

# HOUSE OF KEYS OFFICIAL REPORT

RECORTYS OIKOIL  
Y CHIARE AS FEED

# PROCEEDINGS

DAALTYN

HANSARD

**Douglas, Tuesday, 14th November 2017**

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**Present:**

The Speaker (Hon. J P Watterson) (Rushen);  
The Chief Minister (Hon. R H Quayle) (Middle);  
Mr J R Moorhouse and Hon. G D Cregeen (Arbory, Castletown and Malew);  
Hon. A L Cannan and Mr T S Baker (Ayre and Michael);  
Hon. C C Thomas and Mrs C A Corlett (Douglas Central);  
Miss C L Bettison and Mr C R Robertshaw (Douglas East);  
Mr D J Ashford (Douglas North);  
Hon. K J Beecroft and Hon. W M Malarkey (Douglas South);  
Mr M J Perkins and Mrs D H P Caine (Garff);  
Hon. R K Harmer and Hon. G G Boot (Glenfaba and Peel);  
Mr W C Shimmins (Middle);  
Mr R E Callister and Ms J M Edge (Onchan);  
Dr A J Allinson (Ramsey);  
Hon. L D Skelly (Rushen);  
with Mr R I S Phillips, Secretary of the House.

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## House of Keys

*The House met at 10.00 a.m.*

[MR SPEAKER *in the Chair*]

**The Speaker:** Moghrey mie, good morning, Hon. Members.

**Members:** Moghrey mie, good morning, Mr Speaker.

5

**The Speaker:** I call on the Chaplain to lead us in prayer.

### PRAYERS

*The Chaplain of the House*

### Leave of absence granted

**The Speaker:** Hon. Members, I have given leave of absence to Mr Peake, who is on Department business; and Mr Hooper who is unwell and whose Questions will be carried over.

### Welcome to delegation from Khyber Pakhtunkhwa Assembly

10 **The Speaker:** I am also pleased to welcome our latest delegation from the Khyber Pakhtunkhwa Assembly to the Gallery to watch our proceedings today. They are here for a two-day programme, and you are of course most welcome.

**Members:** Hear, hear.

## 1. Questions for Oral Answer

### CHIEF MINISTER

#### 1.1. Isle of Man representation in London – Plans for permanent appointment

The Hon. Member for Onchan (Ms Edge) to ask the Chief Minister:

*What plans he has to appoint a permanent representation in London?*

15 **The Speaker:** We turn then to Questions for Oral Answer and Question 1. I call on the Hon. Member for Onchan, Ms Edge.

**Ms Edge:** Thank you, Mr Speaker.

20 Can I ask the Chief Minister, what plans he has to appoint a permanent representation in London?

**The Chief Minister (Mr Quayle):** Thank you, Mr Speaker.

Our external engagement on behalf of the Isle of Man Government is undertaken principally by myself as Chief Minister and also the Council of Ministers, supported by senior officers. Such engagement is carefully planned and targeted.

25 Targeted engagement with the UK is at this time more important than ever, particularly in respect of Brexit, the orchestrated attack arising from the Paradise Papers and also with the looming threat from the EU as it seeks to establish its list of harmful tax jurisdictions. Therefore, it is crucial to field the right people and team with the responsibility and ability to make the engagement valuable and take matters forward at such discussions.

30 Whilst a permanent London office would allow the staff running it to regularly attend a number of receptions, conferences, seminars and other miscellaneous events, the tangible benefit would be hard to justify in the current financial situation, particularly when there is still a need for the political and expert representation to continue to engage in order for the issues to be properly discussed.

35 Therefore, Mr Speaker, we have no plans at this time to set up a permanent representation in London.

**The Speaker:** Supplementary question, Ms Edge.

40 **Ms Edge:** Thank you, Mr Speaker.

Does the Chief Minister not agree with me that it would perhaps be more cost-effective and proactive to have some representation in London, to be a voice on the ground in defending the Island?

45 I believe that that would be in line with our other Crown Dependencies who have set up shared office space within London. Obviously, this would reduce the number of officers travelling backwards and forwards to the Island regularly at great cost to the taxpayer.

We have got Brexit unfolding as you have stated; we have also got the Paradise Papers which is subject to debate later today in the House of Commons. There is also the European Parliament Panama Committee who meet with London representatives –

50

**The Speaker:** Could we bring it to a question, please, Ms Edge.

**Ms Edge:** So will the Chief Minister consider this and utilisation of the £1 million Brexit fund?

55 **The Speaker:** Chief Minister to reply.

**The Chief Minister:** Thank you, Mr Speaker.

60 The Hon. Member for Onchan does raise some valid points but if I can assure the Hon. Member that it is about targeting. When she mentions officers flying over, I think most times when you are on a London flight we have officers going to represent the Isle of Man at various meetings, and these include officers from the Cabinet Office, Treasury, DEFA, DOI, DED and the Attorney General's Chambers. Their specialism and expert knowledge is invaluable and I cannot staff an office in London with that same expertise that we need to be resident on the Isle of Man for the general day-to-day running of the Island. We send them away when they are needed to  
65 go away to get the relevant information.

I would point out that Guernsey does not have an office in London; it is purely Jersey. When I looked at the cost of what they experience for running their office, I think the initial set-up grant was in 2013 was £210,000; they then got £966,000 expenditure in 2014 – it peaked at that. I think the most recent cost of the office in 2016 was £538,000.

70 So I think the benefits of having an office are ... there would be some benefit, but at the cost that we would have to fund, I do not think I can justify it at the moment.

What I could say is that as a result of our joining the Commonwealth Enterprise and Investment Council, we are now entitled to hold functions to promote the Isle of Man in Marlborough House in London.

75

**The Speaker:** Hon. Member for Ramsey, Dr Allinson.

**Dr Allinson:** Thank you, Mr Speaker.

80 I would like to thank the Chief Minister for actually saying, quite rightly, that this is an organised attack on the reputation and the people of the Isle of Man. Would he agree that now, possibly more than ever, we need to foster links – *personal* links – with members of all parties in Westminster to counter this perceived prejudice against this Island?

**A Member:** Hear, hear.

85

**The Speaker:** Chief Minister to reply.

**The Chief Minister:** Thank you, Mr Speaker.

90 Yes, the Hon. Member for Ramsey does have a good point, that it is really important that we foster relationships. I know when Hon. Members from this House and another place go away, we have the External Relations team to advise what are the key messages from the Isle of Man.

95 I was in Westminster yesterday, Mr Speaker; I was at the British-Irish Council on Thursday and Friday. I am regularly away representing the Island, building those close working relationships. We get to see government ministers, senior members of relevant committees for the Isle of Man. So we do have a very good representation in Westminster, and it is only increasing. I think nearly every other week, I am representing the Island or a Minister from the Council of Ministers – and nearly every week, I would imagine, with officers behind the scenes working on Brexit.

100 So please do not feel that very little is being done. We are spending inordinate amount of time dealing with colleagues in Westminster.

**The Speaker:** Hon. Member for Onchan, Ms Edge, supplementary question.

**Ms Edge:** Thank you, Mr Speaker.

105 Thanks for the additional information from the Chief Minister. Whilst I agree that yes, there are officers and they are the most appropriate officers going over there, I do think if you could consider perhaps doing a shared agreement with Jersey at some point, if Brexit ... just from the office space point of view, so that it does not cost too much for the Island. But it is more about having somebody on the ground that can respond for the Island proactively at critical points throughout the Brexit negotiations, which perhaps from the Island you cannot do quite so quickly; so would the Chief Minister, if he feels at a later point in time that it is necessary, reconsider that?

110

**The Speaker:** Chief Minister to reply.

115

**The Chief Minister:** Thank you, Mr Speaker.

Again, the Hon. Member raises concerns which I can have sympathy with, and yes, I am more than happy to reconsider in the future that if we feel, with Brexit implications, that we need someone there on a permanent basis, we will reconsider.

120 But I think I have explained the cost, the importance of sending over our top officers who have the skills and expertise, rather than trying to have someone there trying to represent all areas. For example, there is a debate in the House of Commons today: we will have our full External Relations team following every word. We have already organised people to speak on our behalf and written to MPs with the facts, defending the Isle of Man, etc. So we do an awful  
125 lot of work on the Isle of Man that is seen in Westminster.

The Hon. Member also mentions maybe joining up with Jersey and their office. The External Relations Division of the Cabinet Office do co-operate with the Channel Islands on matters of mutual interest. However, it is important that the Isle of Man retains its own identity and is not simply absorbed into becoming recognised as the third Channel Islands group or as a group of  
130 Crown Dependencies without any individual separation.

**The Speaker:** Hon. Member for Middle, Mr Shimmins – supplementary question.

**Mr Shimmins:** Thank you, Mr Speaker.

135 Would the Chief Minister acknowledge that fly-drive is sometimes suboptimal, particularly when you are managing reputational issues, and that the Jersey office also is a positive contributor for their finance sector and their tourism sector, Jersey Finance and Jersey Tourism?

Will he perhaps reconsider the merits of a London office at this critical time for the Island?

140 **The Speaker:** We are in danger of getting into a debate, but Chief Minister to reply.

**The Chief Minister:** Yes, Mr Speaker, and I do take on board the importance of it; it is whether the importance is enough for us to commit to a good half-million-plus pounds a year at this moment in time, or can we get better value for money by sending people over for the right  
145 time?

We did have – for those Members who can remember – an office in London a number of years ago. I think we closed it in about 2010 or 2011, because it was not being used. I think it was costing £150,000, and that was just the office before we staffed it, and it was felt that people prefer to just go into local, low-key ... We meet in Portcullis House and the House of  
150 Commons and the House of Lords. But if it was felt that the business community were not using it, we were not using it and therefore it was stopped.

As we all know, Brexit is a living, breathing experience, for want of a better word, and things will fluctuate and change. If it takes a sudden degree of change in how things are unravelling at the moment then I am more than happy to review the situation.

## TREASURY

### 1.2. State pension – Plans for index linking

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for the Treasury:

*What plans his Department has either to investigate or to implement the index linking of the state pension?*

155 **The Speaker:** We turn to Question 2 and I call on the Hon. Member for Douglas North, Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker.

160 I beg to ask the Minister for the Treasury what plans his Department has either to investigate or to implement the index linking of the state pension?

**The Speaker:** I call on the Minister for the Treasury.

165 **The Minister for the Treasury (Mr Cannan):** Mr Speaker, it is my intention to bring Treasury's proposal for the introduction of the new Manx State Pension to the December sitting of Tynwald. The future uprating of the Manx State Pension will be a part of that debate.

**The Speaker:** Hon. Member, Mr Ashford, supplementary question.

170 **Mr Ashford:** Thank you, Mr Speaker, and can I thank the Treasury Minister for that very positive answer.

175 Can I just say, when he is looking at this, will he look at past periods of where they could have index-linked, like for instance the previous Tynwald's lifespan where the accumulative rate of inflation was 17.4% and the accumulative rise in the state pension equalled 16.8%, so the difference is not actually that much? Would that be examined as part of that?

**The Speaker:** Treasury Minister.

180 **The Minister:** Well, as I have just said, Mr Speaker, I will be bringing the full presentation, the full set of proposals, to the December Tynwald. Members will clearly see from that presentation and from those proposals that a lot of thought and consideration has been put into setting the new rates. They will see clearly how that pension is designed to work over the next few years and doubtless will be able to comment on whether or not they feel it has been set appropriately, and the right and relevant information has been taken into consideration at that point.

## INFRASTRUCTURE

### 1.3. Road and pavement maintenance – Plans to address backlog

185 The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Infrastructure:

*What plans are in place to address the backlog in road and pavement maintenance?*

**The Speaker:** We turn to Question 3, I call on the Hon. Member for Douglas North, Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker.

190 I beg to ask the Minister for Infrastructure, what plans are in place to address the backlog in road and pavement maintenance?

**The Speaker:** Minister for Infrastructure to reply.

195 **The Minister for Infrastructure (Mr Harmer):** Thank you, Mr Speaker.

After a decade of highway maintenance budget cuts, and staff reductions of around 50%, it is clear that many roads, footways and footpaths on the Island are in need of maintenance and repair.

200 Unfortunately, this low level investment in maintenance comes at a time when we would like to introduce more innovative approaches to managing our highways and footpaths. It is difficult to introduce new approaches at this time, when resources are increasingly being sucked into inefficient reactive maintenance.

205 That said, the Department is making some progress. We are changing our approach to prioritise more maintenance in towns, on the primary routes and, importantly, in residential areas, which have been neglected for ages. My Department, wherever possible, is moving towards lower cost solutions that can improve more roads rather than more expensive full reconstruction.

210 Under this administration this trend will continue, with resources being allocated to enhancing the Isle of Man as an attractive and enjoyable place to work, rest and play. Our roads, paths and streets are not just important transport corridors for economic development but they are also vital to our social and cultural wellbeing.

215 This year the Department has an additional £500,000, which will be allocated to residential streets, and spending on the worst area will start soon. This funding is expected to continue into future years, but as you will appreciate, it is a comparatively small amount of money and it will take many years to significantly impact the backlog of work in our residential areas.

220 As part of the budget planning application for next year, the Department has asked for additional revenue funding, and I hope this will find support. The focus for this funding will be more on improving our existing roads and footpaths, rather than on very expensive reconstruction. I am particularly keen to see progress on supporting routes suitable for all users and on our footpaths within our towns and villages and in our countryside.

Members will appreciate that maintaining what we already have is in some way less appealing than providing big schemes; nevertheless, I think it is maintenance that is needed now. I hope that Hon. Members will support me in this approval.

225 **The Speaker:** Supplementary question, Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker.

230 Can I first start by welcoming the fact that the Minister has recognised there that reactive maintenance is basically ineffective and it is much more effective to get the job done when it needs to be done, before it all starts falling apart.

235 Can I ask, when he mentioned about low cost solutions, will he take on board that where the Department looks at low cost solutions, a crucial factor is the lifespan of those solutions – for instance, where they have been filling in pot holes with the small gravel bits and within days it has been breaking up again. So will the Department take that on board?

**The Speaker:** Minister to reply.

**The Minister:** Yes, absolutely.

240 As I say, a number of the innovative initiatives include *[Inaudible]* asphalt and that can improve the lifespan for 10 to 15 years, therefore covering more area than we would with a full reconstruction.

**The Speaker:** Supplementary question, Dr Allinson.

245 **Dr Allinson:** Thank you, Mr Speaker.

I would like to thank the Minister for highlighting some of the problems on residential roads, which obviously is a concern to both my constituents and probably for all other Hon. Members';

he has an unenviable task of trying to prioritise these. Could he detail how he will look at each individual area and figure out which roads need to be done first?

250

**The Speaker:** Minister to reply.

**The Minister:** Thank you.

We have done a large amount of analysis and basically rated the residential areas in terms of priority, in terms of the quality, and the work that needs to be done. We have identified all those that are critical and less critical and so forth, and we have identified 10 estates already across the Island, and they will be within the first batch.

260

**The Speaker:** Hon. Member for Douglas Central, Mrs Corlett.

**Mrs Corlett:** Thank you, Mr Speaker.

Would the Minister agree that with the promotion of active travel it is even more important that our roads and pavements are kept in good repair? A bumpy ride in your car is both uncomfortable and detrimental to the vehicle, but for pedestrians and cyclists it can actually be positively dangerous.

265

**Two Members:** Hear, hear.

**The Speaker:** Minister to reply.

270

**The Minister:** Thank you.

I fully agree with the Hon. Member and that is a key part of our strategy going forward. Again, we hope we have full support for that across the House.

Thank you.

275

**The Speaker:** Supplementary question, Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker.

The Minister mentioned in his original Answer that there has been a decade of budget cuts and a low level of investment. Can I ask the Minister what assessment has been undertaken to place a value on the amount of outstanding roadworks? When Mr Cretney was Minister, I believe a value was put on of about £120 million, if I remember rightly at the time, and I cannot believe that that figure has gone down. So has the Department undertaken an assessment of how much the physical cost to the backlog is?

285

**The Speaker:** Minister to reply.

**The Minister:** Yes, the estimates we have – and this follows, actually, an answer given to Mr Speaker in April Tynwald – effectively there are three areas: so if we take residential roads first, it is £6.9 million, we anticipate, of work that needs to be done. With regard to resurfacing and so forth, we have got a figure of about £8.3 million, and for full reconstruction about £69 million.

290

But again, what we have tried to do, just to give an example, I would thank other Members of this House and also the MUA with the Lezayre Road scheme, where we were able to take quite a substantial scheme and by reconfiguring it, redesigning it, were able to reduce the costs by about 20% of the original scheme. So I think where we can take innovative approaches, we can get through the work much quicker.

295

**The Speaker:** Thank you – handy to have that on the record.

**POLICY AND REFORM**

**1.4. Intergenerational fairness –  
Question deferred**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Policy and Reform:

*What plans the Government has to address the issue of intergenerational fairness?*

300 **The Speaker:** Question 4 will be held over until next week.

**ECONOMIC DEVELOPMENT**

**1.5. Airport Gateway Development –  
Update**

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Economic Development:

*If he will give an update on the Airport Gateway development?*

**The Speaker:** We turn, then, to Question 5 and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr Speaker.

305 I would like to ask the Minister for Economic Development if he will give an update on the Airport Gateway development?

**The Speaker:** I call on the Minister for Economic Development to reply.

310 **The Minister for Economic Development (Mr Skelly):** Gura mie eu, Loayreyder.

The Department formed a public and private sector committee to develop a master plan to create a new technology park based around Ronaldsway and Balthane. Our research has shown that, like many other countries and regions, a technology park based around an airport creates a desirable gateway for investors and can create a clustering effect for like-minded businesses and technology development complemented by the immediate transport links. We are fortunate to already have many thriving manufacturing and technology businesses within the area and the regeneration of the area will also help them.

315 The Airport Technology Gateway Committee has worked tirelessly over the last year to look at all the options and consult with stakeholders across the public and private sectors to draw up a plan which we believe will provide a catalyst for regeneration of the area and attract high-value inward investment. We have now concluded our mapping, feasibility study and recommendations which will be presented to the Environment and Infrastructure Committee in the near future. Its support and engagement is vital in view of the cross-Government approach needed in partnership with the private sector. Going forward, we shall also continue to engage with all stakeholders, including the local MHKs.

320 Gura mie eu.

**The Speaker:** Supplementary question, Mr Moorhouse.

330 **Mr Moorhouse:** Thank you, Mr Speaker; and thank you, Minister, for such a detailed Answer. It is good to hear the Minister talk with such confidence about what is happening.

All I really want to ask is, will he really push this development because it could be of real importance for the local and national economy over the next decade?

335 **The Speaker:** Minister to reply.

**The Minister:** Yes, gura mie eu, Loayreyder.

I thank the Hon. Member for his supplementary question.

340 Yes, absolutely we want to push for this. I think it has been stated previously with regard to promoting business outside Douglas, and this is obviously a key area for development. The amount of land that is available to be developed there is over 400,000 square feet and could result in up to 1,000 extra jobs – clearly a massive boost to the area and the Island's economy.

So, yes we are very keen to work this forward but we are keen to actually solidify the master plan first and foremost to ensure we can deliver.

345

**The Speaker:** Hon. Member for Arbory, Castletown and Malew, Mr Cregeen, supplementary question.

**Mr Cregeen:** Thank you, Mr Speaker.

350 Will the Minister not agree that the two local authorities in the area should actually be taking part of the lead, which was agreed at a meeting with my colleague, Mr Moorhouse and Mr Thomas last week, that the local authorities and the members should actually be able to push this forward?

355 **The Speaker:** Minister to reply.

**The Minister:** Yes, gura mie eu.

360 Yes, absolutely, part of the stakeholder engagement should include the local authorities too – Malew and Castletown. We would welcome their ongoing engagement and support driving this forward.

## EDUCATION AND CHILDREN

### 1.6. Reception classes – Plans for summer-born children

The Hon. Member for Ramsey (Dr Allinson) to ask the Minister for Education and Children:

*What plans he has to review his Department's policy to allow all children starting school to benefit from reception classes, especially summer-born children?*

**The Speaker:** Question 6 and I call on the Hon. Member for Ramsey, Dr Allinson.

**Dr Allinson:** Thank you, Mr Speaker.

365 I would like to ask the Minister for Education and Children what plans he has to review his Department's policy to allow all children starting school to benefit from reception classes, especially summer-born children?

**The Speaker:** I call on the Minister for Education and Children to reply.

370 **The Minister for Education and Children (Mr Cregeen):** Thank you, Mr Speaker.

The Department has been considering the evidence and arguments on both sides of this debate and will be re-evaluating the policy in light of the different views.

375 The Department of Education in England, after surveying and researching evidence in this area, also recently concluded delaying starts by a year or more incurred significant costs and the evidence of its effect is mostly neutral or negative. It went on to suggest that attention should focus on ensuring developmentally appropriate experiences for relatively younger children, that identification of special educational needs takes account of relative age and that relative age effects are taken into account in the assessment of results.

380 My Department is taking this matter seriously and we will be raising this issue as a future agenda item at the British-Irish Council Early Years workstream.

**The Speaker:** Supplementary question, Dr Allinson.

385 **Dr Allinson:** Thank you very much, Mr Speaker, and I would like to thank the Minister for his reply.

390 Would the Minister agree that the conclusions of Prof. Norbury's research, published in the *Journal of Child Psychology and Psychiatry* last year, that the youngest children in an academic year experienced lower levels of language competence and academic progress both in the first year of school and that this educational disadvantage persists into secondary education and beyond?

By insisting that children who are held back a year cannot access reception class, is the Minister not penalising parents who want to do the best for their children and depriving that child of an essential start in their formal education?

395 **The Speaker:** Minister to reply.

**The Minister:** Thank you, Mr Speaker.

400 This is only just one piece of work; there is contrary evidence out there, I am advised. But this is why we have taken the initiative to bring it up at the British-Irish Council as a future workstream.

**The Speaker:** Supplementary question, Mr Moorhouse.

**Mr Moorhouse:** Thank you, Mr Speaker.

405 If the Government is serious about getting young educated people to locate on the Island we must be at least as competitive as the UK in this area. Has the Minister met with the Treasury Minister to seek additional funding to increase the provision of preschool education and care?

410 **The Speaker:** It is straying a little bit, we are talking about benefit from ... but, Minister, do you have anything you wish to say?

**The Minister:** Thank you, Mr Speaker.

It is outside the remit but we are in constant discussions with Treasury.

**The Speaker:** Okay.

415 Hon. Member for Douglas East, Mr Robertshaw.

**Mr Robertshaw:** Thank you, Mr Speaker.

420 Going back to the Minister's comment about the cost implications, if he has not got it now would he be kind enough to write to us to explain how the process of allowing a child to be delayed for a year and to include a reception year in their education is somehow a more expensive process? I do not necessarily want an answer now, but I really do not understand how it *can* be.

So if he could write to us to that effect, I would be ever so grateful.

425 **The Speaker:** Minister?

**The Minister:** Thank you, Mr Speaker.

430 I think one of the issues we had was that in some of the evidence we were given, they were looking to make an assessment 18 months before a child is four. Now, that is clearly too early to make an assessment of a child's ability to enter school.

We also have the system of preschool vouchers and it would be the decision of the parents about when they would enter into the preschool assessment area, and whether it would be expected that the Department should fund an additional year at preschool.

435 Plus, we have also got issues regarding when you are assessing your classes: so, when the decision is made for when a child enters into school education, will it affect the teaching numbers across the schools?

But I will get the further information for the Hon. Member.

440 **The Speaker:** Supplementary question, Dr Allinson.

**Dr Allinson:** Thank you very much, Mr Speaker.

445 Whilst the Minister's statement that it is not necessary to give patients greater flexibility of the age at which children start school echo the recommendations from the Institute of Financial Studies 2013 Report, they proposed age-adjusted test scores and a greater awareness of the potential that children born later in the academic year face disadvantages.

Would it not be more pragmatic, locally, to trust parents to know what is right for their child and allow them greater choice and flexibility?

450 And, finally, a recent survey of 37 European countries showed 31 allowed their children to start school from the age of six years or later. Would the Minister re-examine the Island's current regulation when he presents a new Education Bill to this House?

**The Speaker:** Minister to reply.

**The Minister:** Thank you, Mr Speaker.

455 I think the Hon. Member is slipping back into being a doctor. They are not patients; they are children.

As I said previously, this is going to be a workstream that we will be putting forward to the British-Irish Council.

460 **The Speaker:** I call on the Hon. Member for Garff, Mrs Caine.

**Mrs Caine:** Thank you, Mr Speaker.

I think the Hon. Member for Ramsey touched on the point I wanted to ask, but I am not sure it was responded to. My point would be instead of saying it requires an assessment 18 months before the child starts school, couldn't we rely on parents to know their children best  
465 **(Mr Robertshaw:** Hear, hear.) and also want the best for their children?

So couldn't we dispense with a whole process that they have of assessment in testing, and leave it to parental choice for late summer-term-born children?

470 **Mr Robertshaw:** Hear, hear.

**The Speaker:** Minister to reply.

**The Minister:** Thank you, Mr Speaker.

475 As I said, we are taking this matter seriously, we do not want to rush into making a decision which will affect the children's education into the future and it could possibly be to their detriment. That is why we will be putting this to the British-Irish Council workstream so that we can actually get across our jurisdictions the best advice.

480 **The Speaker:** Supplementary, Ms Edge.

**Ms Edge:** Thank you, Mr Speaker.

Just wondering if the Minister is going to follow up on a response to the Hon. Member, Mr Robertshaw, if he could commit to provide a breakdown of projected school numbers on roll  
485 by student age, for the primary schools?

**The Speaker:** We are straying a little beyond but, Minister, if that information is available will it be – ?

490 **The Minister:** I will speak to the Member outside this House.

**The Speaker:** Okay.

## ENVIRONMENT, FOOD AND AGRICULTURE

### 1.7. Roundabout at Gardeners Lane, Ramsey – Question deferred

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Environment, Food and Agriculture:

*Whether planning permission is in place for the signage on the roundabout at the end of Gardeners Lane in Ramsey?*

**The Speaker:** Question 7, in the name of Mr Hooper, will be held over until next week.

## HEALTH AND SOCIAL CARE

### 1.8. Meals on Wheels – Policy; supporting live at home strategy

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

*What her policy is on Meals on Wheels; and how it supports the Government strategy of ensuring people can live in their own home for longer?*

495 **The Speaker:** I turn to Question 8, and I call on the Hon. Member for Douglas North, Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker.

I beg to ask the Minister for Health and Social Care, what her policy is on Meals on Wheels; and how it supports the Government strategy of ensuring people can live in their own home for longer?  
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**The Speaker:** I call on the Minister for Health and Social Care to reply.

**The Minister for Health and Social Care (Mrs Beecroft):** Thank you, Mr Speaker.  
505 I would like to thank the Member for Douglas, Mr Ashford, for his Question today, as it gives me a further opportunity to clarify the Department's position in relation to the provision of meal delivery services.

The Department's Five Year Strategy contains five strategic goals, the second of which is to help people stay well in their own homes and communities, avoiding hospital or residential care whenever possible. I think it is this strand that the Hon. Member may be referring to.  
510

In support of this goal, there is a wide range of available community resources delivered directly by the Department, in partnership with the third sector, or by the private sector. When considering the mix of directly delivered and commissioned services the Department takes into account the resources in the existing market to ensure that we use our available resources effectively, efficiently and consistently.  
515

When the Meals on Wheels charity was first set up, no other provider offered home delivery of meals in the Isle of Man. This is no longer the case, and the Department is working with a number of providers who offer enhanced choice at comparable cost to the current service, with no Government subsidy. More than 160 older people already use the alternative services, and that is by choice.  
520

Equally, there is no statutory requirement for the DHSC to fund the cost of food or meals directly. We have seen a decline in the Isle of Man, during the last 12 months, of 10% in people seeking this service, whilst our level of subsidy has increased. The Department recognises that it has a role in supporting older people in many ways, often acting as a facilitator and guiding people when they make choices about the way they get care and support. In this situation, the support for users of the Meals on Wheels service will involve helping people to decide which of the available community meals options are best for them. The Department does not intend to promote one option, but to ensure that a number of ways of accessing a regular meal are in place and to work with users to make the choice which best meets their needs.  
525

Continuing with the current arrangements has been considered, but rejected, as the payment of the subsidy is not sustainable and only a limited number of users benefit from the service. In  
530

addition, neither the Social Services Act, nor preceding legislation, requires meals to be subsidised or the cost of food to be met by the Department. Continuing to subsidise a service which is used by a limited number of people is neither sustainable nor equitable, and these factors led to the decision which was announced last week.

535

Finally, I would like to reassure the House that all service users have received written notice of the change. They have been given a telephone number to call if they are concerned or wish to raise any issues with the Department. The telephone number is 686179. The Department will produce an information leaflet detailing all of the alternative providers, menus and costs and assistance will be provided to existing service users in choosing whichever service they prefer and, where appropriate, a reassessment of need will be undertaken.

540

**The Speaker:** If I could just remind Hon. Members about the provisions for lengthy Answers, that it is helpful to be able to circulate those in advance.

545

I call on Mr Ashford for a supplementary question.

**Mr Ashford:** Thank you, Mr Speaker.

The Minister mentioned about the 10% decline, but would the Minister accept that still leaves 90% of those who were previously receiving the service still receiving the service?

550

In relation to the way the service currently interacts with people, will the Minister also accept that there are certain elements that maybe Age Concern have just taken on themselves, obviously without it being part of the contract, but do anyway? For instance, if you have got individuals who have no family and forget to order a meal, they contact them to actually check if they are all right, if there is a reason, and in many cases it is has been a case of they have forgotten to place their order.

555

Can the Minister guarantee that things like that will still continue or are new providers – because the Department has got no involvement, and they are just going to be literally a delivery service – not going to pay any attention to those who might have forgotten?

So can the Minister give an assurance that it is not just the delivery of the food but the other levels of service that will be kept up?

560

**The Speaker:** Minister to reply.

**The Minister:** Thank you, Mr Speaker.

565

The first question regarding the 10% reduction, that was a 10% in one year, it is not a 10% overall, because there are two hundred and seventy something – I think it is 78, but I would not swear to that number – who currently use the Meals on Wheels service, but there are 160 that do not. And that balance is going more and more the other way all the time, as more people realise that there are more choices, because providers are coming into that area in the market and they are choosing the other options. These are people who are independent older people. Most of them want that choice; they want to be able to make it themselves and a growing number are realising they do have a choice and are making that choice themselves. It is not something that we are forcing on anybody.

570

With regard to the interaction with other people, obviously, the more interaction people get the better, but I think it has to be remembered that an awful lot of the people who have the Meals on Wheels service also have other services from my Department, so they are already getting the welfare checks and visits, if that is what they need. And, as I said in my original response, we will be reassessing all the users to see what services they need by way of a reassessment, if that is appropriate.

575

580

**The Speaker:** Supplementary question, Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker and can I thank the Minister for that answer.

585 The Minister is quite correct, Mr Speaker, a lot of the users do engage other services as well.  
Can I give a for instance of one example where an elderly lady who is an ME sufferer, quite  
severely, the interaction she has with other people is a carer comes along in the morning,  
provides her with her pills, makes sure they are all measured out, but then has to go again  
because the carer has got to be with someone else. The Minister talks about reassessing all the  
users, can I ask how long this reassessment is going to take and if any reassessments will be in  
590 place by the time the service changes over in January?

**The Speaker:** Minister to reply.

**The Minister:** Yes, thank you.

595 Obviously, I cannot go into an individual case. It has to be remembered that the Meals on  
Wheels service does not heat or serve the food, all they do is drop them off, and they might  
have a little chat while they are there. But the sufferer of ME, for example, who cannot manage  
to reheat his or her own meal, then they are the sort of people that we need to know about and  
that is why the reassessments will be done, and they will all be done before the end of the  
600 service.

#### **1.9. Meals on Wheels – New co-ordinator or provider**

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Health and Social Care:

*What plans her Department has to appoint a new co-ordinator or new provider for Meals on  
Wheels?*

**The Speaker:** Question 9 and I call on the Hon. Member for Douglas North, Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker.

605 I beg to ask the Minister for Health and Social Care, what plans her Department has to  
appoint a new co-ordinator or new provider for Meals on Wheels?

**The Speaker:** I call on the Minister for Health and Social Care to reply.

**The Minister for Health and Social Care (Mrs Beecroft):** Thank you, Mr Speaker.

610 I can confirm that my Department will no longer commission a Meals on Wheels service and  
will therefore not appoint a contract with a new provider. My Department is working with  
established providers and other organisations who wish to develop a meal delivery service on  
the Island and is gathering the information needed to provide existing service users with a  
leaflet that will allow them to decide where they purchase their meals from.

615 In addition, my Department intends to publish this information on our website to assist any  
resident on the Isle of Man who would like to access a meal delivery service.

620 My Department will not promote any organisation that features in the leaflet as a preferred  
provider. This leaflet is designed to provide people with access to the options that are available  
to them. Any provider that wishes to appear in this leaflet should contact my Department and  
arrangements will be made for that to happen.

**The Speaker:** Supplementary question, Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker.

625 The Minister has previously mentioned that the Department will help facilitate people to  
make the decision. Can I ask, when the Minister talks about facilitating the decision, is she purely  
talking about issuing a leaflet round, or is the Department physically going to help the existing  
users decide on the service that is best for them? There is a very big difference between the two  
630 and certainly of those users that do not have any family on the Island, there are some who are  
worried that they are going to struggle in order to try and get access to the new service.

**The Speaker:** Minister to reply.

**The Minister:** Thank you, Mr Speaker.

635 I would wish to reassure everybody in this House and everybody who is listening to this to  
please let people know that they will be given whatever assistance they need as an individual to  
help them make the right choices for *them*.

**The Speaker:** Hon. Member for Ayre and Michael, Mr Baker.

640

**Mr Baker:** Thank you, Mr Speaker.

Would the Minister agree with me that in order to shape the Health and Social Care Services  
for the years ahead of us that difficult choices are required such as this, and there are no easy  
options? And that when the Department is making decisions such as this, clear communication is  
645 absolutely integral to take people along on the journey with the Department?

**A Member:** Hear, hear.

**The Speaker:** Minister to reply.

650

**The Minister:** Thank you, Mr Speaker.

I could not agree more about the difficult choices and, again, about the communication – I  
agree communication is key. Unfortunately I think maybe we misjudged the situation in that we  
were trying not to put into the public domain all the information about the contract that we had  
655 with Age Concern, to consider them in that, so maybe we should have just gone out straight  
away and said, 'This is the position,' rather than taking maybe a bit more of a gentle approach to  
the whole situation which has obviously backfired on us for trying to do the right thing in a nice  
way.

Thank you.

660

**The Speaker:** Supplementary question, Dr Allinson.

**Dr Allinson:** Thank you, Mr Speaker.

I would like to ask the Minister whether her Department have had any dealings with Age  
665 Concern following the announcement, to see if they will be able to provide the same service or a  
more limited service in the future to their clients without the Government subsidy?

**The Speaker:** Minister to reply.

670 **The Minister:** Thank you, Mr Speaker.

My understanding is that officers have been in touch with them and they have yet to make  
up their mind whether they will be continuing.

Obviously if they decide to continue without the subsidy – which, don't forget, is about  
£159,000 plus the £80-odd thousand that they make in their mark-up on the meals – if they do  
675 decide to continue without the direct subsidy that we gave them, then obviously they will be on  
the leaflet that we will be giving to people.

**The Speaker:** Final supplementary, Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker.

680 Can I ask the Minister, has the Department been approached by anyone offering corporate sponsorship of this service, and if that happens would the Department then reconsider the decision?

**The Speaker:** Minister to reply.

685

**The Minister:** Thank you, Mr Speaker.

As far as I am aware the Department has not been approached by anybody, but that does not mean it has not happened; it just means it has not come to me yet. And I would look at any proposal were it to land on my desk.

### 1.10. Diabetic blood glucose monitoring systems – Matching UK NHS standards

The Hon. Member for Garff (Mrs Caine) to ask the Minister for Health and Social Care:

*Whether her Department plans to match UK NHS standards for the provision of diabetic blood glucose monitoring systems?*

690 **The Speaker:** Question 10, I call on the Hon. Member for Garff, Mrs Caine.

**Mrs Caine:** Thank you, Mr Speaker.

I would like to ask the Minister for Health and Social Care, whether her Department plans to match UK National Health Service standards for the provision of diabetic blood glucose monitoring systems?

695

**The Speaker:** I call on the Minister for Health and Social Care to reply.

**The Minister for Health and Social Care (Mrs Beecroft):** Thank you, Mr Speaker.

700 I am afraid we are unable to answer the Question as it is tabled on the Order Paper, from the Hon. Member, as there are no UK standards for the provision of diabetic blood glucose monitoring systems. If the Member is able to provide us with a reference to a specific document from one or more jurisdictions within the UK, we will be happy to provide that answer for her.

705 However, there has been – and this is in the interest of trying to be helpful, Mr Speaker – quite a bit of media attention given to the continuous glucose monitoring systems, and if this is what the questioner is actually referring to and wants information on, I have brought some limited information with me on it that I could respond to a little bit, if that is what she is actually after today.

710 **The Speaker:** Supplementary question, Mrs Caine.

**Mrs Caine:** Thank you, Mr Speaker and I thank the Minister for her helpfulness.

715 Yes, it is the electronic continuous monitoring systems, such as the Libre system. Given that I am informed the National Institute of Clinical Excellence has approved the Libre monitors, and they are now available on the NHS, from the start of this month, available across the UK, and given that today is World Diabetes Day, could the Minister give an undertaking to take steps to ensure those monitors would be available to Isle of Man diabetics as soon as possible?

**The Speaker:** Minister to reply.

720 **The Minister:** Thank you, Mr Speaker.

The information that I have been given on this, I am quite happy to share, as I said. It is that in the UK, responsibility for health is devolved to the administrations of England, Scotland, Northern Ireland and Wales and that means there are no UK-wide standard mandates or standard provisions of any specific treatments, investigations etc. and this includes approaches to glucose monitoring.

725 Most glucose monitoring in diabetes is done through pinprick testing using test strips and a meter. Over recent years, continuous glucose monitoring systems have become available which do not require the patient to do the pinprick testing and provide a fuller overview of glucose levels. Patients may value not having to do the pinprick testing but there is considerable uncertainty over whether continuous monitoring improves outcomes or is cost effective or affordable for the NHS. NICE has a clinical guideline on the management of diabetes and NICE  
730 guidance only applies in England and their clinical guidelines are advisory only, they have no statutory force, even in the NHS in England.

The NICE guideline recommends that continuous glucose monitoring should only be considered for a small minority of diabetic patients who meet specific clinical criteria. In  
735 practice, most clinical commissioning groups have policies not to routinely fund the monitors in any subgroup of diabetic patients because they do not consider that the current evidence for them is sufficient to justify the considerable cost.

On the Isle of Man, the DHSC has not received any request from the diabetes team to consider funding any continuous glucose monitor for any group of diabetic patients. This means  
740 that there is no DHSC funding policy in place and the default position, in line with overall commissioning policy, is that these monitors are not currently routinely funded for any patient group. It would be possible for the diabetes consultant to request individual funding for any patient they considered to have exceptional need and capacity to benefit from a meter, but no  
745 such request has ever been received.

**The Speaker:** Supplementary question, Dr Allinson.

**Dr Allinson:** Thank you, Mr Speaker.

750 Would the Minister agree that there is a wider problem in the way that new NICE-approved treatments are funded by her Department? Is it not the case that there is no allocated budget for new treatments or technologies and the funding of these has to be from treatment or services that can be withdrawn? This is affecting not just diabetic care but also new heart failure treatments, and would she agree that this reflects historic underfunding of the NHS on this  
755 Island?

**The Speaker:** I do not want to get into too wide a debate about the overall system of the National Health Service funding, but Minister, with regards specifically to diabetic blood glucose monitoring systems.  
760

**The Minister:** Thank you, Mr Speaker.

I think if I may put it this way – if it is a new treatment, yes, we have not got funding for it included within our budget, but we would work up a business case and submit it to Treasury and we would put it in with the budget bid and ask for the funding for it going forward.

765 However, the diabetes team themselves have not approached us and asked us to do this, so I do not know if it is appropriate or not, because they have not approached us. We have not had a business case; we have not had requests for it coming from the team that specialise within the DHSC in diabetes, so my hands are really tied on that one.

770 **The Speaker:** Supplementary question, Mrs Caine.

**Mrs Caine:** Thank you, Mr Speaker.

Can I ask the Minister, there are a few points I am concerned about. My understanding is that for certain constituents, with the Manx Diabetic Group that the Manx diabetic charity has funded trials of certain monitors for type 1 diabetics, that those diabetics have been fitted with them and monitored through the diabetic clinic and it is the diabetic staff there who have told the people on the free trial, funded by the Diabetic Group, that these are not being funded here whereas they would be in England, from 1st November. If they were in England with this particular condition, type 1 diabetes, they would have them. There are also a number of people, including in my constituency, including children, whose parents are paying for them and also the constituents are paying for their own at the rate of £50 for a two-week monitor, if in England that would be funded on the NHS.

And in fact, can the Minister confirm that the actual cost is comparable with the old finger prick kits but actually the long-term benefits seem to indicate that you are able to have better control of the diabetes, and also that your long-term problems caused by spikes in glucose are better controlled and actually there might be a reduction in the future in terms of the long-term cost of somebody with serious type 1 diabetes, that actually their health care would be better controlled by having this new technology?

790 **The Speaker:** Minister to reply.

**The Minister:** Thank you, Mr Speaker.

If I can start with the last bit first, that their health would be controlled better by these new devices, the evidence is not showing that except in a limited number of people, and it is a very small study that is being done in the UK, as far as I am aware.

Obviously, if there is new evidence then we will be looking at it and we would expect the team who specialise in that area to be bringing the evidence to us and asking us for funding. People can buy all sorts of different equipment, but it does not mean that the evidence is showing that it is going to be of any more benefit than something that is currently in use. Not being a clinician, I cannot say which is going to be of benefit to people and which is not, which is why we have experts in those fields, who we rely on to bring us the evidence and a business case if it is going to benefit people.

805 **The Speaker:** Supplementary question, Mrs Caine.

**Mrs Caine:** Final supplementary, thank you, Mr Speaker.

Can the Minister confirm whether the staffing levels in the diabetic clinic have been reduced and, in fact, that the very people who are looking after and have done the trial for two weeks for certain people, funded by the Diabetic Group, they would be the people that would need to do the business case, put perhaps they just do not have time?

**The Speaker:** Minister to reply.

**The Minister:** Thank you, Mr Speaker.

I am sorry, that is way out from the original Question, I certainly do not have that information with me.

## 2. Questions for Written Answer

### Procedural

820 **The Speaker:** We turn to Item 2 on our Order Paper, Questions for Written Answer, and those will be circulated in the usual way.

### TREASURY

#### 2.1. Income Tax personal allowance – Numbers falling below during 2015-17

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for the Treasury:

*How many individuals and jointly assessed couples fell below the personal allowance in 2015-16 and 2016-17?*

**The Minister for the Treasury (Mr Cannan):** The Assessor of Income Tax is currently processing tax returns received in respect of the year ended 5th April 2017 and issuing assessments for the 2016-17 tax year. Therefore, I am currently in a position to provide this information in respect of the 2015-16 tax year only.

825 Based on the assessments issued to date, I can confirm that the total number of taxpayers with total income for the 2015-16 tax year less than the personal allowance of £9,500 for an individual and £19,000 for a jointly assessed couple are as follows:

Number of individuals	10,889
Number of jointly assessed couples	1,179

Whilst the above directly answers the Hon. Member's Question, it is important to note the following:

- 830
- The 'Total Income' figure does not take into account any deductions or reliefs such as pension scheme contributions or mortgage interest paid. However, in the case of self-employed individuals and recipients of rental income any expenses directly incurred in acquiring such income have already been deducted in arriving at this figure.
  - Non-taxable income sources such as various Social Security benefits including Employed Person's Allowance and Attendance Allowance are not included.
  - The numbers stated include where the total income is only for part of the tax year in the case of deaths and people leaving the Island.
  - No data is included in respect of those individuals who are not required to submit an annual tax return on the grounds that the Assessor is satisfied their income is consistently below the personal allowance thresholds. In the 2015-16 tax year, 888
- 840 people (652 individuals and 118 jointly assessed couples) were not required to submit a tax return for this reason.

**EDUCATION AND CHILDREN**

**2.2. Home education –  
Enforcement powers under Education Act 2001**

The Hon. Member for Onchan (Mr Callister) to ask the Minister for Education and Children:

*How the enforcement powers of his Department under sections 25 to 30 of the Education Act 2001 relate to home education?*

**The Minister for Education and Children (Mr Cregeen):** Sections 25 to 30 of the Education Act 2001 contain enforcement provisions that can be taken by the Department in relation to a parent's duty to ensure their children receive a suitable education, whether that is by attendance at school or through home education.

Under section 25 if it appears to the Department that a child of compulsory school age is not receiving a suitable education, either by regular attendance at school or otherwise, it can issue a notice in writing to the parent of a child requiring him to satisfy within a specified time, that the child is receiving a suitable education. If a parent who is served with a notice fails to satisfy the Department that their child is receiving a suitable education, the Department can make a school attendance order under section 26.

Sections 27-30 detail sanctions that can be made against parents if they fail to adhere to the school attendance order, or fail to secure regular attendance at school of a child of compulsory school age.

Section 25 could be used in relation to parents who home educate, but only if the Department knows that a suitable education is not being received by a child of compulsory school age.

Sections 25-30 rely on the Department being made aware that a suitable education is not being received by a child before any action can be taken against the parents, which is the same issue the Department faces in relation to section 24 of the Education Act 2001, which contains the duty of the Department to enforce parents, whom home educate or otherwise, to ensure their children receive a suitable education. For parents who choose to home educate, the Department at present do not know what education, if any, is being provided, as home educators are only required to register with the Department their intention to home educate their children.

The Department is proposing to put an additional clause in the new Education Bill to enable the Department to be informed of the education being provided to children who are being home educated, to ensure a child's right to a suitable education is ensured wherever they are educated.

**HEALTH AND SOCIAL CARE**

**2.3. Endoscopy service –  
Update**

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Health and Social Care:

*If she will provide an update on the endoscopy service following the transfer of the function out of Ramsey and District Cottage Hospital?*

875 **The Minister for Health and Social Care (Mrs Beecroft):** The consolidation of the DHSC's endoscopy services was initiated in May 2017 following the identification of a significant patient safety issue associated with the management of the recall of patients who were identified as requiring regular endoscopy examinations following bowel cancer or family history of bowel cancer – so-called surveillance endoscopies.

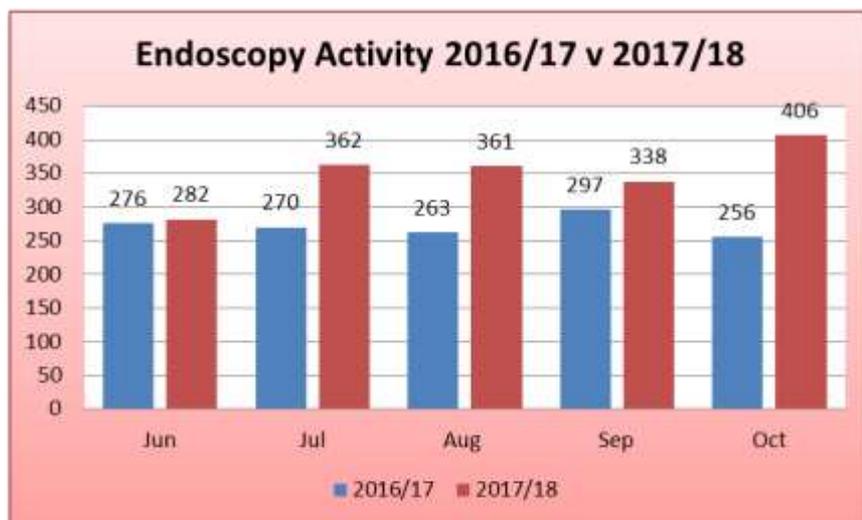
In order to ensure that all patients who were awaiting a surveillance endoscopy could be scheduled, the DHSC management team was required to significantly increase the capacity of the endoscopy service in order to accommodate these patients.

880 It was identified that running two separate endoscopy services on different sites was inefficient, as doctors who were travelling to Ramsey District Hospital from Noble's were doing so in clinical time, and that utilisation of doctors to undertake endoscopy procedures on the Noble's site was poor due to a lack of endoscopy nursing staff available to support.

885 Following the consolidation of services on the Noble's site, within the newly opened Endoscopy Unit, we identified that the number of endoscopy lists could be increased from the original 13 per week (being provided across both sites) to 18 per week provided on one site, with no additional investment requirement. This was achieved through:

- Changing the nursing skill mix within each endoscopy room in line with NHS guidelines – this released one registered nurse per room per session.
  - Improved utilisation of consultant teams – most consultant teams have more than one doctor who can undertake endoscopy. By staffing two rooms side by side, this meant that two doctors from the same team could operate side by side.
- 890

Following the implementation of the new timetable with increased capacity from 1st July, a significant and immediate increase in activity was observed. An additional 387 procedures have been completed in the period June 2017 to October 2017 compared to the same period in 2016.



895 The driver for the consolidation in service, namely the issues surrounding the backlog of patients awaiting surveillance endoscopy, was resolved by September 2017, when all patients who were deemed to require a surveillance endoscopy had received one (or removed themselves from the waiting list). No cancers were detected in any patient who had been waiting for their surveillance endoscopy.

900 Now that the surveillance backlog has been cleared, the team are working through the waiting list, which was 12 months long for routine endoscopy procedures. Based on current levels of activity, we anticipate the waiting list to be cleared by the end of March 2018, and that the waiting list will be at approximately six weeks from April 2018.

905 Following the consolidation of the service, the equipment transferred from Ramsey has been  
in constant use, becoming part of the equipment inventory within the unit. In particular the  
'scope guide' that displays on screen where the endoscope camera is positioned inside the  
intestines, is particularly useful when training junior doctors and our trainee nurse endoscopist  
to undertake procedures independently.

910 The capsule endoscopy service (which involves the patient taking a pill which contains a  
camera which takes pictures as it travels along the gastrointestinal tract) transferred to Noble's  
in July 2017 – we currently undertake three to four of these procedures per month, which is  
equivalent to the activity previously reported at Ramsey District Cottage Hospital. The Bravo  
service, which involves placing a probe in the stomach to measure stomach acid, commenced in  
September 2017 and we are undertaking on average one procedure per week as previously was  
915 the case.

## HOME AFFAIRS

### 2.4. Financial Services Authority – Number of Commissioners

The Hon. Member for Douglas North (Mr Ashford) to ask the Minister for Home Affairs:

*How many individuals are currently classed as Commissioners of the Isle of Man Financial Services Authority within the meaning of Schedule 2 to the Regulation of Surveillance (Prescription of Offices, Ranks and Positions) Order 2017 [SD No 2017/0248]; and what the maximum number would be should any vacancies be filled?*

**The Minister for Home Affairs (Mr Malarkey):** Excluding the Chief Executive of the FSA, there are currently eight individuals classed as Board members (formerly Commissioners) of the Isle of Man Financial Services Authority within the meaning of Schedule 2 to the Regulation of Surveillance (Prescription of Offices, Ranks and Positions) Order 2017 [SD No 2017/0248].

920 The Transfer of Functions (Isle of Man Financial Services Authority) Order 2015 ('the Order') states that the Authority shall consist of not less than seven members appointed by Treasury, subject to the approval of Tynwald. Accordingly, there is no maximum number of Commissioners.

925 More information on the members of the FSA can be found on the FSA website via the link  
[www.iomfsa.im/about/our-structure/members/](http://www.iomfsa.im/about/our-structure/members/)

## Order of the Day

### 3. BILL FOR SECOND READING

#### 3.1. Safeguarding Bill 2017 – Second Reading approved

Mr Thomas to move:

*That the Safeguarding Bill 2017 be read a second time.*

**The Speaker:** Item 3, Bill for Second Reading, and I call on Mr Thomas to move the Safeguarding Bill 2017.

930 **Mr Thomas:** Thank you, Mr Speaker.

Hon. Members, I am pleased to move the Second Reading of the Safeguarding Bill 2017. For some considerable time, there has been a clear political will to establish the Safeguarding Children Board and the Safeguarding Adults Partnership in statute, as I stressed in the other place, in the independent and Scottish Inspectorate reviews about Children and Family Services, Social Care reports and action plans, last month. Specifically, the recommendations made previously by the Commission of Inquiry into the Care of Young People, the Social Affairs Policy Review Committee and the Scottish Care Inspectorate have all sought to strengthen the safeguarding arrangements on the Island.

935  
940 Hon. Members will be aware of a key outcome within the Programme for Government to improve the quality of life for children, young people and families at risk. In supporting this intention, the Council of Ministers made the commitment to place existing safeguarding bodies on a statutory footing, through the introduction of a Safeguarding Bill. Bringing forward this Bill signifies the high priority that this Government places on safeguarding, by establishing a single Safeguarding Board and the legal framework within which it will operate.

945 This framework will provide the board with the requisite powers to ensure compliance with safeguarding standards, policies and procedures from all partnership bodies. It will also bring greater clarity to the relationship between the board and these bodies by defining the responsibilities and accountabilities of the board and those of the independent chair.

950 Broadly, the remit of the board will deliver the current work of the existing safeguarding bodies and, as a result, will be the overarching body responsible for taking a comprehensive and strategic view on safeguarding practice. In addition, the Bill creates a statutory duty for those who work with children and vulnerable adults to consciously consider the need to safeguard when carrying out their work and a further duty for partnership bodies and the board to co-operate with each other, when carrying out safeguarding functions.

955 The Bill also makes statutory provision for the membership, objectives and functions of the board, providing greater visibility in terms of its composition, role, remit and functions. As part of the discharge of its functions, the board is obliged to constitute three committees, being: the action and implementation panel, the child death overview panel, and the serious case management review panel. The membership procedures and functions of each committee will be provided for within regulations. Provision is also made within this Bill for the board to establish any additional committees and subcommittees as and when deemed necessary.

960 It is essential that the board's position in relation to data protection and information sharing is clear. To that end, the Bill provides for the sharing of information with the board subject to certain conditions being met.

965 Hon. Members will have noted that the board is not a public authority for the purposes of the Freedom of Information Act 2015. This exclusion reflects the important public interest in maintaining the integrity and confidentiality of the work undertaken by the board and to ensure such public interest is promoted through robust scrutiny and challenge.

Turning briefly to governance arrangements, the Bill places a legal requirement on the board  
970 to report annually and for the report to be laid before Tynwald. Regulations will define what information must be included in this report.

Hon. Members, establishing a single Safeguarding Board in statute represents a significant and important step forward in reinforcing the arrangements to safeguard and promote the welfare of children and, at the same time, safeguard and protect vulnerable adults. The  
975 Safeguarding Board will enhance the effectiveness of the current safeguarding arrangements and unlock further opportunities for co-operation between all those who work with children and vulnerable adults.

Mr Speaker, Hon. Members, I beg to move that the Safeguarding Bill 2017 be read for a second time.

980

**The Speaker:** I call on the Hon. Member for Douglas South, Mrs Beecroft.

**Mrs Beecroft:** Thank you, Mr Speaker.

On behalf of the Department of Health and Social Care, I welcome the Safeguarding Bill and  
985 its broad purpose of strengthening the safeguarding arrangements to better protect children and promote the welfare of vulnerable adults on the Island. As Minister Thomas has said, this Bill will create in statute a single Safeguarding Board that will co-ordinate and ensure the effectiveness of the work carried out by those who work with children and vulnerable adults. It will introduce a general duty of co-operation requiring the Safeguarding Board and safeguarding  
990 bodies to work together and communicate with each other. It will also create in statute a duty so that those who work with children or vulnerable adults must make arrangements to ensure that when discharging their functions, they have due regard of the need to safeguard and promote the welfare of children and the need to safeguard and protect vulnerable adults.

Given the recent Scottish Care Inspectorate Progress Review, following a joint inspection  
995 entitled 'Services for Children and Young People in the Isle of Man', dated June 2016, the fact that the Bill has reached this stage is most timely. This Bill is an important piece of legislation.

Originally the intention was for this Department to establish a safeguarding board in statute and provide for its legislative framework by amending the Social Services Act 2011. Discussions were held between officers of this Department and the legislative drafting team at the Attorney  
1000 General's Chambers, and the conclusion reached that a stand-alone Safeguarding Bill would be a much more appropriate vehicle.

Given, of course, the proposed objectives and functions of the Safeguarding Board, it was also felt inappropriate for this Department to have the power under the Safeguarding Bill to establish the board or to have powers in respect of what the board does and how it should do it.  
1005 Further, it raised the question as to who should be promoting this important piece of legislation and in discussions with the Cabinet Office, it is quite right that they have, with our full support, promoted this Bill, and I beg to second.

**The Speaker:** I turn to the Hon. Member for Ayre and Michael, Mr Baker.

1010

**Mr Baker:** Thank you, Mr Speaker.

I rise to support the principles of this Bill, which I think is very timely and very important. To recap, the two key elements are establishing the Safeguarding Board on a statutory footing and imposing a safeguarding duty, which based on the explanatory notes that were issued with the  
1015 Bill, is for those who work with children or vulnerable adults to give due regard to the need to safeguard and promote their welfare, which sounds absolutely correct and fully supportable.

1020 My concerns with this are not about the principles; they are about the detail and I have shared these thoughts with the Hon. Minister for Policy and Reform. When we look at the detail of the Bill, essentially this is thrown so wide that it covers everybody. There is no definition of services. It only talks about those who provide services – ‘any other body providing services for children or vulnerable adults’. That is clause 4(e) of the draft Bill.

1025 Effectively, every person or organisation who provides any services to any child or vulnerable adult could be covered by this Bill, other than there is a carve-out in section 16 around private individuals going about their day-to-day activities. I am not convinced that that drafting is right and it is something that I would hope to see would be changed in the clauses stage, because it is imposing a duty on everybody, but there is no sense of risk or proportionality.

1030 The Bill defines various bodies starting with the Department of Education and Children, Department of Health and Social Care, Department of Home Affairs and the Isle of Man Constabulary, which are all eminently sensible, but then it goes on to say ‘any other body providing services for children or vulnerable adults.’ That is not just a Government body; that is anybody.

1035 In discussion with the Minister, that includes small organisations, commercial organisations, it could conceivably include people who are providing services just in the normal run of day-to-day life – hairdressers, cafés, bus services, sweet shops, sports clubs. These are all being imposed the same duty in terms of safeguarding as the Department of Education and Children, the Department of Health and Social Care, etc. Clearly, there is no proportionality in that.

1040 But if we do accept that everybody has a duty – it is a bit like promoting world peace; everybody has got a duty to do it – what does it actually mean? What are the consequences for failure to do it? How do we know what to do? Who is going to police it?

Potentially, we create something that is unworkable or unenforceable, if we are not careful. Potentially, we create obligations on people who frankly are then not equipped to actually carry those out. The alternative is we create a huge industry behind this, which may be disproportionate potentially to the issues that are being addressed.

1045 So I have got concerns about the detail around this and I would hope that the Minister for Policy and Reform will take away some of those thoughts and look at the definition. I think it is perfectly capable of being fine-tuned in terms of the definition of what is in here and maybe some degrees of proportionality and risk assessment being brought into the draft legislation. But as it stands at the moment, whilst I am fully supportive of the intentions behind the Bill, I am concerned about the implications that it brings.

1050 Thank you.

**A Member:** Hear, hear.

1055 **The Speaker:** Hon. Member for Garff, Mrs Caine.

**Mrs Caine:** Thank you, Mr Speaker.

I am pleased to see this piece of legislation before the House today. It is, however, surprising for a seemingly straightforward Bill of only 17 pages that it has taken the Isle of Man more than 10 years to bring it before Members for consideration.

1060 The requirement for the Safeguarding Board to be put on a statutory footing was strongly supported in the public consultation and indeed, in all my conversations wearing my Children's Champion hat, there was much frustration that it had not been established under law more than a decade after the Commission of Inquiry into the Care of Young People recommended the establishment of a safeguarding board on a statutory footing.

1065 It is worthwhile reflecting that the inquiry highlighted shortcomings in the Island's safeguarding provisions, not least in having a clear process for the investigation of the deaths of two young people in care. Although it has taken too long to get to this point, I acknowledge the considerable progress made by the Island's non-statutory regarding boards and recognise that

1070 this Bill will give greater strength to the single board to require that information on vulnerable people is provided to it in a timely manner. That is very welcome.

What concerns me somewhat is the amount safeguarding structures that will be left to regulations. For instance, regulations may provide that committees and subcommittees must include such representatives of such relevant persons as may be prescribed or such other persons as may be prescribed. I would ask the Minister to please clarify why the Island has not followed more closely the UK safeguarding legislation, particularly in respect of the process over the death of a child known to Social Services.

This Bill enables the Safeguarding Board to undertake such case management reviews as may be prescribed in such circumstances as may be prescribed.

Also in the Functions, section 8(4), it will also:

review such information as may be prescribed in relation to deaths of children or vulnerable adults in the Island in such circumstances as may be prescribed.

1080 The required safety structures need to be fully in place from the date that primary legislation is in force. Surely our job in the Keys is to ensure that happens.

Also, once the Bill receives Royal Assent, how soon after that will the regulations be in place and will they require parliamentary approval? The timescale for a fully functioning board appears to be elastic.

1085 Like the Hon. Member for Ayre and Michael, I too fully support the principles behind the Bill but I think that we might need greater clarity in the detail.

Thank you, Mr Speaker.

**The Speaker:** I call on the mover to reply, Mr Thomas.

1090

**Mr Thomas:** Thank you very much, Mr Speaker, and to Hon. Members – particularly the Hon. Members for Garff and the Hon. Member for Ayre and Michael for their contributions, which in a way are helpfully juxtaposed at either end of the spectrum of views on the Safeguarding Bill.

1095 Dealing first with the Hon. Member for Garff, yes, I share, as do many other people in this House, the frustration that this took 10 or 12 years or so to be in this House. It would have been much better if we had had a statutory basis for our safeguarding arrangements earlier than now; but with this Bill we can finally have them.

1100 The Children's Champion also makes a very important point, which I want to reiterate, that in the interim the arrangements have been established on a non-statutory basis and the progress made by the Children's Board and the Adults Partnership and other arrangements that the Hon. Member for Garff, the Children's Champion, knows much about as she is part of them. They have improved and they are building blocks which can be absorbed into the statutory board once it is established.

1105 Some specific questions asked of me from the Hon. Member for Garff, which I will address now provisionally, are that I think it is quite clear in the legislation that all of the regulations will be laid for approval in Tynwald, except for the appointed day order. I believe it would make sense for those regulations to be made before the Act is fully brought into force, but I will speak further about that at the clauses stage as necessary.

1110 I also think it is perfectly rational to have regulations in place – to have these arrangements put in place through secondary regulations rather than in the primary law, because the Isle of Man is not the United Kingdom. We have got size and resource issues to deal with, and the very point that the Hon. Member for Ayre and Michael makes is a good one. We do not want to be overly bureaucratic and red-tape-oriented in this. We want to make a system that is appropriate for the Isle of Man, so it seems to me perfectly reasonable to understand more about those regulations, and I will see what I can do at the clauses stage and at the Third Reading to talk more about the expectations in respect of some of those regulations.

1115

Moving to the Hon. Member for Ayre and Michael's comments, I appreciate the support for the principles. I also appreciate the very good dialogue between officers myself and the Hon. Member in the last couple weeks and I welcome that continuation.

1120 However, at this point, I wanted to say that it is my strong view that safeguarding needs to be extended across the piece. Why would it be the case that private entities and sports clubs and so on would not have the obligation to keep vulnerable adults and children safe? Of course the system has to be proportional. Of course it has to be risk adjusted and that will be reflected, I am sure, in the regulations that come forward. So I hope at the appropriate stage in the clauses and the Third Reading and then as we go through the Legislative Council, I hope, stages of this Bill, perhaps we can put in place further information.

1125 Because what is absolutely crucial in this and what the Hon. Member for Ayre and Garff has expressed very clearly is that now, as this takes on a statutory footing, we need to make it quite clear. We need to make people aware what obligations are, how they are affected and we need to make sure that those obligations and the impact is proportional and risk-adjusted, so it is different for serving children in a shop from operating inside an institution that regularly comes across these arrangements. I am sure that will be put in place through the regulations.

Hon. Members, Mr Speaker, I beg to move.

1135 **The Speaker:** The question is that the Safeguarding Bill 2017 be read for a second time. All those in favour, please say aye; against, no. The ayes have it. The ayes have it.

#### 4. BILLS FOR THIRD READING

##### 4.1. Freedom of Information (Amendment) Bill 2017 – Third Reading approved

Mr Thomas to move:

*That the Freedom of Information (Amendment) Bill 2017 be read a third time.*

**The Speaker:** Item 4, and we turn to 4.1, Freedom of Information (Amendment) Bill 2017, and again I call on Mr Thomas to move

1140 **Mr Thomas:** Thank you, Mr Speaker.

Hon. Members, I am pleased to be able to move the Third Reading of the Freedom of Information (Amendment) Bill 2017. This Bill is the product of reflection and adjustment in light of real-time experience of a Freedom of Information regime in operation for the Isle of Man public service. The amendments made are mainly housekeeping in nature to ensure consistency of approach for public authorities and that the Freedom of Information regime operates as envisaged when the Act passed through the Branches.

1145 One technical point I would like to address is that this House was advised in relation to the Government amendment regarding the change of terminology just to 'the Sovereign' that the Interpretation Act 2015 came into force on 1st November 2017. This is not the case and in fact it is due to come into force on 1st January 2018. This should have no impact on this Bill or its amendments, as the Interpretation Act 2015 is likely still to be in force before the Freedom of Information (Amendment) Bill receives Royal Assent, should it be granted. I apologise humbly to the House for this error.

1155 I am grateful for the constructive engagement by Members and for supporting a smooth passage of the Bill through to this stage. I would like to thank the Hon. Member for Ramsey for his contribution during the clauses stage of the Will – of the *Bill* – (*Laughter*) which I addressed

1160 at the time. However, I would like to take this opportunity to place on the formal record in *Hansard* that the Freedom of Information Act 2015 places an obligation of confidentiality on the Information Commissioner and their staff. Should the Information Commissioner or a member of staff disclose information obtained in the course of performing their functions, they commit an offence and could be liable on summary conviction to a fine not exceeding £5,000. In the light of current newspaper commentary I think it is very important that politicians, civil servants *and* the Information Commissioner understand their obligations under law.

1165 I do thank the Hon. Members for their support today and I beg to move that the Bill now be read for the third time.

**The Speaker:** Hon. Member for Douglas North, Mr Ashford.

1170 **Mr Ashford:** I beg to second and reserve my remarks, Mr Speaker.

**The Speaker:** If no Member wishes to speak, I put the question that the Freedom of Information (Amendment) Bill 2017 be read for a third time. Those in favour, please say aye; those against, no. The ayes have it. The ayes have it.

#### 4.2. Road Transport, Licensing and Registration (Amendment) Bill 2017 – Third Reading approved

Mr Harmer to move:

*That the Road Transport, Licensing and Registration (Amendment) Bill 2017 be read a third time.*

1175 **The Speaker:** Item 4.2, Road Transport, Licensing and Registration (Amendment) Bill 2017, and I call on the mover, Mr Harmer.

**Mr Harmer:** Thank you, Mr Speaker.

I wish to thank Hon. Members for the support that they have given to this Bill during its Second Reading and at the clauses stage.

1180 If I may summarise, Part 2 of the Bill contains various amendments to the Road Transport Act 2001, which relates to the operation of commercial vehicles, and licensing or registration of operators by the Road Transport Licensing Committee; whilst Part 3 of the Bill amends the Licensing and Registration of Vehicles Act 1985. The provisions contained in the Bill will simplify certain processes, confirm various procedures regarding notification, clarify the licensing of vehicles and operators, and provide for the new regulations subject to Tynwald approval.

1185 Mr Speaker, I beg to move the motion standing in my name.

**The Speaker:** I call on the Hon. Member for Ayre and Michael, Mr Baker.

1190 **Mr Baker:** Thank you, Mr Speaker. I beg to second.

**The Speaker:** If no Member wishes to speak, I will put the question that the Road Transport, Licensing and Registration (Amendment) Bill 2017 be read for the third time. Those in favour, please say aye; those against, no. The ayes have it. The ayes have it.

1195 Hon. Members, that concludes the business of the House this morning. The House will now stand adjourned until next week, 21st November in Tynwald Court. Thank you very much.

*The House adjourned at 11.14 a.m.*