



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Wednesday, 19th February 2025

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Present:

Sir R. J. McMahon, Esq., Bailiff and Presiding Officer

Law Officers

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

People's Deputies

S. E. Aldwell	C. J. Le Tissier
C. P. A Blin	J. P. Le Tocq
A. H. Brouard	M. P. Leadbeater
Y. Burford	D. J. Mahoney
T. L. Bury	A. D. S. Matthews
A. Cameron	L. J. McKenna
D. de G. de Lisle	C. P. Meerveld
H. L. de Sausmarez	N. G. Moakes
A. C. Dudley-Owen	R. C. Murray
J. F. Dyke	V. S. Oliver
S. P. Fairclough	C. N. K. Parkinson
S. J. Falla	R. G. Prow
P. T. R. Ferbrache	L. C. Queripel
A. Gabriel	P. J. Roffey
J. A. B. Gollop	G. A. St Pier
S. P. Haskins	A. W. Taylor
M. A. J. Helyar	L. S. Trott OBE
N. R. Inder	S. P. J. Vermeulen
A. Kazantseva-Miller	

Representatives of the Island of Alderney

Alderney Representatives E. Hill and E. A. J. Snowdon

The Clerk to the States of Deliberation

E. Gallienne, Esq. (Deputy Greffier)

Absent at the Evocation

Deputy H. J. R. Soulsby MBE (*relevée à 10h 41*)

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Lt Gen Richard Cripwell
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE DEPUTY BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

CONVOCATION

The Deputy Greffier: Billet d'État V of 2025. To the Members of the States of the Island of Guernsey, I hereby give notice that a Meeting of the States of Deliberation be held in the Royal Courthouse on Wednesday, 19th February 2025, at 9.30 a.m. to consider the items listed in the Billet, which have been submitted for debate.

5

In Memoriam – Former Deputy Janine Le Sauvage

The Bailiff: Good morning, Members of the States. On 24th January, former St Martin's and South East Deputy Janine Le Sauvage died.

Janine Le Sauvage was born on 5th July 1945, in the United Kingdom. She ran a bed and breakfast business in her St Martin's House, and later a self-catering unit.

10 Janine was first elected to the States in 1994, as a Deputy for St Martin's. She was elected immediately to the Arts Committee and the Broadcasting Committee, on both of which she served for many years and became their Vice-Presidents. She also joined the Public Thoroughfares Committee and, briefly, the Population and Migration Committee. Later, she was elected to the Island Development Committee, the Agriculture and Countryside Board, the Tourist Board, no doubt
15 as a result of her previous experience, the Water Board and the Liberation Celebrations Committee.

After the consolidation of Committees, she was an assiduous Member of the Environment Department, which was then responsible for planning matters, for her last two terms in the States, serving as its Deputy Minister for a time. It was in respect of planning matters that I remember
20 advising both the IDC and then the Environment Department, including Janine, a memorable occasion being the equal decision about the petrol station in front of the Co-op's Grande Marche, therefore treated as rejecting the application, which went on appeal to the Court, where I duly lost!

Janine was an active constituency Deputy, raising parishioners' issues in the States and she was known for being independent minded. However, having completed 18 years as a Deputy, she lost
25 her seat at the 2012 General Election. Deputy Soulsby topped the poll, although Janine had slightly more votes than Deputy Matthews' attempt to secure election in the South East. The other successful new candidate that year was Deputy Paul Luxon, who later became Janine's neighbour.

Janine continued to write to *The Guernsey Press* letters page on matters which attracted her attention and which were often linked to the Committees on which she had served, such as population, works at the bathing pools and heritage and planning matters. Janine enjoyed year-round sea swimming as a member of the Mid-Morning Club. She was also an animal lover and would be seen in the lanes near her home, walking her dog.

She was also interested in local history, being a member of La Société and the National Trust of Guernsey, and dressing in traditional costume for the old Guernsey markets. She liked antiques and there was a near life-size model of Joan of Arc in armour in a road-facing window at her house. Until quite recently, she was the most regular of the stallholders at the Sausmarez Manor Farmers' Market, where she ran a bric-a-brac store, no matter what the weather, to raise money for charity.

Janine had very few close family members. To those in her extended family and her friends, we extend our sincere condolences. Members of the States, will you now please join me in rising for a period of silence to honour the memory of former States' Member, Janine Le Sauvage.

Members stood in silence.

The Bailiff: Thank you all, very much.

Statements

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

The Bailiff: Now the first item of business at this Meeting will be an update Statement from the President of the Committee *for* Education, Sport & Culture, and I will invite Deputy Dudley-Owen to deliver that Statement, please.

Deputy Dudley-Owen: Thank you, sir.

I am pleased to provide this update to the Assembly on the work of the Committee and I will start with our education transformation programme. Progress on the construction programme continues, the enabling works for the build at Les Ozouets, notably the roadway on the site, is now in the final stages.

The tender process for Phase 1 of the build has resulted in an affordable scheme that meets our quality requirements and we are delighted to be on the cusp of finalising this two-phase tender process which has been subject to robust and positive independent quality assurance. The build cannot come quickly enough, because buildings at both Les Coutanchez and Delancey have again suffered due to winter storms. We absolutely need to provide learning environments that match our and our learners' high aspirations. There is also continued investment at Les Varendes High School, to ensure that it remains a valuable asset for our Island for years to come.

The roll out of additional digital devices for learners continues, supported by training and development for educators, and the transition to the new operating model for the Secondary School Partnership, both of which are important aspects of this education transformation journey.

We cannot, and must not, ignore the financial challenges that we as a Government must overcome, but also must not lose sight of the things that we hold dear. The things that matter to our community and make our Islands so uniquely special. We all recognise the significance of this year's 80th anniversary of Liberation Day. Planning is well underway, and going well, for a wide range of commemorations and celebrations.

When we surveyed Islanders, they told us they would like to see some of the traditions of the Liberation Days of yesteryear, and we want to provide something for everyone as the community comes together to mark this significant milestone.

70 The focus will be on St Peter Port, with the seafront closed for the day and entertainment on each pier; in Market Square; on the Albany; and at Castle Cornet. We have a full programme of events, on and around 9th May, including a Liberation Concert at Beau Séjour with local and visiting performers, the traditional parade followed by a service at the Town Church, visiting military and a large cavalcade featuring vehicles, floats and walking participants – all contributing to this important anniversary.

75 Parts of the event will be live streamed to make the day as accessible as possible, and grants have been made available to parishes who want to hold their own celebrations. St Pierre du Bois is hosting an event at L'Eree on 9th May and St Peter Port will be joining in with the celebrations in Town. St Martin's, St Andrews and Vale are all hosting events on 10th May, so we hope there truly will be something for everyone.

80 All of this is made possible through the support of volunteers, and we are working with the Association of Guernsey Charities to encourage people to get involved. Through you, sir, and building on the legacy of the Herculean volunteering efforts of our community when we hosted the Island Games, I encourage people to think about whether they might be able to spare some of their time on the day, helping to make the events run smoothly. We are fortunate, having secured £30,000
85 of sponsorship and other offers of help and assistance, but further sponsorship opportunities are available. We are pleased once again that with this support, hampers will be available to care homes, Age Concern and individual Islanders.

There are several legacy projects for this 80th anniversary including gifts for school children, a blue plaque to the Guernsey Active Secret Press, and the recording for posterity of wartime
90 memories through the Island Memories Project between Guernsey Museums and the BBC.

Alongside our own celebrations, the community is invited to help celebrate the 80th anniversary of VE day, as we participate in the beacon lighting taking place throughout the UK, and overseas.

Thinking of things we hold dear, I know many of us have an emotional attachment to Beau Séjour, and it is heartening to see that the centre continues to bounce-back from the impact of the
95 pandemic, with an improving expenditure recovery rate of over 80%. There has been significant engagement with the community, including users of Beau Séjour's various facilities, non-users, and staff, all of which is contributing to the centre's Sustainability Review which is nearing completion.

The findings are soon to be seen by Committee, but early feedback highlights that Beau Séjour continues to mean many things to many people and the need for us to take a long-term view when
100 considering the options. The Committee will then report back to the Policy & Resources Committee, including a needs analysis, an understanding of the Centre's social value and current usage data, all of which informing expected next steps.

Whatever direction the review takes us in, the reality remains that the Island's core sport and leisure assets are in need of investment. Beau Séjour is approaching its 50th birthday next year, and
105 the Footes Lane Grandstand is approaching 25 years old. And we must question how much social value do these facilities provide the community, whether can we afford to invest, or perhaps, more importantly, whether we can afford not to?

Alongside this we continue to deliver the Active8 Plan for Sport through the support of – and valued partnership with – the Guernsey Sports Commission and the Health Improvement
110 Commission, although we recognise that within the current financial landscape the surety of adequate funding for the remaining five years of Active8 is in the balance.

We welcome the recent publication of the GSC's 2024 Annual Review, where its achievements in relation to Active8 and other workstreams were outlined. This included the issuing of over 160 sports vouchers to enable children and young people access to extra-curricular sports; 51
115 SportsMark Accredited Member sports and clubs – which ensures sports clubs have appropriate safeguarding measures; and over 8,500 experiences offered to students with more complex needs or specific requirements.

Sir, building on my previous update in October last year, I am pleased to report that, overall, staffing remains positive. Our Island-Wide teaching team continues to add stability to the workforce, ensuring we can provide high quality cover for short and longer-term absences. A teacher recruitment campaign began in January, designed to raise the profile of the States of Guernsey as an employer of choice within the sector and keep our education service 'front of mind' for potential applicants when they see vacancies being advertised.

Analytics tell us that this campaign reached over two million people and resulted in nearly 5,000 clicks to the education microsite. We know from last year's recruitment cycle that this type of profile serves us, and more importantly our learners, well, as we see more applications from more high-quality applicants as a result.

Through you sir, along with my fellow Committee members I am grateful for the Assembly's strong support for our education governance proposals just two weeks ago. The three key areas identified in the policy letter are already being actively pursued and alongside this, professionals in the Law Officers' Chambers are beginning to draft the legislative changes necessary to bring into effect the decisions of the States.

We also continue to build on the excellent foundations of our Interim Governance Boards, with almost 50 new education governors being trained and inducted into this new world of more professional governance, which will bring with it clear responsibilities and the tools to drive continuous improvement across the States' education system.

We will hand over to the next States a mechanism for genuine cross-committee and cross-service collaboration that will ensure detailed analysis of what can and should be devolved and delegated to schools via the EDDIAC; giving them access to some of the features of autonomy that are seen in successful schools and FE/adult learning institutions locally and nationally. We also continue to engage in positive and constructive collaboration with the Diocese of Portsmouth.

Another area where collaboration is supporting improvements in our education system and improving outcomes for learners is the cross-Committee work via the SEND Alliance, and participation in its political oversight group, which is ably chaired by the Committee's Vice-President.

The Committee is key in driving forward this work and we are already seeing the positive impact of joined-up approaches across HSC, ESC and ESS, being supported by P&R. This includes the introduction of the Early Years speech and language integration, and other pilot projects which will support and improve services for children and young people. We are grateful for the participation of colleagues on these Committees.

For the youngest children in our community, we continue to strengthen early literacy, rolling out the free training and resources of the Early Years Super Sounds programme. Practitioners are being trained to deliver high quality simple stories, songs and games supporting the progression of key skills in language and literacy. The programme complements the Language for Life programme and Sign-along training to ensure children have a strong foundation in the skills and knowledge needed to take with them into school for their phonics programme starting in Reception year.

In September last year, the Committee's High Quality Inclusive Practice Essentials Guide was launched to all staff alongside the new Additional Learning Needs Code of Practice. I am pleased to report that, to complement this, Early Years High Quality Inclusive Practice Guidance has now been published, and training has commenced, looking at best practice to ensure all children are engaged and able to access their early childhood education.

This guidance brings together advice and best practice from across education and health. Another example of collaborative working. We know that if we get these building blocks in place at the very outset of the learning journey, we set children up to join school with confidence and the ability to access the full extent of the curriculum.

Furthermore to support the sector, an Early Years Inclusion Resource Library has been set up to enable the Island's private Early Years providers to borrow resources and, in some cases, trial enabling children to access resources supporting their learning and development and which

supports the leaders and managers of this provision to then invest with confidence when purchasing materials to help the development of pre-schoolers.

Following the success of previous years, we have our fifth Joyous Childhood Conference booked for 6th September, with another Joyous Childhood Parent/Carer event planned for January next year.

Moving up through the age groups, we remain committed to improving the educational experience of our students. Following a review, the transition from primary to secondary school has been strengthened further this year ensuring a consistent model is in place for all those moving between Years 6 and 7, including those moving to and from the grant-aided colleges.

The Guernsey Institute continues building its relationship with colleges in both Jersey and Isle of Man and was delighted to host, last week, the inter-Island skills competition for apprentices. This event, which some colleagues here today attended, showcases the value of collaboration.

Finally, sir, I am grateful to Members who came to our presentation yesterday to start to unpack the policy letter published this week on the future funding arrangements for the Colleges. Through you, sir, I am very sorry the gremlins prevented others from joining us online. Rest assured there will be more opportunities, which I have mentioned to colleagues already, to hear from us as we explore this sensitive subject in a measured and considerate way, ahead of debate next month.

Thank you.

The Bailiff: Well, Members of the States, there is an opportunity now to ask any questions of the President on a matter within the mandate of the Committee.

Deputy Matthews.

Deputy Matthews: Thank you, sir.

The Committee's recently published policy letter on funding arrangements for the independent colleges refers to a report by the Sutton Trust, called Social Selection on the Map, which is sharply critical of some English schools, which it claims tend to encourage social segregation. Does the showcasing of this report's message indicate that the Committee is implacably opposed to giving parents the choice in the school their children attend or does the President agree with me that parental choice is the most effective way to drive up standards and accountability in education?

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I hope that we are not going to turn this question session into a debate on the policy letter because that is scheduled and we also have further sessions in terms of presentation. But in response to Deputy Matthews' two questions there, absolutely no I am not opposed to parental choice in any way, shape or form, and I think the second part of his question was about the tying me down to try to say that this is the only way to drive up standards. Well, I would not agree with that at all but I am absolutely in favour of parental choice for education.

The Bailiff: Deputy Gollop.

Deputy Gollop: One area that I do support, amongst ESC's role, are the libraries. I go to the Guilles-Alles Reading Group, even though I lost my library card, but I am also a friend of the Priaulx Library. I know Deputy Haskins is on the council there. Would the President continue that ESC will support the Priaulx Library, which I believe needs maintenance and some tender loving care in its building, to continue doing its outstanding work of over a century?

The Bailiff: Deputy Dudley-Owen.

220 **Deputy Dudley-Owen:** Thank you, sir, and thank you to Deputy Gollop for the question related to one of our much-loved institutions, as indeed all our libraries are, that we support through the mandate of Education, Sport & Culture.

We know that it is a really challenging time for all areas that are funded by the States, especially those independent organisations and the Priaulx is not alone in suffering from those challenges and we know that the building is an old building, obviously built initially as a residence, and has now been turned into a library and is finding the challenges difficult in this landscape, where funding is straitened.

The Committee, of course, supports the work at the Priaulx and will continue to work with those funded organisations in order to try and navigate these challenges ahead.

230 **The Bailiff:** Deputy Burford.

Deputy Burford: Thank you, sir.

235 Given the mandate of Beau Séjour for health and wellbeing, does the President support having vehicles parked in the circulation space in the foyer of Beau Séjour and the message that perhaps sends and could the President tell me what level of income this brings in a year?

Thank you.

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

Deputy Dudley-Owen: Thank you, sir.

I am just trying to think about this because first of all I am not aware of the level of income that it brings in per year and I would be happy to find out the figure and circulate, in accordance with our Rules. However, that is a really pertinent point insofar as we are trying to get Beau Séjour to be sustainable. Obviously, we are conducting that long-term review around what it means for the community and to ensure it remains fit for purpose.

245 I do understand the consternation that some people have around the advertising of vehicles for sale in that circulation space. But it is a matter that it returns some income to the centre and that income is sorely needed. Obviously, within the scope of that review, that might not be seen to be the right fit. For some people they do not feel that it is the right fit, but I think at the moment the income that the centre derives, the management feel that that is an appropriate space to advertise those vehicles and it derives the income that is necessary to keep the centre going, or to contribute to the sustainability of the centre.

255 As I say that review might highlight some areas that these types of things might change so I will commit to the income figures being returned to Members.

The Bailiff: Deputy Queripel.

260 **Deputy Queripel:** Sir, can the President please tell me when will the Review be published? When will it be complete? That she just referred to a moment ago?

Thank you, sir.

The Bailiff: Deputy Dudley-Owen.

265 **Deputy Dudley-Owen:** The review, through you sir to Deputy Queripel, is soon to come to the Committee and so we committed for that to come to Policy & Resources before the end of quarter one. So I cannot give Deputy Queripel an exact date, but I would hope within the next couple of months, to keep in accordance with the timeline that we set.

270 **The Bailiff:** Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Thank you, sir.

275 Last year, the Committee changed the summer-born policy, following very constructive
engagement with one family. I wanted to ask the President if she was aware whether there were
any applications requesting for summer-born children's families to delay the start of their year,
whether effectively the policy has been successful already for the next academic year, and
admissions process being live?

The Bailiff: Deputy Dudley-Owen.

280

Deputy Dudley-Owen: Thank you to Deputy Kazantseva-Miller, who played a really important
part in helping to update and review that policy. At the moment I do not know of the detail in terms
of how many applications and therefore proving the success of the revised policy but I will commit
to finding that information in accordance with the Rules and circulating that for information.

285

The Bailiff: Deputy St Pier.

Deputy St Pier: Thank you.

290 Is the President able to update us on what progress has been made, working with the Committee
for Economic Development on the Skills Strategy this term?

The Bailiff: Deputy Dudley-Owen.

295 **Deputy Dudley-Owen:** Yes, thank you for that. It is a really important piece of work and it has
been disappointing that we, through financial constraints, have not been able to get the progress
that we had anticipated through this.

Obviously, the Committee is still committed to setting up a board in order for that work to be
progressed and for the Skills Board to be able to take on the work that is mandated between the
two Committees. As I say, it has been disappointing that we have not been able to make the
300 progress that both Committees had envisaged would be possible during this term, but the
commitment is still there.

The Bailiff: Deputy de Lisle.

305 **Deputy de Lisle:** Sir, I was very pleased to hear of the initiatives being taken by the Department,
with respect to the transition from primary to secondary school. A very challenging time for many
students. Can I ask whether the Department is running a summer school, like many other
jurisdictions, for those in level six who are not attaining the standard of readiness for secondary
education?

310

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

315 Deputy de Lisle has recognised how important this matter is, as has the Committee, and through
its work on the Interim Governance Boards, it is an area that we have been able to explore in quite
some detail to be able to feed into the Committee's policy development on this particular area. We
know that, in the past, a transition not done well can interrupt a child's secondary outcome
significantly.

320 There are no plans for a summer school for those more vulnerable children in Year 6. However,
there is an enhanced programme for transition in Year 6, with greater emphasis on support for
those particular children and in fact all children, because some children may not reveal their
vulnerabilities in terms of that transition as readily as others. Suffice to say, there is an enhanced

programme, which we think will provide far more support than has ever been available before, through better collaborative working between the primary and secondary phases.

325

The Bailiff: Deputy Oliver.

Deputy Oliver: Thank you, sir.

330 You mentioned the build at Ozouets was underway and it was to the needs of the Committee. Is it therefore on budget and is it also running to the correct timescales?

The Bailiff: Deputy Dudley-Owen.

335 **Deputy Dudley-Owen:** Thank you to Deputy Oliver for her question, sir, and yes to both questions that she has asked.

The Bailiff: Deputy Gollop.

340 **Deputy Gollop:** I always enjoy going to Beau Séjour – even to Education, Sport & Culture presentations! – and I think it is a very good community facility and the café is good, too. But on occasions the café is severely understaffed and frequently closed, which is a loss of both social and an economic generator of revenue. Could the President confirm that a review of Beau Séjour will also include the future of catering and whether it would be best to remain in-house or outsourced?

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

Deputy Dudley-Owen: Sir, thank you very much.

Deputy Gollop highlights a really important function at Beau Séjour, one of the many that it has. I absolutely agree that the closure of the café at some times is an important loss of finance but also an important loss of social opportunities for interaction and it is an area that has great potential and great opportunities to be maximised and it does form part of that review and I look forward to seeing that review in order that we can see where those opportunities can be maximised.

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

Deputy St Pier: Thank you, sir.

In her Statement, the President referenced some of the work that has gone on around SEND and in particular the code, which has been developed. Is she aware that a number of service users continue to experience what they would regard as a sort of dissonance between various service providers, particularly between HSC and ESC and it is not quite as joined up as it really still needs to be and that remains an issue that still needs to be worked on?

The Bailiff: Deputy Dudley-Owen.

365 **Deputy Dudley-Owen:** Yes, sir, thank you to Deputy St Pier.

I realise he is new onto HSC and therefore may not be entirely across the workstreams but it has been a very big highlight for us, especially working in the Interim Governance Boards, that there has been that dissonance – that is a great phrase, between the services, and that was highlighted by the NASEN review, which we received early on in the term and it is as a result of that that we now have a joint working environment, as I referred to in my Statement, in order to reduce that dissonance.

370 We are not there yet. Yes, we have got a long way to travel, but I think it is improved and there is still more to be done. Because actually service users cannot wait. They need to have that service

now to give them the support and it is incumbent on us to remove those barriers and try to do that as effectively and as quickly as possible.

But in the face of a lack of increased funding to put into our States' services, it is ultimately working with one hand tied behind our back and relying on the goodwill of individuals to do that work, where they are lacking resources to deliver what service users need.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I do apologise if I missed it in the President's update Statement but I am wondering if the President would mind, please, giving us an update on where everything is in relation to the move of the Sixth Form Centre to La Mare de Carteret, and specifically I am quite interested in any transport arrangements, for example the provision of car parking for sixth form students, etc, bearing in mind, obviously, that it is going to be co-located with a primary school?

Thank you.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you and thank you to Deputy de Sausmarez. She and I were both at the Sixth Form Centre with other bodies this week, listening to a Q&A session and heard me update some of the students there that actually their principal would be giving them an update on moving to the La Mare de Carteret site in September 2025 and that update would be given this week.

The arrangements have been necessarily, or expectedly, put in place and they are multi-faceted. Staff have been engaged all the way along with the design team, both senior leadership and staff and also students working on that. The plans have been kept to schedule and they are being rolled out according to the expected timeline.

There is a lot of detail there in those particular plans and it might be a good idea to update the Assembly on what those plans are. But mindful of the fact that this is being led operationally and that the transport plans, again, they are part of those considerations and of course will ensure that all users of that site are taken into consideration for those transport plans when they are rolled out.

The Bailiff: Deputy Parkinson.

Deputy Parkinson: Thank you, sir.

Could the President tell the Assembly what the Committee's views are on making schools LGBTQ inclusive and, in that context, can she comment on the rumour that Miss Ellie Jones has been banned from teaching in schools?

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

Certainly, the schools are very inclusive environments. It is one of our areas of commitment within our Education Strategy. The Youth Commission works very well with us about making sure that all groups of our youth feel included within our school environment. They feel like they belong and that is very important. That includes those who identify in the LGBTQ group. I think it would be wrong of me to be talking about individuals and their roles within our schools.

The Bailiff: Deputy Le Tissier.

Deputy Le Tissier: Thank you, sir.

425 I would like to ask the President if she could say a little something about why the amended planning application for the Ozouets, or the Sixth Form Centre, had to be submitted recently and also what impact do these changes have on the overall budget?

Thank you.

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

Deputy Dudley-Owen: Thank you.

Deputy Le Tissier has written to me about this and I offered him a conversation. He was not available at the time. It does need some explaining, actually, and it would have been helpful for us to look at a map together.

435 The planning variation was merely related to landscaping and the top soil, or the soil that was excavated as a result of the groundworks there and what to do with that soil. The planning variation has been passed and creates a bund in one particular area, which is helpful for screening neighbours from the site and reducing sound there and actually has resulted in a significant saving for the project.

440 All in all, it is a really good outcome and the best use of keeping the soil on site, which the States have learned previously from the Airport, when they did the Airport runway reprofiling, it is a huge job of work to transport tonnes and tonnes of soil off-site and around the Island and sometimes have to ship it off Island and that was not a solution that we thought was going to be practical or the best use of taxpayers' money.

The Bailiff: Deputy Trott.

Deputy Trott: Firstly, thank you very much to Deputy Dudley-Owen for her update.

450 Someone on median earnings pays enough Income Tax to fund one person for just over one term per year in the States' education sector. Is Deputy Dudley-Owen of the view that this fact is both understood and fully appreciated by our community?

The Bailiff: Deputy Dudley-Owen.

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

Deputy Trott is alluding to the content of the policy letter on the future funding arrangements and conversations that we were engaged in during our presentation. I think there is an awful lot of detail and complex detail within the scope of our policy letter that needs to be better understood by our community and indeed Members of the Chamber.

The Bailiff: Deputy Kazantseva-Miller.

465 **Deputy Kazantseva-Miller:** Could the President provide an update on when the estimated time of completion of Les Ozouets is now and when it will actually become operational, whether those dates are currently known?

The Bailiff: Deputy Dudley-Owen.

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

We have a two-year build programme, so from starting the build programme, which we hope will be very soon, we are seeking to have the building operational in 2027 and hoping to stick to that timeline. I will get exact times ready for Deputy Kazantseva-Miller there because obviously, in terms of completing the contract and that tender process depends on exactly when that building will open and be ready for our students.

The Bailiff: Last question, Deputy Gollop.

480 **Deputy Gollop:** Another area of the very wide mandate of Education, Sport & Culture is the language and I was pleased to see Deputy Dudley-Owen and her family very supportive of the language. But it was pointed out by a senior figure that our support is still a lot lower than Jersey or the Isle of Man. Can the President commit to sustaining and developing our cultural asset?

485 *[A mobile device rings]*

The Bailiff: Can I just remind Members, before I call Deputy Dudley-Owen, to reply to that question, to please switch off all devices so that they do not make any noises at all whilst the States are in session.

490 Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

495 Yes, Deputy Gollop and I had a cup of tea with each other at Guernésiaise Language Commission last Saturday, or the Saturday before, and in fact we are both entered into the Eisteddfod to do a poem in Guernésiaise, so hopefully other Deputies might join us next year if they stand and form a Deputies group.

500 My support is very deep for the Guernsey language and the Commission has been supported by the Committee and indeed by this Assembly, with three-year funding, and I would hope that a future Committee would be able to lobby and ensure that they secure that support from the Assembly for future years for the Commission to establish itself really strongly, like the Manx commission, like the Jèrriais commission, because of course those have been set up earlier and have been going for longer and we are still in very embryonic times, despite false starts with other commissions, that Deputy Inder, Deputy Falla have been involved with. We are hoping this has got some sustainability and longevity because there is a real passion within the community to support this.

**General update –
Statement by the President of the States’ Assembly & Constitution Committee**

505 **The Bailiff:** We are going to move on next to a Statement by the President of the States’ Assembly & Constitution Committee. I will invite Deputy Meerveld to deliver that Statement, please.

Deputy Meerveld: Thank you, sir.

510 I am grateful for the opportunity to provide an update on the work and priorities of the States’ Assembly & Constitution Committee. Once again, the Committee has had a busy year.

Having approved the new appeals system for any Member or complainant unhappy with the outcome of a review by the Commissioner for Standards, I am pleased to report that this has now been tested satisfactorily, with the Deputy Commissioner for Standards having reviewed an appeal.

515 Last year, in the course of dealing with an issue, the Commissioner recommended that the sanction of an apology should be added to the Code of Conduct for breaches which are considered to be ‘beyond the minor’. The Committee has reviewed this request and is taking advice in order to finalise proposals in this respect so that a policy letter can be brought to the new Assembly, early in the political term.

520 As I am sure you can appreciate, as we approach the General Election in June, more work has arisen, in terms of amending the Reform Law, which has covered matters such as key dates, expenditure limits and polling stations. In April, the Committee was pleased to launch the Election

2025 website, following two successful meet and greet events held for people thinking of putting themselves forward for election.

525 Another priority relating to the election has been the introduction of a seven-week course for prospective candidates to give an introduction to the States, for those who are aspiring to stand. I am pleased to report that the course has been well received with an average of 40 attendees per week and each session engendering lively debate.

530 A further piece of work has been to review the induction and ongoing courses offered to all Members. The Committee is grateful to those Members who have completed our recent survey. Consideration will be given to Members' views as the Committee devises a programme of courses, not only for the induction of new elected Deputies but also to offer ongoing continuous development throughout the new political term. The intention is to make the programme available prior to the election, so prospective candidates can see the support they will receive, should they
535 be successful in being elected.

Finally, sir, the Committee is under several States' Resolutions, namely, the Commonwealth (Latimer House) Principles, investigating an independent election body and the Government Reform Requête. While most of this work will be undertaken by the new Committee, in the next political term, the Committee is pleased to report that a Latimer House working group has recently been
540 formed, and we hope to be able to hold our first meeting next month, so work can commence before the end of this political term. In addition, the Committee has devised a schedule of work to progress the Government Reform Requête.

In conclusion, sir, I believe that the Committee has achieved a great deal in the 12 months since my last update statement, particularly as it operates with very limited resources and budget, and I
545 would be happy to take any questions that my colleagues may have.

Thank you, sir.

The Bailiff: Well, Members, any questions for the President of the States' Assembly & Constitution Committee.

550 Deputy Gollop.

Deputy Gollop: Does the President think that the public and the candidates, and indeed the media and the wider world, would be more greatly engaged and hopefully impressed by our deliberations in this Assembly, if we were not just broadcast live on YouTube and BBC Radio
555 Guernsey but on television or on video cast, or like Scrutiny's YouTube, so that we could all be seen to be smart and sitting here and not taking breaks and being succinct and to the point?

The Bailiff: Deputy Meerveld.

560 **Deputy Meerveld:** I thank Deputy Gollop for his question.

Yes, I would love to see this Assembly, personally I would like to see the Assembly televised and available in that medium. Having said which, it is something that SACC has looked at this term and I think has looked at the previous term as well and there are significant costs and logistics to it and I think in this current fiscal environment it is not something we have decided to pursue at this time.
565 But it is quite possible the next SACC Committee may look at it again.

Thank you, sir.

The Bailiff: Deputy Oliver.

570 **Deputy Oliver:** Have you achieved everything that you –?

Sorry, Deputy Inder interrupted me! Has the President achieved everything that they have wanted to this term?

The Bailiff: Deputy Meerveld.

575 **Deputy Meerveld:** I thank Deputy Oliver for her question.

No, is the short answer. There are many things that I personally would have liked to have progressed more, on the Machinery of Government, on different reforms to the Assembly. But the problem is with limited resources and an extended period without any support officer it has been difficult to progress all the work. Also there have been quite a few things that this Assembly has given SACC to do that have also taken precedence. We will be passing on, hopefully, some of our desires, in our handover document to the next Committee and hopefully they will pick up some of this work and take it forward.

Thank you.

585 **The Bailiff:** Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

Building on that question, how would Deputy Meerveld rate SACC's performance this term, bearing in mind that about a year ago there were press reports of votes of no confidence and in just the last Meeting, the policy letter review of the Rules of Procedure, six out of seven Propositions failed catastrophically, a maximum of six votes on one Proposition?

Thank you.

The Bailiff: Deputy Meerveld.

595 **Deputy Meerveld:** I thank Deputy Gabriel for his question.

Yes, the threats and rumours of a motion of no confidence, I think came just after I was one of the leading proponents for the vote of no confidence in the then P&R Committee. So, I suspect that was more political payback than reality. I am satisfied with the way that SACC has performed this term and things like Simultaneous Electronic Voting and other elements that we brought in, whilst having a very limited budget and no officer for an extended period.

As always, there are things we could have done better and we could have done more of and, as far as the last policy letter is concerned and the majority of the Propositions from the Committee being turned down, that is in the nature of the beast, particularly on debates of the Rules. I remember when the previous President of SACC was for one-plus. Deputy Matt Fallaize brought his policy letter and faced 32 amendments and three days of debate just on the Rules.

That is the nature of the beast in this Assembly, particularly when it comes to Rules of debate. I do not think the SACC Committee were particularly disappointed by the outcome. It is what it is and it is what this Assembly wanted.

610 Thank you, sir.

The Bailiff: Deputy Le Tissier.

615 **Deputy Le Tissier:** Thank you, sir, and I would like to thank the President for his update. My question is, does the President agree with me that SACC should look again at the Rules for spending in the pre-election period, by groups that are not parties, yet? To be blunt, I am referring to Future Guernsey, where money is being spent probably in excess of the £3,000 spending limit in the period before that comes into effect.

Thank you.

620 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

After every election, there will be a period of introspection and scrutiny about how the Election has gone. I am sure this is one of the issues that will be raised. But every democracy has a restricted period when money cannot be spent and ours is not in effect yet. One could claim that anywhere

in the term, when Deputies spend money, as I did on the anti-GST campaign, that that effectively is raising a political profile as well as achieving an objective. It is a difficult issue. I am sure the next SACC will have to struggle with it and I am sure it will be part of the post-Election review.

630 Thank you, sir.

The Bailiff: Deputy Inder.

635 **Deputy Inder:** Do the Members of SACC, only four, because I am not referring to one that would probably be precluded, does he have any concerns at all that we now have what looks like a nascent political group, no transparency on its funding, no indication who is backing it? Would he have any concerns that should there be any excesses in that party, there would be some expected political payback next term?

640 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: As Deputy Inder has pointed out, we do not know the membership of it, whether it is going to be formed as a party, what its policies are and I cannot speak to how it will perform in the future States. As Deputy Le Tissier pointed out in his question, there may be
645 questions asked in the next term about the expenditure rules and how it applies but this is not for my consideration. It will be for the next SACC to consider.
Thank you, sir.

The Bailiff: Deputy Inder.

650

Deputy Inder: Deputy Meerveld did not answer my question. I asked him a specific question, I asked him whether he, as the President of SACC, and his Committee, with the exception of Deputy St Pier, who is, well, let us call it, leading it, nominating, its spokesman, does he have any concerns that a nascent party appears to be wholly untransparent of where it is getting its money from and
655 would have any concerns that if that funding remains dark, that there is a danger that on a secret party those donors could expect some kind of political kiss in the next term?
It is a specific question to the President of SACC.

The Bailiff: Deputy Meerveld.

660

Deputy Meerveld: Deputy Inder is asking me to speculate on what I believe will come out of this campaign that is being run at the moment. I do not know, and it is not something we have discussed at a Committee level and personally I have great interest to see how it develops and what comes from it.

665 I think I share some reservations and concerns that other Members do about how it will transpire but we do not know if it will turn into a party. We do not know what will happen, going forward, and if it does, it will be required to comply with the Rules, as set out over the Election, and will be reviewed consequently.

Thank you, sir.

670

The Bailiff: Deputy Gabriel.

Deputy Gabriel: Thank you, sir.

675 I thought I heard Deputy Meerveld, in a reply, refer to CPD and I am hoping he is meaning Continuous Professional Development. We have heard in his update Statement that he is providing courses for potential candidates and we know that there is an induction process as well. Will he consider CPD and the facilities that the Commonwealth Parliamentary Association offer via their

online academy as a tool for Members' continuous professional development, when elected from next term onwards?

680 Thank you.

The Bailiff: Deputy Meerveld.

Deputy Meerveld: I thank Deputy Gabriel for his question.

685 Absolutely. I am very keen, personally, on the idea of continuous professional development. In the past I have spoken to some past Deputies and they have had the opinion that we should not upskill people coming in. But I think any organisation to get the very best out of the people that are here plus also to enable them to be more effective representatives of the electorate should be provided with whatever facilities we can to upskill them and in all areas that we would help them
690 be a better representative for the people of Guernsey.

That is certainly something that SACC is working very hard to deliver and I am sure will be reaching out to the Parliamentary Association, etc, to look at what they can provide in the way of support.

Thank you, sir.

695

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

700 The President mentioned, and it was mentioned in the previous question, about the meetings for prospective new candidates and I have been along to one of them. Does the President feel that enough is being done to encourage new candidates and young candidates to be able to partake in the election?

The Bailiff: Deputy Meerveld.

705

Deputy Meerveld: I thank Deputy Matthews for his question.

All I can say is I think more has been done now than has ever been done before; certainly in the way that the Government is taking the initiative, or the SACC Committee is taking the initiative of running these courses, which in the past we relied on third parties to organise in advance of an
710 election.

As far as the young people engagement, etc, the officers are organising presentations at the schools to the young people, to encourage them to engage in this process. I think there is always more that could be done and I hope in the future more will. We want to have as many people in our community as possible engaging and voting at our elections, to make it as representative and
715 comprehensive as possible.

Thank you, sir.

The Bailiff: Deputy Cameron.

720 **Deputy Cameron:** Thank you, sir.

I have banged a drum on several occasions this term for a 'They Work For You' style website, similar to that provided for our UK parliamentarians, to provide the public with information on how their elected officials have voted. SACC has reported back that they have been unable to proceed due to resources. Could I have some assurance that this will be included in the handover to the new
725 Committee?

The Bailiff: Deputy Meerveld.

Deputy Meerveld: I thank Deputy Cameron for his question.

730 I actually agree with him, I would love to see that done. It is something we have raised in Committee and discussed. It is something we cannot deliver this term but it will definitely be part of the handover paper to the next SACC Committee and we have already started conversations about availability of the data within the SEV system and making it easier to access and export.

Thank you, sir.

735 **The Bailiff:** Deputy Trott.

Deputy Trott: Sir, would the President of SACC agree with me that organisations like Women in Public Life, GPEG, the Chamber of Commerce, the Institute of Directors, and Future Guernsey, to name but a few, should be complimented for the valuable contribution they make to public debate?

The Bailiff: Deputy Meerveld.

Deputy Meerveld: I thank Deputy Trott for his question.

745 Absolutely. Not just their contribution to public debate but also the fact that they are engaging with us and also with members of the public and they are actually helping in this democratic process of challenging, making suggestions and generally, I think, they have given invaluable contribution to our community and to this political process.

Thank you, sir.

750 **The Bailiff:** Deputy Gollop.

Deputy Gollop: One area, which perhaps the prospective candidates, who are being very well educated, might not be fully aware of, is if successful they will automatically become Members of the States of Election, as well. How far is SACC, if anywhere, on the long-promised, in Deputy Inder's time, review of the States of Election and its composition for Jurats?

The Bailiff: Deputy Meerveld.

760 **Deputy Meerveld:** Thank you, sir.

I think I can summarise that by not very far. It is one of those jobs that has been outstanding for SACC to look at. It is a lot more complicated than people think and it will be one of the jobs, I am afraid, that we will be passing onto the next SACC to see whether they have the time and resources to focus on.

765 Thank you, sir.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

770 The Blue Book states that Economic Development have responsibilities for the promotion and development of tourism, yet the President of Economic Development recently told Members he would not comment on declining tourism numbers as it was no longer in his Committee's responsibility. Will SACC be updating the Blue Book to reflect this derogation of responsibility?

775 **The Bailiff:** Deputy Meerveld.

Deputy Meerveld: Thank you, sir, for that.

I thank Deputy Taylor for that statement rather than a real question, I think. Needless to say it is not something that would be the current data that is included in the Blue Book.

780 Thank you, sir.

The Bailiff: Deputy Inder.

Deputy Inder: Thank you.

785 On a different subject, Deputy Meerveld has claimed that one of the reasons he has not been able to do so much work is because he has not had any resources. I would like to know how long that period, that resource was not available, and whether as the President, he ever made any pitches towards Policy & Resources to ensure that he found some replacement resource so he could actually deliver on his mandate? Or did he just sit there saying, I have not got any resources?

790

The Bailiff: Deputy Meerveld.

Deputy Meerveld: Thank you, sir.

795 Needless to say, I did not simply sit there. We had our one officer, of whom we shared the time of, off on long-term sick leave for, by memory, I think about 18 months. The anticipation was that she would return to her role. So P&R was approached and did provide a part-time person but obviously somebody who could not dedicate the same amount of time as the previous support officer.

800 In fact, the officer did at one stage return to her previous role but, again for medical reasons, decided to step away. At that stage we recruited a full-time replacement, once we knew the position was vacant. But of course you cannot fill a vacancy when somebody is simply off sick, not on a full-time basis.

Thank you, sir.

Questions for Oral Answer

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

Health & Safety Executive – Relationship with political board

805 **The Bailiff:** That will conclude questions to the President and we will move into Question Time proper, now. We have two sets of questions from Deputy Gollop. The first set is to the President of the Committee for Employment & Social Security. Your first question, please, Deputy Gollop.

Deputy Gollop: Thank you and thank you for the answers. I will have supplementaries.

810 Would the President of the overseeing Principal Committee for Employment & Social Security confirm that the political board has no mandate, ability, or role in overseeing, interfering or changing a decision of a statutory officer with appropriate responsibilities such as the Health & Safety Executive?

815 **The Bailiff:** And the President, Deputy Roffey, to reply, please.

Deputy Roffey: Thank you, sir.

820 I can confirm that ESS has no power to interfere or change the decision of a statutory official acting under statutory powers. However, Deputy Gollop refers to the Health & Safety Executive, which operates under a mixture of statutory and delegated powers. So, for example, an officer at the HSE can issue a prohibition notice under statutory powers.

However, the Ordinance also requires that a direction contained in a prohibition notice to be confirmed by a separate notice issued by ESS. This power has long been delegated by successive Committees to the Chief Health & Safety Officer, for obvious reasons. It would be extremely unwise for lay politicians, with no expertise in the area, to directly discharge this function themselves.

That delegation was confirmed by the current Committee at the start of this political term, as Deputy Gollop may remember, having been a Member of ESS at the time. My Committee could, if it so chose, revoke that delegation of powers. Not only would we regard that as extremely unwise for the reasons I have just referred to, but it also would not invalidate any actions that had been taken under those delegated powers, while they existed.

The Bailiff: Supplementary, Deputy Gollop.

Deputy Gollop: My supplementary would be I do remember, actually, the delegation, and very much support Health & Safety in the work they do, generally. Has the Committee the power to reconsider decisions in the light of further developments, in conjunction with the professional officers?

The Bailiff: Deputy Roffey.

Deputy Roffey: I am not sure I really understand the question. Would Deputy Gollop like to be a bit more specific and then I might be able to understand the question a bit better?

The Bailiff: Deputy Gollop, can you repeat the question, please?

Deputy Gollop: Yes. My question is, if there was a material change of circumstances, would the Board request that a decision be reconsidered by the delegated functionaries?

Deputy Roffey: We will certainly discuss, and have discussed recently in one instance, the way that the HSE use their delegated powers. However, while those powers are delegated, we would not be able to overrule any of those decisions. We could un-delegate those powers, which would mean that we would, as lay politicians, be deciding whether a practice on a building site was safe or otherwise. It would be a bit like, I think, Health & Social Care deciding whether or not a restaurant kitchen should be closed for hygiene reasons. I am not sure that is a sensible approach in the modern world but, yes, we could un-delegate those powers and discharge those functions ourselves.

The Bailiff: Your second supplementary, Deputy Gollop.

Deputy Gollop: Would the President confirm that the Health & Safety professional team are very well respected, qualified, and experienced in their field, contrary to some perspectives one has come across in social media?

The Bailiff: Deputy Roffey.

Deputy Roffey: I am happy to confirm that Deputy Gollop is correct. No, I do not scan social media sufficiently, although I dip in occasionally, to be able to give a definitive answer about what is being said on social media and what has not been.

The Bailiff: Supplementary, Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Sir, Deputy Roffey indicated that it is either the responsibility is delegated or not. But we have got examples, such as through the DPA, where there are schemes of

delegation, where some matters, if they were judged sensitive and decided by the majority of the Committee could be brought for determination by the political body.

Politicians on the DPA are equally, potentially not qualified, or professional planning officers but they have got to abide by evidence and planning policies. Based on the fact that such schemes of delegation exist elsewhere, shouldn't the Committee reconsider that something like that may be appropriate for when we get specific cases, which require of specific public interest?

The Bailiff: Deputy Roffey.

Deputy Roffey: That is an approach that could be taken. Equally it could be suggested that the DPA political Members, they should be there to make policy, and whether or not individual applications meet that policy should actually be a technical appraisal by experts in the field. It would have saved a lengthy debate on inert waste, which was a bit of a farce some months ago.

However, the situation at the moment is that the power under the Ordinance, the Health & Safety Ordinance is either delegated or it is not. At the moment it is. It is not semi-delegated. It is not delegated but in certain instances it is not. We either remove that delegation or we leave it in place.

The Bailiff: Your second supplementary, Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: Deputy Roffey referred to the potential farce that is created through political engagement but what we have seen is the lack of potential political engagement has created enormous community dissatisfaction, probably has created the additional amount of resources and time that now has to be spent trying to find a solution. There are really pros and cons in both approaches but again I would iterate whether the Committee could commit to undertake whether a scheme of delegation should be reviewed, based on the pros and cons of such approach?

The Bailiff: Deputy Roffey.

Deputy Roffey: One of the problems was that the question that was asked was a general question with no specific reference to any particular instance and that the supplementaries are drifting into a specific. I will say on the specific that there has been an awful lot of disinformation about it. There has never been an order, and I think we are talking about diving boards, that the diving board should be removed, by HSE, and that is the narrative that is being promoted.

I think personally that the problem in relation to the diving board is insufficient funding being made available for maintenance of what I regard as a national treasure, which is the Vallette swimming pools. That is the situation that needs to be corrected.

The Bailiff: Supplementary, Deputy Dyke.

Deputy Dyke: Thank you, sir.

On the subject of the diving board, at this point the decision is causing a lot of dismay in the community. I have not seen any analysis that is coherent as to why that diving board needs to be removed. In the absence of a coherent analysis, will Deputy Roffey take action of some sort to reverse this decision?

Thank you.

The Bailiff: I do not think that arises out of the answer given to the original question, Deputy Roffey.

Deputy Roffey: I can give it a go if you like? (**The Bailiff:** No.) Okay.

The Bailiff: Deputy Soulsby, is it your wish to be relevéed?

Deputy Soulsby: Yes, please, sir.

930 **The Bailiff:** Thank you, very much.
Your second question to the President, please, Deputy Gollop.

Deputy Gollop: Thank you very much, sir.
I have two supplementaries on this. However, is it possible for politicians and the public to appeal
935 and ask for constructive mitigation and risk reduction strategies if the risks behind a delayed
prohibition notice can be significantly reduced and alleviated?

The Bailiff: Deputy Roffey to reply, please.

940 **Deputy Roffey:** Thank you, sir.
Under Section 21 of the Health & Safety At Work (Guernsey) Ordinance 1987, only the person
on whom a notice is served has a right to appeal a notice. Appeals must be brought against the
notice within 28 days of the date of service. A notice may be appealed on the grounds that the
requirement or direction contained in that notice is *ultra vires* or an unreasonable exercise of the
945 Committee's powers.

On such an appeal, the ordinary Court may either cancel or affirm the notice and, if it affirms it,
they do so either in its original form or with such modifications as the Court may, in the
circumstances, think fit.

950 **The Bailiff:** Supplementary, Deputy Gollop.

Deputy Gollop: Sir, Deputy Roffey alludes to a person but in the instance of the bathing pools,
I am not sure if that person is the bathing pools or the States of Guernsey. Presumably they can
appeal but they also need to have a detailed notice as to the grounds on which it was implemented.
955 Will those grounds be public, if they are not already?

The Bailiff: Deputy Roffey.

Deputy Roffey: I do not know, that is down to the recipient. The practice in all of these notices
960 is it is not published by HSE, however of course the recipient is quite free to make those notices
public if they so choose.

I have to say if these questions were about the diving board, it would have been really useful to
have had the questions specifically mention the diving board and then I could with my answers give
chapter and verse; the sort of chapter and verse that Deputy Dyke wanted to elucidate the whole
965 issue. But they were very general questions and I answered them exactly on the lines that they were
asked.

The Bailiff: Second supplementary, Deputy Gollop.

970 **Deputy Gollop:** The other questions are perhaps a bit more specific but my second question is
because I wanted to clarify the independence of the HSE. In the context of the issuing of notices of
enforcement, there is of course a prohibition notice, which was done, in a particular instance, diving
boards, but could there not also be instead an improvement notice, which would demand specific
performance within a limited framework of time but allow work to continue?

975 **The Bailiff:** Deputy Roffey.

Deputy Roffey: The HSE got involved after an accident, an incident at the back end of 2023. They were legally obliged when they were called in to investigate, to look at the situation at the bathing pools and there was very long dialogue about the options for resolving the perceived risks before any prohibition notice was issued. The idea that suddenly HSE decided, as a whim, that they were going to issue a prohibition notice, I really think needs to be put to bed.

The Bailiff: Supplementary, Deputy Inder.

Deputy Inder: I just wondered if Deputy Roffey might have some influence. He mentions that there were a number of incidents at the back of 2023, which I think Deputy de Sausmarez had mentioned in another email. Would it be appropriate for him to speak to HSE and ask them to publish those incidents to give us an idea, a redacted one, names out of the way, that kind of stuff. I see Deputy de Sausmarez is gritting her teeth but I do not think there is anything wrong with saying that there were three incidents that meant this, this and this. I just wondered if he would come back very quickly and ask HSE to publish a version of what those incidents actually were?

The Bailiff: Once again that question does not arise out of the answer given to the original question posed by Deputy Gollop. Any other supplementaries? No.

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

Ladies' Bathing Pool prohibition notice – Options to resolve situation

The Bailiff: In that case, we will move onto the second set of questions, which are more specific, but this time posed to the President of the Committee *for the* Environment & Infrastructure. So your first question for the President, please, Deputy Gollop.

Deputy Gollop: Thank you very much, sir, and I appreciate discussions are ongoing.

The community are grateful to Deputy de Sausmarez and her Committee for the engagement and interest shown in looking at possible solutions to the Health & Safety prohibition notice on the diving platform at the Ladies' Bathing Pool, at La Vallette, but will the Committee confirm that they are open minded in finding a viable way forward to satisfy all the stakeholders that manages risk in conjunction with the team at Agriculture, Countryside and Land Management Services?

The Bailiff: And the President, Deputy de Sausmarez, to reply, please.

Deputy de Sausmarez: Thank you, sir.
Yes, it is.

The Bailiff: Is this a supplementary, Deputy Gollop?

Deputy Gollop: There is not a lot there to ask a supplementary on.

The Bailiff: You are going to have a go, though!

Deputy Gollop: If they are open minded that indicates that they have to be open minded as to sources of resources and finance as well; would that be a correct assumption?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Yes, that is a very fair assumption.

1025 **The Bailiff:** Alright, your second question to the President, then, please Deputy Gollop.

Deputy Gollop: Will the Environment & Infrastructure Committee consider possible solutions that involve private finance, volunteer help with deepening the pool rock, stone relocation, and that there are no legal licensing obstacles or other barriers to a safe, risk-appropriate solution that
1030 complies with modern safety standards and does not pose disproportionate risk?

The Bailiff: Deputy de Sausmarez to reply, please.

Deputy de Sausmarez: Yes, it will.
1035

The Bailiff: Supplementary, Deputy Gollop.

Deputy Gollop: My question is licensing is done under powers of the Food and Environmental Protection Act, which applies in Guernsey; can the powers within that be sufficiently managed so that non-professionals could move stone and rocks around, if they were done correctly and appropriately and skilfully?
1040

The Bailiff: Deputy de Sausmarez.

1045 **Deputy de Sausmarez:** I am actually grateful to Deputy Gollop for asking that because there has been some confusion and misinformation, I believe, circulating online.

It is not and has never been the case that a FEPA licence is required for manual operations of that kind of scale that Deputy Gollop alludes to, in terms of volunteer activity. FEPA licences are obviously necessary generally because it is important that we do have some legislative controls over what is and is not put on our seabed, bearing in mind, obviously, that is where a lot of our critical
1050 national infrastructure goes in the form of energy cables, electricity cables and telecom cables, etc.

I know that various Members are very fond of things like eel grass and ormering and other things, so FEPA is there for a very good reason, but I am happy to confirm that such volunteer activities are not large scale, that are sort of based on manual processes, would indeed be exempt from that process.
1055

The Bailiff: Supplementary, Deputy Vermeulen.

Deputy Vermeulen: Could the President, given her answer, tell me when those works were last carried out at the Ladies' Bathing Pool?
1060

The Bailiff: That does not arise out –

Deputy Vermeulen: The clearing that we were talking about, the clearing of the stones in the base?
1065

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: The last that I am aware of was 2022, a fairly major operation that was part and parcel of the renovation process of the Ladies' Pool, which I am pleased to say is one of the public/private partnerships I am really proud of.
1070

The Bailiff: Deputy Inder, supplementary.

1075 **Deputy Inder:** I am going to try. Does the President have any concerns that the application of
HSE around the pools could be the thin end of the wedge? It could mean that Bordeaux Pier, Rousse
Pier, any of the piers around the north of the Island, down the west of the Island, all half-tide piers,
all made of granite, all structures, are we going to find signs stopping people of Guernsey doing
1080 what they have been doing for hundreds of years, jumping off the sides of bits of granite, bits of
steel, into the water? Is this where it is going?

The Bailiff: I am not hugely persuaded that that arises out of the original answer, but if you
want to reply to that, Deputy de Sausmarez, I think you can.

1085 **Deputy de Sausmarez:** Sir, I will reply just to give Deputy Inder some reassurance. I think I have
actually addressed this in an email to him and other Members but, no, those do not fall within
anything like the same category because they are not leisure facilities provided for that purpose.
The reason that this is an issue is that the pool is provided for the purpose of swimming and
therefore it has different standards applied to it.

1090 But I can give Deputy Inder and others reassurance that the long-loved and long-held Guernsey
tradition, of which I have been an enthusiastic participant for decades – not so much these days but
certainly in my youth – of leaping off piers and rocks, are not going to be engaged by any of these
processes as far as I am aware.

1095 **The Bailiff:** Your third question to the President, please, Deputy Gollop.

Deputy Gollop: Thank you and thank you to Deputy de Sausmarez and the Committee for
answering the questions.

1100 The Health & Safety Executive states risk compliance with avoiding the risk of serious injury or
worse. Can the E&I consider not just deepening the pool to 3.2 metres but also co-ordinating a
lifeguard service, voluntary or professional?

The Bailiff: Deputy de Sausmarez to reply, please.

1105 **Deputy de Sausmarez:** Yes, it can.

The Bailiff: Supplementary, Deputy Gollop.

1110 **Deputy Gollop:** The very open-ended answer, really, about what the possibilities are, indicate
that they may have to co-ordinate finance, private, voluntary, or public or sponsored, does the
President agree that there has been an underspend on these facilities in the past, as we have already
heard argued by a senior politician?

The Bailiff: Deputy de Sausmarez.

1115 **Deputy de Sausmarez:** Certainly, it has been a matter of some frustration that we were not able
to secure the funding that we were hoping to, I think, in 2023. But that is something that we are
actively looking to progress now, following some more recent conversations. I would say, though,
that this is not a matter ... it is more complex than simply maintenance and even if we had had all
1120 of the money that we could possibly have wanted made available to us, I still think there would
have been these wider considerations that would have to be taken into account.

So I would not like to misconstrue the situation as having arisen simply from inadequate funding
to maintain, although I do agree with Deputy Gollop that a more generous amount of funding could
certainly help to mitigate many of the exacerbating factors.

1125 **The Bailiff:** Second supplementary, Deputy Gollop.

Deputy Gollop: There have been calls, for a while, about the desirability of a lifeguard service to be enhanced for Guernsey. The answer suggests that E&I can be involved at some level with co-ordinating such a service. Would it not require E&I to work with other Committees as well, such as perhaps Health and Education, Sport & Culture?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Deputy Gollop really gets to one of the anomalies at the heart of this, which is why the bathing pools sit in Environment & Infrastructure's mandate at all. They are a piece of property, so there is a very strong argument that actually the people that have got the most relevant expertise, are potentially the States' Property Unit. There is also, in terms of its use, a strong case to be made for this coming within the mandate of, for example, the Committee for Education, Sport & Culture, given its sporting and cultural links.

So, Deputy Gollop does indeed hit on something that I think is very relevant to this. It is actually something we have been trying to address throughout this political term, a better rationalisation of mandates in this respect. This is one of a number of things that we do not think is necessarily in the right place in terms of mandates but, anyway, we are where we are and we are happy to be proactively involved in finding a solution and I am terribly sorry, but I have actually forgotten what, indeed if there was a question beyond that! Something to do with lifeguard services?

Deputy Gollop: Yes, although I think the President has really answered that she would be willing to work with other Committees, including P&R, perhaps Property Services.

Deputy de Sausmarez: I thank Deputy Gollop for the reminder. Yes, I am happy to confirm absolutely that is the case.

The Bailiff: Deputy Vermeulen, supplementary.

Deputy Vermeulen: With regard to the original question and the answers, which came out, about the depth under water being 3.2 metres, is the President aware of an underwater survey showing that, perhaps, there is a rock that could perhaps be chiselled off to give the 3.2 metres, or is it a much more difficult situation, that is irreversible?

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Yes, I mean, this is the great unknown. Clearly a lot of work has been done to try to establish how easy or otherwise, and let us face it, expensive or otherwise, it may be to deepen the pool sufficiently, to align with any relevant standard. What is unknown is the extent to which excavation may or may not be necessary and that is really what affects the magnitude of the upper end of any cost-estimate, the possibility that, rather than just, for example, dredging or any kind of less intensive clearing, for want of a better way, we might actually have to excavate, potentially, into bedrock, and that is where significant additional resource would be necessary. But ultimately, that is not knowable at the moment.

The Bailiff: Supplementary, Deputy Inder.

Deputy Inder: I will try. Sir, to the best of the President's knowledge, this seems to have been started by a number of incidents. To the best of her knowledge, were any of these incidents actually related to the diving board? And, from the reports she has seen, were any of them, I am trying to think of the phrase, any of them likely to have caused serious injury or worse?

The Bailiff: Deputy de Sausmarez.

1180 **Deputy de Sausmarez:** Sir, I am not trying to evade Deputy Inder's question. It is a question which has got significant sensitivities, but there is also a legal component and therefore I cannot necessarily answer, because there is potential that such cases, if they existed, could come to Court and therefore I am not sure where that line is and what would be appropriate for me to say.

1185 **The Bailiff:** Second supplementary, Deputy Inder.

Deputy Inder: I can accept that, if there are legal considerations, but I think the Deputy could answer whether any of those incidents were directly related to jumping off the diving board. That is the simple question. Were they related to jumping off the diving board?

1190 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: I can confirm that at least one, but possibly more incidents have related to the diving platform.

1195 **The Bailiff:** Supplementary, Deputy Brouard.

Deputy Brouard: Thank you, sir.

1200 Would it be possible for someone with, say, aqualungs, to go down and have a look to see if it is loose rock at the bottom, and stones, or whether it is part of the Island's infrastructure of granite that would need to be removed? Just a simple thing. Can we just not remove any loose rocks and get the required depth? I am really following on from Deputy Vermeulen's question.

The Bailiff: Deputy de Sausmarez.

1205 **Deputy de Sausmarez:** Following on from my answer to Deputy Vermeulen, the answer is still that yes, of course, all those kinds of efforts have been made and we are still not exactly sure. We do not have a definitive answer yet. That is exactly what we have been looking at.

1210 **The Bailiff:** Deputy Inder, you have already asked two supplementary questions, so you cannot ask any further one. Deputy Oliver.

Deputy Oliver: Thank you.

1215 Logic would have it that the diving board used to be a lot higher. Therefore, if it is a solid, granite base, it must have moved up, which is quite unlikely. So therefore it will be loose rock. Does the President agree with me?

The Bailiff: Deputy de Sausmarez.

1220 **Deputy de Sausmarez:** Not sure how it arises from the original answer, however I am happy to confirm that I think the problem with Deputy Oliver's question is it is based on what I suspect is the false or incorrect assumption – sorry, not false assumption – that the higher diving boards ever conformed to those standards in the first place, so I do not think her logic really carries through, although I will say that obviously the depth has likely changed in the interim due to material being added and that of course is one of the things that we are looking to tackle, I suppose.

1225 **The Bailiff:** Supplementary, Deputy Le Tocq.

Deputy Le Tocq: Thank you, sir.

1230 I would like to ask the President, when and why did life get so complicated and when is it going to return to normal?! (*Laughter*)

The Bailiff: Within the context of the original answer of yes, it can, Deputy de Sausmarez!

Deputy de Sausmarez: I really wish I knew the answer but I am afraid Deputy Le Tocq might need to look to a higher power for that!

1235

The Bailiff: Deputy Dyke, supplementary.

Deputy Dyke: Thank you, sir.

1240

Could I ask Deputy de Sausmarez if we could please have made available to States' Members the precise analysis from HSE as to why they came to their decision? We have seen the press release, which I found not coherent, can we see the analysis and then we can think about it? At the moment we are in the dark and we cannot see the relevant document.

Thank you.

1245

The Bailiff: That does not arise out of the original answer to the question, which was about deepening the pool or a lifeguard service.

Deputy Brouard, second supplementary.

Deputy Brouard: Thank you, sir.

1250

I am awfully sorry I am still a little bit lost. Why can't, next Tuesday, a couple of divers go down with a stick and just see whether or not there are loose rocks down there or whether it is the hard part of Guernsey? Am I missing something, here?

The Bailiff: Deputy de Sausmarez, it is about depth.

1255

Deputy de Sausmarez: Yes, I think Deputy Brouard is missing something. It is not just about loose rock. It is about how hard the rock underneath the loose bits are.

1260

The Bailiff: Deputy Inder, you have asked your two supplementary questions! I reminded you of that just a short while ago. There are no more supplementary questions arising out of the third answer and that therefore concludes Question Time.

Greffier.

Billet d'État V

ELECTIONS AND APPOINTMENTS

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

1. Appointment of the Director of the Employment and Equal Opportunities Service – Mr Ian Gavet appointed

Article 1.

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled 'Appointment of the Director of the Employment and Equal Opportunities Service', dated 20th January 2025, they are of the opinion:
1. To appoint Mr Ian Gavet to the Office of the Director of the Employment and Equal Opportunities Service, for a period of five years, with effect from 1st March 2025 until 28th February 2030, pursuant to Section 1(3) of the Employment and Equal Opportunities Service (Guernsey) Law, 2023.
Article 1.

1265 **The Deputy Greffier:** Article 1, Committee for Employment & Social Security – appointment of the Director of the Employment and Equal Opportunities Service.

The Bailiff: I will invite the President of the Committee, Deputy Roffey, to speak to this appointment, please.

1270 **Deputy Roffey:** Thank you, sir.

I have got little to add to the policy letter because it sets out clearly the recruitment process by which Mr Ian Gavet was selected as the preferred appointee and his own background and suitability.

1275 But I would just like to take this opportunity to thank the current director, Mr Stephen Glencross, who was the first director of the expanded service under an expanded remit for the sterling work he has done and in some ways it is regrettable that he was not able to carry on longer, but we fully understand when opportunities for advancement come along, people have to take them when they are there, but I would like to thank him and recommend Mr Gavet to take his place.

1280 **The Bailiff:** I do not see anyone rising to debate this appointment and therefore, I will invite the Greffier to open the voting on the appointment, please.

There was a recorded vote.

Carried – Pour 31, Contre 0, Ne vote pas 2, Did not vote 7, Absent 0

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	Dyke, John	Burford, Yvonne	None
Blin, Chris		Le Tissier, Chris	Bury, Tina	
Brouard, Al			Mahoney, David	
Cameron, Andy			Queripel, Lester	
De Lisle, David			Soulsby, Heidi	
De Sausmarez, Lindsay			St Pier, Gavin	
Dudley-Owen, Andrea			Trott, Lyndon	
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				

Gabriel, Adrian
Gollop, John
Haskins, Sam
Helyar, Mark
Hill, Edward
Inder, Neil
Kazantseva-Miller, Sasha
Le Tocq, Jonathan
Leadbeater, Marc
Matthews, Aidan
McKenna, Liam
Meerveld, Carl
Moakes, Nick
Murray, Bob
Oliver, Victoria
Parkinson, Charles
Prow, Robert
Roffey, Peter
Snowdon, Alexander
Taylor, Andrew
Vermeulen, Simon

The Bailiff: In respect of the appointment of Mr Gavet to the vacant office, there voted in favour, 31 Members; no Member voted against; 2 Members abstained and 7 Members did not participate in that vote. I declare the Proposition carried.

1285

ITEMS ADJOURNED FROM PREVIOUS MEETING

COMMITTEE FOR ECONOMIC DEVELOPMENT

2. Spectrum Licensing Framework to Deploy 5G and Successive Technologies – Propositions carried

Article 2.

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Spectrum Licensing Framework to Deploy 5G and Successive Technologies' dated 19th December 2024, they are of the opinion:-

- 1. To endorse the policy principles and objectives outlined in Section 11.*
- 2. To direct the Guernsey Competition & Regulatory Authority to develop and implement a spectrum licensing framework to deploy 5G and successive technologies to the Bailiwick of Guernsey taking into account the policy principles and objectives endorsed in Proposition 1.*
- 3. To direct the Guernsey Competition & Regulatory Authority to report to the Committee for Economic Development on how it has exercised its functions and powers in accordance with the States Directions in proposition 2 in its Annual Report & Accounts*

The Deputy Greffier: Article 2, Committee for Economic Development – Spectrum Licensing Framework to deploy 5G and successive technologies.

1290

The Bailiff: I will invite the President, Deputy Inder, to open the debate, please.

Deputy Inder: Sir, you may or may not have been aware but we have agreed that Deputy Kazantseva-Miller will be leading on this and apologies if you have not been informed.

1295 **The Bailiff:** Okay. Well, I have not been informed. So, Deputy Kazantseva-Miller, then, I will invite you to open the debate.

Deputy Kazantseva-Miller: Thank you, sir.

1300 Members of the Assembly, on behalf of the Committee *for* Economic Development, I am pleased to introduce this policy letter, which completes the second major objective of the States of Guernsey this term, on enabling investment into our digital infrastructure. The strategic objectives of delivering digital infrastructure through fibre and mobile were introduced in 2021, with the policy letter on fibre called Delivering Next Generation Digital Infrastructure, together with the launch of the Digital Framework by the Committee *for* Economic Development.

1305 The policy direction on fibre secured the private/public partnership with Sure, enabling a total of £37.5 million of investment into a single, wholesale Island-wide fibre network, capable of speeds up to 10 gigabits per second. More than 75% of premises are now able to connect to fibre, with the full rollout due for completion by the end of 2026.

1310 This updated fibre network will also be the backbone for 5G connectivity. The remaining key role has been to launch the policy framework for the next generation of mobile technologies, 5G and beyond, which is the focus of this policy letter. This policy letter also addresses the Resolution of the successful Requête debated in April 2020, brought by Deputy de Sausmarez, Deputy Oliver and other former Deputies, which reaffirmed the need for a policy framework on 5G to be brought to the States for debate, which this policy letter does.

1315 Now, five years have passed since that debate and adoption of 5G has been significant in other markets, with the technology landscape evolving rapidly and new technology such as satellite coming in as well. Top notch digital connectivity is essential for any modern economy on par with air and sea connectivity and forms part of Guernsey's critical national infrastructure.

1320 It is especially important in an increasingly digitised and connected world, with rapid advances and breakthroughs in technologies such as AI. 5G and successive technologies will deliver resilience, fast, futureproof digital connectivity to homes, businesses and public services, without which we cannot live, work and play. It is simply essential for our current and future economic competitiveness and quality of life and represents the next phase in evolution of telecommunications.

1325 Agreeing this policy today will provide the policy direction to the Guernsey Competition and Regulatory Authority to regulate Spectrum Licensing that is necessary for operators to start deploying 5G and future technologies in the Bailiwick. The Bailiwick is currently serviced by 4G, 3G and 2G; 5G is the next generation of mobile technology, undergoing rapid adoption across the world, with 5G advanced due to come out soon and we have got 6G earmarked for deployment in the 2030s.

1330 The benefits offered by 5G and successive technologies are numerous. It enables the on the go, seamless connectivity that is not achievable by location-specific wi-fi networks. It will provide better connectivity to enable the Internet of Things, where millions, if not billions of devices, whether they are stationery or not, will have connectivity. It could be your fridge, your car, a wind turbine, solar panels, lightbulbs, you name it. 5G networks are also more secure than connecting through
1335 unsecure wi-fis in airports and cafes. Our devices and the applications we consume are increasingly data hungry. This is especially so for powerful AI application and use cases, which will be developed in the next five to 10 years.

1340 The report from Redsky appended to this policy letter gives a more detailed outline of all the benefits of 5G, including the delivery of public services, such as education and health services, including remote patient monitoring and telemedicine. The PwC predicts that 5G will boost global GDP by 1.3 trillion across a 10-year period, with more than half of the economic gains expected to be in the healthcare sector.

1345 There is a valid question of whether we need both fibre and 5G. The simple answer is that, at the moment, we need both. 5G also cannot exist without a fibre network, which works as the backbone for 5G and carries the data between the 5G stations and undersea cables. The investment by Sure

into the single gigabit wholesale network creates the foundations for 5G connectivity for themselves and other operators as well.

5G fills the gaps where fibre cannot reach and acts as the last mile solution where cables are too difficult to lay as well. It is possible that 5G connectivity may overtake the need for fibre to some of the premises but we are not at that junction yet. Spectrum for mobile communications are the invisible airways and radio frequencies that transmit voice calls, texts and data. Spectrum is a public good and this is the reason why it requires licensing and regulation, It will be licensed locally by GCRA via Ofcom.

I am pleased to say, Members, that Guernsey will be one of the pioneering jurisdictions that is proposing a technology neutral policy approach to Spectrum Licensing. Ofcom and the Global System for Mobile Communication Association, the GSMA now recommend technology Spectrum Licensing as the best practice, and that is a very recent development. So we will truly be one of the first jurisdictions in the world who are proposing this approach.

What this means is that telecom Spectrum Licences will not specify which technologies they have to be used for; helping them to deploy 5G and future technologies more rapidly, in line with market demand and by keeping pace with emerging technologies, without the need to wait for governments to bring technology specific policies forward, which can come with delay and cost to the taxpayer. It will streamline licensing, which will reduce the cost and burden of regulation, and enable quicker market innovation and responsiveness.

It is important to address any perceived public concerns about 5G. For this reason the Committee commissioned a report developed by Redsky and undertook in-depth consultations with the States' Public Health services, the Office of the Environmental Health and Pollution Regulation and the GCRA. What is important to note is that radio waves are everywhere. For example, there is natural radiation emitted by the sun, the rocks like Guernsey granite.

Most of the radiation we experience, including 5G, is benign and is non-ionising. In other words the radiation energy is too weak to cause any cell damage. It is only when you start looking at ionising radiation, such as X-rays, that caution needs to be taken.

The updated joint statement from the health authorities, as seen in Appendix 4, based on a review of the most recent available evidence and studies, is to confirm that they have no concerns with 5G deployment, providing mast emissions are within the international guidelines for non-ionising radiation.

This also reconfirms the position they had back in 2019. Very importantly, as part of the telecoms' regulatory remit, the GCRA monitors the emissions from masts in Guernsey annually. Their most recent audit was published just last November and it is available on their website at mastaudits.gcra.gg.

The audit confirmed that Guernsey mobile masts remain 'comfortably' within the internationally recognised safe level for the general public and the maximum recorded level reached on 12 per cent of the maximum safe permitted levels.

I hope that this gives Members and the public the reassurance about the safety of 5G and the regular monitoring and audits that are currently undertaken and will continue to be, as further policy direction to ensure the public has peace of mind.

In addition, there were also concerns about the proliferation of masts on the Island, relating to energy use, visual and environmental impacts. However, this is also no longer a concern. One of the reasons for that is thanks to Sure's acquisition of Airtel, there will be consolidation in the mast network from 88 masts down to 62. So there will be fewer masts than we currently have for the largest telco in the Island. This will create a more energy efficient network than previously envisaged.

As part of our political infrastructure, telecoms and cyber security is also a key consideration. That sits within the mandate of the Committee for Home Affairs and I know that the Committee has been progressing work in bringing policies in that area.

Section 11 of the policy letter outlines the eight policy principles, each one supported by several policy objectives. These include granting licences to facilitate delivery of world class seamless connectivity for all, working with Ofcom to manage the efficient and optional use of Spectrum, such

as to avoid Spectrum squatting and fragmentation; planning for future needs; promoting innovation, research and development, such as enabling test bedding; delivering and promoting economic growth and stability; protecting the environment and public health through monitoring adherence to international standards; driving cost efficiencies and adopting best practice governance working with Ofcom, including on cyber security and high risk vendor control; and access to the gigabit backbone network.

The development of the policy principles and objective is a result of comprehensive research and consultation with key stakeholders and the performance against these objectives will be monitored through a submission of the GCRA of regular reports. The GCRA will modify the telecoms' operating licences taking into account the policy principles and objectives outlined in this policy letter and this should be completed by early April, as confirmed to us by the GCRA.

Once the operating licences are modified by the GCRA, telecom operators will be able to apply to Ofcom for their Spectrum licences to become technology neutral. If there were to be any new applications for Spectrum, they will be determined within three to six months of the application.

In summing up, Members, this is the final milestone this term in our commitment to unlock investment in digital infrastructure across both fibre and mobile, with minimal investment from the public purse at a time of serious public finance constraints. This is another good news story that also stands Guernsey apart as one of the earlier adopters of the technology neutral policy approach and once the rollout is completed by telecoms providers, it will make Guernsey one of the most digitally connected jurisdictions in the world by the end of 2027.

Sir, I commend this policy to the States.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

I am very pleased to see this policy letter here but I do have a few questions and a few amusements along the way. I am a little bit concerned that the licensing is going to the Guernsey Competition Regulatory Authority, which is at the moment under review as to how it should perform, how it should exist. I just wondered, is that the best place to place more jobs to do, when we are not overly sure whether or not that is the place that the jobs should be done at in the first place? Just to address that point.

I am also a little bit interested in where the money goes. Will there be a licensing fee charged for use of Spectrum, which would then fund the GCRA to do their licensing? Will there be a surplus left over for us as the Government, from the licensing of the Spectrum? Then of course the irony of this is of course back in the day, and I will just read a little quote from my old Commerce and Employment days. The allocation of new Spectrum for 4G, a CICRA-led process, Commerce and Employment in Jersey, EED, jointly commissioned a by analysts Masons to inform the 4G allocation process and ensure optimum use of radio spectrum and telecommunications. Just what we are doing now.

This was published in April 2013, and CICRA went on to allocate the new Spectrum to three mobile operators in 2014. That all went horribly wrong. The Spectrum charge and the charging policy of 2% of relative turnover, etc, the policy letter that Commerce and Employment brought was withdrawn; was drawn up in January 2015 for March 2015 debate. The policy letter was subject to amendments from States of Guernsey Members and withdrawn on request and therefore not debated.

That was not debated after a very successful campaign organised by one of the telecom companies, using one of the Island's leading PR agencies, and one of the Members of that PR agency is now putting forward exactly what we were trying to do all those years ago. So I think that is quite an amusing turn of events.

Taking it seriously, the other part is the health implications. I have read the part in Appendix 4 about the mitigations, etc, but I would strongly urge Economic Development to really push forward on that because there are some people who are very concerned about 5G and its implications. They

1450 are also very concerned about 4G but I think that needs to be taken seriously and explained as well as we possibly can. Also to ensure that, when licences are issued, that the mobile companies do in fact adhere to those particular standards of whatever they are.

So just on those points, I just want to know where the money goes, who gets it and why and also just some reassurance with regard to the health and safety because, for some, that is a very big concern.

Thank you, sir.

The Bailiff: Deputy Queripel.

1460 **Deputy Queripel:** Thank you, sir.

As we all know, as Deputy Kazantseva-Miller referred to in her opening speech and Deputy Brouard has just referred to, concerns have been expressed about the safety of 5G and the Committee tell us in this policy letter, in paragraph 5.1, 'there were a number of issues to be examined and addressed,' which were environmental, public health, safety and security.

1465 So I am really pleased to see in paragraphs 5.1.1 and 5.1.3 that the reviews carried out in 2024 confirmed that emissions remain comfortably within internationally recognised levels. We are also told, in paragraph 5.9 that radiation from mobile networks does not pose a significant threat to human health, when adhering to those internationally recognised levels. Now, obviously there is still a risk. But we are told that risk is not significant.

1470 We also see, in paragraph 6.7 that the GCRA have the power to revoke a licence and impose a financial penalty. In the most serious cases of a failure to comply with conditions, it could actually result in a prison sentence. So I am really pleased to see that in this policy letter as well. I know I am not the only Member of this Assembly who has been approached by Islanders expressing concerns about 5G. I have had nine contact me recently.

1475 I know some people out in our community consider those to be conspiracy theorists and cranks but I certainly do not. Because whenever anyone expresses a concern to me about anything, I take it extremely seriously indeed and I undertake my own research, in an attempt to be able to allay their concerns and also to enlighten and educate myself on an issue I need to know more about.

1480 In fact, I think it is incredibly disrespectful to dismiss a concern expressed by someone just because it is not what the person listening to that concern wants to hear. In the case of politicians dismissing those concerns expressed to them by Islanders and referring to those members of the public as cranks and conspiracy theorists, that is nothing short of irresponsible in my view. In fact, it is a flagrant dereliction of duty.

Now I say that because we have been elected to listen to the views and concerns of every member of the public, not just the ones that we choose to take notice of.

1485 In relation to that, the nine Islanders I referred to a few moments ago who have expressed a concern about 5G, three of them told me they take a certain amount of comfort from what we are told in this policy letter. Especially policy principle number six, as laid out on page 21, which is to protect the environment and public health.

1490 To expand on that, we are told on page 22 that the objective is to try to ensure the rollout of 5G does not result in any adverse impacts to the environment and public health. Also to monitor and report on emission levels on a regular basis. And finally to encourage the removal of redundant mobile infrastructure and to try to limit the amount of new masts and transmitters that will need to be put in place.

1495 Those are the issues that have been the main stumbling blocks for the other six out of the nine Islanders who tell me that they take no comfort whatsoever from this policy letter. They tell me that instead of seeing the word 'try', they would have much rather have seen 'to ensure', not 'try to ensure'.

1500 But they told me they fully accept they are in the minority and to rally against the system where the vast majority of Islanders want this all to go ahead, is absolutely futile, so they expect they will

have to live in hope. At the same time as having to also accept that we live in an age of intolerance of alternative viewpoints. Intolerance and extreme impatience and disrespect.

I resonate completely with their views that surely it is not beyond the realms of men, women and children, to actually have to wait for two minutes to download a whole film. Why anyone expects to be able to download a whole film in 10 seconds is beyond them and it is also beyond me. What is wrong with waiting for two minutes?

But, as I said, we live in an age of intolerance and impatience, which to me is a sad reflection on the approach to modern day life. But it is the age we live in.

So, sir, in summary, the vast majority of our fellow Islanders want this to go ahead. There are a minority who are really concerned about possible adverse effects on the environment and on public health. And as I have said, I think it is extremely disrespectful and irresponsible of any of us to just ignore their concerns.

As I have already said, I take comfort from the fact that the GCRA will be monitoring the introduction of 5G at every stage along the way, which is why I support all the recommendations in this policy letter.

Thank you, sir.

The Bailiff: Deputy Inder.

Deputy Inder: Just to try and help in what at the moment, it might change, it looks like a fairly short debate. To answer Deputy Brouard's question, I do not disagree. It would have been more useful to conduct the review with the GCRA first and like me, he likes things coming in a set order. But what I can assure, as I mentioned, I think it was the last debate that we had, that the GCRA review is in play. We are likely to get it lodged by 16th March so that ability to debate where he thinks other Members might want the GCRA to move will happen this term. It is just one policy letter came slightly earlier than the other but things, as he full well knows, do not always go in the order that we want them to. I do not know if that might help that part of the question.

Deputy Queripel, I entirely accept Deputy Queripel's representation that alternative views are not accepted any more but we have not dismissed them and we have been particularly mindful of those concerns in the community. Much like him, I do not understand why people want to download films in five-and-a-half seconds, over six-and-a-half seconds, but actually it is not really about that. It is really about keeping up with technology and I think as Deputy Kazantseva-Miller mentioned in her speech, health is likely to be one of the biggest users of 5G technology.

So as the technology and the hardware and the software picks up and gets faster, we need the connectivity between the network and the actual hardware systems to allow us to progress as an Island. We are looking to keep up with our software and hardware and networks as they progress but I am grateful, as someone who was flying the flag for safety, I am grateful that Deputy Queripel now accepts that we are where we are.

If it does help him, he mentioned 5.9, but actually 5.10, I just want to read it out before I sit down, GCRA is 'responsible for ensuring that emissions from mobile masts are well within the safe limits, as mandated by the International Commission for Non-Ionising Radiation protection' and other relevant ions from time to time. I am absolutely assured they will be monitored on a regular basis. I think if this policy letter goes through, we will take note of what has been said and when we respond to the GCRA, I think it would be wise for us to make a mention of those concerns still expressed, focusing on the regular monitoring. And that is all there is from me.

Thank you very much.

The Bailiff: Deputy Bury.

Deputy Bury: Thank you, sir.

I am generally supportive of the policy letter and I appreciate the attempts at explaining something that is clearly quite complicated to lay people. So, generally, I am supportive, but I have

1555 raised just a slight issue, which is slightly tangential to the content, with Deputy Kazantseva-Miller, admittedly only a couple of days ago and she has attempted to get the answer for me. It was just around the supporting appendix report from Redsky Guernsey Limited, whom I had no knowledge of, so I studiously googled just to find out who they were, and there is nothing to be found as to who Redsky Limited are.

1560 So then I googled the author, whose name is on the report, who I did not know who that person was but is obviously quite well known in this arena. But I could not find who the company is that we have presumably paid to do this report so I just wondered around the governance around that. When I was googling the author, I found that they are on gov.uk, in Companies House, they are a director of several wireless telecommunications companies, which obviously brings expertise into the realm but potentially also brings conflict of interests, possibly, as well?

1565 So those were just some concerns that came to my mind and it would just be good to know what the governance is around that. But also, around the report, on the front page of the appendix, it says this discussion paper has been prepared by Redsky Guernsey Ltd and:

... is provided for general information purposes only. It should not be relied on for any legal, regulatory, business, financial or related advice or recommendations.

1570 And then throughout the policy letter, a couple of times, it is referred to as Redsky's recommendations. It might be one of those things, like when you have to pay for a house survey and you have to have one, and then they basically say, but, if we have missed anything, sorry, we are not liable! It might be one of those sorts of things.

But I think these are the kinds of things that need to be picked up in a Government report, because these are not just papers for us. They are for the public as well. If the public cannot find out who Redsky are or do not know who the author is, I think it is important that that is verified and bottomed out. So I would appreciate any verification on that.

1575 Thank you, sir.

The Bailiff: Deputy Gollop.

1580 **Deputy Gollop:** *[Inaudible]* ... intervention and I actually support a lot of what Deputy Queripel and Deputy Brouard have said because ... *[Inaudible]*

Deputy Inder has overseen an Economic Development Committee that has really tried to expand our horizons and improve the broader economy and this is an essential part of it. It is from Guernsey and in a way Deputy Kazantseva-Miller is almost like a minister perhaps as well Deputy Dudley-Owen ... *[Inaudible]*

1585 One can only be impressed by this and I think Deputy Inder is correct. We need to do it to stay ahead of the game. I get information from these machines but I really cannot ... *[Inaudible]* seventies when people really enjoyed things and, as Deputy Le Tocq said, life was less complex.

To be serious, Guernsey only has its people and its brains and its resources and in order to be the kind of community very successful, Guernsey Finance among others, we do need, we know that Jersey. We need to be ... *[Inaudible]* and improve our outreach. I think Guernsey will *[inaudible]* number of digital nomads, entrepreneurs, people who have moved here and are indigenous too and they are ... *[Inaudible]*

1595 Although it is a funny side to Deputy Brouard's stories because I remember ... *[Inaudible]* a march because we were concerned about the technology there and we used our mobile phones! *(Laughter)* ... Economic Development. So people are a bit at cross purposes for this and I think that is right.

1600 Going specifically to the report, the consultants' report does allude to the importance of Ofcom and GCRA and Economic Development working together. Deputy Brouard has already reminded us Deputy Inder will bring a report on that but, frankly, not only do we need a robust and cost-efficient, agile regulator, but we also, dare I say this, need to co-operate with the other Island, who may be

connected with Jersey Telecom, etc, in order, because the more the Islands work together, although that is hard, it is probably for our long-term good.

1605 I am pleased to hear Deputy Kazantseva-Miller say there will be less masts, because I get lobbied a lot about the planning aspects of masts. But there certainly are people who are concerned about masts and they may well be right in the sense that some conditions, whether they are mental, physical or psychological, some biochemical effect, are not necessarily traceable for decades and decades.

1610 You have got to keep an open mind on the science, so I do endorse Deputy Queripel's passion there. But I notice in this report, which actually alludes back to the 2021 report and is really endorsed in the report, we have next generation mobile network, blah, blah, but point five, the environment, resilience, health and safety. Yes, we have already had health and safety today, but the objective ensures that the benefits of enhanced digital infrastructure are delivered whilst ensuring the maintenance and protection of the environment, that is all the ecology, and the safety of users at the same time as ensuring the resilience of data connectivity.

1615 In a way, I am on a spectrum, but not a digital spectrum, more of a different kind of spectrum. But you have to bear in mind, different strokes for different folks. Some people may be adversely affected by this and there may well be effects on the environment, I do not know. I find even when I am recharging my computer, the radio goes all fuzzy with the cord, so it has some effect in the environment that we do not necessarily know, all these waves could be affecting me in some way.

1620 So when this comes, we do need a better coms programme and a public relations programme on the risks and how we can mitigate them and not just a corporate view.

The Bailiff: Deputy de Sausmarez.

1625 **Deputy de Sausmarez:** Thank you, sir.

I feel partly responsible for this. I was the lead requérant all those years ago, which sort of set this particular ball running and at that time, my primary concern was that there was an apparent appetite to move forward with 5G without the requisite policy frameworks. So I am really pleased to see that that has now come forward, a little later than anticipated, but I certainly welcome it, nonetheless.

1630 To me, the most compelling argument in favour of Guernsey going down this route in the way proposed, and I am supportive of that approach, is because globally we are transitioning to 5G and there really is no choice for Guernsey. Even if we took a really principled stand against it, we would soon find ourselves, in a number of years, unable to do anything, because the world would have overtaken us.

1635 So, it is absolutely imperative. It needs to happen and I am glad it is happening. It is being proposed in a proactive and well-managed way and I am supportive of the technology agnostic approach.

1640 Like Deputy Bury, I too had a number of questions around the report, which is attached in the appendix. I did think that that report rather over-egged the pudding, in terms of the case that it made for the necessity of 5G in Guernsey. As I said just a moment ago, I think actually the most compelling case is the fact we have to. We have got no choice. So we may as well do it proactively and well. But I did think some of the advantages cited in that report were not particularly appropriate or relevant to the Guernsey context.

1645 For example, all the savings that could be used through 5G and enabling telemedicine, is not necessarily as appropriate in Guernsey as it might be in the outback of Australia or a large continent where people have to travel for many hours to get to a doctor or whatever. So I did think it was rather over-egged, but as I say that does not detract from my agreement in that Guernsey does need to go down this route and I think the route proposed is very sensible.

1650 One of the questions that I would really appreciate an answer to when Deputy Kazantseva-Miller replies to debate is whether there will be a universal service obligation on providers. One of the principles and I am struggling, I do not have the right screen in front of me at the moment, it does

talk about delivery of 5G to all and I do think it is important that we mean that. Because it is very easy and I imagine quite lucrative, to be able to provide this kind of service in concentrations of developments, so built-up areas, like the Town and the Bridge. And that is great.

But I do think it is important that the people who live in the further flung regions of the Island are not neglected through this approach and so I would appreciate some reassurance from Deputy Kazantseva-Miller when she replies on that particular point, that they do stand by that particular principle of delivering it to all and not just to those for whom it may make financial sense for some providers to do so.

Really, just on the wider environmental and potential health impacts or certainly concerns around those things, my understanding is that the technology has developed quite considerably in the intervening five or six years since the Requête was brought, and that I feel as though some of the concerns have diminished in that time because of some of those developments. However, I think it is always true to say that one of the reasons that there are legitimate concerns around areas of new technology like this, is that we do not have any longitudinal data on impacts and so it is very difficult to be able to provide people with some categorical assurances on those points.

So I really would just urge a sort of, not necessarily cautious, but a mindful, precautionary approach, that is certainly sensitive to those kinds of considerations and I think also the visual impact, it is not something that has been much discussed, the visual impact, I know, has also been a concern to some. Again, I think that is one of the areas where the technology advancements have actually potentially significantly reduced those potential impacts.

On the whole, I very much welcome this and my only other point is that, assuming this all goes through, which I am sure it will, very overwhelmingly supported, I think it would be useful, I do suspect this will fall to the following Economic Development Committee rather than this one, but it may be something that this one wants to consider, is how we best use it.

So, having the technology there is one thing, but actually being proactive about maximising the advantages within the local context, within our local economy, I think that is an opportunity that actually a Committee *for* Economic Development really should be grasping and not just leaving it to happenstance. I would like to think that an Economic Development Committee would pick that particular baton up and certainly look into it.

Thank you.

The Bailiff: Deputy Taylor.

Deputy Taylor: Thank you, sir.

I thought Deputy de Sausmarez was going to pick up on most of my speech, but she has not, so I will chip in. I am broadly supportive of 5G technologies. I have got Starlink at home. I am a bit of a Luddite in some ways and I like simple things in life but then I do embrace technology, and I would embrace 5G, although I will curse when I sit on the toilet in the morning and check my phone and look at social media, because it is totally unnecessary! But that is one of the ways people do embrace these technologies.

I have to be honest. I did not really know what the benefit of 5G was. Thankfully, it was set out in this policy letter. Redsky, kindly, set it out for us and I think the Committee's words, to expand on that, were that the rollout of 5G is expected to be a 'gamechanger' for the Bailiwick, by generating economic and social value and robust global connectivity.

It is there where, I am going to support this, but I did feel, I have used the phrase in here I think to you, sir, about over-egging puddings and I think it has certainly happened here. I do just want to go through though and put on record my doubts about some of the, I do not know if they are necessarily claims, but the forecasts, I suppose.

The first one is this issue of economic growth. Everyone wants economic growth, don't they? They always want the economy to grow. That is a good sign. Very rarely do we get the how. It is just, yes, we will get economic growth. It is assumed that will be in real terms not just natural growth

from inflation. But it is bizarre. In this why is 5G important for Guernsey, I think it is page 11, of Appendix 2, it tells us:

By providing a faster and more reliable internet connection, local businesses can compete on a global scale ...

I would like to think we do that already. I do not think that is necessarily going to change. I get, with increased connection speeds for trading, maybe, it gives you a little bit of an edge. You click 'buy' and then you get a whirly screen coming up, that cannot be good for business. Or if you want to click 'sell' and you get the whirly screen, that could cost you a lot of money in this fast-paced global economy stuff.

But for the economy, it does work both ways. There has to be money that comes into Guernsey through these businesses, on a global scale, and you want the people who bring that money in to spend that money in the Island as well. But, with this increased connectivity you do have a loss of money through things like Netflix subscriptions. My good friend Deputy Queripel asked why do people need to download a film in 10 seconds? I do not have the answer but a lot of people do it and there is big money that is made in subscriptions.

When I was a boy, sir, we had four channels – four! – and we were not even allowed to watch Channel 4 because of the adverts. I am sure my parents had to pay a whack for the TV at the time but they were not then paying a monthly fee to all these different websites to watch things on demand. You just sat and waited until eight o'clock to watch *EastEnders*.

So I do feel that the more of this ability to spend, we actually send more money out of our economy on things we do not really need, like these 10 second video downloads. I do not think that is going to be game changing for the Island, whether more people have Netflix subscriptions, but it is a consideration, which I might come onto a bit more on the social benefits of all this.

The next point is about enhanced connectivity for residents and tourists. This one, I do not expect a response on this because it does not fall within Economic Development's mandate any more but it tells us good connectivity is often a 'crucial factor' in deciding a travel destination. Again, I forgive the Economic Development for not being aware of this, but the 2024 Visitor Survey told us the principal reason people came to Guernsey was for the natural beauty, beaches, outdoors and its history, and the society that we have here.

There is no mention of people saying, we liked it, we would have come back next week if you had 5G. It is not mentioned in there. I do not know whether it was Deputy de Sausmarez or Deputy Bury who touched this but, yes, it might be a benefit if people are here but I do not think for one minute we are going to see more visitors – Guernsey has got 5G, blimey I am going to pay a serious amount of money, more than I would go to Spain just so I can check my Facebook page when I get there, without delays; or I will go to Guernsey because I can download my film in 10 seconds, or I could go to Spain! – I just do not believe that is how people decide on their holidays.

And because children, funds are tight. I love skiing. I would not go, should I do a week in the Alps or should I go to Guernsey where they have got 5G. There are other considerations.

The next one: digital transformation. I do not know if it is true but I always heard this story about Bluetooth was originally designed so your fridge could tell you that you needed to buy items, that you were low on something. I have never actually looked into it but it is one of those things where you had a piece of technology with a fairly boring application, which actually then is used for really cool things. You connect it to speakers, you can listen to music through Bluetooth, you can send pictures to people in the same room. That is far more exciting than your fridge telling you that you need more broccoli.

So I would have hoped that the examples of digital transformation for Guernsey, how 5G will revolutionise our Island life: 'smart city solutions', smart street lights. Wow! Smart street lights. That will transform Guernsey. The use of 5G will have smart street lights. Yet it does tell us, just a couple of lines out:

This will be essential for improving the quality of life ... in Guernsey.

Smart street lights! I embrace technology but I do get the feeling that it is causing a lot of issues for our younger generation. We do not need to go over those now. I see Deputy Dudley-Owen is nodding. She will be aware of some of the issues that phones cause in school and actually increased connectivity and ability to send these images around, willy nilly – not willy, sorry; sometimes willies! – is not necessarily a good thing.

I do not believe, sir, that this increased connectivity is essential for improving our quality of life. I think what is essential for improving our quality of life is embracing technology so we can get jobs done a bit quicker and we can go out to the garden and we can sit and we can make use of that spare time we created, instead of just working in bed at night, and sending emails in bed, because we can. But I am not holding that against the Committee. I guess I am just venting my personal issues with technology.

And the final one, sir, again, it is a bit more cold water on digital nomads. I do not know and it is maybe just looking at the social media posts about these people, they put a picture of them on a beach in Bali and they put a caption up and it says, I traded \$5,000 a day from a beach, and you think, oh wow that is brilliant' and if Guernsey had 5G we would get these people trading all this money in Guernsey. I just do not see it. One of the ways of being a digital nomad is van life culture, has anyone seen that? It is very much a response to increasing house prices and the fact that you cannot settle somewhere.

I am sure a lot of these digital nomads, if they could have a house and they could live a non-nomadic life, I think they would choose to. But it is a response to a situation, not necessarily a desired lifestyle choice. Not for everyone. I do not know all the digital nomads in the world, obviously, but just my observation on it, I do not think we are going to be attracting digital nomads because they will come over with their van and be told, no you cannot park there, there are planning rules in the way, or they will want to move into a house, they cannot afford that, and they will go off to Bali because the cost of living over there is considerably cheaper but they would be earning in their home country.

That is the idea of it. Years ago, I went to New Zealand travelling, and I ended up getting a job in a winery, just using my sheer muscles to move grapes and bits around and, although I was earning the same amount of money as everyone else that was working there, at the end of this vintage, all of those employees who had come from South America, went home, having got a great bit of work experience and an absolute tonne of money that they could take back to their own country. I had done the same job, put the same level of effort in but that money, when I tried to bring it back, was worth far less. I would have been better off just staying here and working in Guernsey.

I think that is the idea. These digital nomads go somewhere where it will be cheap to live.

In summary, I will still be supporting all of this. If you are not moving forward, you are going backwards? Is that the phrase? Or if you are standing still, you are going backwards. I will embrace all of this and I am grateful to the Committee for putting this forward but I also think we need a little bit of cold water on some of our forecasts. So yes. I think I am going to have a 15-minutes buzzer now.

Thank you.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you.

I was not going to speak – famous last words – but Deputy Taylor has brought me to my feet because, whilst I was nodding in agreement to a degree with him, I was sort of shaking my head at the same time, thinking it is not about the increased connectivity that is the problem for over-use, abuse and misuse of the mobile technology, it is actually what the content is.

Some of that content is really good and really helpful, reading articles online, yes let us do more of that. Learn more about other places in the world, yes, let us do more about that. Let us do research. But actually it is social media, isn't it, that we do really know that is affecting our young people and the algorithm? It is the algorithm. If only we could escape from that.

But I am really supportive of this work that Deputy Gollop alluded to that I had done last term, as well, with the Committee, and that has been really capably taken on by Deputy Kazantseva-Miller and it is really pleasing to see that this framework is coming forward. Now, just to comment a little bit more on those economic and social benefits, I think that Deputy Queripel, again, some of these examples that are used are pretty trite, but actually the real use of it and the real benefits are really impactful and can have deep change in how we aspire to do things differently; possibly even get back to traditional core values.

For example, when we are looking at the advancement of some of this technology and the capability of it, in terms of the associated medical and social technology, we are thinking about care in the home at the moment. What could this do to unlock some of those care in the home possibilities around assisting some of our older generation to stay in their homes for longer but getting that professional care, albeit remotely in some instances, where we are strapped for resources, and just opening our minds to some of the creativity that could be applied around that, rather than actually what we have at the moment without some of this technology. The comment is, well it is a shame, we could do this if we had the technology that could support us.

Certainly, I think there is a lot more that could be done with this enhanced technology to assist us in some of those aspirations and reducing costs at the same time.

Also, in terms of support for our finance sector. We know that this framework can assist the enhanced admin functions that many of our finance companies require. There was a lot of hype around blockchain last term and from 2017, but actually that could be a real gamechanger in developing a more efficient and effective way of providing administrative services, especially in our fiduciary sector.

So, whilst it is easy to dismiss and, as Deputy Taylor says, pour cold water, on some of the aspirations, actually they can be game changing in some areas. So, I would, whilst being mindful of some of the concerns and legitimate concerns around this technology and the speed at which it was being introduced, or perceptively being seen to be introduced, I think a lot of those issues have been ironed out now.

I support Deputy de Sausmarez's mindful approach to this. We cannot get carried away by it. But I think that approach has been taken and I think that we have shown that the enhancements there can indeed be really beneficial, societally, socially, and economically.

Thank you.

The Bailiff: Is there any Member who wishes to speak against these Propositions? No. Well, Deputy Le Tissier, then.

Deputy Le Tissier: Thank you, sir.

I will not take up too much time, certainly not 15 minutes. I am only going to speak about two points that I think are important. But, before I start, there is something that I think I can speak on with some expertise. Many years ago I took my City and Guilds Radio Technician Licence, so I know all about radio in all the bands.

So, Spectrum. It is our resource, and it is limited. But we seem to be giving it away when other countries, such as the UK, auction it. Now auction seems the fairest way, because you might get £10 million, you might get £1,000. It is the highest bidder. I do not know why we could not do that. I think our telecom companies cannot believe their luck that they are getting their Spectrum for free.

Now, we have a black hole, and we could take some sort of fee for use of our resource and I think we should have an obligation to use our resources properly and to the benefit of Guernsey. But we are not. So, we are where we are.

The other thing I want to speak on is the health aspect. If we could see electromagnetic radiation, radio waves, we would be living in a fog. It is just everywhere. Wi-fi. It is in your own home, 2.4GHz to 5GHz and you have got your oven, as well, microwave oven. That is over a kilowatt at 2.4GHz. No one bats an eyelid at having these powerful microwave transmitters in their kitchen and then people

are happy to put a phone, 4G or whatever, right next to their ear. Phones, apparently, they have got various power ranges, but their top output is three watts. Alright, that is not very much. But it is right next to your brain. No one bats an eyelid at that.

The cellphone towers themselves –

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Deputy Queripel: Point of correction, sir.

The Bailiff: Point of correction, Deputy Queripel.

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Deputy Queripel: Sir, Deputy Le Tissier is misleading the Assembly. He says no one bats an eyelid. I am sure we have all had people contact us with concerns, so they are definitely batting more than their eyelids.

Thank you, sir.

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The Bailiff: Deputy Le Tissier to continue.

Deputy Le Tissier: Thank you, Deputy Queripel.

1875

The cellphone towers themselves, some of them put out 10 watts of power. Gosh, that is a lot. If you have still got an old car and you have had to put a new stoplight in, that is 20 watts. So I think we need to get it into perspective. And it is well up in the air, as well. Also, their antennae are pointed away from the ground. They are pointing horizontally. So, if you stand underneath a cellphone tower, you do not get an increased radiation emission.

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If you look at some cellphone towers, they have got a little dish on them. That is to link that tower back to the base. Now, some of these microwave links operate between six and 86GHz. They just go over your head. And power follows the inverse square law, so putting a low power next to your head, has more effect, generally, in heating, than a huge transmitter up on a mast, such as the television transmitter. You move away from it and the power rapidly falls.

1885

These scare stories on 5G are nothing new. If you can remember back to the, I think it was the 1990s, there was a big fuss made by members of the Police, their new Tetra sets were putting out 300mHz and it was right in their ear. That was proven to be of no concern. So, on health, I think it is overblown. What does concern me is that we are giving this away for nothing.

Thank you, sir.

1890

Deputy Burford: Rule 26(1), please, sir.

The Bailiff: Can I invite those Members who wish to speak in debate to stand in their places? Is it still your wish, Deputy Burford, that I put a motion?

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Deputy Burford: Yes, please.

The Bailiff: Can I invite those Members who wish to curtail debate to vote in favour of the motion under Rule 26(1). Those in favour; those against?

Members voted Pour.

1900

The Bailiff: I will declare that carried. So I will invite Deputy Kazantseva-Miller to reply to the debate.

Deputy Kazantseva-Miller: Thank you, sir, thank you Members for an interesting debate.

1905

Answering some of Deputy Brouard's question in terms of this is going to the GCRA. The GCRA is undergoing a review. The key thing to note is that because Spectrum is a public good it has to be regulated. So someone will have to regulate telecoms, basically. Whether it will be GCRA or

someone else, you will have to have a regulatory body for telecoms, we cannot get away with that. I think that will stay, whatever happens.

I think there was a question about a fee for Spectrum, which was also echoed by Deputy Le Tissier. We had considered carefully whether to tax Spectrum and the recommendations really are now to avoid taxing Spectrum so the latest report from the GSMA is saying the following: attempts to extract additional revenue have misfired and held back the introduction of new mobile technology. So I think this kind of thinking about Spectrum taxation is about probably 20 years old nowadays. Ultimately, if you choose to tax Spectrum, say a couple of million pounds, those costs will simply be passed onto the consumer –

Deputy Le Tissier: Point of correction, sir.

The Bailiff: Point of correction, Deputy Le Tissier.

Deputy Le Tissier: Thank you. I did not suggest taxing the Spectrum, I said you could auction it, which is totally different.

Thank you.

The Bailiff: Deputy Kazantseva-Miller.

Deputy Kazantseva-Miller: So yes, auctioning, taxing, charging a fee, that is what I mean by the same approach. So the balance we are trying to maintain in the Bailiwick is by not imposing exorbitant fees on the Spectrum, the Bailiwick aims to prevent undue financial burden on service providers and, by extension, consumers. I think actually not levying for the charges, we are ensuring that the benefits of the mobile technology can be kept as low a cost as possible.

Deputy Brouard actually made some really good suggestions in terms of there are concerns about the health implications and it is quite a technical field. What I would like to take forward is that we, together with the GCRA, undertake an awareness and a communication campaign, especially around the health benefits, because I think they need to be explained better and I think the public needs to be reassured that very careful considerations are being taken. There are strict international guidelines and that the GCRA will be undertaking or continues to undertake annual mast audits and explain how that is undertaken.

That would be a really positive thing to take away and I will certainly take it forward with the Committee.

Deputy Queripel, he has been very consistent in his expression of the concerns expressed by him and the public and I would like to reassure him that the Committee has in no way dismissed them or not taken them seriously. In fact, I think the Public Health concerns are absolutely essential to this policy letter, hence the engagement with the health authorities, the GCRA and, as he pointed out, policy principles that ensure that health is being regularly monitored and that will be supplied through annual reports as well.

I do want to, again, point to the website that the GCRA runs, called mastaudits.gcra.gg which actually has more information to explain how those international standards, how the testing of the mobile sites and masts is undertaken and if the public has any concerns, they are able to get in touch with the GCRA to discuss further.

Just to take a couple of points from the FAQ page, regarding mast audits for example: do you test the same mobile sites each time? Each time we conduct an audit, we test a mix of sites. This includes new locations and sites previously identified as having slightly high but still safe readings. This approach ensures that all masts continue to operate within acceptable safety limits and gives us confidence that the system remains secure for everyone.

Another question: how do I know these tests are reliable? Our tests are conducted using internationally recognised methods and follow strict guidelines. The equipment we use is calibrated to measure even the smallest changes, ensuring accurate and ... *[Inaudible]* the results.

I think, just to build on the point I made earlier in response to Deputy Brouard's question, I think there is a lot of information out there. I think we should do a better job to communicate and raise awareness about it and perhaps conduct some public meetings or presentations about it.

I would hope Deputy Queripel feels a bit more positive that we are taking a very proactive approach to ensure the health and safety of this technology. We are in no way lowering the concerns displayed by the public.

Deputy Bury questioned the information about Redsky. I have actually been in communication now and have the response from the CEO and founder of Redsky. It is a Guernsey company, it is run by Ian Campbell, former CEO of Airtel in Guernsey. A very experienced telecoms professional. I can quote what has been provided: Redsky Guernsey is my own consultancy company, locally. I use it as a vehicle to build for consultancy training and other work. It was formed in 2016 and there are annual accounts that are completed each year.

I know that the Committee has undertaken with Mr Campbell previously, as well, so I think hopefully there is some assurance that it is not just someone we found on the internet. Perhaps in the future we will just ensure there is a bit more information provided about the consultants we use.

Deputy Gollop talked about the importance of the interaction between Ofcom and the GCRA. So Ofcom in the UK is the one that effectively regulates a Spectrum across the Crown Dependencies as well. I think that constructive relationship between GCRA and Ofcom is really important.

Deputy de Sausmarez talked about she was the driver of ensuring that this policy came to the States, which I think is absolutely the right approach, that we debate this kind of policy framework here. It has come a little bit later than expected because I think the Requête wanted something to come back by 2020. We obviously had COVID during those years so there was a little disruption.

It was also a time when various vendors with Chinese equipment became a major issue and some of the local telecoms were affected by that so they could not have brought 5G in that timeframe because they had to take out those vendors. Then in the last couple of years the work on the Sure/Airtel acquisition also took some resources and time from the Committee.

We are bringing it today but by doing it this year we are able to take advantage of the technology neutral approach, which is something that has really materialised quite recently. So, by being maybe a little bit later than we expected, it is allowing for us to be more pioneering in the approach. Hopefully there are some advantages of some delays sometimes.

She also questioned whether we are imposing a universal service obligation. We have decided, in consultation very much with GCRA, that it is not something that will be mandated. We will let the market dynamics work out and for the operators, whether they want to find niches through which they want to operate but for the market actually to solve that.

Part of the issues, because any service obligation is more regulation, more restrictions on operators, but also potentially allows for unfair competition for new, emerging technologies like satellite, which do not have any of those service obligations. They would be operating on a completely, very light touch regulatory regime, while local operators have already quite significant operating licence requirements and conditions they have to abide by. Having said that, fibre is a universal rollout. But we did not think it was necessary to go down the universal service obligation with mobile.

Deputy de Sausmarez was absolutely right. How do we embrace not just 5G but digital connectivity in general and that very much has been a priority for the Committee. We have recently commissioned a digital economy study and the future of our competitiveness across all industries is hugely linked to our ability to use technology to innovate to create new products and services to become more productive.

I would say that I probably do not share the view that the business case for 5G has been over-egged. I think we are still at early adoption phase, in terms of seeing those data hungry AI applications coming through. I do not think we have seen them yet, but they will be coming through much more strongly as we speak.

We are probably still thinking about older use cases, just downloading a movie in 10 seconds rather than two minutes. We need to be thinking about, for example, with health, you could have a real time AI health assistant that is helping you with real time surgery. And that AI assistant is linking maybe to surgeons around the world, it is doing real time language translation, etc. We are not really imagining the use cases yet and they will really come strongly through.

And on that point, and linking to Deputy Taylor's point, Jersey when they went early on the fibre installation, they used it extensively as a marketing and as a sales tool through all of their channels. So it is extremely important to showcase that you have 5G because, if you do not, you will be seen as a Luddite.

Just on tourism, he mentioned you are not going to come here as a tourist because you know there is 5G. But that is the expectation. If you have got access to technology and the apps that you use elsewhere, or when you travel you have got access to 5G elsewhere and you come and you do not, you will just think, what a backward space.

Just the other week, I was in the wilderness of Sweden, skating on lakes, but what we could do is access maps and actually understand what the ice conditions were. If I did not have that, I was literally in the middle of nowhere. I would have had a much less secure experience and that made a massive difference in terms of deciding whether it was something I would come back to because it was a safe thing to do.

I think the use cases are absolutely there and Deputy Dudley-Owen talked about it was finding those use cases, being creative and coming up with new products and technologies and that is all we have got to play for. Also on that, the devices that are being built will have to use more updated technologies like 5G. They simply would not work with older technology. We have got to move with the times.

On this note, I thank all Members. This is a really good news story. We should be really positive about it because, by the end of 2027, we will have full fibre rollout by then and we should have completed, Sure will have completed certainly, the rollout of 5G and hopefully JT will also follow in a similar timeframe.

Thank you.

The Bailiff: Members of the States, there are three Propositions. Does any Member wish to vote differently in respect of any of those three or can I put the three of them to you together?

As there are no requests, I will invite the Greffier to open the voting on all three Propositions, then, please.

There was a recorded vote.

Carried – Pour 38, Contre 0, Ne vote pas 0, Did not vote 2, Absent 0

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	None	Oliver, Victoria	None
Blin, Chris			Vermeulen, Simon	
Brouard, Al				
Burford, Yvonne				
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				
Haskins, Sam				
Helyar, Mark				

Hill, Edward
Inder, Neil
Kazantseva-Miller, Sasha
Le Tissier, Chris
Le Tocq, Jonathan
Leadbeater, Marc
Mahoney, David
Matthews, Aidan
McKenna, Liam
Meerveld, Carl
Moakes, Nick
Murray, Bob
Parkinson, Charles
Prow, Robert
Queripel, Lester
Roffey, Peter
Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Taylor, Andrew
Trott, Lyndon

The Bailiff: The voting on all three Propositions was that there voted in favour, 38 Members; no Member voted against; no Member abstained; 2 Members did not participate in that vote and therefore I will declare all three Propositions duly carried.

Deputy Roffey, are you going to take more than three minutes to open?

Deputy Roffey: I am, sir.

The Bailiff: I thought that would be the case. We will now adjourn until 2.30.

*The Assembly adjourned at 12.27 p.m.
and resumed its sitting at 2.30 p.m.*

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

3. The Need to Stabilise the Private Care Home Market and Incentivise Growth to Meet Demand – Debate commenced

Article 3.

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'The Need to Stabilise the Private Care Home Market and Incentivise Growth to Meet Demand', dated 19th December 2024, they are of the opinion:

- 1. To agree that there is an urgent need to stabilise the private care home market and to incentivise growth in order to meet the imminent and future projected demand.*
- 2. To agree that the sum of the co-payment and the rates of care benefit (i.e. the standard rates) be increased to the mid-point of the LaingBuisson analysis, as set out in section 4 of the Policy Letter, with effect from 7th July 2025 (subject to annual uprating), conditional on States approval of the rates to apply from January and July of each year.*
- 3. To agree that the co-payment be increased from £342.02 per week (rate to apply from 6th January 2025) to £514.00 per week (2025 terms) over a five-year phasing in period, as set out in Table 4.1 of the Policy Letter (subject to annual uprating); this being in line with the mid-point of*

the cost of providing 'living and accommodation' services indicated by the LaingBuisson analysis, conditional on States approval of the rates to apply from January and July of each year.

4. To note that it is estimated that the phased increase in the co-payment will increase income support formula-led expenditure by an estimated £0.1m in 2025, £0.6m in 2026, £1.0m in 2027, £1.4m in 2028, £1.7m in 2029 and £2.0m in 2030, as set out in Table 4.2.

To set the weekly Long-term Care Benefit at the rates set out below, from 7th July 2025:

*a) £818.00 per week residential care benefit for persons resident in a residential home;
b) £976.00 per week elderly mentally infirm (EMI) benefit for qualifying persons in a residential home; and*

c) 6. £1,332 per week nursing care benefit for persons resident in a nursing home or the Guernsey Cheshire Home.

6. To set the co-payment required to be made by the claimant of long-term care benefit, under the Long-term Care Insurance Scheme at £361.00 per week, from 7th July 2025.

7. To set the weekly respite care benefit at the rates set out below, from 7th July 2025:

*a) £1,179.00 per week for persons receiving respite care in a residential home;
b) £1,337.00 per week elderly mentally infirm (EMI) rate for persons receiving respite care in a residential home; and*

c) £1,693 per week for persons receiving respite care in a nursing home or the Guernsey Cheshire Home.

8. To agree a policy of Guernsey RPIX plus 1% for future uprating of care benefit, and the co-payment, under the Long-term Care Insurance Scheme, with effect from 5th January 2026.

9. To agree to amend one of the conditions of entitlement to long-term care benefit and respite care benefit relating to residency from five years' continuous residency at any time to 10 years' aggregate residency as an adult since 1st January 2003, when contributions were first payable to the Fund, as set out in section 6 of the Policy Letter, subject to periods of residency as a child being taken into account for those claiming benefit under age 28, and the transitional arrangements, as both set out in that section, and to give the Committee for Employment & Social Security the power to prescribe the transitional arrangements by Regulations.

10. To agree to amend the Long-term Care Insurance (Guernsey) Law, 2002 to make it a condition of entitlement to Long-term Care Benefit (but not respite care benefit) that the person has paid, after making their claim for benefit, and subject to meeting the other eligibility criteria at that time, up to £10,000 of their standard care costs (i.e. excluding the co-payment and additional fees) ('the user care cost contribution'), unless exempt from this requirement, as determined through a financial assessment.

11. To agree the main parameters of the financial assessment in relation to the user care cost contribution, as set out in section 7 of the Policy Letter, and to give the Committee for Employment & Social Security the power to prescribe these parameters by Regulation, subject to approval by the States of any such Regulations which make changes to the types of capital assets taken into account in the assessment.

12. To agree that anti-divestment provisions be included in the long-term care legislation, to address potential avoidance of payment of the user care cost contribution, as detailed in section 7 of the Policy Letter and to agree that the Committee for Employment and Social Security would have a power to prescribe such provisions by Regulations.

13. To direct the Policy & Resources Committee, as co-ordinator of SLAWS, to work with the Committee for Employment & Social Security and the Committee for Health & Social Care to bring proposals for a new Long-Term Care Model, as described in section 3 of the Policy Letter, and its long-term funding, to the States no later than the end of 2026 to address the fact that, in spite of the measures in Propositions 9 to 11, the current Long-Term Care Insurance Scheme and Care Model will remain unsustainable in the medium to longer term.

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

The Deputy Greffier: Article 3, Committee *for* Employment & Social Security – the need to stabilise the private care home market and incentivise growth to meet demand.

2055 **The Bailiff:** I will invite the President of the Committee, Deputy Roffey, to open the debate, please.

Deputy Roffey: Thank you very much, sir.

2060 I am sure Members do not need me to tell them that this policy letter deals with a crucial airing of social policy and one which is becoming ever more crucial as the number of very elderly Islanders sky rockets.

2065 Just for context a reminder that the number of us who will be aged 85-plus is forecast to increase by 128% over the next 30 years and, sir, I declare an interest, I very much hope to be one of them! That is not just a profound change. It is an exceptional change and therefore it requires an exceptional response. As a rule of thumb, that step change in the number of Islanders over 85 means an increase in the requirement for social care provision of the same sort of magnitude. So demand will fare more than double.

2070 As I say, this is a massive societal change, which requires bold and significant change in Government policy to address. But just to be clear, it is not a problem which will start to kick in 30 years down the road. It is happening now. The much-heralded demographic timebomb is exploding now and without the decisive action to stimulate an expansion of the care sector, we will be suffering very major shortfalls in the provision of bed-based social care within the next two to four years, maybe even sooner if any further providers should exit the market.

2075 Frankly, as has been reported publicly, even if we make all of the right decisions to address this pressing issue now, there is no absolute guarantee that sufficient provision will be forthcoming. But I can promise Members one thing and that is that, conversely, if we fail to make those correct decisions now, we absolutely guarantee that that provision will not be there. In those circumstances, a failure to act will mean that we have actively courted a social policy failure on an epic scale.

2080 As I say, this is an absolutely crucial area of social policy but I have to accept that it is also a quite controversial area of social policy, which is perhaps why the States has seemingly found it quite difficult to make the changes that are clearly required to both make social care affordable for all, while at the same time, ensuring that the Long-term Care Insurance Fund is sustainable in the long-term. To make sure it still exists and it is in good shape when today's young workers, who are paying heavily into it, come in their turn to need its support. Surely anything else would be
2085 inter-generational betrayal.

2090 There is no easy or uncontroversial way to achieve this. Let me put the dilemma incredibly simply. We are going to need a lot more social care and that is obviously going to cost a lot more money. That would be true even if we were buying a lot more care for a lot more people at today's costs. But the reality is that, as well as knowing beyond any doubt that many more people will require social care, we also know that to even stand a chance of providing the capacity which Guernsey requires in this area, we are going to have to pay significantly more per care recipient to the care providers than we do at the moment.

2095 A question if I may. Where is the expansion of care provision that we so obviously need going to come from? Will the public sector provide it? That would be, by far, the most expensive option of all and I personally doubt that it could even be done. So we obviously need the private care sector to flourish and expand to meet the known rise in demand coming down the track, starting now.

2100 But frankly the current market conditions militate completely against such an outcome. In the run-up to this debate, I have heard and read so much arrant nonsense on social media and elsewhere about the private care sector 'making a fortune' from our old people. Nothing could be further from the truth. Absolutely the opposite is true.

In reality, the returns for the commercial part of the private care sector, on the basis of the standard States' rates, are far too low to stimulate growth. Even the not-for-profit third sector

providers are struggling to make their business models stack up. That really has to change and change now.

This is not the subjective views of ESS. It has been well-proven by a dispassionate, technical, financial exercise, using the LaingBuisson toolkit, which is the industry standard model, deployed both by care providers and care commissioners in the UK and elsewhere. The results were quite clear. The income that care-providers receive from the twin sources of the Long-term Care Benefit and the co-payment made by the individuals concerned, when the two are aggregated, when they are added together, it is not sufficient to provide a reasonable rate of return on investments.

We are underpaying for care. This is having two very negative effects. The first is obviously to remove the incentive to invest in expanding the market, just when we need such expansion very badly indeed. But the second has been the pernicious growth in the additional fees, often colloquially referred to as top-up fees, which have made the majority of care beds unaffordable for many Islanders.

When the scheme was first introduced in 2003, the vast majority of beds that were covered were provided at what was called standard rates, with additional fees reserved for a minority of the swankiest rooms on offer in the sector. Now the section is completely reversed. Now, additional fees are being charged for the majority of beds because, without them, the business model simply does not stack up. The homes could not continue without charging that level of additional fees on top.

But this is very bad news for many individuals as they simply have no ability to pay those additional fees and of course it is not something that Income Support can help with. We can help with the co-payment but not with the top-up fees. It is bad for HSC as people tend to back up the PEH or the community, simply because they have no choice but to wait for a standard rate bed to become available, because that is all they can afford and they are now in a minority. Put simply, the amount that care providers receive, without charging additional fees, needs a step change increase for the whole system to work as it should do and was designed to do.

This policy letter recommends exactly that and provides for it to happen in a timely manner by the middle of this year. It is crucial that gets States' approval now if we are going to stand any chance of the sort of market expansion in the timeframe, we know we need. But of course when you multiply the twin impacts of paying more per bed and paying for a greater number of beds because of rising demand, it means a very significant increase in funding will be required.

Members, there really are only two sources to provide those funds. Tapping into either of them would inevitably cause a degree of resentment. The first possible funding source was the one that ESS and the States has traditionally tapped into. That is requiring the whole community to pay in the form of ever-increasing contribution rates. We could simply have proposed a continuation of that approach, Deputy Haskins, we could have done. But we are firmly of the opinion that such an approach would be irresponsible.

Contributions towards the Long-term Care Insurance Fund will already have risen by 0.9% of people's earnings or income, depending on whether they are employed or unemployed, since 2016. That is a really big increase. But it has not come in isolation. On top of that, the States has given in-principle approval to gradually, over a 10-year period, increase the contribution rate to the Guernsey Insurance Fund, which funds the pension, by 1%; and other contributory benefits are also covered by that. Plus, the burden of taxation in its wider sense, has been steadily increasing over recent years.

Taken together, this represents a perfect storm in terms of the burden it places on Guernsey's working population and ESS is 100% convinced that to add yet further to that burden would neither be fair on today's workers nor would it be economically competitive with other jurisdictions. So we are not going down that road.

That leaves the only other potential funding source, which is to expect a slightly higher contribution towards their own social care costs, from those recipients who can clearly afford it. Therefore that is our preferred route –

Waiting for the conversation to stop and I will carry on.

That is very much our preferred route. But ESS accepts this is merely the lesser of two evils. Nobody wants to pay more for anything than they currently do. Therefore, our proposals are not going to be met with jubilation in the streets of St Peter Port. Frankly, they are not intended to be inherently popular proposals. I know we are coming up for an election but that is not their intention. Rather they are intended to be the sort of responsible policies that we absolutely need in order to set this crucial area of social policy on a route to sustainability.

But let us be clear, these proposed changes will not, of themselves, make the funds sustainable financially in the longer term. Rather, it is simply a staging post. More heavy lifting will be needed in the next Assembly.

But the longer we leave it to start addressing the current unsustainability, the more radical and unattractive will be the ultimate action that will be required to fix this. So we really do need to start now.

How are we asking social care recipients, those that can afford it, to contribute more? We are asking in two different ways. Firstly, we are proposing actually implementing the long-established policy of the States, which says that the Long-term Care Benefit should only meet the recipients' actual care costs and that the accommodation and living expenses should be met through the weekly co-payment, which is made by the recipient. The States voted clearly for that; I think when Deputy Allister Langlois brought that proposal to the States, so we have been rather tardy in fully implementing it.

However, we accept that this will require a very significant increase in the rate of the co-payments and, as a result, we are proposing phasing this in over 10 years, sorry, five years, in 10 six-monthly increments. That will shield those currently being cared for from any kind of sudden increase.

But I must spell out that if we shield care recipients in this way, by phasing it in, while still immediately increasing the amount of money that care providers receive for a standard rate bed, it means that for the next few years, the fund is going to have to step up and cover that difference. This will represent a significant drain on the funds. But we feel it is a reasonable and balanced proposal.

The other thing I need to point out, in all conscience, is that increasing the co-payment would also increase the burden on Income Support, through which financial support is available to top up the income of people who cannot afford to pay the full co-payment themselves. That will push up the Income Support bill but as very many carer recipients will be able to afford to fund their own co-payment, it will still mean a big overall gain for public finances taken as a whole.

The other way in which we are seeking a bigger contribution from the actual care recipients, is that they should be required to meet the first £10,000 of their care costs if they can clearly afford to do so; after which the fund will kick in and pick up their remaining care costs. Although of course they will still be liable to meet their living costs through the co-payments.

The scheme would remain universal, but like many insurance schemes, it will in future, if States' Members agree, contain an excess, which will be payable before the scheme kicks in. Although, unlike commercial insurance schemes, the excess will only be payable by those who have sufficient either capital resources or income to be able to afford it.

I know sir to some, £10,000 as an excess, may sound like a very large amount. Let us put this in context. In a nursing home setting, it will pay for the first nine weeks of care. In a residential home setting, the first 15 weeks of care, after which all care costs will be picked up by the fund for the remainder of their time in care, no matter how long that should be; with only their living costs being met through the co-payment and, crucially, and I want to stress this, all respite care will continue to be completely exempt from any such payments.

Those receiving long-term care will only pay such an insurance excess if they can afford it and the financial assessment will – read my lips – exclude the principal private residence. I know some have said that treating this sort of asset differently to other assets is not entirely logical and, technically, they may have a point. But politics is not always about logic and logic alone. What the ESS have done here is to listen carefully to the voices of our colleagues and framed our proposals accordingly.

If what we are proposing today is fully adopted, we will also retain the most generous scheme of funding social care of any of our usual comparator jurisdictions and by an enormous margin. Let us just compare the treatment of somebody entering bed-based social care in the UK, Jersey and Guernsey, assuming that these proposals are approved. In each case, let us assume the person is single and has a total asset level of £500,000. What will they retain to leave to their heirs? Because, let us be honest, that is what this insurance scheme really does. Nobody survives care, whatever their financial circumstances, it is about receiving care and still being able to retain assets to pass onto your heirs.

In the UK, those people will be expected to fund their own social care until their entire asset base, including their home, had been reduced to £23,250. I know successive governments keep promising they are going to find another way forward, but they never have and look at the cost of it at the moment. In Jersey, their equivalent insurance excess to the £10,000 we are suggesting here, is approximately £77,000; meaning they would only have £423,000 to pass onto their heirs of their asset base. Once again, in Jersey, that calculation of assets includes the family home.

In Guernsey, by contrast, if nearly all of those assets are tied up with the family home, then no contribution would be required. But if they have sufficient other capital assets, then a maximum contribution of £10,000 would be required, so out of their £500,000 asset base, £490,000 will remain to be passed onto their children or whoever they leave it to. Because not everybody says it is their children, of course.

A remarkably generous scheme, given the mega demands for social care that we are experiencing in Guernsey. And because it is generous, it is also one that requires the rest of the community to stump up high rates of contributions to support it. But we know that demands are going to go up sharply so the only options are to make it a tad less generous for care recipients, which is what we are proposing, but still far more generous than comparable jurisdictions, or to expect ever and ever-increasing contributions from the working population.

We have unashamedly said that the former approach is the only fair and economically responsible way to go. If anything, we probably pushed the contribution route slightly too far, in my opinion, but we are where we are.

We are proposing a few other tweaks, too. For example, to the residency requirement in order to qualify for the Long-term Care Benefit. At the moment, you only need to have lived in Guernsey or Alderney for five continuous years at any time to qualify, although you also have to have lived in Guernsey or Alderney for at least one year immediately before claiming the Long-term Care Benefit.

On balance, we think that is probably being too open-handed with what is a very expensive benefit indeed. So we are proposing four changes to that five-year test. Firstly, we are proposing that the minimum period of residence in Guernsey/Alderney should be increased from five to 10 years. Secondly, that the 10-year period can be made up of shorter periods, aggregated, although not less than a year each.

Thirdly, that the 10-year period must be completed as an adult unless the person claiming care benefit is under the age of 28, in which case the case residency during childhood will be taken into account. Of course, 99% of claimants, tend to be elderly but you get the really odd, exceptional case, where somebody young is needing long-term care and if they are under 28, they will not have had the ability to have had 10 years' contribution as an adult. So, in those exceptional circumstances, their residency as a child will be taken into account.

Finally, only periods of residency in Guernsey or Alderney since 1st January 2023, when contributions were first payable to the Long-term Care Insurance Fund, are relevant for determining whether the test is met, rather than the residency periods at any time under the current test. In other words, the residency has to be in the era when you would have been liable to pay contributions, because it just seems daft to count periods of residency before 2003 when absolutely no one was paying into the scheme anyway because it did not exist.

It had to be that way initially, otherwise nobody would have qualified. But now we have reached the stage where we can be more discriminatory, in the best sense of the word, not in the sense of the word under the legislation that we passed this term. Somebody that left Guernsey in the 1980s

2260 and went to live in Australia, way before the scheme ever existed, coming back, it seems completely ludicrous to count that particular period of residence. Did I say anything other than 2003, if I did, then I correct myself, or rather I am being corrected from behind. Since 2003 is what I should have said.

2265 I have to be honest, sir, the financial impact of these proposals to the residency criteria will only have a very modest impact on the Fund. That is because the vast majority of those claiming Long-term Care Benefit have actually lived in Guernsey for donkey's years. But we think it is important for the scheme to be seen to be fair, particularly to all of those of working age who are absolutely contributing a significant amount into it, to make sure only people who ought to be able to benefit are benefiting.

2270 The other tweak we are proposing is in the annual uprating policy, because we know that care inflation is rising faster than general inflation. There are lots of reasons for that, but by far the biggest is the cost of attracting and retaining care staff, for which there is a great deal of international competition.

2275 Put simply, there are not enough carers in the developed world to go around and, if you want to get your share, you have to make sure you are paying very competitive rates and therefore the cost of the wage bill has tended to go up faster than inflation. We are suggesting, then, instead of increasing the standard rate pay for bed-based care by RPIX each year, it is more appropriate to increase it by RPX plus 1%.

2280 But with the important caveat that at least every five years, maybe more often if we deem necessary, a fresh benchmarking exercise is carried out, using the LaingBuisson toolkit that I referred to earlier. That will allow us to check if the standard rate being paid for care remains at the mid-point of that benchmark. If not, it can be adjusted either up or down accordingly.

2285 This is important for two reasons. It ensures that the profits continue to be sufficient to maintain a healthy and resilient social care sector. But just as importantly, at the same time it ensures that the Long-term Care Insurance Scheme is not being used to provide any excessive level of profits. Because some people have said, won't the homes just pocket this and continue to charge top-up fees? If they do, it is a very short-term policy because we have the controls to make sure that is not ongoing.

2290 I am sorry it has been a longer speech and thank goodness 15 minutes did not apply to openings and closings but this is a really quite complex area of policy and I apologise for the complexities for Members. But it is just simply how it is.

2295 Just closing in summary. We are going to need a lot more social care to be provided as the age cohort which typically requires such care grows rapidly both over the short and medium term. It would be both impractical and very expensive for that care to be provided by the public sector. We need a big expansion of the private care sector. Clear objective evidence shows inadequate returns at present to motivate that level of growth.

2300 We are therefore proposing a big increase in the standard rate paid for beds for both residential and nursing homes. But this will only bring the returns to the mid-point of the benchmark. It would definitely not create excessive profits. The element of the standard rate paid through an individual co-payment is significantly too low at the moment to meet the non-care costs involved, even though it is the States' well-established policy that it should do.

2305 Therefore there should be a significant increase in the co-payment but phased in over five years. In the meantime that means much higher benefit payments are made from the Fund to allow the required increases in the standard rates to be brought in from July of this year. These changes actually worsen the financial sustainability of the Fund compared with the current situation but without them we know that we would have a massive shortfall in capacity for the social care that Guernsey is going to need now and going forward.

2310 This policy letter also starts the process of addressing those financial sustainability issues by increasing, in relatively modest ways, the contributions made by the actual care recipients who can afford to do so. But be in no doubt that more action will be needed in the next Assembly to complete the path to financial sustainability. Further action will also be needed to introduce other

reforms to the scheme, which the States have approved in principle and remain extant Resolutions. Those include providing benefit for people who received formal care at home and a new, higher dependency rate of benefit for exceptional cases.

2315 In short, sir, these proposals are urgently needed. If anything, they have come far later than they ideally should have done and for that I apologise. But they represent a very responsible start – but only a start – in the journey to tackling one of the most difficult societal issues facing not just Guernsey but most of the developed world and I commend this policy letter to the States.

2320 **The Bailiff:** Members of the States, there have been two amendments submitted. I am going to take them in numerical order and therefore I will invite Deputy Brouard, if he wishes to do so, to speak to Amendment 1, please.

[Amendment 1.](#)

1. For Proposition 9, substitute the following:

"9. To agree to amend one of the conditions of entitlement to Long-term Care Benefit and respite care benefit relating to residency in Guernsey or Alderney from five years' continuous residency at any time to 20 years' aggregate residency as an adult since 1st January 2003, when contributions were first payable to the Fund, subject to –

a) periods of residency as a child being taken into account for those claiming benefit under age 38;
b) periods of residency of less than one year not being taken into account in calculating the aggregate period of residency, and

c) the transitional arrangements set out in Proposition 9A,

and to give the Committee for Employment & Social Security the power to prescribe the transitional arrangements by Regulations.

9A. To agree that any person who meets the current residency conditions on the day before the change takes effect would remain eligible to receive care benefit, provided that they meet the other eligibility criteria and remain ordinarily resident in Guernsey or Alderney prior to requiring care, and that the new residency condition for care benefit, including the transitional provisions, be brought into effect one year after the necessary legislation has been approved by the States."

2325 **Deputy Brouard:** Thank you very much, sir, and I would like to start by thanking my seconder, Deputy Cameron, for his support in bringing this forward to the States.

2330 The main thrust of the amendment is basically outlined in the first paragraph, which basically says that, instead of having residential care being available after five years of continuous residency, and the Committee is proposing 10 years, this amendment makes it 20 years aggregate residency. It also introduces a new Proposition 9A to agree that any person who meets the current residency conditions on the day before the changes take place would remain eligible to receive care benefit, provided they meet the other eligibility criteria and remain ordinarily resident in Guernsey or Alderney prior to requiring care and that the new residency conditions for care benefit, including the transitional provisions, be brought into effect one year after the necessary legislation has been approved by the States.

2335 Now, this amendment, I will actually read the explanatory note because I think it sums it up pretty well. I did not actually write it myself; it is done straight from Social Security so I am going to take it as gospel:

This amendment provides the States with an alternative option to the Committee for Employment & Social Security's proposal to amend one of the conditions of entitlement to Long-term Care Benefit and respite care benefit relating to residency from five years' continuous residency at any time to 10 years' aggregate residency as an adult since 1st January 2003. Under this option, the proposed 10 years' aggregate residency condition is extended to 20 years' aggregate residency. All other aspects of the proposal are the same as the Committee's proposal, except for the necessary consequential change to the age under which periods of residency as a child would be taken into account (i.e. under age 38 rather than under age 28) and the length of the transitional period which is extended by ten years from five years to 15 years. The rationale for the change is the same as that outlined by the Committee for Employment & Social Security in its Policy Letter.

So this is a simple amendment, although most of you have heard this phrase before and it has probably been abused in the past before, but it is basically that simple amendment of moving the date for the period of residency that you need to complete, before you can access, as Deputy Roffey mentioned, a very significant benefit, when it is called into use.

This is one of the quirks of this particular system and I suppose it is a quirk because of the way it was brought in. In order to access long-term care, there is no contribution requirement. So the people who joined and have had care in 2010 or 2005, did not really have a chance to put any money in apart from 2003.

We have been judging people to have this particular benefit on their residency rather than any contribution record that they may or may not have made. Some people are here who are making contributions through Social Security and other people who may not have that income available who make very little or no contribution.

ESS's proposals of 10 years residency, there is no science behind it, as far as I can work out, as to why 10 years. Why not nine, 12, 15 or in the case of the amendment from myself and Deputy Cameron, 20 years? We just feel that figure seems right as a balance that you have had to have had some strong connection with the Island before you access this care, which we are talking about between £33,000 *per annum* up to £60,000 *per annum* for residential care.

Now a family member perhaps relocating after a career working in England, arriving in Guernsey to retire and perhaps live *en famille* with their family, who is here, can easily clock up the required five or 10-year residency on Island because the statistics show on page 15, the vast majority of those in a care home are aged 85-plus. So if one takes a person arriving in Guernsey post-65, on average, they will have 20 years' residency before they even reach the age of 85, when they require a care home.

I think it is fundamentally fair that those who access this benefit have at least made a contribution to the economy or having made some roots in the community. Someone can easily, and they probably do, grandpa and grandma are coming to live with us, they have just sold their house in Weybridge in Surrey for £1.3 million, they are going to live *en famille* but their income might be very low, so they may not be making any contributions through Social Security to long-term care but they will be clocking up every year that they are here a residency benefit, as it were, towards their 10 or 20 years, whichever you decide.

Now, who is not affected? I am not affected, thank you. I think the vast majority of us in here will not be affected because since 2003, we have all racked up 20 years of residency in Guernsey. Again, I mention, one of the quirks of the system is that those who contribute, there is a disconnect between those who contribute and those who get the care, because the care is done on residence rather than on contribution and there may be a second amendment coming with regard to that particular aspect.

Deputy Roffey this morning, in the media, was advising that the 20-year residency was a high bar. I do not think it is a high bar at all. Most Islanders, and most Islanders who have contributed since 2003, have already qualified for the 20 years. Someone coming here midway through their life, let us say age 50, they will be middle-aged or old-aged by 70, they will qualify. They will have done 20 years before they are 70 and still 15 years away from the average age of going to a care home at 85.

One of the arguments put forward in the media was, what about the person who has paid, by way of residency of 19 years, and will miss out? But to get 20 years between 18 and 85 is not a very high bar. A very substantial benefit, as we mentioned, residential care, £33,1000, nursing care, £59,750 *per annum*.

But many will contribute for the Prison and never use it. Many will contribute to long-term care and never make it. Many will contribute to long-term care and use it for a very short time. Some will use it for many years. But I do take one point that Deputy Roffey made and there will need to be some carve outs for those who are very young, who actually do need long-term care assistance. That is all part of what Social Security will be looking at to come forward later.

2390 But what happens if you have done 19 years? This was the argument put forward on the radio this morning. What happens if you have done 19 years but you need a place in a home? The first year, you will have to pay. Then the second year, you will have done 20 years, so you will not have to pay. So that solves that problem. Taxpayers will put forward £33,000 for that first year.

2395 Even if the person cannot pay, so they have done 19 years, they cannot pay, they have not got any money left over from the house they sold in Weybridge in Surrey. That person will then rely on Income Support, so the States will pay anyway. That care will not be not given, it is just which pot you take the funds to arrange it for.

I just want to touch on the funding part on what difference this actually makes to the fund:

The Proposition in this amendment result in a transitional period of 15 years, from the implementation of a 20-year residency. During the transitional period, the annual reduction in the benefits payable from the Long-term Care Insurance Fund will gradually increase from nil at the outset to an estimated £2 million after 15 years.

This is projected to add a further five years to the life of the Long-term Care Fund. Five years. Not an insignificant amount.

However ...

2400 There is always a however, isn't there?

... care will still need to be provided to those not eligible for benefits. It is estimated that around 25% could have the means to fund their own care, meaning that care for the remaining 75% will need to be met through Income Support, at an estimated cost of £1.5m a year once fully implemented. Therefore, the net reduction in cost to the States of adopting a 20-year instead of a 10-year residency requirement is ...

2405 ... nothing to start with, but after the period finishes in 15 years' time, it will be £0.5 million. Half a million pounds is what we are looking at. There is an argument you can have that it is about wooden dollars. Whether you pay for those who have not qualified because it has been more difficult to qualify because you have to go 20 years, rather than 10, Income Support will be picking up those people. But if you have qualified with the proposals from Social Security after 10 years, it will be the Fund picking up those people anyway. So it is wooden dollars between whether it is the Fund or Income Support. That is, I think, a message that I will try and make absolutely clear.

2410 There is a substantial saving to the States in the long term of introducing this 20-year bar. These are major benefits. It is a major benefit both in cash and resources and I have no issue in restricting the availability to these so that people have had a reasonable connection with Guernsey and I think it is much fairer to Islanders.

Ten years, as Deputy Roffey said, will have a minimal impact on the Fund, but 20 years will certainly have a far greater impact and I would urge Members to support the amendment.

Thank you, sir.

2415

The Bailiff: Deputy Cameron, do you formally second Amendment 1?

Deputy Cameron: Yes, sir.

2420 **The Bailiff:** Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

2425 I was sitting near Deputy Brouard, I do make a habit of it, at the moment when he came up with the idea of this amendment and when Deputy Cameron agreed some moments later to second it and, emotionally, I very much get where they are coming from, which is in my view driven by very worthy instincts; something of a patriotic desire to prioritise benefit to Guernsey and Alderney people, or at least very long-term residents, over those whose roots in the Island are perhaps less well established, and to save some money in so doing.

At that theoretical high level, the Guernsey green bits of my DNA are sending out signals of solidarity. However, the devil is in the detail, which at the time of its inception, Deputy Brouard understandably would not have been able to consider in all that detail, but it is that which explains why the Committee *for* Employment & Social Security opposes this amendment, for reasons that I will set out now.

If we start with the problem that this amendment is trying to address, as the policy letter makes clear and as Deputy Roffey made clear when he opened and in fact as Deputy Brouard himself acknowledged, the Committee agrees that there is an issue. We have listed it as issue five, in fact, in that the residency criteria to be eligible for a benefit under the scheme can be seen as being too generous and that is why we are proposing changing those eligibility criteria from the current five years continuous residency at any time, including 12 months immediately prior to claiming, to 10 years' aggregate residency, as an adult, since 1st January 2003, when contributions to the Long-term Care Insurance Scheme began.

This change is proposed in Proposition 9. The proposal put forward by this amendment is that the requirement would change, as Deputy Brouard has set out, from the current criteria of five years' continuous residency at any time to 20 years' aggregate residency, since 1st January 2003. The Committee thinks that is too big a jump that cannot be justified in either policy or fiscal terms.

Now, if Members turn to page 24 of the policy letter, paragraphs 3.38 to 3.43, they will note the wording we use to describe this issue, that the current eligibility criteria may be 'seen as being too generous'. This is largely about perception. In reality, as Deputy Brouard himself has acknowledged, the vast majority of people in long-term care are people that have lived in Guernsey or Alderney for well over 20 years; in most cases, quite possibly their whole lives.

There is simply no evidence to substantiate fears that people are somehow abusing the system by, say, bringing granny over from, where was it, Sussex I think, so that in a mere five years' time she can move into a residential home. If there were any evidence of that, a 10-year requirement would do the trick. It is vanishingly unlikely that anyone would be tempted to play the system with a decade's run-up. So the perceived problem is already addressed in Proposition 9.

This amendment's proposals, though, which go so much further, are a disproportionate response and could have some unintended impacts that in our view would be grossly unfair to long-term, valued members of our community.

I have touched on why it is disproportionate in policy terms. While it is certainly not an issue the Committee has been lobbied about by members of the public, concern has been expressed by some Members of this Assembly that it is too easy to qualify for long-term care, and I have to confess, I was one of those. I scoured the data looking for evidence of egregious examples of abuse of the system to be outraged by, but that evidence just was not there in the numbers.

Still, long-term care is a very valuable benefit. So we think there is merit in extending the residency requirements to 10 years, which is, we feel, a fairer reflection of a period of time that demonstrates sufficient connection with either Island.

Let us take a look at how many people would be impacted under each scenario. Compared with the current eligibility criteria, in 2045, once the transition is complete, there would be 22 fewer permanent beneficiaries of the scheme under the Committee's 10-year proposal. The people losing out on that benefit are those that have lived in Guernsey or Alderney for less than 10 years. By comparison, under this amendment's 20-year proposal, the number of permanent beneficiaries is projected to be 50 fewer in 2045, than under the Committee's 10-year proposal. That is a total of 72 fewer beneficiaries compared with under the current five-year criteria.

That is 50 additional people negatively impacted under this amendment's proposal, compared with the Committee's proposal, all of whom will have lived in Guernsey or Alderney for 10 years or more. Someone who has lived in and worked here for 19 years would not be eligible and to me that level of negative impact feels disproportionate to the issue.

For Members who are looking at this through a purely fiscal lens, thinking great, 50 fewer beneficiaries will save the Islands a decent amount of money, are I am afraid misguided. Care will still need to be provided to those people who are not eligible for care benefit. It is estimated that

only around a quarter of those people may have sufficient means to fund their own care, meaning that the care for the remaining three quarters will need to be funded to a greater or lesser extent through Income Support, at an estimated cost of £1.5 million a year, once the transitional provisions have come to an end.

2485 While there may be a modest reduction in cost, a reduction that would be very modest indeed for the first 15 years, any headline savings promised by this amendment are mostly wooden dollars. A key question is therefore whether this saving is fairly borne by those who will be impacted and I would like to explore that issue of fairness in more detail.

2490 Under this amendment, a person could pay contributions to the Fund for, as Deputy Brouard has said, 19 years-plus and still not be eligible to receive respite benefit or care benefit if they required short or long-term bed-based care. Not a penny. That is because Long-term Care Benefit is an all or nothing benefit. This is an important distinction because it is unlike the States' pension, where people who do not have a full contribution record do still receive some benefit, reduced accordingly, as long as they have met the minimum contribution requirements.

2495 By way of example, a person moving to Guernsey or Alderney to work in an essential job in, say, 2023, would not be protected by the transitional positions and would not qualify for Long-term Care Benefit if they were to need bed-based care before 2043 at the earliest. They could be paying weekly contributions for the entire duration of that time, potentially amounting to tens of thousands of pounds. But under the proposals set out in this amendment, they would not be eligible for any benefit at all until 2043 onwards. Is that fair? The Committee does not think so. We think that this amendment is a sledgehammer to crack a nut and that the issue of targets is more adequately and proportionately addressed in the original proposals through Proposition 9.

2500 I therefore urge Members to reject this well-intentioned but practically flawed amendment. Thank you.

2505

The Bailiff: Deputy Murray.

Deputy Murray: Thank you, sir. I am going to forego my right to speak in debate and I address this amendment as well as touching on Amendment 2.

2510 I am afraid I cannot support this amendment, or Amendment 2, and I will not be supporting the policy paper other than Proposition 13. Let me say immediately this does not imply any criticism of either the proposers, or ESS, or indeed the officers from any of the three Committees involved that have put enormous effort into the policy paper and much else besides.

2515 The problem I have can best be described by quite a well-known story about the tourists who get hopelessly lost in the wilds of Ireland – and I have Irish blood in me, so I do not want anybody actually thinking I am picking on them particularly – and they ask a local for directions, to which the reply is, if you want to get there, I would not start from here!

2520 The paper tells us that even when it was introduced in 2003, it was known that the contributions rate would be insufficient. Essentially, we started with an imperfect solution and it has struggled ever since. These two amendments attempt to make the system fairer and I understand that. But both raise the likelihood of unintended consequences and still do not solve the underlying inability of the model to be sustainable.

2525 The solution to this, and indeed to the unsustainability of our whole healthcare model, is in my opinion to establish what universal entitlement really means within the context of our available revenues, resources and people's preparedness to pay. And it will be very painful. But, sir, my main reason for not supporting any of this is more out of concern for the focus of the new Assembly and indeed on those who will choose to elect them.

2530 I believe that if we approve anything other than Proposition 13, there is a very strong likelihood that the next Assembly will assume or presume, conveniently that this issue has been sorted, or at least sorted sufficiently not to do what Proposition 13 directs, which is to find a permanent, sustainable model to this and indeed our completely unsustainable model of healthcare.

Thank you, sir.

The Bailiff: Deputy Matthews.

2535 **Deputy Matthews:** Thank you, sir.

I will be supporting this amendment. This is something that Deputy Brouard had discussed when the ESS paper had been brought to the Committee for Health & Social Care. That was not something that we were able to direct as a change from that Committee. But it is something that I think shows the direction that we ought to be looking at in terms of entitlement to care. As Deputy Murray

2540 noted, care is an incredibly expensive service to be able to provide and this will not resolve in any way any of the difficulties that the Care Fund will have going forwards.

I think that will be clear to any new Assembly Members, as well as to these Assembly Members, that this does not solve the whole problem. In fact, one of the potential criticisms of it is that in extending the entitlement from 10 years to 20 years, it might not actually make that much difference

2545 in terms of who is able to qualify or not, if you look at the current population and their eligibility.

But I think it does provide a useful marker in terms of what eligibility should be and I think it provides some benefit in terms of reducing the availability of care to people who might be brought in, as Deputy Brouard mentioned, as somebody might bring their parents or grandparents along and be entitled to care fairly soon after having arrived in the Island and not made a contribution.

2550 So for those reasons, I think it is a very simple amendment. I see no reason not to support it. So I shall be voting in favour and I would encourage other Members to do so as well.

Thank you, sir.

The Bailiff: Deputy Ferbrache.

2555

Deputy Ferbrache: Sir, I have much sympathy with the points made by Deputy Murray, because if the next Assembly is made up of a majority of people sitting in this Assembly, I doubt it will have the courage to make any difficult decisions. It has failed to make them miserably on so many occasions over the past four years.

2560 Now, I have mentioned it before, I sat in a room on 12th December 2023, with Deputy Roffey and Deputy Brouard, the three of us as representatives of our respective Committees and we would had pressed button when Deputy Roffey came back from his holiday, on SLAWS. Where have we got with SLAWS? Nothing. Nothing at all. It is no further advanced because people sitting up there and people sitting down here did not have the courage to bring it forward because they did not

2565 think it would find sufficient favour.

So we have got nowhere, and as Deputy Murray said, the biggest timebomb, Deputy Brouard has said it in a different context before, the biggest timebomb we have got, in relation to our cost, is our healthcare system. It is out of control, through no fault of anybody, because people are living longer.

2570 That figure that Deputy Brouard took us to, figure 3.2 on page 15, shows that although people go into long-term care younger than 85, all of a sudden you are 85, it is as though the button has been pressed, and the numbers zoom up exponentially and that is also when, genuinely, healthcare costs more exponentially at 85. I am not sure how many people in here are 85 but there might be one or two. One will do!

2575 The point in relation to all of that is this is not going to part the Red Sea. This is not going to take us to the Promised Land. I commend very much Deputies Cameron and Brouard for bringing this amendment. Because everything is so difficult. It is so difficult to do anything because there is this example, that example. Deputy de Sausmarez said, you are only likely in real terms to get 50 people extra, if you go from 10 to 20 years, and only about a quarter of those, let us say 12, could afford to pay full whack.

2580

Well 12 by a few hundred thousand, 12 by the numbers we are talking about, is a heck of a lot of money. It is not a mere tuppence to be sneezed at. So if it is 12 people, if those figures are right, at £30,000-odd a year, that is £360,000-£400,000. To me that is a lot of money. Although nothing is certain in the world. Well two and two is four, and the King of England is King Charles and during

2585 the course of this parliament, by the time of the Assembly we will have Deputy Trott telling us how wonderful he is. All of those are certainties. But what is not certain is that we are going to solve our problems in the next – well, he would say we are not going to solve our problems in the next few Assemblies – and we will not solve our problem by doing this. But it is a step in the right direction.

It is doing something. And of course there will be some injustices and some unfairnesses but I think Deputy Brouard said, the age, I will generalise, people live longer now and people have got to work longer. I can remember when there was a difference in retirement age for women and men and there was talk in the UK and elsewhere, of bringing the retirement age down to about 50-55. Then realised it was unaffordable. The French might do it but they do not pay their debts. Generally in life, we have realised people are going to live longer, which is a good thing, and that costs money.

2595 Deputy Roffey said, rightly so, there is a shortage of care workers and they are not paid enough money anyway. So we have got to pay them in this society more money and that costs money. Of course, everybody thinks, these private care homes, they all drive around in Rolls-Royces, they are all making lots of money, everything is great. That shows how few people in here actually run a business. That is not the way it works in real life.

2600 It is difficult to run those kinds of businesses. It is difficult to make good money and of course you want to reinvest in your product, there is lots of kit when you have got old people and you are treating them. You have got to provide good food, you have got to provide good accommodation, you have got to provide good services.

2605 So, well done, I am speaking directly to Deputy Brouard and Deputy Cameron, well done to both of you.

The Bailiff: Deputy Cameron.

Deputy Cameron: Thank you, sir.

2610 While I support the overarching goals of the policy letter, I seconded this amendment because it enhances the proposals for promoting fairness, sustainability and responsible management of public funds. As Deputy Roffey highlighted, demand is set to double in the coming years. With both my parents in long-term care, I can attest that the system is already under significant strain.

2615 This amendment seeks to extend the required residency period for Long-term Care Benefit from 10 to 20 years of aggregate residency. This is a necessary step to ensure that those benefiting from our long-term care system have made a meaningful contribution to it. Guernsey's Long-term Care Insurance scheme pools resources to support those in need. However, the current five-year requirement and even a proposed 10-year threshold, places undue pressure on the Fund, particularly as demand for care beds rises.

2620 Each occupied long-term care bed costs the taxpayer approximately £50,000 per year. By extending their eligibility requirement to 20 years, we reinforce the principles of fairness and sustainability, ensuring that those who receive support have contributed proportionately to the system. This amendment also introduces a phased, 15-year transition period, to prevent sudden disruptions, while gradually reducing the strain on the Long-term Care Insurance Fund. Estimates suggest that this change will extend the Fund's viability by five years, a crucial safeguard, as we navigate growing financial pressures.

2625 We acknowledge that some individuals may need the revised residency threshold. However, the amendment accounts for this by recognising that some will be able to fund their own care, while those without means will still receive support through Income Support. Even the worst-case scenario, where 75% of those excluded require Income Support, the net savings for the state still amount to £500k annually, after 15 years.

2630 Demographic challenges make this reform essential. Our ageing population will continue to strain long-term care services if we do nothing. The system will become unsustainable. This amendment ensures that benefits remain accessible to those who have built their lives and contributed meaningfully while still offering transitional protection for those already in the system.

This is a small step towards securing the future of the long-term care system. It strikes a fair balance between maintaining support for those in need and ensuring the long-term sustainability of the Fund. I urge you to support this amendment.

Thank you.

The Bailiff: Deputy Inder.

Deputy Inder: I think I will be fairly quick and just from the get-go I will be supporting this amendment.

The Committee mentioned and makes great play of this wording inter-generational fairness and I had to look it up. Inter-generational fairness runs both ways and I understand those of us who have lived a fairly reasonable, good 40 years, the capital growth in our homes, we had a very good, healthy economy, been able to write our own cheques. I do not think the next generation will have the same 40 years that we had. So I understand that. I get that.

But the import of elderly people into this Island is another type of inter-generational fairness. I simply do not think, and have never thought, Islanders who have lived and worked here and paid every single penny to the Guernsey taxpayer should be supporting this. That is just my political position. I am quite proud of that position. I do not think it is fair.

Deputy de Sausmarez said that the Committee disagrees as it cannot accept, and something about there is no evidence and it feels disproportionate. Well, it feels disproportionate to me. I will tell a story and I will make no indication of who these people were. I am aware of a family who have come to work in the Island; both of the parents are working, the child is here, great stuff, young, funky couple, doing great stuff for the Island, working in the right industry and they were in rented accommodation.

A couple of years ago, they moved out and bought a house. Good for them. Committed to the Island, going to carry on working for 20-30 years, contributing to the Island, the child will grow up and I am sure become another contributor to the Island. What I did find out was that they bought a house with a wing and what they have done, long story short, again trying not to identify, one of the sets of parents were getting on, let us just say that they sold up their assets in the country that they came from and they have come to Guernsey to live in the wing.

What we do here, Members, we do things in glorious isolation. I entirely understand where ESS are coming from but what they have missed out massively is it is not just about care; it is about the cost of health. I just briefly looked up, symptoms from Age Concern, as we get older there are some conditions and illnesses that we are more likely to develop.

As soon as you start importing those who do not contribute to the economy, through extended families: arthritis, cost to health; COVID, cost to health; depression and anxiety, eye problems, blood pressure, urinary incontinence, bowel issues, dementia, diabetes, hearing loss, multiple –

I am just not giving way.

No, I will give way.

Deputy de Sausmarez: It is just going to be a point of order, really. While I am very sympathetic that is nothing to do with ESS, I think Deputy Inder is referring to something that relates to immigration policies, if he is worried about the kinds of healthcare that people can access because they are entitled to live here.

Deputy Inder: Again, and I will read what I said when I started reading off this list. The difficulty this system of government has, it brings policies to the States in glorious isolation. That is what I said and I will read that list again. When you start importing economically inactive people into this Island, of a certain age, I will read that list again, this is what we are bringing into the Island. We are bringing in arthritis, COVID, depression and anxiety –

Deputy Taylor: Point of order, sir.

The Bailiff: Point of order, Deputy Taylor.

2690 **Deputy Taylor:** Rule 17(6). I am not sure what the relevance of these healthcare costs are to whether we have the threshold at 10 years or 20 years, which is what the amendment is seeking to change.

2695 **The Bailiff:** I am going to disagree with that on the basis that Deputy Inder is drawing attention to the difference between a 10-year aggregate residency and a 20-year aggregate residency and he therefore is, in my view, speaking on a matter that is relevant to this amendment. So, please continue Deputy Inder.

2700 **Deputy Inder:** This is great. I get to repeat it three times so it sinks in! And I am going to read –

The Bailiff: If you read it again, then it will be a tedious repetition.

2705 **Deputy Inder:** Well, it is true. But what I did reel off was the difficulty about the system of government it does not take into consideration greater issues on individual policies. So this is what was about inter-generational fairness, the impact of it. It is just not about care packages; it is what we do at a certain level.

I did not get to finish the rest of the list so I will repeat it for Deputy Taylor: bowel issues, dementia, diabetes, hearing loss, multiple cancers, depression and anxiety. Oh no, that is me!

2710 In short, sir, I do not think it is fair people should be able to collect their assets and their wealth in another country and then basically sell it off and come to Guernsey and send that bill to the people of this Island. That, by definition, is inter-generational fairness that you should consider.

2715 The Committee cannot have it both ways. It cannot accuse – not accuse, it cannot make the argument about inter-generational fairness at one end and not look at the other end and consider absolutely everything. This will cost us millions and it is costing us now. Irrespective of the evidence that they appear not to be able to see, I know it happens in this Island and bringing the extended families is not actually what the PML was ever about but I would not want to ever go back to that. PML was about bringing skilled workers to the Island, bringing up our own children to fill the gaps. It was not about bringing extended families into the Island to take advantage of our health system and the tax paying public.

2720 So, in short, sir, and one last thing, I would encourage Deputy Murray to actually vote for the amendment because at least this amendment improves the policy letter. If he does not vote for this amendment and it goes in unamended, the position that he does not want is actually substantially worse. So I would encourage Deputy Murray to consider voting for this amendment.

Thank you.

2725

The Bailiff: Deputy Gollop.

2730 **Deputy Gollop:** It is always hard to speak after Deputy Inder, who puts his points quite powerfully but actually he in a way strengthened my arguments in a few areas because I am going to oppose this amendment, although I think Amendment 2 is probably more concerning. Amendment 1, I am surprised to hear Deputy Inder remonstrating about it for two reasons.

2735 Firstly, Deputy Taylor made a good intervention in my view, and Deputy de Sausmarez, about us drifting off into health. Because we are not actually discussing the eligibility today of people who have been here less than 10 years or less than 20 years, to seek hospital care or medical facilities. But it is the thin end of the wedge, isn't it?

What concerns me is if we start limiting access to services to different elements of our population, not only is that a kind of discrimination but it also raises issues of mobility. Of labour mobility, of reciprocity, of the fact that whereas we do support the UK economy and the world

economy in so many ways, as Guernsey Finance has proved, we also benefit from various things as well, such as global cover for external affairs and defence.

We have to tread very carefully. Those issues may come up more with Amendment 2 but I have to say Deputy Murray made a cracking speech and I wish I had his courage because I sometimes nod and agree to things in the Committee room and I do not agree with them! *(Laughter)* I never agree with any of them because they are so wrong.

If you look at this, for example, when we look at this, actually I met somebody in Town, an Old Elizabethan, actually, of a number of years, and he said stop paying money to consultants. He did not mean medical consultants, he meant traffic consultants, or digital consultants. The point is those are the kinds of issues the public approach me on, I have never been approached by anyone saying, it is so wrong that somebody who has been here 19 years gets cover. Occasionally the topic will come up with Alderney about a whole range of things but that will range into health and it comes up with the Open Market.

Deputy Inder, of course, has a very effective role, as does Deputy Vermeulen and others, with for example Locate Guernsey. Locate Guernsey is out there to bring people to the Island and, historically, the Open Market would sometimes bring people in late, mid-life or early retired years. This policy, if it goes through, will cost those people more, potentially. That is one issue.

A second issue is, I take the wooden dollars argument up to a point, but I think there is a significant difference, and sitting on Policy & Resources I am even more aware of that difference, between a fund that is an investment model based on a hypothecated mechanism and to General Revenue. Because if we change the rules such that General Revenue has to pay more, I am not sure we are really succeeding.

I think, too, there are some other issues that have not been mentioned yet. One is the unforeseen consequences Deputy Murray alluded to, for example, if this situation whereby somebody who had been here 18 years and was nearly 85 or whatever, was not qualified, and actually I think it is a myth to think they will be 85, I myself lived in an extra-care apartment for a while and I was not even 60, but that was a different kind of thing, but it does not cover that. There are many areas here. There will be younger adults who, for whatever reason, get an early onset of dementia or early onset of conditions and so you have to consider that as well.

For example, the increase in residency requirement to be eligible for Long-term Care Benefit, could see more people requiring care at home beyond a point where it is safe to manage. If home care remains delivered by Health & Social Care – it comes back to the joined-up approach that Deputy Murray and others speak about – and pre-appoint a need, it might not be pre in the future, but the person being cared for at home becomes unsafe but cannot easily access Long-term Care Benefit or Income Support, then Health & Social Care would require more community resources to meet these needs.

Another issue is, if there is a barrier to moving into private, bed-based care but are in need and the barrier is financial, perhaps, then it is more than possible they will do so called bed-blocking or required bed-based care or be in the Lighthouse Ward and that will have a perverse disincentive. We will actually be encouraging behaviours and situations that we actually want to reform. This perhaps is more relevant to other, broader debates, but we have to be aware of the message we are putting out.

Because we are putting out a message today that we are worried that people who have not paid into our society are benefiting. But as Deputy Brouard and Deputy Roffey and others have pointed out, nobody was in that situation pre-2003, because apart from the five-year requirements, nobody had paid into the scheme.

I think people pay into the scheme in many different ways. The example Deputy Inder referred to of a couple who are bringing their elderly in-laws, we do not know whether the couple were incredible contributors to Guernsey and if we take that view with elderly parents needing care, what is the view we take with successful or professional individuals who happen to have children who need care? We would not want to have an immigration policy based on that. If we did, I think it would raise many questions.

I think this amendment goes too far. In fact, I think Deputy Roffey, his Committee even, goes too far and the 20-year rule is one of those things that will come back and will haunt us. On a closing note on this amendment, I am puzzled about the figures, because Deputy Brouard has made a strong case, Deputy Cameron, that this saves five years of the Fund, but Deputy Roffey and ESS and others have indicated that is not the case and the numbers reduce on the assumption that some will be financed by Income Support, which is curious, if there are not many to begin with.

But I think the lack of robust data on this, after we have had so many workshops on the subject, only makes the point that it is unwise to go down the route of this amendment at this time and would be better to have a much more holistic look at overall access to services.

The Bailiff: Deputy Trott.

Deputy Trott: Thank you, sir.

I want to make a few comments that were contained in a briefing note the Policy & Resources Committee received. I am not sure whether it was sent to all States' Members or not, but even if it was, it is, I think, worthy of mention. I would like to start by saying I shall genuinely miss Deputy Ferbrache's speeches in the future. In much the same way as one might miss athlete's foot, but I shall miss it nonetheless! (*Laughter*)

I would also like to say that if I had £5 for every time he had managed to mention me in one of his speeches over the last four years, I could single-handedly solve the cost issues on Alderney's runway and rehabilitation. But, despite all of that, I shall miss him.

Anyway, this is what we were told. We were told that officers have advised, officers of the External Relations team, that the amendment does not complement the progress made with the UK to enable Guernsey to have equity of healthcare costs and education. The impact on these relations would need to be more fully explored to evaluate the risk.

Amendment 1 does not present an issue for the States of Guernsey as an employer. But there are potential repercussions to consider. For example, it could make it more difficult to recruit staff from other jurisdictions, as they would need to live in Guernsey or Alderney for 20 years before being able to access any LTCB and applicants may reconsider relocating if they have to pay contributions towards the Long-term Care Scheme yet still, potentially, have to pay large costs towards their care if they fall short of the residency required for LTCB.

I think in fairness Deputy Roffey made that point and made it well. However, this I do not think he said. It has been noted that it is difficult to know how much of an issue this would be for the States of Guernsey as an employer as the age profile of people recruited from other jurisdictions is not specifically known.

That being said, the average age of new joiners into the Civil Service broadly, into the public sector broadly, is 42. So if that average is the same for off-Island applicants they would achieve the 20-year residency requirement before they reach retirement age. So you can see that the advice that the Policy & Resources Committee gets is accurate and fair and not necessarily supportive of one argument.

However, the Population Management has advised that the proposals do not align with current Population Management policy, which could result in a greater level of unfairness. For example, if Amendment 1 is passed, a person may become a permanent resident after 14 years, however, not eligible to access the LTCB, in this case, for some 16 years hence.

Amendment 1 also poses misalignment with Open Market residence policies as Open Market residents are currently able to apply for a discretionary resident permit, if they have been resident in Guernsey for at least the previous 10 years before applying and had been assessed by the Needs Assessment Panel as requiring private, bed-based care, and that policy is further outlined in Appendix 2, I think, in the report.

If either amendment succeeds, it has been advised that the Committee for Home Affairs may need to consider amendments to the population policies to reflect any changes to the Long-term Care Scheme eligibility. One of my eminent predecessors once said he was superficially attracted to

something. Exactly. I have to say I am superficially attracted to this amendment, personally, and I shall listen to the remainder of debate. But I think, as evidenced by Deputy Ferbrache earlier, the benefits slightly outweigh the disbenefits.

The Bailiff: Deputy Dyke.

Deputy Dyke: Thank you, sir.

Broadly, I am in favour of this amendment and think it is sensible. In my view, it will have a small economic benefit going forward, over time. But it very much is preparing for a hurricane by locking up the cat flap, whilst leaving the French windows open! (*Laughter*) In fact, Deputy Trott and his legal advisers alluded to the issue. The much bigger area that needs looking at here is the Population Management Law, the housing licences, who you can bring in, all that sort of thing. Because there is going to be a big incentive to bring elderly people here. If you are in the UK, for example, their provision for elderly care home, the last time I checked, was if your mother goes in into the care home, they will not pay a penny in government supplement towards the care home until the care home applicant has less than £26,000.

You would have to run through her entire estate: securities, bank account, house, everything goes, and you only get a contribution when you get down to £26,000. Obviously, our provision is way more generous than that. Even with Deputy Roffey's proposal, it is still a very generous offer.

At the moment, we have got people coming in from the rest of the world on the eight-year licences. Huge incentive to bring elderly people over. We have to get a grip there. It is a very major point. Looking at the licensing system, the Population Management Law, looking at what they do in other countries, which is, if you move to a place like the Cayman Islands, you cannot just turn up. If you want residence you have to show that you can look after yourself financially. They take financial statements, all that sort of thing.

So we need to get a bit more with it because, at the moment, this is a very easy place to come to, and I have got a horrible feeling that this reputation is getting out there, which will make it worse. We are beginning, I think, to get to the point that we have become a very attractive place to come to for some people. Not so much for the Island and all this sort of thing but for the benefits that are available. So there is a very big issue there that we have to address, which goes beyond this debate.

Going back to the direct point, yes, I will support this amendment as a small step in the right direction but there is an awful lot more to do.

Thank you.

The Bailiff: Deputy Blin.

Deputy Blin: Thank you, sir.

I fully support this amendment but what has brought me to my feet was Deputy Trott actually reading out the advice given and that is kind of the trigger, plus the words of various Members and Deputy Dyke. So I would like to kind of start with a little reminder of something. One of the usual angles to put someone off from supporting an amendment, is saying look at the impact, it could reduce the amount of people coming to work in Guernsey or something like this.

How many times have you yourselves, when you have worked internationally, or members of the public, said: I am going to go and work in that place with its great job as an accountant there. But I need to know, before I take the job, if I will be able to get into a care home or get those facilities there etc. Honestly, I was thinking, it would never have crossed my mind.

You might think about the education. You might think about the retirement home. You are not going to think about that particular aspect. What you would be doing is planning to either return back where you were elsewhere before, or plan somewhere else, etc. That one just surprises me that could be on that list.

2895 The other point, and Deputy Dyke and I am sure we have had many conversations on similar topics with other Members, the Population Management, this is not meant to be about that but it does have a huge impact and the words that Deputy Dyke has said there are very true. As Members are aware, outside of this I have been involved in recruitment and I have seen some great things, especially after COVID, we have needed to get really good workers over here in various sectors and it has been very successful and everyone is very appreciative of those opportunities, or those individuals.

2900 But there is this case where we have gone through, and I do not want to labour or go off-track because I am sure to be stopped by the Bailiff, but on the removal of the MTEP and it leaves that opportunity for the LTEP to increase. So there you will get people who will say, do you know what, if we come to Guernsey, we can get this long-term employment permit. We could then reach what Deputy Trott had mentioned about, when I have got my 40 years' residency, then you can have all of that and those individuals will say, do you know what, this is the land of glory and honey, we will definitely get there and get the full benefit on-Island.

2905 This is one of the chances and I am also going to refer to Deputy Murray to again ask him as another Member, with Deputy Inder, to consider supporting this amendment because I do see his point saying that he does not want to set the precedent so the next Assembly thinks this is all sorted now, etc.

2910 But what it does do here is, bearing in mind the other factors, which have been shared, we would like to be in a situation where we have set a precedent and this is what we can do, as Members with policies. We can say it has to be a 20-year period; we have had the discussion on what happens when it gets to 19, we have had the comments about well, maybe they will not come here if it is going to be feeling like it is prohibitive or stopping them. So we should take advantage and support this amendment specifically.

Thank you, sir

2920 **The Bailiff:** Deputy Prow.

Deputy Prow: Thank you, sir.

2925 I think the recent comments that have been made have brought me to my feet, specifically Deputy Trott, Deputy Dyke, Deputy Blin. But I will start off by saying I will be supporting this amendment and I also encourage my friend, through you sir, Deputy Murray to vote for this as well. I was not party to the specific advice that Policy & Resources were given on Population Management. But I will say this, we had a very long session in the Committee *for* Home Affairs, around looking at the policies, as we promised to do. In looking at those policies, they will be evidence-based.

2930 One of the issues for the Committee *for* Home Affairs is around actually extracting exactly what the data is and we have asked officers to come back to us with some specific data. We had a Population Management and Immigration Review and that was accepted by this Assembly. In that, we did promise to review policies and generally I think we recommended that in 2027 the whole thing should also be fundamentally reviewed as well.

2935 This is talking about those who have contributed and those who have not in a very specific area. If the consequences of this amendment require us to specifically look at policy areas in Population Management, then so be it. The Committee *for* Home Affairs will do that. I think we are starting to go into areas outside the specific area of the policy letter and this amendment.

2940 If there are policy consequences for Population Management, they could be looked at and that is where I think, from the advice the Policy & Resources were given – I was not actually party to that specific and nor were Members of the Committee, this would be advice given by officers – but we are looking at dependants and the consequences of dependants and I hope that gives Deputy Dyke some assurance.

Thank you, sir.

The Bailiff: Deputy Vermeulen.

Deputy Vermeulen: Thank you, sir. I shall not keep you too long.

2950 I am pleased that this amendment has been brought forward and I think I have mentioned in the past that there are other places in this world if, for instance, one wanted to emigrate to Spain, you can do that, you can buy a house in Spain, you can live in it but there are a number of conditions that are imposed upon you before you live in that house. You have got to demonstrate you have got an income of so much and you cannot have access to any healthcare, I do not know about long-term care provided by the state, but I would not think you would be getting that either.

2955 It does not stop there. If you want to bring your mother-in-law over, by all means you can bring your mother-in-law to come and live with you in Spain but again, guess what, she has got to have private healthcare herself and she has got to be able to provide income, a decent size, a pension so that she is not going to be a burden to society.

2960 So other countries do that. Some of our other Crown Dependencies have similar problems. We are going off *piste* a little bit, but on the long-term care, I can support this. It is 20 years and as Deputy Blin said, I do not think people are looking to relocate specifically for long-term care in 20 years' time, so I can support this fully.

The Bailiff: Deputy St Pier.

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Deputy St Pier: Thank you, sir.

2970 Not for the first time during this Assembly I find myself agreeing with Deputy Ferbrache. Deputy Murray's frustration is clearly articulated and I think is clearly understood. But the approach which he adopts is in essence that we do not do anything until we do everything. One of Deputy Le Tocq's phrases, which I have now lost count of the number of times he has used it in this Assembly, is of course perfection is the enemy of the good.

2975 I have to say I think the Committee for Employment & Social Security do need to be commended for bringing this policy letter forward, having experienced the frustration that Deputy Ferbrache articulated of a piece of work, namely the full SLAWS package, stalling. They have responsibly taken the view that something needs to be done and this is the something. It is not the everything that Deputy Murray would like but it is something.

2980 I think Deputy Murray's approach, and as Deputy Ferbrache articulated, is quite a high-risk strategy. It assumes that actually the whole thing will be addressed in a more robust way in a successor term. But as we have seen in tackling issues of long-term social care in other jurisdictions, particularly in the UK, the crisis has been looming for year after year and actually for decade after decade and it is still not addressed.

So I think we can assume that is, whilst it may seem unfathomable that that might be the outcome, that could well be the outcome.

2985 I think the other reason that this amendment is likely to succeed is because we cannot keep saying that it will not save very much so we will not bother doing it. The public do expect us, consistently, we have seen this again throughout this term, they want to see action to secure savings where they are possible. The expression that we are all familiar with again, that if you take care of the pennies the pounds will take care of themselves, does apply here.

2990 Exactly in the way that Deputy Ferbrache has declared, there may not be very many cases but actually the public's expectation, and this does come back to this concept of the social contract and what people think, what is the sense of what is fair, is very real here. For that reason, I think this amendment will succeed.

The Bailiff: Alderney Representative Snowdon.

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Alderney Representative Snowden: Thank you very much. I think it has been a very interesting debate. I will be quite brief. We did discuss this with the States of Alderney Members yesterday and I listened to debate quite carefully and I will be supporting it today.

3000 **The Bailiff:** I do not see anyone else rising, so –
Deputy Le Tissier.

Deputy Le Tissier: Thank you, sir. I will be very brief.
I agree with Deputy Blin. The advice that Deputy Trott read out is typical of the advice we get
3005 from our advisers. I mentioned this during a recent debate. It is too risk averse. It is always easy to
do nothing. It takes courage to try something new. Doing nothing is not working. That is obvious
to everyone –

Deputy Trott: On a point of correction. I am reluctant.

3010 **The Bailiff:** Point of correction, Deputy Trott.

Deputy Trott: The officers came to no conclusion. The officers gave impartial advice, which I
read out. And impartial it most certainly was. I think this idea that officers are generally risk averse
3015 is certainly not borne out by the comments that I read out from their pens earlier.

The Bailiff: Deputy Le Tissier.

Deputy Le Tissier: Thank you, Deputy Trott.
Someone said there might be consequences. Okay, if there are consequences, we will manage
3020 them. Anything that crops up.
Just finally, I would say, I am not sure who it was, someone said the public are not asking for this.
Deputy Gollop. But I can assure Deputy Gollop, they do. We have to start somewhere so let us start
now, not tomorrow, so please support Amendment 1.

3025 **The Bailiff:** On this occasion, I will turn to the President, Deputy Roffey, to speak on Amendment
1, if he wishes to do so.

Deputy Roffey: I do, sir.
Clearly this is a subjective judgement call. Almost philosophical, if you like. But I profoundly
3030 disagree with this amendment and so does my Committee and I will try to explain why while also
replying to some of the points that have been made by Members during debate on this amendment.

Deputy Brouard gave an example at one extreme end of the spectrum of people who might be
impacted. This elderly person who sold her house for £1.2 million in somewhere or other and came
3035 over here. First of all, I can just reiterate what has been said, the evidence is not there that this is a
frequent occurrence and it is hardly surprising because people can only bring in their parents – I
look to Deputy Prow – under the population control regime, if they are going to live *en famille*.

So we are saying that people who actually want their parents living in the same household of
them, even under our proposal, it would have to be more than 10 years, on the one in three chance
3040 that those people may need to access some sort of long-term care. They are more relaxed than I
would be, though, over accommodating my parents. I suggest that, if they are doing that, it is far
more because they actually really care about their parents; they want to look after them.

So we take Deputy Inder's example, of people who are really ... these are key workers in the light
industry sector, they are not able to do that. Population control always tweaks, although I do not
3045 think ... be under Human Rights, as Deputy Prow. The most likely impact is that they will actually
leave the Island, an Island that has a gross skill shortage, and actually go to look after their parents –

Deputy Inder: Point of correction. I am sorry, Deputy Roffey.

3050 **The Bailiff:** Point of correction, Deputy Inder.

Deputy Inder: I made no mention of industry at all. I tried with some difficulty to anonymise the family. I made no mention of what sector that family were working in.

3055 **The Bailiff:** Deputy Roffey.

Deputy Roffey: I do not know where it came to my head, then. I thought I had heard that said. I do sometimes struggle with exactly what Deputy Inder has said.

3060 The point is they were making a lot of elderly people who were allegedly being brought over by avaricious youngsters to try and protect inheritances for the long term. But those are not the only people that would be impacted. People come to Guernsey to work. They come to work and when they do we make them join three insurance schemes: one towards their pension, one towards their secondary healthcare and we make them pay a specific amount of their earnings, 2.2% of their entire earnings, purely to buy a benefit for Long-term Care Insurance.

3065 If they then retire and they are not employed, that goes up to 2.5%. I am not quite sure, historically, why there is that difference. I have inherited that position but that is how it is. So they may have been paying 2.2% at the end of their working life, going up to 2.5%, they have been paying those hefty insurance premiums for 14, 15, 16, 17, 18, 19 years and they get absolutely nothing in return for it.

3070 Deputy Ferbrache said what if it is only a dozen people, it will save a half a million. But why should those dozen people who have paid in, for a very long time, hefty insurance premiums not get something, not a penny, in return for it? I think that that is immoral. Clearly, from the tenor of the debate, not everyone in this Assembly will agree with me but that is the stance that I take.

3075 Deputy Gollop is right, I think we do have to think, of course we are looking after our own budget, but we do have to think about reciprocity. Not in Long-term Care Insurance itself, because the UK scheme is non-existent, basically, other than kicking an idea. But in other areas of life, I keep hearing this message about these people who are coming in are somehow benefiting without contribution and yet we can go and enjoy the National Health Service at really quite short notice.

3080 Deputy Murray, I am not sure was really speaking mainly on this amendment, but he said, basically if I can sum it up, leave it to the next lot, leave it to the next Assembly. That is just what the last Assembly did. I predict that if we do not start getting our teeth into this at some stage, even if we are not completely solving the whole thing by a long chalk, that is just going to keep on happening and keep on happening.

3085 I know he wants some kind of mega-debate where all of this question of taxation and health cost and universal offers get discussed together. But Einstein tried to do that with something calling the Unified Field Theory that he tried to develop, which took all the forces of nature and tried to work out their relationship and Einstein failed.

3090 This is the political equivalent that Deputy Murray wants here. If Einstein cannot crack it, I am sorry but looking around this Chamber – yes, I know you have got an OBE, Deputy Trott! – but even still, looking around this Chamber, I am not that ... I think sometimes you have to start eating an elephant a bit at a time rather than just waiting until you can gobble it all down.

3095 I think a lot of the things were about the same, this spook that somehow, we were going to have a tidal wave of elderly relatives brought in to live *en famille* and if it is only 10 years that they have to live, then everybody is going to be wanting to do that. I do not believe that. I cannot say that there will be nobody perverse enough not to actually do that but I think on the basis of that theoretical fare, which is not borne out by the stats at the moment in any way, shape or form, to deny people, and yes, 85, Deputy Brouard said it is okay, even if they come in at 65 by the time they are 85 they have done their 20 years. Eight five, there is a big correlation between people above 85 and the demand for care but lots of people also need care at a younger age than that.

3100 Deputy Gollop described some of the reasons why they may need to. They may well have come here to work. They may have come to work in some of our key industries, we are really trying to attract them, and yet when they need care at a slightly younger age than that, because of anything from early onset dementia to whatever, they will be told, despite all of the contributions they have made, quite hefty contributions, we will not give them anything.

3105 If my insurance company, if I had been paying in for 18 years, and they said you have only been paying in for 18 years, you clearly do not justify getting anything in return for your premiums now, I would feel it was a pretty rotten policy that I had taken out. This is not a voluntary policy. People coming to work here or to live here have to take this policy out.

3110 So I leave it with States' Members because I do not think I will convince anybody and I do not think Deputy Brouard will convince anyone the other way. You either feel that is right or you do not. I think, I have got a nationalist streak, but I just think there is a degree of nationalism developing here of self-interest that is starting to become obsessive and I think it is disproportionate. I really do.

3115 That is my view. You can take it to a certain degree but to move this now from five years to 20 years to say that after 17, 18 years of paying 2.2% or 2.5% of your income, you should get nothing in return because your association with Guernsey is not long enough to really deserve that, I find that an appalling attitude. But I think it will probably, Deputy St Pier is predicting it will carry and Deputy St Pier is a wise man – at times. *(Laughter)* I think he is probably right but I will be voting against and I urge people to vote against because I think it is just downright wrong.

3120 **The Bailiff:** And finally, Deputy Brouard, as the proposer of Amendment 1 to reply to the debate, please.

3125 **Deputy Brouard:** Thank you, sir, and thank you to everybody who has taken part in the debate. I just want to start off I think with Deputy de Sausmarez. Basically, we are talking about figures of how many people this means. If you are looking in every which way at about 72 people with the proposals coming forward, if you take my amendment and the proposal from ESS. That in cost terms, if those people needed care, would be about £2 million.

3130 Now whether that £2 million comes out of Income Support or that £2 million comes out of the Care Fund, that is almost the issue. However, the estimate from ESS is that a quarter of those people will have their own funds to pay. So that means about £500,000 to £600,000 every year, in today's value, projected forward 20 years, will be the saving for the States. I think that is well worth picking up.

3135 I think Deputy de Sausmarez also mentioned about the person coming here who is paying a lot of money for 19 years and getting nothing for it. But that person, say on an income of £150,000, roughly 2% they will be paying 19 years, roughly, they would have paid about £60,000 towards their care. One year's care cost would be all that they have contributed at that particular time.

3140 Deputy Murray, I urge him to follow Deputy Inder's advice, which is to make the policy at least less bad, in your words, than what it is. I think this makes the policy better. Deputy Matthews, thank you for your support. Deputy Ferbrache as well and Deputy Cameron very much argued the issues of fairness and to contribute meaningfully to Guernsey, if you are going to pick up this particular benefit.

3145 Deputy Inder, thank you for your support. Deputy Gollop, some of your arguments I can use for me and some of the arguments you will go back and use against me, so I will not go there. You even think that 10 years is not enough or too far.

3150 Deputy Trott very kindly gave some of the issues from the UK. I do not have a problem with it because if I decide I am going to go to live in the UK and they very kindly let me in, when I need a care home I am going to end up, my house that I started off with at £700,000, by the time my care home costs have eaten it all up I am going to be down to £26,000, so I do not think they have got any truck with us wanting to have a condition that you have at least been on the Island resident for 20 years before you can access the care and then it is completely paid for.

Deputy Dyke, thank you for your support. I think it is a little bit of a signal for the direction of travel. Deputy Blin, thank you for your support. Deputy Prow will look at the issues, if there are any issues, with regard to population, etc, so thank you for that. Deputy Vermeulen makes a very good point that other places in the world have many restrictions about all sorts of things and we are particularly, I think, quite generous in ours. Thank you, yes. Deputy St Pier, thank you for your support and also for Alderney Representative Snowdon and Deputy Le Tissier.

Deputy Roffey, last of all, who tried to spook us with come to Guernsey to work, these people have been working here. If you have been working here and you have clocked up 14 years before you are 65, you only have to do another five years after 65 and you are in. I do not understand what the issue is.

If you are saying that working people coming here are going to be somehow put off, his example, 14 years, you would come here what, at 50? By 65, you have already done 15 years. You only need to do another five years, you will be 70, and yet when you look at the graph on page 15, I would recommend anybody, that has got the figures, the ages of people in the care home. There are very few at those 65 ages. It really builds up to about over 300 when you get to 85.

Please Members, let us support this amendment. I think it is a fairness to Islanders and I think it also will bring in further revenue, which we desperately need.

Thank you.

The Bailiff: Members of the States, it is now time to vote on Amendment 1, posted by Deputy Brouard, seconded by Deputy Cameron, and I will invite the Greffier to open the voting on Amendment 1, please.

There was a recorded vote.

Amendment 1.

Carried – Pour 27, Contre 11, Ne vote pas 0, Did not vote 2, Absent 0

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	Burford, Yvonne	None	Helyar, Mark	None
Blin, Chris	Bury, Tina		Meerveld, Carl	
Brouard, Al	De Sausmarez, Lindsay			
Cameron, Andy	Fairclough, Simon			
De Lisle, David	Falla, Steve			
Dudley-Owen, Andrea	Gollop, John			
Dyke, John	Le Tocq, Jonathan			
Ferbrache, Peter	Murray, Bob			
Gabriel, Adrian	Queripel, Lester			
Haskins, Sam	Roffey, Peter			
Hill, Edward	Taylor, Andrew			
Inder, Neil				
Kazantseva-Miller, Sasha				
Le Tissier, Chris				
Leadbeater, Marc				
Mahoney, David				
Matthews, Aidan				
McKenna, Liam				
Moakes, Nick				
Oliver, Victoria				
Parkinson, Charles				
Prow, Robert				
Snowdon, Alexander				
Soulsby, Heidi				
St Pier, Gavin				
Trott, Lyndon				
Vermeulen, Simon				

The Bailiff: In respect of Amendment 1, proposed by Deputy Brouard, seconded by Deputy Cameron, there voted in favour, 27 Members; there voted against, 11 Members; no Member abstained; 2 Members did not participate in that vote and I will declare it carried, which means that we have substituted, for Proposition 9, Propositions 9 and 9A.

3180 Deputy St Pier, do you wish to move Amendment 2?

Deputy St Pier: I do.

The Bailiff: We will pretend that this is going to be 9B, then.

3185

[Amendment 2.](#)

After Proposition 9, to agree to insert the following additional Proposition:

"9A. To agree to introduce a contribution condition in respect of entitlement to long-term care benefit and respite care benefit which must be satisfied by any person who becomes or resumes being ordinarily resident and present in Guernsey or Alderney on or after 1 July 2025 such condition being that not less than 520 Class 1, 2 or 3 reckonable contributions have been paid by or credited to the claimant in respect of the period from 1 January 2003 and the date of the person's claim and to give the Committee for Employment & Social Security a power to prescribe appropriate transitional arrangements by Regulations."

Deputy St Pier: Thank you, sir.

I will read the amendment, sir, for the benefit of those outside the Assembly –

3190 **The Bailiff:** Can I just interrupt you and say we will not time that reading because you could have had the Greffier read it.

Deputy St Pier read out the amendment.

3195 **Deputy St Pier:** Sir, I would like to thank Deputy Brouard for seconding this. I would like to thank the officers of the Committee for Employment & Social Security for their help in preparing the text of the amendment, the Rule 4 information and indeed the explanatory note as well.

3200 It is clear from the briefing note that was distributed on behalf of the Committee yesterday, the 14-page briefing note, that the Committee clearly intend to, I would suggest, strongly oppose this amendment, and I do not intend to respond to that briefing note at this stage. I will respond to those points if they arise in debate.

3205 I think it will suffice at this stage of the debate, sir, to address a couple of points, which are referenced in the explanatory note. First of all that this amendment would introduce an additional requirement from 1st July that new permanent residence would be required to have a 10-year contribution record; hence the 520 weekly contributions. The period from which this may have been paid or credited is 1st January 2003, when the scheme was introduced and this is to ensure those individuals who had previously been resident and then returned are treated fairly and their prior contributions are recognised.

3210 Sir, as I hinted in the previous debate, the purpose of this amendment is to reinforce the social contract with the community with a scheme that is fair to all those who pay Social Security contributions, by ensuring that the Long-term Care Benefit and Respite Care Benefit is only payable for those who take up permanent residence and have contributed for a reasonable period. In particular, this amendment will ensure that those individuals who are capital rich and income poor, who have not contributed or may not have been required to do so will be ineligible to benefit.

3215 As the Committee notes, it will be open to the States, then no doubt later and advised by the Committee, if it sees fit to respond to this new contribution condition by introducing a voluntary long-term care contribution if they wish, specifically for people over pensionable age who move or return to Guernsey after July 2025. Or indeed it may be also open to the Committee and the

Assembly to change the asset rules as to what counts or should or should not count for the receipt of Income Support, because that is one of the cases that is made, that there will be categories of people who would not otherwise be able to claim benefit would otherwise be supported.

In other words, there are further changes that the Assembly could choose to make in consequence of this amendment.

I think the big surprise for many people was this scheme was introduced in 2003 and, at that time, of course, everyone's contributions went up in order to help fund the Long-term Care scheme. Of course, those contributions have been racked over the years, since. So I think the public will perhaps not unreasonably regard it as a contributory benefit. The fact that it is not a contributory benefit will be a surprise to many.

What in effect this amendment will do is it will, over a period of time, beginning from 1st July 2025, turn this into a contributory benefit. It will require an element of 10 years' contributions and that has to be recognised at this point.

As I said, I am sure there will be a lot to respond to in debate, given particularly the Committee's briefing paper but I think it would be more appropriate to respond to that if those points are made in debate, rather than now.

Thank you, sir.

The Bailiff: Deputy Brouard, do you formally second Amendment 2?

Deputy Brouard: Formally second, sir, thank you.

The Bailiff: Deputy Dudley-Owen.

Deputy Dudley-Owen: Thank you, sir.

I probably should not have got up in front of Deputy de Sausmarez but possibly my questions, which are very simple, might assist in some of the explanation. I am very interested to see the spirit of Rule 4 information is being followed to the full, which is exactly the intention of Deputy Haskins and I when we laid that amendment some weeks ago now, and it has been really very helpful I think in focusing Members' attention, especially in Rule 4(b) and specifically my eye has been drawn to the introduction of the proposed contribution condition would disproportionately impact pensioners, especially female pensioners.

It is estimated that 73% of women and 45% of men over 66 are not liable to pay Social Security contributions at present. So I really would appreciate some clarity on that because of course we do not want to disproportionately affect any of our elderly population and also, in that respect, if it is going to disproportionately impact pensioners, we also have other ladies as well, especially those who are taking time out to look after their children and may not be contributing I would also like to know, so for pregnant ladies and also ladies who take time out of work and possibly chaps as well.

Men with partners who take time out of the workplace to look after children and are not contributing. Are we also going to be disproportionately, unfairly treating those individuals as well? I would just really like to focus in on those particular areas please.

The Bailiff: Deputy de Sausmarez.

Deputy de Sausmarez: Thank you, sir.

I think anyone who has had the opportunity to read the briefing note, they will appreciate how unenviable my task is in trying to explain some of the complexities of the impact that this amendment would have, were it to carry. I think the Committee once again is very sympathetic to the motivation behind this amendment but the problems certainly do arise from the complexity that it would introduce.

3270 Deputy St Pier, when he opened on this, described us moving it to a contributory footing, so making it a contributory scheme. But the problem is it would not. It would be selectively contributory. It would have some elements of arbitrariness and that is indeed the problem. I hope Members have had the opportunity to read the briefing note, which can do a much better job than I can verbally in setting out some of the problems that arise from the detail, but I would beg
3275 Members' patience if I just choose some of the points set out in that briefing paper, to try to really make it a little bit clearer.

The new contribution condition, should this amendment carry, would only apply, as Deputy St Pier has explained, to people who come to one of the Islands, to Guernsey or Alderney, for the first time on or after 1st July this year and not to those who were resident and present in Guernsey
3280 or Alderney before 30th June this year and who remained resident thereafter.

So we are automatically creating sheep and goats. The proposed new contribution condition will lead to an inequity of treatment based purely on the date that a person entered the Island, which is essentially an arbitrary line in the sand, and that does create a very significant cliff edge, as the briefing note explains.

3285 People moving to Guernsey or Alderney, or returning to Guernsey or Alderney, are required under Law, as Deputy Roffey described in relation to the previous amendment, to pay weekly contributions to the Long-term Care Insurance, regardless of age, if their earnings or income exceed the relevant lower earnings or income limit. So, after 10 years, only those who are not liable to pay contributions throughout that period, by virtue of having insufficient income, are negatively
3290 impacted by this proposal and this is really what the Committee considers to be unfair.

Now, as Deputy Dudley-Owen has just touched on, this will disproportionately impact certain groups of people, particularly pensioners and particularly among those female pensioners who are less likely to have sufficient income in retirement to be liable to pay a non-employed contribution. So it is estimated that 73% of women and 45% of men over-66 are not liable to pay Social Security
3295 contributions at present, although that differential is obviously likely to reduce in the long-term. People who are unable to work due to an illness or disability will also be disproportionately impacted.

If we just look at this again through a fiscal lens, again I think this was one of the intentions of the amendment, around the perception of equity, and the explanatory note talks about people who
3300 are capital rich but income poor, who have not contributed or may not have been required to do so or be ineligible to benefit and that is correct.

But that does not stop those people from still requiring care and if they are income poor, the chances are that they will be eligible for Income Support, depending on the nature of their capital, if it is bound up as many people's are, in their principal private residence, that of course is
3305 disregarded for eligibility for Income Support. Even if a person is no longer living in their principal private residence that will be discounted in terms of Income Support eligibility.

Other capital resources are taken into account in the Income Support means tests. A person who is capital rich but income poor may qualify for Income Support, depending on the composition of their capital resources. But for those people whose capital resources are wholly or mainly in their
3310 former home, they may well still be eligible for Income Support under the Rules.

Really, we think that any savings to the Long-term Care Insurance Fund will be largely offset by increased General Revenue expenditure for that reason, because of course it is General Revenue that funds Income Support.

3315 Really, to summarise, I know it is complex, this is really quite a radical change and it does make it complex and I think the main issue is that it does introduce, because of this arbitrary line in the sand, being the division between 30th June and 1st July this year, a significant degree of complexity in how different groups of people are treated, for no other reason other than the date at which they arrive. So it makes it into a contributory benefit for some but not all people and it is this complexity which the Committee feels will lead to a number of areas where people are being treated inequitably
3320 and it is for those reasons that the Committee does not support this amendment.

Thank you.

The Bailiff: Deputy Kazantseva-Miller.

3325 **Deputy Kazantseva-Miller:** Sir, I have a lot sympathy with what this amendment is trying to do, which is look at a contributions-based model and this is based on the principle if you have financially contributed into the Exchequer, actively, you are entitled to receive some of the benefits of social care benefits.

3330 To me the first principle of what this amendment is trying to do is actually, absolutely, the right direction of travel. However, I think because it is such a radical departure from what we have got right now, which is basically a residency test by and large, I think the briefing note, as outlined in Deputy de Sausmarez's speech, there are quite a lot of potential consequences that need to be considered. I think it would be too much of a radical jump to approve the amendment and with that to come into effect from July 2025.

3335 I think it has to be considered properly, as part of effectively the next phase of developing the SLAWS longer term sustainable model. I have drafted an amendment, which basically would direct that a contributions-based model is developed properly, as part of the options for the longer-term model to be taken forward. It would be an additional Proposition to the policy letter, and work together with Proposition 13.

3340 I am ready to lay this amendment. I understand that potentially the Committee has a similar amendment themselves, but my understanding from some of the speeches is it seemed like they do not potentially believe in a contributions-based model so I just wanted to lay it out that I think we should absolutely explore a contributions-based model. My argument is that we need to do it carefully.

3345 I am ready to lay this amendment. I would like it to be supported by the Committee unless they in principle also support the exploration of this policy but I would like to get an indication as soon as possible from them because I think this will affect how we consider the debate on this amendment as well. I think it is absolutely the right thing to consider but we just need to do it properly without it being a kneejerk reaction.

3350 Thank you.

The Bailiff: Deputy Roffey.

3355 **Deputy Roffey:** I am going to take a bit of a flyer and speak now. I know it means I will not have that right to sum up and maybe there will be hundreds of speeches coming out, not hundreds because there are only 40 Members, but I am not picking up that that is probably the case. If the whole SLAWS issue is complex, the issues raised by this amendment are even more complex.

3360 I just wanted to explain, this amendment if passed will in no way turn it into a contributory scheme. Yes, people will have to make contributions, but their eligibility for the benefit is not based on their contribution record and it still will not be. It still will not be for the vast majority of people living here now. They will come up in three or four, five years' time, they have not paid a penny in, many of them; many people going into care now have not paid a penny and that will still be the case.

3365 But it will be slightly different for those who are either moving for the first time or relocating back here after 1st January this year. Trying to actually follow who those people are might be difficult because if they are above the income threshold, they will tell us, because they will not want to be making contributions to us any more if they move over to live in England or wherever else.

But pensioners now who are below the contribution threshold, they are not paying anything now. They are not likely to inform us that they have moved or moved back again. We will not even know whether they have been in or out of the Island.

3370 Deputy Dudley-Owen asked would this particularly affect certain types of people, like female pensioners. Yes. The absurdities it will throw up is you could have a married couple moving here, working for eight years and then retiring. His pension will be sufficient to carry on paying contributions and therefore in another couple of years he will qualify because he will then have a

10-year contribution record. However, typically, I am not being sexist here, the stats bear it out, in terms of our lower pensions, and therefore she will never be able to qualify because she will not be paying contributions after retirement.

I could go on and on, but sufficient to say that when you try to retrofit an element of contributory schemes to a scheme that was not contributory when it was brought in, it is fiendishly difficult. That does not mean it should not be done. We looked at it. We are not against it, philosophically, we looked at this as part of the review; should we move to a contributory scheme or not? And we went for extending the period of residence instead, because it is not really an old enough scheme yet to be fully contributory.

When you do move to contributory, it should not be a cliff edge – some people get all of it, some people get none of it. Like you do with the pensions, you should pay benefit that is proportionate to the amount of contributions that you pay. So I know that ESS is not against looking as we go forward, as this scheme gets older, it will become more practical to actually move it towards a contributory style.

What I would say is that if ever making policy by amendment was dangerous it is this one. The complexities involved and the unintended consequences, if this Assembly, whether or not Deputy Kazantseva-Miller brings her amendment, I think we are open-minded – it will not be me – but as a corporate body ESS is open-minded going forward, looking at this. We actually think it will probably need to be quite a few years down the road before it would be a practical thing to do but who are we to be against contributory schemes? Contributory schemes are us, is I think the expression, but we need to get there.

I also think that this amendment needs to be viewed in the context of the successful Brouard amendment. What are we trying to solve here? We have already said that people to qualify will have to not only have been for 20 years, but 20 years during the period when they would be making contributions if their earnings are high enough. The only people this will penalise are people whose incomes are not sufficient to require a contribution.

There are all sorts of schemes with the pension fund that allows us, if somebody is receiving maternity, in Family Allowance, then up to when their child was 13, they get pension credit, it has evolved over the years to make sure that we can plug all those anomalies. This, if it is going to happen at all, should not be done by amendment. If this Assembly is giving us the message they want us to look again at moving towards a contributory scheme, that can be done; we can look at it. But it is a big task, it will take up quite a lot of policy officers' time. I do not think we are quite ready to go with it yet because the scheme is only 20 years old and it is therefore very difficult to make it fully contributory. But we will consider that again.

But please, I understand Deputy St Pier's motivation. But I think it is dangerous, I think it is the wrong way to do it and I think, certainly after the last amendment got carried, there is, what problem are you trying to solve in actually bringing this forward? All you will be doing, the only people you will be denying access to the scheme, is people whose income was not high enough to qualify and to be honest they are almost certainly going to be exactly the same people that will then qualify for Income Support and therefore you are not really saving anything at all.

So please do not pass this amendment and I will be really annoyed if there are now 20 really good contributions that I want to respond to but I just thought it might be helpful for me to come in and explain that at this stage. But there we go!

The Bailiff: Deputy Ferbrache.

Deputy Ferbrache: I think the problem is going to be solved. I fully acknowledge the point that Deputy Roffey is making that we need more money to pay for these schemes. It has got to come in some way, that is the point, so we need more contributions.

I was – I may still – going to support this amendment but there were comments that were made by Deputy Roffey and it is really as a result of the question asked by Deputy Dudley-Owen. Deputy Roffey's example was, and generally he is right, the husband and wife, so we will use that. He was

not being sexist in any way. The husband would qualify, the wife would not. If it is as bland and simple as that, I cannot support it, because it is unfair. The wife is looking after the home and the husband is going to work earning money, he can afford to make the contributions, etc, so I would have difficulty with that for obvious reasons.

3430 There might be a greater example. He is talking about a 10-year horizon because that is what we were talking about. We could have, and we still do have, traditional families, and again it is generally the husband goes to work, the wife stays home and brings up the kids, and then by the time the kids are retired she is doing other things and she still looks after the home.

3435 So she is not going to make contributions in that sense. Should she never benefit? So I have difficulty with that. If Deputy Kazantseva-Miller brings her amendment, I will undoubtedly support it because she is saying let us look at it. I know sometimes we look at it and it gets looked at, never happens, but I know how purposeful she is so I do not think she would let it go if it was not looked at.

3440 If she lays her amendment, then I am likely to support it. I am not saying I am not going to support Deputy St Pier's but I would like him to deal with the points that have been raised in that amendment.

The Bailiff: Deputy Gollop.

3445 **Deputy Gollop:** I will not repeat, tedious repetition, the points I made about potential bed blocking and it having an impact maybe on how care could be delivered because the people would not have qualified and so on and I would be open-minded about Deputy Kazantseva-Miller's amendment. I think she has added something potentially to this debate because it is curious that this is a different kind of benefit from the pension.

3450 But I think we see, from what ESS have said and what we have discussed too in other quarters, that there remains some policy uncertainty, which creates the risk of unintended consequences, because it does radically change the nature of the Long-term Care Insurance Scheme. As somebody said, it is not much of a policy if you have paid in for nine years, you have already done 19, and you do not get anything.

3455 This amendment, more specifically than the last one, I thought maybe the two amendments were either/or but we have got like a double penalty, a double whammy here. But the feeling about this is what this amendment does, if successful, is it makes it a contributory benefit for some but not all people and that is a bit of a game changer. Effectively it becomes date limited.

3460 We have already heard, I think, from Deputy Ferbrache and Deputy Dudley-Owen about the male and female issues but I would perhaps put it in a different way. Earlier on today, we appointed, I am sure, an excellent candidate to be implementing our employment and disability tribunal. Now, we have to be mindful of human rights. We have to be mindful that we do not discriminate as a Government and there is potentially an argument here that, far from having an ideal social contract, because of the potential disparity of median and average incomes between male and female, this could be seen as particularly detrimental to females, because they will be, in practical terms, affected in a different way.

3465 So I think not only do we have to consider that but we have to consider whether we could make ourselves subjected to judicial or administrative review. Because it is anticipated that the introduction of the proposed contribution condition would disproportionately impact pensioners, especially female pensioners who, at the moment, are less likely to have sufficient income in retirement to be liable to pay a non-employed contribution.

3470 Indeed, it is a curiosity that in certain circumstances, and I think this applies to both Guernsey and Alderney, you will get people who move over, thinking that they are better off than they are, and then they will struggle. It is estimated that 73% of women and 45% of men over 66 are not liable to pay Social Security contributions. The differential may reduce in the long term. And also people with illness or disability will be adversely affected.

So, I think it is quite important that we remain a certain consistency of approach. To me, at the start of today, very much appointed a director of the Employment and Equal Opportunities Service. The philosophy of that is clear. We want a fair society, an egalitarian society but one that is prudent as to how best to finance it. I do not think this amendment on the hoof solves that problem and as Deputy Murray has said, we really do need a much deeper conversation about the universal offer and how we are going to fund it and which is the best way forward. And the mix of taxation, private insurance and contributory benefits. At the moment, the mix is not quite right.

The Bailiff: Deputy Brouard.

Deputy Brouard: Thank you, sir.

I am interested in Deputy Gollop's on the hoof amendment. It has been running for three weeks; it will be worn out by the time it gets to here!

I am going to take you on a journey. If you imagine a person, if you can do that, one in three will need use of a care home. The rest do not need a care home. The majority have already qualified, even with this amendment, because we have made those contributions already. Everybody will be treated. Everybody will get in the care home if they need it, providing we can make sure there are still care homes around in the years to come, which is the whole purpose of the policy letter in the first place.

So everybody will be treated. Some will be treated because they have qualified and they will take their money from the Long-term Care Fund. Some people will pay and these are the ones that will be caught by Deputy St Pier and myself's amendment. And some will not pay because they have not got anything to pay with and they will take their money, not from the Long-term Care Fund but from Income Support.

But also the house which they are living in will not be taken into account anyway because, under Income Support, the house is not looked at as an asset. So before we get so many hares running that you cannot do this and you cannot do that, let us just go back to the basics. It is only one in three that will need a care home. The majority will qualify because they will have made contributions.

Everybody will be treated. Some will take from the Long-term Care Fund, whether or not they put any money in, because they will qualify under residency not under how much money they have put in. Other people will qualify by accessing Income Support but there will be some, those asset-rich, who may not have made the contribution that we are looking for and they will pay and that will help us to make the scheme more sustainable.

It also gives ESS the opportunity to introduce voluntary contributions, which I think is the direction of travel that we will eventually move into and something that I think was picked up by Deputy Kazantseva-Miller. So I would urge you to support this, give ESS the opportunity to progress the thoughts about how this can evolve.

Thank you.

The Bailiff: Deputy Matthews.

Deputy Matthews: Thank you, sir.

I listened with interest to some of the arguments around whether or not the wording might disadvantage traditional families, married women who have not worked. I will be interested to see if any other amendment was brought but I think that the existing wording to say 'reckonable contributions' that have been paid or credited would cover most eventualities and I also think that to some extent we sometimes make a bit of a meal about these things, where if there might well be some gap that is not covered, or the wording precluded, that could be corrected by the Committee to say we have identified an issue and corrected it when the change is brought through, or could be done as a follow-up thing.

I support the general principle. I think that it is a useful second backstop to have, as well as the Brouard/Cameron amendment that I previously supported. I think it covers an issue that we often

fail to address, which is people who are surviving by capital or by other means other than by earned income.

This is something that we quite often have a bit of a blind spot in the States about where we do everything based on income. What is somebody's income level? Are they low income? Are they middle income? Are they high income? In fact, I was reading the Education paper recently and it was talking about dividing up parents into income quintiles and very surprisingly found that there were a lot in a lower quintile that were attending the colleges –

I give way to Deputy Roffey.

Deputy Roffey: I thank Deputy Matthews for giving way.

Would he accept that, while he is quite right that some people on low income are living off capital, actually the vast majority who are below the threshold for paying contributions are simply poor?

Deputy Matthews: I do accept Deputy Roffey's point but I just do not think it is really particularly relevant to this amendment because, as Deputy Brouard pointed out, for those in that situation who are on a low income because they have no other means, then their care requirement would be met by Income Support, if they remained low income at the time when they needed it.

What is relevant is that there are some people who we call low income because they have a low declared income but they actually may well be very asset rich and they may well be able to make use of that to help fund their care in later years.

For those reasons I am entirely happy to support it as it is. I will be interested to see if any other amendments change it. I did want to make one comment and it was really actually responding to another comment of Deputy Roffey's in the last debate, which was talking about concern that this amendment, actually I think it was in relation to the previous amendment, but I think it applies equally, that we may be becoming a little bit too nationalistic in terms of our approach.

I do not think that that should really be a concern for us. To some extent we have to adjust how we do things in Guernsey. In Guernsey for a long time we have been able to fly beneath the radar and not worry that people might come to Guernsey looking to try and achieve benefits that they might not get elsewhere. But the world is changing and other countries are raising their barriers and so that means that the focus is more intensely placed on Guernsey and we do need to recognise that.

So I think for all those reasons, it does seem like a sensible time to look at what the requirements are in order to be able to achieve this very expensive benefit and how to elongate the amount of time that the Long-term Care Fund is able to operate and I think I will for all of those reasons be supporting the amendment.

Thank you, sir.

The Bailiff: Deputy Inder.

Deputy Inder: Only briefly, sir.

I am just reading the response from ESS, the commentary on Amendment 2 and they make mention Amendment 2 proposes that the new contribution condition will only apply to persons who come to Guernsey or Alderney for the first time after 2025 and it goes on to say the proposed new contribution condition would therefore lead to inequality of treatment, based purely on the date a person entered the Island, which is an arbitrary condition. Then it goes on, this arbitrary condition creates a very significant cliff edge.

How does ESS define cliff edge? I am not trying to be too smart, because it would be very difficult for me! *(Laughter)* Thank you! Proposition 3, to agree that the co-payment would be increased from £342 per week to £514 per week, and that will be for those who enter in it, not those who are currently in. Is that not a cliff edge in itself? That would be my definition. If those who are benefiting from something now do not have the same charges as those who will be starting in care from

whatever the date is, that sounds like a cliff edge to me. I am just conscious that in the terminology used, we should be consistent.

Thank you.

3585 **The Bailiff:** Deputy Bury.

Deputy Bury: Thank you, sir.

3590 A lot of the points have been covered but I am conscious Deputy Roffey has already spoken and it might be helpful to try and pick up a few points. One of the primary points that has been made and needs to be hammered home is that this fundamentally changes the principle of the Fund, on an amendment. It was not a contributory benefit from the beginning, because that did not make any sense. It only started in 2003 and, as Deputy Roffey has said, it is potentially still a bit too young to be so.

3595 This amendment fundamentally changes that principle and I would expect that, if ESS were coming forward to change that principle, you would expect it to be done with more than half a page of information, because, as has been demonstrated by this debate, matters at ESS are really complicated. There is rarely a simple answer.

3600 On a slightly different matter, Deputy Kazantseva-Miller asked me a couple of questions earlier and you would have thought that the answers would have probably been yes or no. The answers were yes, however, if this happens, then maybe this needs to happen, and no, but if this happens ... It is never really clear cut and dry and this is one of those circumstances. I think changing an entire principle of a fund on the back of an amendment is really quite dangerous.

3605 There has not been time to consider all of the potential unintended consequences. However, as Deputy Roffey said and to Deputy Kazantseva-Miller's point, the Committee are open to it; it was just not seen that this was the right time, with it being so young, and actually the aim of this policy letter is about a fairly short-term solution trying to stabilise the care home market, not the entire view of the Fund and the benefit scheme.

3610 I think that is a point that really needs to be taken before people vote and, absolutely, I think if the amendment was to be laid, either the one that ESS had already drafted themselves to the effect that Deputy Kazantseva-Miller stated, then it would have our support. Deputy Brouard mentioned that this gives ESS the opportunity to evolve but it absolutely does not. It changes the criteria from 1st July 2025, and there is going to be an awful lot of i's dotted and t's crossed before that happens to make sure that people that fall through the cracks are covered.

3615 I hope that the Assembly get the sense that the Committee are open to, if that is the direction that people want to go, a contributory fund, but this is absolutely not the way to achieve it.

Thank you, sir.

The Bailiff: Deputy Taylor.

3620 **Deputy Taylor:** Thank you, sir.

3625 I do not think you were here last week, or the week before, for my speech but I will not repeat it. There seems to be a kind of ongoing theme going here again. There is a lot of focus on outsiders. I think Deputy Matthews said it is not necessarily a bad thing focusing on where these people are coming from and what benefits they are getting access to. But I just feel this amendment, if we were going to be looking at an actual contributory scheme, this amendment should be going a lot further. That is probably the reason that I cannot support it.

3630 Whilst there is a lot of focus on what outsiders might benefit from, completely ignoring what benefits we get from those outsiders, nobody has talked about Alice. *(Interjection)* Exactly, Deputy Gollop, who is Alice? Alice is one of the examples given in the scheme, which if we were really going to talk about contributory benefits here, Alice was 20 in 1958, she worked for 45 years and essentially she then benefited fully from this scheme when she reached the right age, compared to Johnny, who was 20 in 2023, he might be Johnny Foreigner, it does not say his surname, sir, but he

could have been one of these youngsters who came to the Island encouraged by us to come and live and work and contribute to our declining workforce.

3635 But Johnny Foreigner – I will not call him that again – Johnny started work in 2023, he worked until he was aged 70, because of pension ages going up, contributed a total of £44,900. He did not get a penny back. I think Deputy St Pier and Deputy Brouard have taken a bit of an easy shot at an easy target with this amendment but they have fallen short of where the real savings could have been made if they had wanted to introduce a contributory scheme.

3640 I will not be supporting this and I hope enough Members will not either.

The Bailiff: No one else is rising, so I will turn to the proposer of Amendment 2, Deputy St Pier, to reply to the debate, please.

3645 **Deputy St Pier:** Thank you. Just addressing Deputy Taylor's example of Johnny. If Johnny arrives in 2023, he of course would not be affected by this amendment. He would have been here before 1st July 2025.

Sir, I often comment to those who ask about what life is like in Government to say, it is often an experience where any good idea faces 14 reasons why it cannot be done. Although it is good advice and it is sound advice and there is lots of looking at the reasons why things are difficult, so I smiled inwardly when I saw not 14 reasons but 14 pages why this was not a good idea and I smiled even more when I got to page 12 and I was thinking of Deputy Helyar when I got to the phrase 'human rights' and I heard him calling for the breaking of the glass.

3650 There are of course always challenges with this. I did consider whether there was a case for merely a direction to go away and consider this and Deputy Kazantseva-Miller has suggested that she may be laying an amendment to that effect. However, in response to Deputy Ferbrache, I think my view was action this day. That actually putting a timeline of 1st July 2025, means these issues are going to need to be considered between now and July, rather than kicking it into, I would suggest, the very long grass.

3660 In relation to the specific point, which Deputy Dudley-Owen raised and as is addressed in the briefing note, female pensioners were less likely to have sufficient income on retirement to be liable to pay a non-employed contribution, it is estimated 73% of women and 45% of men over 66 are not liable to pay a Social Security contribution.

3665 That is principally, of course, many of course within our community will have been contributing for many years before they get to the age of 66 and of course the note also says, although the differential is likely to reduce in the long-term. And recognising that this is a long scheme, I think that is very important.

As Deputy Matthews points out, of course Deputy Ferbrache's example of traditional families, with mum staying at home, in those cases in receipt of Family Allowance for the first 12 years, will of course receive a credit and that is an issue that could address that particular point. The officers, based on the steer from the Deputy Dudley-Owen and Haskins amendment requiring consultation with the officers, very helpfully inserted the latter part of the amendment, which was a power to prescribe appropriate transitional arrangements. That of course is very broad.

3675 This is not intended, as we all know, Propositions are not Law, they are simply a set of broad directions to a Committee but the insertion of that of course does give the Committee very broad power to go away and work through the 14 pages of issues to be addressed.

3680 There are just perhaps a couple of other quick points to address. The question of those on Income Support who may be cash rich but asset poor and at the moment the emphasis was, of course, their principal private residence is disregarded. As I hinted at in my opening speech, it would be open to a future Committee and a future Assembly to say actually under the circumstances, where someone is asset rich, cash poor, they have not contributed at all to the scheme, they are now coming cap in hand for Income Support, actually maybe we should take into account their principal private residence in that set of circumstances.

I think we again are working from where we are now as opposed to necessarily where we feel that we might wish to be in the future. I would certainly urge Deputy Ferbrache, and indeed others, to support this amendment, certainly at this stage. If another amendment does emerge then of course it does remain for Members to then determine at the final vote, which route they would want to go. But I think there is real merit in sending a clear expression at this stage that actually it is expected that this should have an element of, it is expected to be a contributory scheme and, for that reason, it should be supported.

Finally, of course, there was another point made in the briefing note. More widely, it would not align with other non-statutory health benefits, e.g. secondary healthcare, pharmaceutical benefit, medical benefit grants, which are residency based and not contributions based. Well, again, picking up on Deputy Murray's point about the challenges of our long-term sustainability of health funding, again, we should not presume that is always the answer that everything needs to be as it currently is. Perhaps we should be questioning where else we should be thinking about a fair contribution for receiving fair receipt of benefit from the system.

Again, this was addressed a little bit in the last Meeting, sir, at which you were not present, in the context of the eligibility to Health Benefit, which arises on day one, which is not consistent with every other jurisdiction and of course the example was given of Jersey. So simply because things have been the way they are, does not mean that they have to continue to be the way they are and if there are consequences from this that need to be addressed, there is plenty of flexibility within this Proposition and ultimately a Resolution for that to be addressed by the Committee, but they will just have to do so more quickly than an amendment, which requires them to look at it at some distant point in the future.

With that, sir, I encourage Members to support this amendment.

The Bailiff: Well, Members of the States, it is now time to vote on Amendment 2, proposed by Deputy St Pier, seconded by Deputy Brouard, and I will invite the Greffier to open the voting on Amendment 2, please.

There was a recorded vote.

Amendment 2.

Not carried – Pour 18, Contre 20, Ne vote pas 1, Did not vote 1, Absent 0

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	Blin, Chris	De Lisle, David	Meerveld, Carl	None
Brouard, Al	Burford, Yvonne			
Dyke, John	Bury, Tina			
Ferbrache, Peter	Cameron, Andy			
Haskins, Sam	De Sausmarez, Lindsay			
Helyar, Mark	Dudley-Owen, Andrea			
Hill, Edward	Fairclough, Simon			
Inder, Neil	Falla, Steve			
Le Tissier, Chris	Gabriel, Adrian			
Leadbeater, Marc	Gollop, John			
Mahoney, David	Kazantseva-Miller, Sasha			
Matthews, Aidan	Le Tocq, Jonathan			
Moakes, Nick	McKenna, Liam			
Prow, Robert	Murray, Bob			
Snowdon, Alexander	Oliver, Victoria			
St Pier, Gavin	Parkinson, Charles			
Trott, Lyndon	Queripel, Lester			
Vermeulen, Simon	Roffey, Peter			
	Soulsby, Heidi			
	Taylor, Andrew			

The Bailiff: In respect of Amendment 2, proposed by Deputy St Pier and seconded by Deputy Brouard, there voted in favour, 18 Members; there voted against, 20 Members; 1 Member abstained; 1 Member did not participate in the vote and therefore I will declare Amendment 2 lost.

There is a new amendment, which I am going to ask the Sherriff to circulate, which is Amendment 3. It will come as no surprise that it is proposed by Deputy Kazantseva-Miller. Whilst we are doing amendments, let us deal with this one.

[Amendment 3.](#)

After Proposition 13, insert:

"13A. Should Proposition 13 carry, to direct that as part of the next stage of developing a longer-term sustainable model for SLAWS, a funding model based on contributions should be developed as part of the options appraisal and that such option should be presented in any future policy letters together with a cost and benefit analysis and mitigation options for any secondary effects and other consequences."

The Bailiff: Does every Member now have a paper copy of Amendment 3? I will invite Deputy Kazantseva-Miller to open on Amendment 3, please.

Deputy Kazantseva-Miller: Thank you, sir, and thank you to the parliamentary team and H.M. Procureur also for helping actually turn this amendment very quickly and Deputy Cameron for seconding it.

I think this very much addresses the direction of travel. I think there has been strong support that a contribution-based, long-term care model should be considered but I think the concerns explained that actually there are all sorts of unintended consequences that would not have been captured if the amendment by Deputy St Pier went ahead and was effective from 1st July 2025.

I just want to outline further what those specific concerns could be. So I was very concerned about the potential implication, largely on women, who might not have been contributory working but were taking many responsibilities, such as caring responsibilities, child caring, household duties, basically taking part in what is considered the grey economy, but it is not captured effectively in any way through contributions.

We potentially would have had our own WASPI moment. In the UK there is a big campaign by women pensioners thinking that there has been really unfair transition of the UK pension schemes inadvertently affecting women. I think we would have had our own WASPI moment here so I think something like that has to be really carefully considered.

The result of the participation study, they have not been yet publicly shared, but we see a lot of women dropping out of official employment in their forties, but especially in their fifties and we are potentially talking about hundreds, if not thousands of women being affected if we do not look at this seriously.

The second point was around parents and especially mums who were taking care of their children under the age of 12 and subject to Class 3 contributions. Again there as a question of would those women be entitled to be counting the contributions as part of a contribution-based long-term care system or not.

The third point would be low-income households with income below contribution thresholds, would they be included in a contribution-based system and also pensioners? And if we were to have voluntary contribution schemes, at what kind of levels would they be set up?

I think there is a huge amount of questions that have to be considered and I think we need to send a direction to the Committee that we would like for that option, a contributions-based long-term care option to be properly considered as part of the next policy paper. I understand the Committee is supportive of this amendment, so perhaps to keep the debate short, this is really just confirming the direction of travel that the Committee would be directed to undertake this piece of work and present a proper, evidence-based option/appraisal to us when the long-term SLAWS model comes back to us next political term.

The Bailiff: Deputy Cameron, do you formally second Amendment 3?

Deputy Cameron: Yes, sir.

3760

The Bailiff: Thank you very much.

Deputy Leadbeater: Could I call Rule 26(1), please, sir?

3765

The Bailiff: Can I invite those Members who wish to speak in debate on Amendment 3 to stand in their places? On that basis, I doubt that I need to put a motion, Deputy Leadbeater, unless you particularly want me to?

Therefore, I will invite the President of the Committee, Deputy Roffey, to speak.

3770

Deputy Roffey: There is really little to respond to other than Deputy Kazantseva-Miller's opening and I agreed with pretty much everything that she said. In fact, we had drafted quite a similar amendment, in case the Assembly wanted to look at this whole question of moving forward. We have not actually laid it yet. We were waiting to see how the debate would go on Deputy St Pier's amendment, to be honest, before pushing that button. But Deputy Kazantseva-Miller got ahead of us on the ropes and that is absolutely fine. We think it is absolutely sensible that this is considered in a proper, analytical, considered way, and it will not be kicked into the long grass forever.

3775

It cannot be because if it asks to be done as the next stage of SLAWS and even if we pass everything that is put before us today, I have made quite clear that does not solve the problem and we would need, as an Assembly, to revisit SLAWS pretty soon and the instruction will be to consider this alongside this, so we completely support this amendment.

3780

The Bailiff: Deputy Kazantseva-Miller, if you wish to reply to what Deputy Roffey has said, you can. But you do not need to.

3785

Deputy Kazantseva-Miller: No thank you, sir.

The Bailiff: Thank you very much.

Members of the States, it is time to vote on Amendment 3, proposed by Deputy Kazantseva-Miller, seconded by Deputy Cameron, and I will invite the Greffier to open the voting.

3790

There was a recorded vote.

Amendment 3.

Carried – Pour 37, Contre 0, Ne vote pas 1, Did not vote 2, Absent 0

POUR	CONTRE	NE VOTE PAS	DID NOT VOTE	ABSENT
Aldwell, Sue	None	Taylor, Andrew	Le Tocq, Jonathan	None
Blin, Chris			Meerveld, Carl	
Brouard, Al				
Burford, Yvonne				
Bury, Tina				
Cameron, Andy				
De Lisle, David				
De Sausmarez, Lindsay				
Dudley-Owen, Andrea				
Dyke, John				
Fairclough, Simon				
Falla, Steve				
Ferbrache, Peter				
Gabriel, Adrian				
Gollop, John				

Haskins, Sam
Helyar, Mark
Hill, Edward
Inder, Neil
Kazantseva-Miller, Sasha
Le Tissier, Chris
Leadbeater, Marc
Mahoney, David
Matthews, Aidan
McKenna, Liam
Moakes, Nick
Murray, Bob
Oliver, Victoria
Parkinson, Charles
Prow, Robert
Queripel, Lester
Roffey, Peter
Snowdon, Alexander
Soulsby, Heidi
St Pier, Gavin
Trott, Lyndon
Vermeulen, Simon

The Bailiff: In respect of Amendment 3, proposed by Deputy Kazantseva-Miller and seconded by Deputy Cameron, there voted in favour, 37 Members; no Member voted against; 1 Member abstained; 2 Members did not participate in that vote and therefore I will declare it carried, which means that Proposition 13A has been inserted and we turn to general debate.

Deputy Prow.

Deputy Prow: Thank you, sir.

When I read this policy letter, I had a feeling of *déjà vu* going back to the end of last term and, when knocking on doors in the 2020 Election, when the second most asked question was are you going to make me sell my house if I need to go into a care home? I shall leave the most-asked question for another debate, but I think you will all know what that one was.

My answer to the second question was no, but I only have one vote. Sir, I have to say this policy letter, in my humble opinion, is far better than the last one I referred to. I thank ESS for the detailed information provided and I note at section 6.9 the unwelcome projected financial position of the relevant fund, whilst not directly the fault of ESS, this demonstrates a lamentable lack of this States, this term in making any fiscal policy to reverse the dire financial position we find ourselves in.

Even though, at last, we agreed the GST-plus package, there appears to be no apparent great appetite by P&R on delivering it. We now also see, in addition to a huge deficit, the contributions into the Fund are inadequate. ESS were absolutely right to bring this to our attention. Furthermore I applaud the thrust towards the provision of people's care in their own home.

However, where I part company with the policy letter is particularly on the wording put forward, outlined in Propositions 11 and 12. The care provided has traditionally been funded through an insurance fund set up 20 years ago and the public have been making contributions into it since that time.

This was and is expressly the deal, that those who made contributions would ensure they did not have to sell their house to fund it. People made life decisions on that deal. They, whilst paying contributions into the Fund, have struggled to pay a mortgage or go on holidays, new cars, in order to live rent-free in later years and leave their properties to their children. This is as a result, the Guernsey Way.

Why am I making reference to this, you may be asking, when at this moment in time, the wording in the policy letter states co-payments exclude the value of property. Well, I shall tell you. For two reasons. First, the policy letter makes it abundantly clear in sections 1.9 and 7.2, the work is not

concluded and the sustainability of the Fund is to be examined by the next term of the States. But the direction of travel is pretty clear to me.

3825

Also, the caveat of the exclusion of property does not appear in the actual Proposition and I will actually refer to the wording of Proposition 11. So, I have read what the policy letter says but when you deal with the wording of Proposition 11, it says:

To agree the main parameters of the financial assessment in relation to the user care cost contribution, as set out in section 7 of the Policy Letter, and to give the Committee for Employment & Social Security the power to prescribe these parameters by Regulation, subject to approval by the States of any such Regulations which make changes to the types of capital assets taken into account in the assessment.

That is the actual wording of Proposition 11.

3830

The second is the use of the apparent new, political buzzword: inter-generational unfairness. This appears to be politically placing the blame on the depleted Fund not on the fiscal ineptitude of Government but on those who have historically contributed into the Fund. (**Several Members:** Hear, hear.) Including those with the audacity to own their own homes.

3835

Unfairness, in this case, depends upon which window you are looking out of. The examples given are interesting. It is clear that the consequences referred to only materialise if the Fund is allowed to become exhausted. But, sir, this must not be allowed to happen, and this is why I cannot support the Propositions I have referred to.

3840

The provision outlined in 7.13 fuels my cynicism. Why is it necessary to introduce divestment provisions without any idea whatsoever as to what they mean in practice? I cannot vote for this without a much better understanding of exactly what the devil in the detail is. In my view, looking for solutions to avoid the depletion of the funds, requires an holistic, fiscal, cross-Committee policy solution, which cannot be achieved taking silo decisions.

3845

We must instead urgently address all the fiscal Social Security and tax issues, both direct and indirect tax, to ensure we tackle the deficit and the eventual depletion of the Fund, we need a mixture of urgent taxation policies, as already partially agreed in the Assembly, combined with and through greater contributions by those who earn more. It is nonsensical for me not to do this through a mixture of provisions, spreading the load.

Thank you, sir.

3850

The Bailiff: Well, Members of the States, we will now adjourn until 9.30 in the morning.

The Assembly adjourned at 5.31 p.m.