green, and then Deputy Dave Jones and Deputy Sherbourne.

2815 **Deputy Green:** Sir, thank you very much.

Just on something that Deputy Fallaize said a moment ago, my understanding, in terms of the
number of people who are prepared to adopt in the Island, I thought the number in that regard
was fairly healthy. It was only as regards the numbers who are prepared to put themselves
2820 forward for fostering was perhaps less so, but I may be corrected on that. That was certainly my
impression. I will give way to –

Deputy Le Clerc: Sir, on a point of clarification, Deputy Green is correct: we are okay for
adoptive carers, but it is foster carers that we are short of.

2825 **The Bailiff:** Thank you, Deputy Le Clerc.

Deputy Green: I am obliged to Deputy Le Clerc for that.

I am strongly supportive of this policy letter. I do not think it is going particularly far, in reality.
2830 The policy letter is a very good one. It very briefly sets out succinctly the argument, which is that
the current Law only allows one member of a couple, unmarried couple or same-sex couple, to be
able to formally adopt, and this change will simply mean that an application can be made jointly
by an unmarried couple or a same-sex couple and I think that is a firmly positive, extremely
positive practical change. It is quite clear, I think, that the Adoption Law 1960 has not been able to
2835 keep pace with modern practice, it has not really evolved in the way that the modern family has
evolved in our Island and elsewhere, and this will simply provide proper equality and avoid
discrimination.

I did not agree with the points that Deputy Queripel made just before, because I think the
reality is that unmarried couples and homosexual couples at the moment are adopting; it is just
2840 that the adoption process is granted to one member of the relationship and not jointly, and that is
the only difference.

The point that Deputy Le Clerc made about the rigorousness of the assessment is valid, and
that point is made very well in 4.7 of the report, which is that nothing in this policy letter is going
to change the stringent requirements which currently apply to any prospective adopters in terms
2845 of the courses that they have to undergo and the assessment process that takes place.

This is not really a particularly radical change, I don't think. It is perfect common sense and I
will be supporting it.

The Bailiff: Deputy Dave Jones.

2850

Deputy David Jones: Thank you, Mr Bailiff.

I too will support the report, although it does show, the reaction that Deputy Queripel got, when you mention anything to do with childcare services, it is almost forbidden, actually, to talk about some of the fears that you have about what happens in these kinds of situations.

2855 I was in care all my childhood life. They tried to foster me twice; I ran away twice. The second time they did not even get me to the front door. I was out the back of the car and across the fields, and I was not recaptured for three days, I think it was. (*Laughter*) I just did not like the idea. My younger sister was adopted, something which I knew nothing about but she was adopted by people who were, in my opinion, far too old to adopt a child in those days. But that was in the past.

2860 Even in Barnardo's, families were sent to Australia, Canada, all kinds of countries, without their consent and the horror stories that came back from some of their experiences are well known. We have improved a lot since then. When I was in Barnardo's there were no checks on the people who looked after us. Most of them were men who were demobbed from the army – they came into a boys' home, they had 70-odd boys to boss around, very few checks on them and it was pretty grim, I have to tell you. Boys' homes in the 1950's and the 1960's were fairly grim places.

2865 We have moved on a lot since then and I am happy that the checks and balances that go on today are more than adequate to make sure that the children who do go for fostering or for adoption are likely... I disagree slightly that the children always have a say in it, because I think it is very difficult for a three-year-old to really express what their views are, and even more so if they are sent to families off Island – and that really does need to be the last resort, a nuclear option, for a child. Clearly, when you get to the age of 10 or 11 or 12 you can give your opinion. My God, there was nobody more opinionated than me when I was 10 years old (*Laughter and interjections*) about what was happening in my life!

2870 As far as adoption to same-sex couples, I believe that any couple that is willing to give a child a fresh start in life is okay by me. (**A Member:** Hear, hear.) I do not think the gender of that couple matters very much. There is a lot of myth attached, that they do not get the same upbringing as a heterosexual couple and all the rest of it. In certain aspects that can only be true, but the whole point of having children adopted by a couple is that they give them a better life than they would have if they were in care. I think that must be right, that must be a much better option than living like we were – we were just left. The horrific things that happened... I can tell you one: we had a room that had a mirror in it, a one-way mirror, and people came to pick the child that they wanted to foster or adopt, and it was always the coloured children that were left. Nobody wanted the coloured kids. That was a fact, and they were usually the ones who in many ways were sent off to other countries. It was a cattle market, in my view. But that is what times were like then. When I went into Barnardo's we still had steel bowls, we sat at long benches; it was like something out of Victorian England. You could not believe it. One of our master's ideas of fun was to stir a big hot pot of tea and stick the spoon on the back of the neck of the nearest boy sitting near him. You could not make this up. It was horrendous, but that no longer happens any more – and thank God for that.

2875 So I am going to support this. I do have some reservations. Some of the things that Deputy Queripel asked I think were questions worthy of answers, but I will support this report because I think it is a way forward. We are improving childcare in this Island all the time, fostering and adoption. Families like Deputy Le Clerc are the backbone of that fostering system in this Island and we need many more of them.

2880 Thank you.

The Bailiff: Next, Deputy Sherbourne, followed by Deputies Bebb and Perrot.

2885 **Deputy Sherbourne:** Thank you, sir.

2900 Members, I will be brief this time, honestly – and succinct, I hope.

2905 Deputy Laurie Queripel, who I have a great regard for, raised quite a few issues and referred to the Parry Report. I would like to refer to the Parry Report in my brief speech. That report also reminded the community of the corporate parenting responsibility that we have for all the children in this Island. (**A Member:** Hear, hear.) This is an opportunity for this Assembly to play a role in that corporate parenting responsibility by enabling as many people who, no matter what their sexual orientation is, wish to give a home to a child, as long as they meet the stringent regulations that I know are applied, to be able to do so. I too share the view that this Assembly should unanimously endorse these proposals.

2910 **The Bailiff:** Deputy Bebb.

Deputy Bebb: Thank you, Monsieur Le Bailli.

2915 I had hoped not to speak on this particular matter, because I had hoped that this was something that was so patently obvious that there would be very little debate. However, it is only right and proper that when questions are asked they are asked in an open forum and that we do have such debate.

2920 The thing that we should remember from these proposals is that they merely clarify what already happens. Same-sex couples adopt today. Same-sex couples adopt in the UK in a different way. The problem we have is that for same-sex couples to adopt in Guernsey only one person is the legal guardian and therefore we have an issue when it comes to the breakdown of that relationship, the very question asked, because there is only one legal guardian and therefore the courts are bound by that legal guardian on a frequent basis, as opposed to looking at what is the best solution for the child.

2925 In the cases of divorce, whereas we might see a tendency that women have custody of the children more often than men, it is generally not something that happens by design, it is the courts are blind. The courts make the decision as to what is the best for the child. The child's opinions are taken into account as much as is possible within the circumstances. I remember discussing this at length with our Social Services – even when it comes to very young children, as far as it is possible to ascertain that child's wish then it is taken into account, and 'taken into account' obviously means that we also take into account the capabilities of that child to clearly demonstrate its wish. So when we look at that very question of divorce, the question before the court is always the right decision for the child; and in this case, when it comes to same-sex adoptions, it is the same as with any other form of divorce. It is always the court's consideration of what is best for the child.

2930 It was also asked, from Deputy Queripel's speech, as to what evidence – I believe; I could be wrong – do we have in relation to what research has been done on same-sex adoption. I have read numerous reviews of this particular issue – one review conducted in Boston, a couple in Texas and there have been some reviews in the UK, but the one that I particularly like is the one that was done in Melbourne, and I would like to read some of that:

'Our results suggest children with same-sex attracted parents are doing well in terms of their overall health and that their families are getting along really well.

We found that children from same-sex families scored, on average, 6% better on two key measures, general health and family cohesion, even when controlling for a number sociodemographic factors such as parent education and household income. But on most health measures, including emotional behaviour and physical functioning, there was no difference when compared with children from the general population.

In spite of doing well, many children did experience stigma, which was linked to lower scores on a number of scales. Stigma can be subtle, such as letters home from school addressed to Mr and Mrs. Or it can be overt and very harmful, in the form of bullying and abuse at school. The more stigma the family experienced, the greater the impact on the social and emotional well-being of the children.

Our findings support and strengthen the existing international research undertaken with smaller sample sizes.'

The small samples in all the cases that I have read are up to 500 parents and the comparator is on the general wellbeing of the whole population. So the problem with same-sex couples has nothing, according to all of this research, to do with same-sex couples; it has to do with stigma,

2945 and stigma is something that we have a very big say on. It is time that we stopped asking questions as to whether same sex-couples are better or worse – they are not; they are the same. You will have same-sex couples who are poor parents in the same way that you will have heterosexual couples who are poor parents. Let's not imagine that somehow we are proposing something that is better; we are just broadening.

2950 I am aware of certain studies that have also been done in the US as to late adoption, where the express interests in those cases are children who are self-evidently homosexual and are placed purposely into same-sex couples so that they grow up with a positive role model of a stable family within a same-sex model. This was exceptionally controversial when it started back in the 1980's, but today those have come to an end because in a number of places where they were pioneered they have come to the conclusion that it is no longer necessary, because in many of
2955 those states the stigma has come to an end. Same-sex couples do not provide better; they simply provide the same sort of environment. It is no longer necessary to simply put a homosexual child with same-sex couples, because society in many areas has moved on. In some areas of the United States that practice does continue, but I am pleased that it is almost as if a coming of age is happening, that there is a realisation there is simply no difference.

2960 These proposals, if rejected, would result in a very bizarre situation: an Adoption Law which we know to be outdated, which is in dire need of rewriting from top to bottom, will continue. Let's not imagine that that means that by voting this out same sex-couples will not continue to adopt. They will continue to adopt, but we will place bizarre, perverse restrictions of the courts by the fact that we do not have a proper means for those people – and it is not just same-sex but also
2965 single people – to adopt, and therefore what we are doing is righting a current wrong within the Law. I believe this is long overdue.

The concern that I had in relation to this particular report, that I would seek answers on from the Chief Minister, is simply in relation to the concerns with regard to those people who are married or in a civil partnership or in other legally recognised relationships. To my knowledge civil
2970 partnerships are not legally recognised in Guernsey and therefore I have to ask what does that mean in itself, because of course we do not recognise civil partnerships to my knowledge, and neither do we recognise same-sex marriage, and these are real serious problems that I know the Chief Minister is only too aware of and that there is a working party trying to resolve something on that as well. But the problem that we have as to a current anomaly that only one person can
2975 adopt is what needs to be brought to an end. Let's not tie that into something to do with same-sex couples – it is not, it just happens to be that the majority of the cases involve same-sex couples but it could be equally true in any situation.

Finally, this question in relation to removing children from Island. I have heard a number of people say that they are very uncomfortable with children being removed from Guernsey. Having
2980 spoken at length with Members of Social Services in relation to this matter, this, as Deputy Dave Jones said, is really considered to be the nuclear option. However, it is done every time it is safer for the child to be off Island than here. My real concern is that we are talking about that child being removed, as opposed to the problem that we have people here on this Island who are considered to be such grave danger for those children that nobody is talking about we are doing
2985 about those people. If we want children no longer to be sent off Island for their own safety it is time we started trying to address the problem, which is those people who are a danger. Please, I do not want to hear about how disappointing it is for a child to be sent off Island, thinking that the child's interests are not best served by being off Island. What is frightening is that those people remain on Island, and the question we should be asking is: what on earth have we done as
2990 a society that has resulted in such people frequently being parents, frequently in a position where they are deemed to be a danger to their children? Those are the questions that we should be asking, not whether the child's interest is best served. Nobody is going to send a child off Island unless it is absolutely necessary. There is no joy taken at HSSD at any point where a placement off Island appears; it is seriously with a heavy heart. Every single time those cases come to the board
2995 of HSSD it is with a very heavy heart that the Department approves them. Not only are they

financially *exceptionally* painful, but the reality that we have such a dire problem is what is *very* painful.

3000 Please, these proposals, I would hope, are supported unanimously. They are eminently sensible. They are disappointing that they do not go further, that they acknowledge that we have not been able to fully form the Adoption Law, but in the measures that they bring in, they are modest, they are right, and I would sincerely hope that we have a unanimous vote in favour of them today.

Thank you.

3005 **Two Members:** Hear, hear.

The Bailiff: Deputy Perrot.

Deputy Perrot: Thank you, sir.

3010 I recognise several things. One is that my view will not be shared, really, I suppose by anybody and that I will be, as so often happens, in a minority of one.

I recognise too that whatever I say will not be persuasive to anybody, but that is by the by.

3015 I also recognise the way the world is going, but it would be an act of cowardice on my part not to say the few words which I am going to say now. I very firmly believe that, insofar as is practicable, a child should have a mother and a father. I well understand that what is being proposed here is a sort of tidying-up thing, a tidying-up arrangement for something with which I am already unhappy.

3020 It would be utterly foolish of me to try to bring an amendment when I know the way in which the wind is blowing. I just felt that I had to stand on my feet, not be cowardly, and say those few words. Thank you. I will be voting against the Proposition.

The Bailiff: Deputy Gollop.

3025 **Deputy Gollop:** Sir, I am going to support the Propositions and support the line taken really by the Chief Minister.

I think it is important this debate is not just focused on perhaps one issue, important though it is, as Deputy Jones actually raised one or two other points within the process and it should be acknowledged that there are issues of domicile, for example, to be reformed.

3030 Deputy Bebb is quite correct. I believe there have been examples of couples who might not have fitted the 1960's criteria, who have been adopting and fostering but it has been in one person's name only, and that is the focus of this reform. It recognises too civil partnerships.

3035 It also recognises – this is perhaps important – that we should ensure that we sign the international conventions and our tardiness with legislation perhaps has prevented that from happening. And indeed it is an example that, over the years, the States' Legislation Select Committee, as part of its mandate that we are going to review next month, had to suggest new legislation and this is an example. Deputy Bebb gave an excellent example on the phone-in, also about divorce and adultery legislation. We are behind the times with social policy and we do need a system not just of delivering policy on this but delivering resources for both implementation and legislation and the scrutiny of such legislation. One feels at times that this kind of social and family legislation has been deferred too long, but we are catching up now and I think the general drift of these reforms is appropriate.

3040 One has to remember that the fostering and adoption agencies are very focused on the needs of the child and the kind of people who will become parents and they will focus on people who can give the child a future.

3045 I suppose the only thing that struck me as slightly biased within the report... They are trying to indicate more uniform policy towards aging, but they imply that they would not look kindly on couples older than 45 years of age adopting a baby, or a person of 55 adopting a child under 10.

3050 They take about a 45-year age gap. We do know there have been older couples who have
successfully adopted children. I know that Deputy Jones might question that in his specific case,
age is a relative thing linked to emotional, mental and physical health, but I think that if there is a
genuine shortage of the right kind of adults, male or female, of one gender or another, to adopt
or foster children, then from time to time older parents perhaps could be considered as well. I
3055 think perhaps there needs greater clarity in that, as there does with the domicile of parents,
because clearly an example where somebody was still an American citizen or had roots in another
European country would be important. We would not want to see the situation whereby a child
potentially ended up in a tug of love between two jurisdictions, but I think generally one should
give people who come to live in our community an equal chance with those who are indigenous
in adopting or fostering children. So the legislation is on the right lines, as long as it is
implemented in a careful and timely fashion.

3060 **The Bailiff:** Alderney Representative Jean.

3065 **Alderney Representative Jean:** Sir, Members of the States, I am having difficulty with this
report on two or three counts. The first one is in Alderney I am not aware in my time back in the
States, which is about two and a half years, only a short time back... the consultation itself
mentioned in the Billet may have taken place before that. That is not of such great concern to me.
What is of concern to me is same-sex couples. I find it *very* difficult and I feel very much as Deputy
Perrot does, and I am willing to say it.

3070 If there is a shortage of adoptive parents, and we are told there is and I understand that, then
my view is: why didn't we do this in part and first of all look at unmarried couples, heterosexual? I
do not know if that would be enough to deal with the problem of shortage of adoptive parents. I
do not want to be prejudiced, I really do not, but I think also that I would point out that the aspect
of the stigma attached to young children growing up in a same-sex couple union, which even in
Guernsey is not accepted, is very difficult for that child. Why would one want to put a child in that
3075 position? I think, to me, it is more acceptable to put the child with a mother-and-father
relationship, married and unmarried, and let's stick to that. Why are we in this situation? I have
talked to some gay people who do not think it is acceptable that same-sex couples should adopt.

3080 I agree entirely with Deputy Perrot, I really do, and I cannot vote for this Proposition unless it is
cut up in such a way that I can vote only for the section for unmarried couples, because there are
some tremendous unmarried couples out there who would be of benefit to children. I am sorry, I
have nailed my colours to the mast and that is what I am going to do.

Thank you, sir.

3085 **The Bailiff:** Deputy Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

3090 Sir, one of my dearest friends was in a same-sex relationship. He was also one of the dearest
friends of my brother, Deputy Laurie Queripel. He absolutely loved children. He loved their
innocence, he loved the fact they are untarnished and untainted, he loved their approach to life.
When he walked into a room full of children, as I saw him do many times, their eyes lit up and
they ran to him. They knew he was going to be fun to be with. He was godfather to my son Blane,
and even though he died when my son was only two and a half years old, even though he lived in
London he came over to Guernsey on holiday four times in those two and a half years and stayed
with my wife and I and Blane for several weeks. So we all had a lot of fun together and we have
3095 many wonderful memories of our time spent with him.

It was not until later on in life that we explained to Blane that his godfather was in a same-sex
relationship. I think Blane was four or five years old at the time. He said, 'Does that mean that I
should forget that he was my godfather? Does that mean I have to forget all the fun we had
together? Because I do not want to do either of those.' The reason I said that is because it did not

3100 matter to Blane that his godfather was in a same-sex relationship. What mattered most to Blane was the person behind the label, the spirit of the person behind the label and the heart of the person behind the label. That is what should matter to all of us as adults: the person behind the label, the spirit of the person behind the label and the heart of the person behind the label.

3105 To repeat what my brother Deputy Laurie Queripel said, he has no doubt whatsoever that a same-sex couple can provide a caring and loving environment; he has no doubt whatsoever about that. I have two friends in London in a same-sex relationship who have adopted a child, and the child is happy, content and knows that he is loved, but I did have the same concern that my brother and Deputy Trott articulated earlier: does the child have a voice and does the child have a choice? That is their concern. I did share that concern.

3110 I have no doubt whatsoever that a child whose parents are in a same-sex relationship can give just as much love to a child as a couple in a heterosexual relationship. My concern, and I think I am picking up the concern of my brother Deputy Laurie Queripel and Deputy Trott, is: are the wishes of the child taken into account? I think Deputy Le Clerc and Deputy Bebb answered that question when they spoke. I thank Deputy Le Clerc and Deputy Bebb for allaying my concerns and
3115 I hope they have allayed any concerns my colleagues may have,

Thank you, sir.

The Bailiff: I see no-one else rising.

Deputy Le Tocq, the Chief Minister, will reply to the debate.

3120

The Chief Minister: Thank you, sir.

I, perhaps wrongly, assumed that we would not need to have such a long debate on this, particularly because, I think as some have pointed out, this, to use Deputy Perrot's term, is a bit of a tidying-up exercise from something that exists at the moment and just makes it, I think,
3125 particularly from the point of view the adopted child, more secure and better in terms of his or her rights as time moves on.

I hope that all the questions and issues that Deputy Laurie Queripel raised have been addressed, so I will not repeat that.

I thank Deputies Conder, Fallaize, Green, Bebb and others for their support, and Deputy Le
3130 Clerc particularly for her experienced support in this.

Deputy Bebb asked a few questions with regard to the qualifications, civil partnership and other legally recognised relationships etc. I think the third is the key point here, and that is two people, whether of different sexes or the same sex, living as partners in an enduring family relationship, and that will be the point taken by the authorities in terms of determining whether it
3135 is an appropriate enduring family relationship for that couple to adopt. Obviously things like the existence of a civil partnership, be that from Jersey or the UK, will be a sign taken into consideration, or other similar unions of that type.

Deputy Bebb also talked about stigma, and I want to... I know Deputy Perrot said he would not be persuaded – well, I want to try and persuade him to think of changing his mind, and Alderney
3140 Representative –

Deputy Perrot: If you please, sir.

The Bailiff: Deputy Perrot.

3145

Deputy Perrot: Point of correction. I did not say that I could not be persuaded; I said that I recognised that I could not persuade anybody else. I suspect that vice versa might apply, but I am not sure. *(Laughter)*

3150 **The Bailiff:** Chief Minister.

The Chief Minister: I thank him for confirming that, but I am going to have a go anyway.

3155 I will just start with a point he did not particularly raise, the point of stigma, which others have
raised and Deputy Bebb raised in a very valid way, but I will address it to some of the situations
that Deputy Perrot spoke of. I have come on a journey on this myself because of being an
adopted child and there was one point – when I was younger, I think it was before I was in my
teens, but in terms of getting ‘bullied’ at school... I do not like to use that term, but it was an
unpleasant experience – I did wish that my adopted parents were not grandparents’ age, because
3160 that is what they were, and that they were 20-25 years younger. I did think and certainly behaved
towards them in a way that I regret now, because I remember thinking, ‘This is not an ideal family,’
and yet, actually, *much* later on I realised it was the ideal family for me, and even going through
that experience has helped me be the person that I am today, so I do not regret it at all.

3165 I think everyone is an individual in this. I have many friends whose family experience – they
were not adopted; it was a normal family experience – was not very good at all, and I have got
some adopted friends whose experience was not so good either, but you cannot plan for those
things. In the end I think you have got to work through that, and stigma can occur. But I do
believe, in terms of adoptions by same sex – and I was very careful in my opening remarks not to
focus on that particularly, but I do think the stigma is rapidly changing from the sorts of things
that Alderney Representative Jean was referring to from years ago. So I do not believe that that
3170 will be there any longer.

In fact, two examples I can give where I think I am in support of the reason for the Propositions
that we are putting before the Assembly today, sir: one is with regard to a friend of mine who was
adopted at a very young age, like myself, and his adoptive father died when I think he was... he
certainly was not two yet. He hardly... well, he does not remember his adoptive father. His mother
3175 then moved. They were living in the UK and she ended up living with a friend of hers who was also
a widow who had a son. So they lived together. They were not in any sexual relationship at all but
they lived together and effectively the other boy’s mother became his other parent, and that is
what he remembers growing up. His mother died when he was in his teens, but that other boy’s
parent was not able to adopt him, was never able to adopt him, and as a result of that he got
3180 taken into care for some time. It was just completely wrong and I do believe that is an example
where we need to recognise that families are different today than what they were. That had
nothing to do with same sex in that way, but it should be possible for that sort of situation to be
remedied by these Propositions.

3185 Similarly, I have friends in the UK who adopted. They adopted I think three children in the end,
but certainly when they had two, one of their children – she was adopted, both of them, I think,
when they were quite young but they were probably still at primary school – when she was a teen
she had a major upset with her parents and it became *very* difficult, and this addresses some of
the points that Deputy Laurie Queripel raised, for her to live in the same house. The other children
were fine but she could not get on with her parents, so she was taken into care for I think nearly
3190 an 18-month period and was fostered until she was able to come back into the family. That
happens in all sorts of families and it would be normal in those sort of circumstances. It reminds
me very much of... Again, this touches on some of the worries of certain people. I think it was
Mark Twain who said when he was in his teens he could hardly bear being in the same room as
his father, but when he reached 21 he was amazed how much his father had matured in those
3195 seven or eight years. *(Laughter)*

3200 We have got to realise that we need to help, and I have always approached this from looking
at the views of the adopted child. That child needs that security and the security of knowing that if
the parent is in a relationship with another person, or living with that person in some way, if
something happens to that other parent they can be in that relationship and continue there. I
think that is one thing that, in terms of all the other options of being in long-term care or
institutional care... all of these things are *far* better, infinitely better, and whatever we might talk
about in terms of ideals I think have to be put into that perspective. There is not an ideal ideal and
we all have different experiences of family life and we can all benefit from that, and the greater

3205 flexibility there is, with the precautions that are made – and I take it that there is no... whilst there
needs to be a review of all of this in the long term and there will be, but there is no intention to
treat any of these different types of couples in different ways. There will be stringent focus upon
the best situation, the best resolutions for the individual children concerned, and that must
continue. So I hope I can get the support of at least the vast majority of this Assembly to see
these proposals accepted and brought into action.

3210 Thank you, sir.

The Bailiff: Members, there are two Propositions on page 1177 of the Billet. I have had a
request for a recorded vote. I propose to put both Propositions to you together because the
second one is only to prepare legislation, so it seems to me they stand or fall together. So you are
3215 voting on the two Propositions on page 1177 of the Billet.

There was a recorded vote.

The Bailiff: Well, Members that was clearly carried. Can I suggest that we move on to the next
Article and I will formally announce the voting when the figures are available?

HOME DEPARTMENT

VI. Future of Law Enforcement: Proposal to rescind resolutions relating to a Law Enforcement Commission and to adopt alternative arrangements – Propositions carried

Article VI.

The States are asked to decide:

*Whether, after consideration of the Report dated 13th April, 2015, of the Home Department, they
are of the opinion:*

- 1. To rescind Resolution 1, Article XII, Billet d'État No XII of 2008, namely; 'To approve the
creation of a statutory Law Enforcement Commission in accordance with section 4 of that
Report'.*
- 2. To note that 'The Law Enforcement Commission (Bailiwick of Guernsey) Law, 2011' approved
by the States on 23rd February 2011, will not be brought into force.*
- 3. To agree, in principle, that new law enforcement legislation should be taken forward as
proposed in section 4 of that Report.*
- 4. To note the Home Department's intention to return to the States of Deliberation with a further
States Report with detailed proposals to give effect to that Report's recommendations by
December 2016.*

3220 **The Senior Deputy Greffier:** Article VI – Home Department – Future of Law Enforcement:
Proposal to rescind resolutions relating to a Law Enforcement Commission and to adopt
alternative arrangements.

The Bailiff: Deputy Gillson, the Minister of the Home Department, will open debate.

3225 **Deputy Gillson:** Thank you, sir.

Who polices the Police? Or, more appropriately, who polices Law Enforcement, since Law
Enforcement is both the Police and the Guernsey Border Agency? Very important questions in any
democracy. Very important questions, but not simple questions when you also consider the
important principle of operational independence of the Police and the Guernsey Border Agency.

3230 It is absolutely correct that there is no political interference in day-to-day operations of law enforcement agencies, so a careful balance is needed between oversight and accountability, strategic direction and operational independence.

As with any balance, different people will have different perspectives and different views on whether the arrangements are in or out of balance. No arrangements will be perfect but we need
3235 arrangements which are effective, transparent and pragmatic for Guernsey. So the States made a decision in 2008 to create a Law Enforcement Commission and we are now suggesting it is not needed. The reasons are that since 2008 circumstances have changed, and these are listed in the summary on page 1179, so I will not repeat them.

Circumstances may have changed, but the need for accountability and oversight has not
3240 changed. The changes in circumstances which we have seen since 2008 mean it is possible to provide the oversight and accountability in a way other than in the way of a Commission, a way which contains costs but more importantly will not disenfranchise the Home Department board, which some saw as a major concern with the Commission model. In short, we believe that the need for a Commission now does not exist and the changes mean we can achieve the same oversight results with a simpler system and saving a significant amount of money: a win-win
3245 situation.

I will now take a moment to consider what levels of oversight there can be. Research conducted by the Department has found that there is no single magic system. However, accountability can be viewed as having three levels, which are detailed in section 3 of the report.
3250 These are: Government-level control, which is legislation and the executive functions of Government; departmental-level controls – management and disciplinary section, systems which operate within the Law Enforcement organisation within the Home Department; social control, society, its expectations, the media, the complaints system and civilian panels. These are detailed in full in section 3.

As a result of research and the changing circumstances, the Department is recommending that the relationship between Law Enforcement and the Department be formalised within new law enforcement legislation, and this will, we believe, provide the dual purpose of separating and defining operational and political oversight while keeping the law enforcement operations politically neutral and assuring the public that law enforcement is appropriately overseen.
3255

So how do our proposals fit into the three levels of oversight and accountability? In some areas they will overlap, so there is a big general allocation.
3260

Government control – well, these will be enshrined in legislation. The Department will produce its own service plan which fits into the States' Strategic Plan. The Head of Law Enforcement will produce his own annual delivery plan, which the Home Department board will be able to comment on and influence. The Head of Law Enforcement will provide an annual report comparing actual with the delivery plan.
3265

At Departmental level there is a new management structure where the Head of Law Enforcement is line managed by the Chief Officer of the Home Department. There are regularly meetings between the Head of Law Enforcement and the Deputy Chief Officer of the Home Department and the Chief Officer. There is formal quarterly reporting to the Home Department board of the performance of Law Enforcement. Management information in relation to performance is increasing in sophistication. Also, the Home Department can call upon HM Inspectorate of Constabulary to come in and do independent reviews in the way it does to UK forces.
3270

To the social controls: there is publication of the delivery plan and annual report – as I said, these overlap a little bit; effective civilian panels, such as independent custody panels and the Police Complaints Commission; the reconstitution of public consultancy group, the Law Enforcement Consultative Forum, an ongoing group involved in Douzaines which will influence, by their regular meetings, the input into and the development of the annual delivery plan.
3275

Together, these provide a pragmatic and balanced system of oversight and accountability, and so we commend this report to you.
3280

3285 Remember that the report is saying in essence circumstances have changed. We have an alternative to a full Commission, an alternative which is effective and will save in the region of £170,000 per year, and at this stage we are asking the Assembly to approve the change in direction, and we will revert within 2016 with a report on the finer details of it.

3290 The Department believes that building upon the existing good practice and enshrining it in legislation is the most pragmatic and appropriate option available to provide Government management of social control and accountability of Law Enforcement. But please remember the Home Department's primary concern is to ensure that law enforcement agencies are able to be effective, to be operation-independent of Government, but accountable to Government for the delivery of services within Government's strategic direction, and accountable to the Government and the public for the standard of that service. Please support these proposals.

The Bailiff: Does anyone wish to speak in this debate? No.

3295 In that case we can go straight to the vote. The Propositions are on page 1204. There are four Propositions. I put all four to you together. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

Article V

Carried: – Pour 38, Contre 2, Ne vote pas 2, Absent 5

POUR

Deputy Brouard
Deputy Wilkie
Deputy De Lisle
Deputy Burford
Deputy Inglis
Deputy Soulsby
Deputy Sillars
Deputy Luxon
Deputy O'Hara
Deputy Hadley
Alderney Rep. McKinley
Deputy Kuttelwascher
Deputy Brehaut
Deputy Domaille
Deputy Robert Jones
Deputy Le Clerc
Deputy Gollop
Deputy Sherbourne
Deputy Conder
Deputy Bebb
Deputy Lester Queripel
Deputy St Pier
Deputy Stewart
Deputy Gillson
Deputy Le Pelley
Deputy Ogier
Deputy Fallaize
Deputy David Jones
Deputy Laurie Queripel
Deputy Lowe
Deputy Spruce
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Paint
Deputy Le Tocq
Deputy James
Deputy Adam

CONTRE

Deputy Perrot
Alderney Rep. Jean

NE VOTE PAS

Deputy Quin
Deputy Trott

ABSENT

Deputy Harwood
Deputy Langlois
Deputy Storey
Deputy Le Lièvre
Deputy Collins

3300 **The Bailiff:** I can announce the result of the voting on Propositions 1 and 2 on Article V: 38 votes in favour, 2 against, with 2 abstentions. I declare the Propositions formally carried.

COMMERCE & EMPLOYMENT DEPARTMENT

VII. Single Euro Payments Area – Legislation implementing aspects of EU payments services legislation – Propositions carried

Article VII.

The States are asked to decide:

Whether, after consideration of the Report dated 15th April, 2015, of the Commerce and Employment Department, they are of the opinion:

1. To approve the proposals to introduce legislation to give effect to the necessary provisions of EU/EEA legislation (as outlined in paragraph 3 of that Report) to enable Guernsey to meet the requirements for third country participation in the Single Euro Payments Area.

2. To direct the preparation of an Ordinance pursuant to the European Communities (Implementation) (Bailiwick of Guernsey) Law, 1994 to give effect to the proposals.

The Senior Deputy Greffier: Article VII – Commerce & Employment Department – Single Euro Payments Area: Legislation implementing aspects of EU payments services legislation.

The Bailiff: The Minister, Deputy Stewart, will open debate.

3305

Deputy Stewart: Thank you, Mr Bailiff.

Just to note the executive summary is on page 1205 and not as listed in the Agenda – I think that is a misprint, sir.

3310

The Single Euro Payments Area (SEPA) is an initiative of the European Union and the European Payments Council, and it is a mechanism for processing payments in euros throughout Europe. At the moment it comprises all 28 EU states, all three EEA states and also Switzerland, Monaco and San Marino.

3315

Criteria for third-party participation were published in 2014. Commerce & Employment, working with the Guernsey Financial Services Commission, GIBA and the Association of Guernsey Banks, and after a discussion at the Financial Sector Forum... we all believe that Guernsey is well placed to meet these criteria and we are all of the opinion that this will create opportunities for our banking community and payment process providers. We have moved fairly swiftly on this, really to enable harmonisation with applications for SEPA from the other Crown Dependencies – that is the Isle of Man and Jersey.

3320

I hope you will support this legislation, as it is supported right across the finance sector. Thank you.

The Bailiff: Is there any debate?

Deputy Trott.

3325

Deputy Trott: I am always reluctant to disagree with anything my Minister says, sir, but I would not say we have moved swiftly. I have been a Member of the Commerce & Employment Department since December of last year and note my colleague Deputy Soulsby's name is attached to the States' Report. It can hardly be regarded as swift! But I do completely support the policy letter none the less.

3330

Deputy Stewart: I think we might be victims of a double misprint, sir.

3335 **The Bailiff:** Let's see if there is any other debate, then... No, there is no other debate. You may reply then, Deputy Stewart.

3340 **Deputy Stewart:** Well, we may be victim of a double misprint today, sir, but we have moved fairly swiftly. I think initially we have played a little bit of catch up, because I think initially the Association of Guernsey Banks did not see this as a priority. We went back to them and said, 'Look, it will make it an awful lot easier if we can bring this in, in tandem with Isle of Man and Jersey – it means that you only have to implement it once, particularly if you have a pan-Channel Island operation.' So, following that decision from the Association of Guernsey Banks, actually we have moved quite swiftly.

3345 Thank you, sir.

The Bailiff: Members, there are two Propositions on page 1209. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

HOME DEPARTMENT

VIII. The Probation Service and associated Orders – Proposition carried

Article VIII.

The States are asked to decide:

Whether, after consideration of the Report dated 13th April, 2015, of the Home Department, they are of the opinion:

1. To direct the preparation of such legislation as may be necessary to give effect to the proposals within that Report, specifically to:

a) define the function of the Probation Service in terms of public protection, rehabilitation and reduction of reoffending;

b) specify the primary duty of Probation Officers to the Court and the power of the Chief Probation Officer to designate persons to perform probation functions;

c) make a probation order a sentence of the court on conviction of an imprisonable offence with the purpose of public protection, rehabilitation and prevention of further offending;

d) specify the process of making of a probation order, requirements which can be attached and the ability to make a probation order in conjunction with a community service order;

e) bring variation and breach procedures in line with those found in the Criminal Justice (Community Service Orders) (Bailiwick of Guernsey) Law, 2006 Law;

f) introduce Absolute and Conditional discharges;

g) repeal the Loi relative à la Probation de Délinquants, 1929.

3350 **The Senior Deputy Greffier:** Article VIII – Home Department – The Probation Service and associated Orders.

The Bailiff: Deputy Gillson.

Deputy Gillson: Thank you, sir.

3355 This is a reasonably short, self-explanatory report. It updates the Probation Law in line with modern practice. The proposals have been developed following recommendations of the Criminal Justice Policy Working Group and I commend them to the Assembly to support the proposals, please.

3360 **The Bailiff:** Any debate? No.
The propositions are on page 1216. Those in favour; those against.

Members voted Pour.

The Bailiff: I declare them carried.

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

X. General Election 2016 – Debate commenced

Article X.

The States are asked to decide:

Whether, after consideration of the Report dated 27th April, 2015, of the States Assembly and Constitution Committee, they are of the opinion:

- 1. To agree that a General Election of People's Deputies be held on Wednesday, 20th April 2016.*
- 2. To set the opening hours of all polling stations in the districts of St Peter Port South, St Peter Port North, the Castel, the West and the South-East at 8 a.m. until 8 p.m. and those in the districts of St Sampson and the Vale at 10 a.m. until 8 p.m.*
- 3. To establish the polling stations for St Saviour (West district) at the new St Saviour's Community Centre, Le Neuf Chemin and at the Evangelical Church School Hall in Longue Rue.*
- 4. To agree that each candidate in the General Election of People's Deputies to be held in 2016 shall be entitled to claim from the Registrar-General of Electors a grant not exceeding £600 towards the costs associated with the production and distribution of manifestos in accordance with such administrative arrangements as shall be determined by the Registrar-General of Electors.*
- 5. To agree that the maximum for electoral expenditure shall be prescribed as £2,300 per candidate in elections for the office of People's Deputy.*
- 6. To agree to delete Article 8(b) of the Reform (Guernsey) Law, 1948, as amended and renumber sub-paragraphs (c), (d) and (e) as (a), (b) and (c) respectively; and delete Article 27(1)(b) of the Reform (Guernsey) Law, 1948, as amended and renumber sub-paragraphs (c), (d) and (e) as (b), (c) and (d) respectively; repeal Article 42 of the Reform (Guernsey) Law, 1948, as amended; and repeal the definition of "legal disability" in Article 49 of Reform (Guernsey) Law, 1948, as amended.*
- 7. To agree that the term of office of those People's Deputies elected in April 2016 shall expire on the 30th June 2020 and that thereafter the term of office shall revert to four years.*
- 8. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.*

3365 **The Senior Deputy Greffier:** Article X – States' Assembly & Constitution Committee – General Election 2016.

The Bailiff: Deputy Fallaize, the Chairman, will open the debate.

3370 **Deputy Fallaize:** Thank you, sir, but, do you want to do this this evening? (**Several Members:** Yes.) There are five amendments.

The Bailiff: Well, we could start the debate this evening, Deputy Fallaize.

3375 **Deputy Fallaize:** Right, okay.

The Bailiff: I do not know how long your opening speech is, but we can start.

3380 **Deputy Fallaize:** Not very. My opening speech is as long as saying I am pleased to lay the policy letter before the States and I ask Members to support it.

The Bailiff: As the Chairman of the Committee said just now, there are five amendments. I propose they be debated in the order of the Propositions to which they relate, so the first one is an amendment proposed by Deputy Dorey, seconded by Deputy Green.

3385 Deputy Dorey, do you wish to read your amendment or have the Greffier read it?

Amendment

In Proposition 1, to delete 'Wednesday, 20th April 2016' and substitute 'Wednesday, 27th April, 2016'.

Deputy Dorey: Thank you, Mr Bailiff, I can read it; it is very short: In Proposition 1, to delete 'Wednesday, 20th April 2016' and substitute 'Wednesday, 27th April, 2016.'

This is a very simple amendment that moves the date of the General Election next year to one week later than that proposed by the States' Assembly & Constitution Committee.

3390 The reason for this is to avoid having the Election during the Easter school holidays, which are from Saturday, 9th April to Monday, 25th April inclusive. Easter is early in 2016 and Easter Sunday is on 26th March, so, unusually, Good Friday and Easter Monday holidays are during term time.

3395 Having an election in the Easter holidays will, I think, reduce voter turnout. The turnout in the 2012 Election varied between 66% and 76% across the districts, which you might say is not too bad, but when we look at the actual number of people who are eligible to be on the electoral roll, the turnout is approximately 40% of eligible adults aged 16-plus, because so many people do not register to be on the electoral roll.

3400 This, in my view, makes it even more important to maximise the number of people who do vote. We should be trying to increase that number, rather than possibly decreasing it by choosing a date in the holidays. It has been said that people could use postal votes, but if you are going on holiday you have to be quite organised to ensure that you register a postal vote in time to receive and return your voting form before you go on holiday. I am sure that many people who are going on holiday will just not get round to doing this. Surely we should be making it as easy as possible for people to vote, and I believe that having an election during term time does make it easier.

3405 I have done some research into the number of adults who arrived in Guernsey from the UK and France during the last four days of the Easter school holidays this year compared to one week later. There were just under 1,400 extra adults arriving between those four days of the holidays. I accept it is not a detailed analysis, but it is a clear indication of the number of people who are off Island during the school holidays compared to the normal number of people who travel at that time.

3410 Paragraph 3.5 of Billet refers to possible problems with recounts. From the research I have done, I do not believe there will be a problem if the Election is held on Wednesday, 27th April. If a candidate wants a recount they have to officially demand it within 24 hours of the declaration of the result. This would enable any recounts to be done on the Friday, and that is exactly what happened in 2012 when there were two recounts. If necessary, I understand that the Court could sit on Saturday morning so that the successful candidates in the recount could be sworn in that

morning. This will ensure that everyone is sworn in before the new term starts on Sunday, 1st May. So, in my view, there is no problem with any recounts.

3420 The March States' meeting is due to be on Wednesday, 9th March 2016 and if, like four years ago, there is a very heavy agenda there will be another advantage of having a later date for the Election, because it will be possible for the March meeting to continue one week later on Wednesday, 16th March to finish the Billet, because the date for nominations to open could be on 21st March, instead of Monday, 14th March.

3425 The only other possible effect is a slight delay in the election of the President of the Policy & Resources Committee. Assuming that the Review Committee proposals are supported by the Assembly, as I understand... and this will be a matter for you, sir, and SACC to decide on, but I would have thought that it would be possible to have the election for that President on Friday, 6th May.

3430 Our view is that it is worth having a slight delay in the General Election as it will enable more people to vote. I encourage Members to support this very simple amendment. I will answer any questions at the end of the debate. Thank you.

The Bailiff: Deputy Green, do you formally second the amendment?

3435 **Deputy Green:** Yes, I do, sir, and reserve the right to speak.

The Bailiff: Deputy Fallaize, do you wish to speak at this point?

Deputy Fallaize: Yes, please. Thank you, sir.

3440 I think the single most important point which is made by the laying of this amendment and this debate generally is that the third Wednesday or even the fourth Wednesday in April is not the best time of the year to hold a General Election. That, of course, is in support of the Committee's proposal to move General Elections, from 2020 onwards, to June when the sorts of problems which Deputy Dorey's amendment highlights, and indeed the policy letter highlights, would simply not arise.

3445 In respect of what to do for 2016, the policy letter makes it very clear that the Committee was to some extent in two minds over this. The instinct of more than one member of the Committee was to propose 27th April as the date for next year's General Election, primarily because it will not fall within the school holidays, as Deputy Dorey has outlined, and there may be less need for postal votes, which of course could have a financial saving, or at least reduce expenditure.

3450 It is obviously the case that under either date anybody who goes away during the school Easter holidays will miss some of the election period, whether it is the period for canvassing, distribution of manifestos or the election day itself, but the reasons the Committee in the end decided to propose the 20th rather than 27th April, were the following.

3455 First of all, despite what Deputy Dorey says, there would be a lack of time for recounts. If there is only one recount it is manageable, quite clearly, but it is possible that there could be more than one recount, and there are only limited resources available. If there are recounts in multiple districts then the problem becomes much more significant if the election is held on 27th April than if it is held on 20th April.

3460 There is also then a much narrower window during which Members can be sworn as Members of the States, because it is possible that the final results of the Election and the makeup of the States could be known only hours before the present States' term expires.

3465 But, perhaps I think more significantly, in terms of the working of the States there would be virtually no time at all to begin the induction process. The induction process was different last time than previously. When I was first elected in 2008 – and I think before then there was even less than there was in 2008 – the induction process included a couple of events, one of which was half an hour in the Royal Court, a sort of welcome introduction by the Bailiff, but clearly that has been extended quite significantly, and in 2012 the induction process was more comprehensive. If

3470 there is a period of perhaps 10 days or two weeks between the General Election and the date
when the States first meet, there is a longer period available for the induction process. If the
General Election is on 27th April the period for the induction process is necessarily much shorter
and more restrictive and I think it would mean that we would have to have a shorter and less
complete induction process.

3475 Also, there would be less time for nominations. At the moment, in respect of the Office of
Chief Minister it is necessary for candidates to submit their nominations, or have their
nominations submitted by their proposers, several days in advance of the Election. If the period is
squeezed between the date of the General Election and the internal elections it may make the
period for nominations rather more complicated – although it may be that the internal election
3480 process will be different in the next States, but that is a decision the States will have to make in
due course. But there certainly will be less time for Members to... I hate the phrase 'get to know
one another', but if States' Members are going to elect Members to the most senior offices at the
beginning of a States' term, it must be the case that the longer there is between the date of the
Election and the elections to those senior offices must be advantageous because it gives States'
Members who are going to vote in that election more of an opportunity to get to know the
3485 candidates, to scrutinise the candidates etc.

Deputy Dorey may say, 'Well, there will be anyway because we will push the date of the first
internal elections a few days later,' but we could do that anyway. We could keep the Election on
the 20th and push the date of the internal elections back, which would mean that you had an
extended period between the date of the General Election and the date of the first internal
3490 elections. If the General Election is held on 27th April rather than 20th April there will clearly be
less time than there otherwise could be between the General Election and the internal elections.

Solutions will be found to these problems if the States want to hold the Election on 27th April
rather than 20th April. The Committee is not saying that the problems are totally insurmountable
and there is no... In fact, when the Committee met to discuss these amendments we decided that
3495 we would take a relatively neutral position on this amendment because we recognise in our policy
letter that 20th April is far from ideal. But these are the reasons, sir, that I have outlined for why
the Committee on balance is proposing the 20th, rather than 27th April.

Thank you.

3500 **The Bailiff:** Deputy Le Pelley.

Deputy Le Pelley: Sir, really a question that hopefully SACC can answer, but I will also ask it of
the proposer. SACC were very quick to actually contact all of the parish officials to see if they were
going to be available to actually run the Election on a particular day. There was also the question
3505 of the particular hours which each polling station would be open. This is a change, and I do not
know that any of the parish officials have been asked if this change could be actually conducted
by those officials.

Deputy Fallaize: Sir, if Deputy Le Pelley is asking me to advise the States on that, the answer is
3510 no. The parish officials have confirmed that it is possible for them to hold the Election on
20th April. What effect it would have to move it to 27th April is debatable. I am not sure that that
ought to sway the opinion of the States necessarily, because it may be better or it may be worse
for certain parishes to staff the Election during or after the school holidays. But clearly what the
Committee knows is that the parochial officials are content with 20th April.

3515 **The Bailiff:** Deputy Conder.

Deputy Conder: Thank you, sir.

I do not have a lot to add to what the Chairman of the Committee has said, of which I am
3520 Deputy Chairman, but just to perhaps put a bit more flesh on it, those of us who were new

Members in 2012, when I think the Election was 18th April, might recall there were a large number of new Deputies in 2012 – who is to say whether there will be an equally large number in 2016? But what I do recall was the fairly frenetic period between 18th April and the actual swearing in by you, sir, of all of us early in May, and that frenetic period was important. It was important for us to get to know and understand better our roles, to get to know each other, to actually make some sort of judgements, inadequate and incomplete though they were, in terms of whom we would wish to support to take on the senior positions and which Committees we would like to be on ourselves. So I am concerned about this amendment. I agree absolutely with Deputy Fallaize. We had a lot of discussion in SACC and we certainly did move towards the idea of the 27th on one occasion, but I would urge colleagues to reflect back, particularly those like me who were new to the Assembly, just what it was like and how important that interregnum was to us as we came to terms with our new roles.

Again, in terms of Deputy Le Pelley's comments, I was at the Douzaine meeting for St Peter Port on Monday and concerns were expressed about a change of this date – they had prepared themselves for an election on 20th April. So I think, whilst there clearly are issues, I suppose... Before I just sum up, I think the one other issue, of course, is we need to get our new Government up and running as quickly as possible, so the 27th April date... Unless everything is concertinaed into a very short timescale, there clearly has to be a longer period before the new Committees are meeting, particularly before the senior Committee is put together, P&R, and I do not that is... Given April itself is a bit of a hiatus in terms of Government – I think, again, those more experienced than me might well say it is a significant hiatus in terms of Government – to add an additional couple of weeks to that I think is quite an issue.

So I think on balance I would urge colleagues to stay with the recommendation for the 20th. I do understand why the proposer and seconder are making this suggestion. I cannot think of any other western democracies where they set their election and school holidays are a particular issue. There are all sorts of arrangements that can now be made to allow people who are not able to get to the ballot box physically to cast their vote and I struggle to think of... Many jurisdictions' elections are fixed. For example, in the United States it is the second Tuesday of November and that is built into legislation. So I am not sure this is as big an issue as the proposer and seconder have made.

The predominant thing for me is this issue of the need for... particularly if we have a lot of new Members, and my instinct suggests that we might, they will need time between when they are elected and when they have to make important decisions to come to terms with their new rôle. So I would urge colleagues to reject this amendment and stick with 20th April.

Thank you, sir.

The Bailiff: Deputy Gollop.

Deputy Gollop: Yes, I am glad Deputy Conder has mentioned the United States. Deputy Fallaize knows I have expressed views on the subject in the past. Imagine if SACC or the SRC proposed to this Assembly that they wished to have the same number of representatives in each of the 10 parishes regardless of population, elections every two years and constituencies of 800,000 people in them – we would think them quite strange. But that is exactly what the United States have in their system. One of the extraordinary things that they do is, should a President unhappily pay the ultimate mortal price, his successor could be sworn in on the equivalent of a Trislander. So I am not sure why we even have to go to the Royal Court on the Saturday morning for the swearing-in of the recounts. That could be done in a different way perhaps; I am not sure.

I will support the Dorey amendment. I will give it a whirl. (*Laughter and interjections*) Well, I think you do have to take the attitude what works and what doesn't. I have seen... in the past we used to have Douzaine representatives who would enter the Chamber after a Christmas election. They would come in and from nowhere in January they would have to find their feet in a willy-nilly sort of way. I think we are molly-coddling States' Members too much. (**Several Members:** Hear,

hear.) I remember a former senior Minister said to new candidates who were elected... They said, 'We want to know how the system works.' 'Well,' he said, 'you shouldn't have stood if you did not know how it works.' (*Laughter*) (**Several Members:** Hear, hear.) There is something in that. (**A Member:** It's true.) I think it is facile to say that we can adequately, after two weeks of parties, inductions and talks, determine who could and should be in every conceivable job, and indeed that is perhaps one of the reasons why we change our minds later on. (*Interjections*)

But leaving that aside, the real issue here is accessibility to voting and the turnout. The turnouts, as Deputy Dorey and others have made the point, are quite low in Guernsey. St Peter Port North had a turnout somewhere between 50% and 60% at the last Election out of a roll that we know was very small. How many were on the roll? About 3,000-3,500, out of what we now know is a population in the area of at least 10,000. We are getting lower turnouts than many inner city areas if you really combine the electoral roll issue. We have to address that and we have to ensure that the voting population is representative of the entire population, and we are more likely to lose younger voters and parents of young children if we do not change the date.

There is another more subtle reason. The later we put the Election back, the more likely it is that the new candidates we appear to want to... what's the word... not 'indoctrinate' but 'induct' into our system (*Interjections*) the new candidates who would come in on the 27th rather than the 20th, it follows logically they have an additional week to prepare and canvas and go around when the evenings are longer, which is one of the arguments for June, when they would have an additional week to consider their candidature. Everything is put back a week. I think that that can only be an advantage, because short sweet snap elections definitely favour incumbents.

But of course, again, I am old enough to remember when we always had our elections in March, and that was quite chilly at times. So, if we do not want to go back to March we should actually avoid the Easter holidays and try, where possible, to go for a date which is more universal and more inclusive. When you think of the United Kingdom, they have an election and the Members of Parliament are effectively in office by the following day, choosing Ministers and so on. We really have a long delay here and I am not sure that is the best way forward.

The Bailiff: Deputy Bebb.

Deputy Bebb: Thank you, Monsieur Le Bailli.

Nice to see that Deputy Gollop wants to give democracy a whirl!

This has been probably the most vexed question of this whole paper. The amount of toing and froing in the States' Assembly & Constitution Committee regarding this one question has been far more difficult than any other question relating to this Election, and that gives a measure, I would hope, to Members of confidence that it has been looked at extensively.

I have every sympathy with the intention of the movers of the amendment. As Deputy Gollop said, we are fairly embarrassingly low in the number of people who participate in our elections. We really have to think carefully as to how we increase the numbers who participate in the Election. Having an Election during a school holiday obviously does nothing to assist us in trying to increase participation in the Election. Those points are very true.

However, there are some points in relation to the recount, and St Peter Port North is probably the best example. Last Election, as on so many other previous occasions, we were the last to declare. I seem to recall it was something like two o'clock in the morning. That gives those candidates from St Peter Port North through until two o'clock on Friday morning to decide if they wish to have a recount. Last time, in 2012, we had two recounts, one at the Vale and one at St Peter Port North. My memory is not brilliant on this one. I just had a quick word with Deputy Lester Queripel. I seem to recall that the result of the recount for St Peter Port North, which was the last one of the recounts to declare, was at about half past three; Deputy Queripel feels that it was closer to five o'clock. But that gives you an indication as to how late it is, and that is with two recounts.

3625 The other question that really does come into play here is, of course, in the next Election,
should the proposals of the States' Review Committee be carried, it will not see a reduction in the
number of candidates, but it will see a reduction in the number of elected Deputies. Therefore, the
margins in order to ask for a recount are more likely, or rather it is possible that we will see a
greater call on recounts. It only takes three and we immediately go into a second day of
recounting. Four, we have a problem. Five, we have missed it. I caution that I believe that the
3630 recount question is a very difficult one. It does require Government and the civil servants to come
to a complete stop and everybody has to just have all hands to the pump in order to work on the
recount, and it is problematic.

I do think that the comments made in relation to the period of time between the Election and
the swearing-in are very pertinent. I can honestly say that, apart from a couple of brief
3635 conversations with Deputy Gollop, I do not believe that I had had a conversation with any other
Member in this Assembly prior to being elected. That is an indication that people are elected who
do not know each other, and therefore some period of time for people such as myself during the
last Election to make some judgement as to who should be elected to very senior positions for the
following four years is not a decision that should be made lightly, and some period of time is
3640 preferable. The 27th really provides no opportunity for that to happen.

Finally, I would like to say that the 27th has been considered within Committee to the extent
that we even discussed the possibility of extending this term of office even by a week. But the
firmly held belief was that, having been elected through until the end of April 2016, definitely by
myself and Deputy Conder, we really should not, unless it is *in extremis*, vote to extend our term
3645 of office. That reluctance is the reason why we have not made any proposals in that area.

I think that it is perfectly reasonable for everybody to recognise that we do recognise the
problem with this particular date. We eventually came to the position of saying that we will have
to live with it for one more Election, being 2016, and that we will fix the problem by electing the
next States through for a longer term so that they will be in office until the end of June. That is the
3650 compromise that the Committee came to after extensive deliberation.

I have every sympathy with the amendment and I recognise that by sticking with the 20th we
are not helping that very issue of trying to increase the number of people who participate within
the Election, but I hope that I gave some reason as to why we have reached this compromise of
the 20th. I still believe that it is probably the best date.

3655 Of course, what might be preferable is if someone were minded to move an amendment that
would see the Education Department move their Easter holiday to be around Easter, but
apparently that simply is impossible beyond... Hell will freeze over before the Education
Department can move their holiday on Easter to coincide with Easter in 2016, but I have
suggested that many times and it has come to nothing – there we go.

3660 Members, it is difficult, but on balance I would ask you to stay with the 20th, though I have to
say the Committee, if directed to have it on the 27th, will understand and will have every
sympathy with it and will continue to work for the 27th if that is the will of the States.

Thank you.

3665 **The Bailiff:** Deputy Green.

Deputy Green: Sir, I will be brief.

Deputy Dorey made all the correct points, as did Deputy Gollop, and it is right that the focus
here should be on maximising voter turnout. The turnout levels in 2012 were actually relatively
3670 good. In Castel the turnout of those on the electoral roll was 73.4%, which was good; but if you
take into account all of the people who live in Castel, the figure was not good. We have an
obligation, I think, as Members of the Government, as parliamentarians, to ensure that the turnout
at the Election next year is maximised as far as possible. If you have an election date in the middle
of a school holiday, lots of people in this Island with families are going to be away for part or all of
3675 that period and we have to make sure that we make it as easy and as simple as possible for

people to cast their votes – and, one way or another, postal votes are not that popular. Having the Election on 20th April is not going to help.

3680 I note the two practical arguments that are put forward as to why the 20th is better than the
27th April. I think they are too cautious. Deputy Fallaize himself said they are not insurmountable,
and I think that is absolutely right. I think it is quite easy to exaggerate the importance of the two
factors that SACC is relying on to militate towards the date of 20th April, in terms of recounts and
in terms of the election of the President of the Policy and Resources Committee. I think they are
practical reasons, but I do not think they are quite as substantial or strong enough as some
3685 Members are trying to make out. I think the issue of principle is that we should try to maximise
turnout and I think that that overrides the two very cautious, very practical reasons which are
being advanced to the contrary. So I would ask Members to support this amendment to maximise
turnout.

The Bailiff: Does anyone else wish to speak?

3690 Deputy Lester... Oh yes, there are several Members.

A Member: Thank you, sir.

The Bailiff: Well, I was going to call Deputy Lester Queripel, because he was up first. Deputy
3695 Lester Queripel.

Deputy Lester Queripel: Thank you, sir.

3700 I am going to support this amendment, and I resonate with everything Deputy Dorey and
Deputy Green have already said, because this amendment makes perfect sense from a logistical
point of view.

We often say we need to do whatever we can to encourage our fellow Islanders to vote. Well,
here is an opportunity to do just that. Surely the most logical thing to do would be to ensure that
as many of our fellow Islanders as possible are actually on Island on the day of the Election and
not off the Island on holiday.

3705 Thank you, sir.

The Bailiff: Let us have an indication of how many more people would like to speak on this
amendment, then we can decide whether we conclude debate on this amendment this evening
or... There are only two, perhaps three Members. I propose then that we just conclude the debate
3710 on this amendment this evening.

Deputy Duquemin.

Deputy Duquemin: Thank you, sir.

3715 I agree with everything that was in Deputy Lester Queripel's 104th speech in this Assembly.
(*Laughter and interjection*) I think what he said, that certainly resonated with me – and I think
Deputy Dorey has mentioned the same thing, Deputy Green and others – is that we have to
maximise turnout; that is imperative. We talk about a democracy and the amount of people that
are voting for the candidates or the politicians that are in this Assembly. The more people we can
get voting makes a *huge* difference, and clearly the school holiday issue is one that is very
3720 obvious.

Perhaps people will think I am being flippant or even peripheral when I mention another
fringe benefit of having it during the school term. Today the Castel School students were here
and, believe it or not, those students, albeit they are in primary school at the moment, will be
voting not in this Election in 2016 but they will be voting in 2020, and it is important that we
3725 engage with those students (**A Member:** Hear, hear.) and we maximise. Let me tell you, when I
stood at the Castel Douzaine room shaking hands and kissing babies on whatever day it was back
in April 2012, the demographics of those who were voting was appalling. It is a very old

3730 population that are voting and we need to do all we can to make sure that younger people, younger families vote. I have said that I might be being flippant or even peripheral, but I know that many mock elections are held within the schools during election time, and that may be a child's first impact of an election, it may be the bit that actually engages with them, and I think we would be foolish to throw that opportunity away.

3735 Sir, this is the second time that I have debated this in a Chamber similar to this, because I was at Castel School on Monday debating the Dorey amendment in a mock debate, and all I can say is that they said that we should give it a whirl too! (*Laughter*)

The Bailiff: Deputy Adam.

Deputy Adam: Thank you, sir.

3740 I tend to accept what my colleagues on SACC have already said. What is unfortunate is, as Deputy Bebb said, the most convenient and satisfactory solution is for Education to change the school holidays because if you are going to have the Election on the 27th, people might be going round the parishes for two weeks when everyone is away on holiday – according to assumptions of the people who support the 27th. Plus your hustings meetings will be at that time. As Deputy
3745 Matt Fallaize said, that is the main problem: it is the school holidays and the timing of the Election. We cannot do anything about that at this time, but the proposals are there to change the timing of the Election to June. Why June? Because May is also a nuisance because it has got three bank holidays in it, provided they come not on a Saturday or Sunday, because you have got Liberation in May, and the first and the last Mondays. Therefore, moving forward to June would avoid this
3750 problem. Therefore, no matter whether you have the Election on the 20th or the 27th, you have still got the problem of the school holidays disrupting elections – sorry, hustings, going round the districts that you are in, and it is not satisfactory.

Also, the assumption is that the people who are not going to be there are all those young adults between 16 and maybe 30 with children etc., yet on another day actually it may be people
3755 who are in the older age group, because they go on holiday when it is not school holidays – because, believe it or not, it is *cheaper*. (*Interjection*) Thank you. Actually, to me, school holidays... it depends what our grandchildren are doing and my son and daughter-in-law, because if they are going on holiday that is fine, I can take holidays; if they are not, my wife is helping to look after the children whilst they continue working.

3760 So it works both ways and there is no evidence base, apart from a gut feeling – and that is all – that it will make a difference to the voters' turnout; there is no evidence to show that. Provided we make sure that people have access to postal votes at an early stage and are made fully aware, it is publicised and they are sufficiently interested in voting, I do not see how that argument that Deputy Duquemin, Deputy Green and Deputy Dorey have put forward...

3765 As Deputy Fallaize said – and Deputy Bebb and Deputy Conder have all said – this was discussed at extreme length by the SACC Committee. We actually took advice from the Law Officers, from the Bailiff, and we sent out letters to the Douzaines and they came back and said, 'Well, no, the 20th suits us fine.' They did not feel that school holidays were sufficient reason to change the date of the Election. As Deputy Fallaize says, the Committee did discuss this. We felt
3770 we would put forward the 20th as the most reasonable date, for the reasons already stipulated, and I personally think...

I was elected at a by-election and there was not any sort of an introduction or anything. You were elected one day and you came straight into the Chamber without knowing anything and did not necessarily know the people. (*Interjection and laughter*) Because of that I do really think the
3775 introduction of meetings and discussions beforehand is essential to help people to meet new Deputies, to find their way round etc. and this type of thing. I know for Deputy Fallaize it did not matter because he had sat in the Public Gallery probably for two or three years beforehand, therefore he knew his way round before he came here, but a lot of us who had a full-time job would not have had the time to do that. (*Laughter and interjections*) I obviously said that the

3780 wrong way, Deputy Fallaize. I should say that Deputy Fallaize worked for the *Press* at one stage and used to attend the meetings for that reason. It was not a case that he did not have a full time job and was lazy. (*Interjection*)

So, sir, I suggest to this Assembly we are as well to leave it on 20th April, but please support changing the whole timing of the Election to June.

3785 Thank you, sir.

The Bailiff: Deputy Lowe, you indicated you wished to speak on the amendment.

3790 **Deputy Lowe:** I did, sir, but Deputy Adam covered the area that I wanted to cover, inasmuch as there are an awful lot of people who go on holiday outside of the school holidays because it is cheaper and actually fits in with Deputy Duquemin, who may find the turnout might be lower because he said the demographics of those who voted was quite appalling. So there are swings and roundabouts with all of this, to be honest, and I really believe we should stick to the date that has been proposed by SACC, but we should also make sure we do a huge lot of publications and presenting and promoting that postal voting is available to everybody, whether you are on holiday or not, and we certainly saw the numbers go up last time. People can now vote in the convenience of their home with their family, stick it in the post and it is sorted. They are not restricted to going into the Douzaine room between 10 and eight, and it looks like hopefully it will be eight and eight. I prefer seven and eight, because then you can get more before they go to work, but we are in the right direction.

3800 Thank you, sir.

The Bailiff: Deputy Sillars.

3805 **Deputy Sillars:** Sir, just very briefly, the holidays are geared across April, but a lot of the students have very important exams, GCSEs, so the lead up into May and June is really very important. So, whilst it is important to get the Election right, we are just not able to say, 'Well, we'll have a late holiday,' and the students have a mix up on when they go into their GCSE's. So I would suggest that is important.

3810

The Bailiff: Deputy Le Clerc.

3815 **Deputy Le Clerc:** Sir, I was not going to speak but I just wanted to talk about what people have said about the induction processes. I think what I found last time, when I went through the induction process, was that a lot of the new Deputies went to the induction process but a lot of the standing Deputies did not. So actually, if we are going to stay with the date of the 20th, or whatever, I would urge standing Deputies who get re-elected to attend those induction processes to ensure that they do welcome their new colleagues.

3820 **A Member:** Hear, hear.

The Bailiff: No-one else is standing. Deputy Dorey will reply.

3825 **Deputy Dorey:** Thank you, Mr Bailiff.

Deputy Fallaize started by saying that SACC were neutral. I am glad they were neutral, because from their speeches it did not seem like it! (*Laughter*)

3830 He mentioned – a lot of them mentioned – about recounts. As I said, there were two recounts in 2012 and we managed them both on the Friday. If there were more – as Deputy Bebb said – recounts, I am sure that the number of civil servants could be increased, or if necessary they could do the recounts on the Saturday. I am sure the election process is an important enough process that we can make changes to ensure that those recounts are done. I think they should be done on

the Friday anyway because that is the right time to do them, so we just have to find the resources to ensure that they are done at that time.

3835 People have talked about the induction process, and I think everybody who supported this amendment. As Deputy Le Clerc said, because a lot of standing Deputies do not attend the induction process they were not that good as a meeting to get to know people. But when I have attended hustings I have seen a lot of candidates who are standing in other districts attending the hustings in not their home district. That is part of the process of Members trying to understand the views of other people, and they can also read their manifestos. What is different is that we
3840 have a far more comprehensive process of elections for the... significant processes with question times and longer speeches from the candidates, so the actual process of electing the President of Policy & Resources Committee will be quite different to what we had four years ago.

To me, the most important thing is voter participation, and that has got to come top of the list. People have said that people who have not got children choose their holidays outside school
3845 time. Well, they might do that but at least they will know about the Election and they can choose whether they can or not, but parents do not have that choice. They are limited to these periods of school holidays, and particularly if you have got children doing external exams you might want to ensure that you go on holidays at certain times.

Deputy Adam said you do not know whether it will affect it, but common sense tells me it will
3850 affect, and I do not want to carry out an experiment of finding out there is poor voter participation by having it in the holidays. I have identified that there are 1,400 people, adults, who travelled back to Guernsey in those last four days of the school holiday, compared to a week later. So I think that clearly shows there are a lot more people who are off the Island who return during the school holidays than a week later.

3855 Deputy Le Pelley talked about parish officials. Well, we were given 10 months' notice, and I think, hopefully, they are committed enough to their task to organise themselves, because you do not have to have 100%. I have been a parish official at many elections and there are not always all the Douzaine members available, but with 10 months' notice I hope they can organise themselves to make sure they are available.

3860 Deputy Gollop made a very good point about younger voters taking part in the Election. If they are not on Island they would find it more difficult, obviously. He also spoke about evenings for longer canvassing, which I think would be beneficial and consistent with what the SACC are proposing by moving it to June.

I was very pleased that my parish school voted in favour of my amendment, as Deputy
3865 Duquemin explained.

I urge Members to put the participation in General Elections ahead of internal elections. If people feel that strongly that they want more time, we can have more time before the internal elections. There are procedures to cope with that intervening period.

3870 So please put voter participation, which we know is very poor... Currently it is around 40% of the people who are eligible to vote in this Island take part. We want to maximise it, so please support this amendment.

I ask for a recorded vote. Thank you.

3875 **The Bailiff:** Members, the request is for a recorded vote on the amendment proposed by Deputy Dorey and seconded by Deputy Green.

There was a recorded vote.

Carried: – Pour 25, Contre 13, Ne vote pas 2, Absent 7

POUR

Deputy Brouard
Deputy Wilkie
Deputy Burford
Deputy Luxon

CONTRE

Deputy De Lisle
Deputy Inglis
Deputy Soulsby
Deputy Sillars

NE VOTE PAS

Alderney Rep. Jean
Alderney Rep. McKinley

ABSENT

Deputy Perrot
Deputy Harwood
Deputy Langlois
Deputy Robert Jones

Deputy O'Hara
Deputy Hadley
Deputy Brehaut
Deputy Domaille
Deputy Le Clerc
Deputy Gollop
Deputy Sherbourne
Deputy Lester Queripel
Deputy St Pier
Deputy Stewart
Deputy Le Pelley
Deputy Ogier
Deputy Trott
Deputy Fallaize
Deputy David Jones
Deputy Laurie Queripel
Deputy Spruce
Deputy Duquemin
Deputy Green
Deputy Dorey
Deputy Le Tocq

Deputy Quin
Deputy Kuttelwascher
Deputy Conder
Deputy Bebb
Deputy Gillson
Deputy Lowe
Deputy Paint
Deputy James
Deputy Adam

Deputy Storey
Deputy Le Lièvre
Deputy Collins

The Bailiff: Members, we will just pause while those votes are formally counted, and then I will be proposing that we resume tomorrow morning – rise now and resume tomorrow morning at 9.30.

3880 Members, the voting on the amendment proposed by Deputy Dorey and seconded by Deputy Green was 25 votes in favour, 13 against and 2 abstentions. I declare the amendment carried.
We will rise now and resume tomorrow at 9.30 a.m.

The Assembly adjourned at 5.48 p.m.