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 Hon. T S Baker (Ayre and Michael);
Mr C C Thomas and Mrs C A Corlett (Douglas Central);
Mrs C L Barber and Mr C R Robertshaw (Douglas East);
Hon. D J Ashford and Mr G R Peake (Douglas North);
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);
Hon. A J Allinson and Mr L L Hooper (Ramsey);
Hon. L D Skelly (Rushen);
with Mr R I S Phillips, Secretary of the House.
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Order of the Day

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   5.1. Elections (Keys and Local Authorities) Bill 2020 – Council Amendments considered
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4. Bills for Second Reading
   4.1. Education Bill 2020 – Second Reading approved
   Education Bill 2020 – Referral to Committee – Motion carried; Committee of five elected

6. Motion
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The House adjourned at 1.02 p.m. and resumed its sitting at 3 p.m.

The House adjourned at 3.27 p.m.
House of Keys

The House met at 10 a.m.

[MR SPEAKER in the Chair]

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

Members: Good morning, Mr Speaker.

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

PRAYERS
The Chaplain

Leave of absence granted

The Speaker: Hon. Members, leave has been granted today to Miss Costain, who is unwell.

1. Questions for Oral Answer

CHIEF MINISTER

1.1. Brussels office – Operating costs

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

What the costs are of continuing to operate a Brussels office?

The Speaker: We turn to our Question Paper and Questions for Oral Answer, Question 1, and in doing so I refer Members to yesterday’s email showing a breakdown of costs already circulated, and I call on Ms Edge to ask Question 1.

Ms Edge: Thank you, Mr Speaker.
I would like to add the Chief Minister what the costs are of continuing to operate the Brussels office?

The Speaker: I call on the Chief Minister to reply.
The Chief Minister (Mr Quayle): Thank you, Mr Speaker, and I thank the Hon. Member for her Question.

The best indication we can give of the ongoing costs of continuing to operate the Brussels office is based on the expenditure we incurred for the last complete financial year, which would suggest that the ongoing cost is likely to be *circa* £100,000 per year.

And I have distributed a breakdown of these costs for the information of Hon. Members:

<table>
<thead>
<tr>
<th>Brussels Office costs 2019-20</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Office costs - rent and Internet</td>
<td>£15,612.87</td>
</tr>
<tr>
<td>Services (Belgian payroll company services)</td>
<td>£3,819.27</td>
</tr>
<tr>
<td>Office equipment supplies</td>
<td>£1,620.00</td>
</tr>
<tr>
<td>Hospitality/events</td>
<td>£384.08</td>
</tr>
<tr>
<td>Travel and subsistence costs</td>
<td>£1,270.23</td>
</tr>
<tr>
<td><strong>Total office costs</strong></td>
<td><strong>£22,706.45</strong></td>
</tr>
<tr>
<td>Employee costs</td>
<td></td>
</tr>
<tr>
<td>Salary cost</td>
<td>£69,928.94</td>
</tr>
<tr>
<td>IOM Tax recompense</td>
<td>£5,887.07</td>
</tr>
<tr>
<td><strong>Total staff costs</strong></td>
<td><strong>£75,816.01</strong></td>
</tr>
</tbody>
</table>

The Speaker: Supplementary question, Ms Edge.

Ms Edge: Thank you, Mr Speaker, and I thank the Chief Minister for circulating this information in advance.

It seems quite a reserved amount for the actual costs within Brussels. Office costs, rent and internet, is that the rent for the office? What about the individual’s living accommodation? Is the individual a full-time employee of Isle of Man Government?

The Speaker: Chief Minister to reply.

The Chief Minister: Thank you, Mr Speaker, and I thank the Hon. Member for saying how well we have done in getting the costs down on this one, Mr President.

We are very lucky that we share the office with the Scottish government, we have one room, so you go into the building and we share the office. That makes a significant reduction in the costs. I think we pay *circa* €20,000 for that.

Our current head of the Brussels Office is what is termed as a local appointment, so we are able to make some savings in respect of the living costs, and in addition our current head of office works for four days a week which in turn provides for a further saving. I think all Hon. Members have met our head of our Brussels Office, Mr Mike Vercnocke, who has a phenomenal pedigree from the City of London before he came to work for us. So I think we are getting very good value for money.

It is very important that we have an office in Brussels where the interests of ourselves can be looked at. Yes, the UK Government take a responsibility for looking after our international concerns. However, knowing yourself what is coming down the road and getting over the message from the Isle of Man, I think this is money very well spent indeed.

The Speaker: Supplementary question, Ms Edge.

Ms Edge: Thank you, Mr Speaker, and I thank the Chief Minister for that little history of the Brussels Office.

I just wonder if the Chief Minister would mind saying what is the continuing strategy for the office and how long is he expecting that relationship to continue?
The Speaker: Chief Minister.

The Chief Minister: Thank you.

I think obviously the B word, Brexit, is going ahead and we are in the middle of negotiations now. I have regular meetings, or conferences now, with Westminster on this very topic, and I think we will just have to review it as a nation once the full divorce has happened, Mr Speaker.

It may well be that we need it even more going forward, even with Protocol 3 gone, we will have no representation there whatsoever so it may well be that keeping someone there looking after the interests of the Isle of Man and finding out what is coming down the pipeline may be more important next year than it is currently.

1.2. Rural communities across the Island –
Impact of closure of core services

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

*What impact closure of core services has had in rural communities across the Island, with special reference to public houses?*

The Speaker: Question 2 and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker.

I would like to ask the Chief Minister what impact the closure of core services has had in rural communities across the Island, with special reference to public houses?

The Speaker: I call on the Chief Minister to reply.

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

Core services such as supermarkets remained open during the lockdown period, and eateries offering a takeout service were permitted to continue to operate to serve the Manx public in lockdown. Many eateries across the Island adapted so brilliantly to provide such services to their community that some are continuing to offer them, as it proved so successful. Public houses that typically served food were permitted to also offer this takeout service.

Unfortunately, due to the severity of the situation, a public house in its typical sense was not deemed a core service; and, if unable to adapt to serve food, had to close its doors due to the clinical risk. Sadly, some businesses that were struggling prior to COVID-19 have been unable to weather this storm, even with Government support. Whilst the Treasury and the Department for Enterprise have introduced a number of support schemes for businesses across the Island and across numerous sectors and, more notably, a package of support to specifically assist businesses affected by COVID-19, unfortunately, as both Ministers have already said, not every business can be saved.

Since reopening, many pubs have seen a real influx of people and had positive takings across the first weekend, which reflects this spike. It is fantastic to see members of the public supporting these businesses again and that we are witnessing good numbers of customers.

However, we understand the need to stimulate demand into the long term, in particular in the remaining 2020 summer season. The Department for Enterprise is working closely with businesses and local authorities across the Island to support the retail and hospitality sectors that so desperately need to see demand boosted in order to recover. In particular, a Town and Village Branding Project that the Department introduced before lockdown is being progressed to
increase footfall in towns and villages and ultimately support retail and hospitality businesses. Other initiatives are also being considered in order to encourage local spend, and support establishments.

I do not doubt that rural communities have their own unique challenges but I now urge the Manx public to support these Manx businesses more than ever to ensure their long-term viability.

The Speaker: Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker; and thank you, Chief Minister, for that interesting Answer, especially that final sentence which is really important. We must support local businesses.

As a special place to live and work, does the Chief Minister recognise the importance of businesses such as the local pub and the local post office in helping bind communities together? And does the Chief Minister agree with me that the closure of these core services will potentially leave villages as a mass of houses and those facilities, once lost, are unlikely to be reproduced in the future?

The Speaker: Chief Minister.

The Chief Minister: Thank you, Mr Speaker. Yes, I totally agree with the Hon. Member. It is not just pubs, though, it is chapels and churches and the local shop that we also need. But it is also community and that is why, prior to the COVID-19 outbreak, I did set up a Committee that was all focused about the community and how can we work together to improve?

The Manx community on the Island is pretty good, but if you look at certain villages – well, not most villages and communities – it is the same number of people, who tend to be very elderly, volunteering and doing the bulk of the work. And we need to do more in our community.

Social isolation is another thing. It will be the biggest killer of our elderly and that is why I set up the Committee. Sadly, the Chair has been elevated to lofty heights as Minister for Education, Sport and Culture, so we will be appointing a new Chair to replace him because I think it is something that the backbenchers should be involved in and lead. I see that Committee as being important now, but hopefully the next administration will keep that Committee going.

The Speaker: Supplementary question, Ms Edge.

Ms Edge: Thank you, Mr Speaker. I have done a little bit of research and I just wonder whether the Chief Minister has any intention of doing a rural strategy for the Island?

The Speaker: Chief Minister to reply.

The Chief Minister: Thank you, Mr Speaker. Happy to take on board the Hon. Member’s comments and I will pass that on to the new Chair of the Committee.

The Speaker: Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker. With regard to the Committee were any findings actually published or made available that went into policy? Or is it still just a Committee looking at possibilities?
The Speaker: Chief Minister.

The Chief Minister: Thank you, Mr Speaker.

The Committee was set up with a clear remit to see what could be done to improve the community on the Isle of Man, and I did announce this I think in February. It has sadly been waylaid by events, but now that we have come out of emergency powers and hopefully getting back to some form of normality, I would hope that the Committee can start meeting on a regular basis to move it forward.

1.3. Free travel between Isle of Man and Common Travel Area – Conditions for opening borders

The Hon. Member for Douglas South (Miss Costain) to ask the Chief Minister:

*What conditions must be satisfied before opening borders for free travel between the Island and the Common Travel Area?*

The Speaker: Question 3 is in the name of the Hon. Member for Douglas South, Miss Costain, who of course has leave of absence for today. However, under Standing Order 3.6(4) I have permitted this Question to be asked by Mr Hooper, so I call on Mr Hooper, the Hon. Member for Ramsey to ask Question 3.

Mr Hooper: Thank you very much, Mr Speaker.

I would like to ask the Question what conditions must be satisfied before opening borders for free travel between the Island and the Common Travel Area?

The Speaker: I call on the Chief Minister to reply.

The Chief Minister (Mr Quayle): Thank you, Mr Speaker, and I thank the Hon. Member for his Question on the Hon. Member, Miss Costain’s behalf.

I have said many times before that the closure of our borders has been the single most important action in protecting our Island from COVID-19 and it has been critical in allowing us to remove measures earlier than we may have been otherwise been able to do so. Restricting entry to our Island has enabled us to enjoy some form of normality within our ‘Manx bubble’ which has societal and economic benefits.

I know that the issue of travel and border restrictions is of great interest to our people. Some wish for us to keep the borders closed to reduce risk to the lowest possible level. Others are keen to be able to travel off-Island and have friends and family visits. More broadly, I am acutely aware that restricting travel to the Island is having a significant economic impact, particularly felt in the visitor economy.

The Council of Ministers continues to keep entry restrictions under close review. We are monitoring the situation within the UK, not only in terms of active cases and the rate of transmission across the British Isles as a whole but also on a regional level. We are also following the changes to measures within countries that form the Common Travel Area to see what impact these are having on the spread of COVID-19.

Whilst the trajectory of transmission within the UK is declining, we want to be as sure as we can be that opening our borders will not expose our Island to unacceptable risk.

Of course, we as an Island are in a strong position having taken difficult decisions to restrict significant parts of everyday life to limit the spread of this terrible disease. We must not race towards opening our borders until it is deemed that the risk of doing so would not undermine
our situation. We have built an excellent test and trace system which will enable us to respond should new cases arise.

Our approach will be: continued monitoring of the situations within neighbouring jurisdictions to assess the threat posed; continued monitoring of the situation here on the Island as to any new cases; and consideration of any potential treatment or vaccine that could assist in the fight against COVID-19. All of our actions ultimately come down to risk and the balance that we must strike to best serve our community.

If the matters that I have outlined continue to follow their current direction of travel then I would expect to be able to announce a gradual move towards more open borders with continued requirements to self-isolate on return.

Thank you, Mr Speaker.

The Speaker: Supplementary question, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

I fully agree with the Chief Minister in respect of the need to manage the border in order to keep the Island as safe as we can. But as we start to open up our Manx bubble, I think the Chief Minister has acknowledged that more and more people will be wanting to travel or will be needing to travel for a wider variety of reasons.

When the Chief Minister set out his Stay Safe Plan, included in that document were some very specific metrics around the numbers of cases and others that would indicate when a particular action may or may not be considered. As part of his five-step plan towards moving towards a more managed border and away from an exception-style process, does he have any specific metrics or figures or indicators that he is looking at in the context of some of the broad things he has just discussed in his Answer?

The Speaker: Chief Minister.

The Chief Minister: Thank you very much, Mr Speaker.

I suppose the fact that the Isle of Man is in a good position, Mr Speaker, has got to be the key position. The other thing is obviously the infection rate. I have not seen the latest UK figures, they are published every Friday, but it is currently 1 in 1,100, I think in the UK, and it will be on the advice of Public Health on what they feel is an acceptable level to alter our border policy.

But as I have mentioned before, the next step from 5 to 4 is to allow local residents to go off-island, whether that be flight or by boat, but coming back they would have to quarantine. That is our big defence, it is the quarantine situation.

I know that is something our colleagues in Guernsey and Jersey are doing too, they all have different methods.

The Speaker: Supplementary question, Mr Shimmins.

Mr Shimmins: Thank you, Mr Speaker.

Would the Chief Minister agree with me that it is misleading to describe the border as ‘closed’ because in actual fact it is open to key workers, patients travelling for medical reasons and also those needing to travel for urgent, compassionate matters?

The Speaker: Chief Minister to reply.

The Chief Minister: Thank you, Mr Speaker.

The Hon. Member is absolutely right: we are not closed, we have significant restrictions. I know we are trying to move away from borders being closed to the border restrictions
phraseology. But if it creeps out from time to time that our borders are closed, from myself, I can only apologise, it is a Freudian slip sometimes.

TREASURY

1.4. COVID-19 –
Additional funding to DESC

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

What additional funding will be provided to the Department of Education, Sport and Culture to help children recover from the impact of school closures due to COVID-19 and for elite sports people to retain their competitive edge?

The Speaker: Question 4 and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker.

I would like to ask the Treasury Minister what additional funding will be provided to the Department of Education, Sport and Culture to help children recover from the impact of school closures due to COVID-19, and for elite sports people to retain their competitive edge?

The Speaker: I call on the Treasury Minister to reply.

The Minister for the Treasury (Mr Cannan): Mr Speaker, I am sure that the Department of Education, Sport and Culture will be making every effort to address any educational deficits due to the pandemic. And if a bid for extra resources is made to the Treasury then this will be considered in the usual manner.

The Speaker: Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you very much, Mr Speaker; and thank you for that encouraging Answer, Treasury Minister.

Given the additional challenges recognised by many of these children and those supporting them, and also the athletes, that has been recognised in neighbouring jurisdictions in the last few weeks. Given what you have just said, if the Education, Sport and Culture Department were able to put forward a costed plan, then it is potentially possible that our students and our sports people will have the same advantage as those in neighbouring jurisdictions.

The Speaker: Treasury Minister.

The Minister: Well, Mr Speaker, as I said, I am sure my colleague, the Minister for Education, is looking at this situation incredibly carefully. We will be making a detailed prognosis of what may be required and, as I said, if the Department feels that it needs to bring forward a request for funding to the Treasury then we will assess that very carefully. One obviously recognises the education of our students on the Island is a priority and therefore we will look at this in the usual manner and attach the relevant priority, given all matters that we are currently considering in Treasury.
The Speaker: Supplementary question, Dr Allinson.

Dr Allinson: Thank you, Mr Speaker; and I thank the Member for Arbory, Castletown and Malew for lobbying on behalf of my Department. It is very kind of him.

But could I ask the Treasury Minister, would he agree with me that actually what we need now is a period of consolidation and looking at needs assessments right across our community? And would he also agree with me that one of the best ways of correcting any imbalances that may have been caused by the recent health emergency is by looking at the economy as a whole and how we deal with repairing any damage that has been done, but also moving forward right across all the sectors of our society?

Thank you.

The Speaker: Treasury Minister to reply.

The Minister: Thank you, Mr Speaker.

I am happy to support that statement and question from the Hon. Minister.

1.5. Support for rural businesses – Assessment of possible incentives

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

What assessment he has made of possible incentives to support rural businesses?

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

Mr Moorhouse: Thank you, Mr Speaker.

I would like to ask the Treasury Minister what assessment he has made of possible incentives to support rural businesses?

The Speaker: Treasury Minister to reply.

The Minister for the Treasury (Mr Cannan): Mr Speaker, the Treasury has worked with the Department for Enterprise to introduce a number of support schemes for businesses across the Island and across numerous business sectors. This of course includes the recent schemes put in place to specifically assist businesses affected by the COVID-19 outbreak.

Both the general business schemes in place and those specifically related to COVID-19 are available to businesses whether they are rural or not.

The Speaker: Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker; and thank you, Treasury Minister.

Going forward, there does seem to be an issue in rural communities in terms of the last-remaining pub, the last-remaining shop and for the last-remaining post office.

In an attempt to protect and ensure these services are there going forward, has the Minister actually looked at these specific issues in specific communities?

The Speaker: Treasury Minister to reply.
The Minister: Mr Speaker, I think Treasury’s job is to ensure that funding and support for businesses is distributed in a fair manner across the community. Clearly, if there are specific community schemes that are required then, again, Treasury will look at those on a fair and equal basis across the Island. But the Hon. Member must recognise that we are facing up to a very serious economic challenge in the next 12 months. (A Member: Hear, hear.) The priority must be now for us to focus on business and jobs, the economy as a whole; and it will not necessarily be the case that Treasury will be looking at these types of initiatives, but rather broad support on an equal and fair basis for the whole Island for businesses to access, whether they are in rural areas or whether they are in our central towns.

A Member: Hear, hear.

1.6. Introduction of reverse VAT – Impact on the construction industry

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

If he will make a statement on the introduction of reverse VAT and its impact on the construction industry?

The Speaker: Question 6 and I call on the Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr Speaker.
I would like to ask the Minister for the Treasury if he will make a statement on the introduction of reverse VAT and its impact on the construction industry?

The Speaker: I call on the Treasury Minister to reply.

The Minister for the Treasury (Mr Cannan): Mr Speaker, the introduction of the VAT reverse charge mechanism in relation to the construction industry on the Island is in response to the corresponding legislation being introduced in the United Kingdom. The Isle of Man Government is obliged to keep the VAT laws in line with those of the United Kingdom as part of the Customs and Excise Agreement. The revised date of implementation will be 1st March 2021.

The changes will mean that for some construction services the VAT will need to be accounted for by way of reverse charge, a mechanism widely used for other types of services. This accounting procedure is aimed at reducing the requirement for physical payments of VAT from the customer to the supplier. These changes will not apply to construction services provided directly to domestic customers or to services in relation to new-build properties.

The Customs and Excise Division have already issued information about the introduction of the changes to all its VAT-registered traders, and most recently issued an update to the implementation date. In addition the Division has been in contact with the Isle of Man Construction Federation regarding further training and intends to issue further guidance to approximately 800 VAT-registered construction businesses in due course.

The Speaker: Supplementary question, Ms Edge.

Ms Edge: Thank you, Mr Speaker.
I wonder if the Treasury Minister could provide the date that the information was provided to the construction industry members who are registered for VAT.
Has the Treasury done an impact assessment on the effects to the small construction businesses? I think it is possibly 750. Has an impact assessment been done to the effects of this reverse charge on them?

The Speaker: Minister to reply.

The Minister: I would be happy to circulate any dates related to contacts. But I am not sure that a specific impact assessment has been done.

As I have stated, this has been brought forward as a result of legislation that is being introduced in the United Kingdom, and we are therefore obliged to keep our VAT laws the same. I would certainly be happy to provide the Hon. Member with further information in relation to any potential impact. And of course I will provide that alongside the information relating to any consultation or discussions that have taken place with the industry.

The Speaker: Supplementary question, Ms Edge.

Ms Edge: Thank you; and I thank the Treasury Minister for that commitment.

The concern within the industry is with regard to cash flow. A number of these small businesses do obviously utilise their VAT to support their business, so once this is introduced in March 2021 there is going to be quite a serious impact on the smaller businesses.

So if the Treasury Minister could take that into consideration when he does any response?

The Speaker: Treasury Minister to reply.

The Minister: I am happy to have a look at it, Mr Speaker.

Obviously I do recognise that small businesses do account for VAT as part of their cash flow, but obviously one needs to be careful as a business using VAT as a cash-support mechanism – although I appreciate small businesses do – because the money that actually is billed for belongs to the public, effectively, via the Treasury.

But yes, Mr Speaker, I hear what the Hon. Member is saying to me and I will duly speak to the Head of Customs and Excise in due course.

ENTERPRISE

1.7. IOM Ship Registry – Number of registrations

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

_How many ships were registered on the IOM Ship Registry in each of the last three years?_

The Speaker: Question 7 and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker.

I would like to ask the Minister for Enterprise, how many ships were registered in the Isle of Man Ship Registry in each of the last three years?

The Speaker: I call on the Minister for Enterprise to reply.
The Minister for Enterprise (Mr Skelly): Gura mie eu, Loayreyder

The Isle of Man Ship Registry has been recognised internationally as a quality flag, attaining number one position on the Paris Memorandum of Understanding on the Port State Control ‘White List’ published in June 2019.

The Isle of Man Ship Registry has also been awarded ‘Best Ship Registry’ in 2019 and 2020 by the World Commerce Review, a leading international publication.

The breakdown of new ships for the last three years is as follows: April 2017-18 – 62; April 2018-19 – 66; April 2019-20 – 48.

Over the last three years the Ship Registry has registered a total of 177 vessels across a range of vessel types, and the total number of vessels on the register as of 31st March 2020 stands at 941.

Gura mie eu.

The Speaker: Supplementary question, Mr Moorhouse.

Mr Moorhouse: Thank you, Mr Speaker; and thank you, Minister, for that positive Answer.

It has been suggested in the international press recently that the Isle of Man’s success at dealing with COVID-19 means that there are now few associated restrictions being placed on ships which register here. Is this advantage increasing the number of recent registrations?

Thank you.

The Speaker: Minister to reply.

The Minister: Gura mie eu, Loayreyder. Yes, thank you.

Clearly, the Ship Registry is well placed to take advantage of the Isle of Man’s position, as are many other industries, I would suggest. But we did take a snapshot with regard to April 2020 to 25th June 2020 and we registered 18 vessels compared to the last period last year which was only 10. So that is an encouraging uplift in these current times.

But I would like Members to be aware that international events elsewhere – the Gulf, and so forth – have caused a serious issue for our Ship Registry. But as always we have focused in on quality and maintaining our quality for those ships we do register.

Gura mie eu.

The Speaker: Supplementary question, Mr Perkins.

Mr Perkins: Thank you, Mr Speaker.

Would the Minister agree with me that one of the important things is, when we have a very good item like the Shipping Registry, Members have to be careful about asking questions because we give our secrets out to the wider world when they come and look at our Hansard?

So I believe there should be some responsibility in asking some searching questions on these things that give us an edge economically.

Thank you, Mr Speaker.

The Speaker: Minister to reply.

The Minister: Gura mie eu, Loayreyder.

Yes, and I thank the Hon. Member who did have responsibility and is very much aware of the operation. This is a regulatory function and it performs very well with regard to profiling the Isle of Man. And, yes, we do need to be mindful that we are in a very competitive environment, none more so than now where, across the world, economies are going to be so competitive going forward.

And we will look forward to that debate in Tynwald later next month.
1.8. Hong Kong residents –
DfE preparation for passport and visa changes

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

*How the Department is preparing for changes to the passport and visa provision for some Hong Kong residents?*

**The Speaker:** Question 8 and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

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

I would like to ask the Minister for Enterprise how the Department is preparing for changes to the passport and visa provision for some Hong Kong residents?

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

**The Minister for Enterprise (Mr Skelly):** Gura mie eu, Loayreyder.

As Members will be aware, responsibility for the Isle of Man Immigration Rules falls to the Cabinet Office. Our Department works closely with colleagues from the Cabinet Office in respect of immigration matters relating to skilled workers, entrepreneurs and investors. At present, there has merely been a brief mention of potential consideration being given by the UK to the treatment of holders of British National Overseas passports, including certain citizens of Hong Kong.

There has been no formal change to the UK Immigration Rules, or a firm indication of the likelihood of such a change. Whilst the Island’s Immigration Rules do closely align with those of the UK, the Isle of Man does have the ability to tailor aspects of our rules to best meet the needs of our local economy. The Department will continue to work closely with the Cabinet Office and monitor the situation and will consider bringing forward changes which are considered to be in the best interests of the Isle of Man.

In the meantime, the Department continues to work with both individuals and businesses who are in contact regarding potential relocation, as part of our ongoing work in promoting the Isle of Man as a special place to live, work and invest. Additionally, the Department has initiated and held calls with Isle of Man businesses in Hong Kong to understand the position and we will continue to monitor and respond as the opportunity becomes clearer.

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

**Mr Moorhouse:** Thank you, Mr Speaker; and thank you, Minister.

The Chief Minister recently spoke about the interest from Hong Kong. Could the Minister provide a little more detail of the level of interest; and is the Department now actively promoting the Isle of Man in that country?

**The Speaker:** Minister to reply.

**The Minister:** Gura mie eu, Loayreyder.

Yes, the Chief Minister did make mention of Hong Kong. Clearly, that was stated in the UK press and the Isle of Man has been picked up across the globe, I would suggest. Interest has been very significant. Clearly, once more picking up the point with regard to the Isle of Man’s position in dealing with this health crisis as we have been living through these last few months, the Isle of Man is well positioned. These have been editorials that have been covered across the
globe – 200-plus – and Hong Kong is only one of several jurisdictions where the Isle of Man has been featured very favourably, and is key in terms of an opportunity of a place to live and work and invest.

1.9. New graduates –
DfE action for work-based initiatives

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

*What action the Department has considered to start work-based initiatives to attract new graduates back to the Island and give them key workplace skills and experience?*

**The Speaker:** Question 9 and I call on the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

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

I would like to ask the Minister for Enterprise what action the Department has considered to start work-based initiatives to attract new graduates back to the Island and give them workplace skills and experience?

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

**The Minister for Enterprise (Mr Skelly):** Gura mie eu, Loayreyder.

Within the Department’s Locate Strategy, unanimously supported by Tynwald in February 2019, there is a specific theme on Graduates which focuses on close collaboration with employers and the Department of Education, Sport and Culture to both create and promote opportunities for graduates.

Members will hopefully recall that in 2019, Locate Isle of Man hosted the first dedicated Graduate Fair which saw over 200 graduates attend, network with employers and explore opportunities first-hand. The Department had planned a larger scale event in April this year, for which attendance was due to be well over 300. However, this unfortunately had to be cancelled as a result of COVID-19.

A new event will be planned in due course to capitalise on the ongoing interest from employers and graduates, and the team are actively exploring ways to engage with graduates virtually throughout the academic year.

The Locate team have also been engaging in recent times with the founders of Manx Uni-Verse social media community and have helped to promote the group which connects current Manx undergraduates and prospective students, in the absence of university open days.

Similarly, the Department runs the annual STEP Programme which provides opportunities for undergraduates to undertake specific project-based work placements in local host organisations. Again, unfortunately COVID-19 led to the cancellation of this year’s STEP Programme. However, the Department is currently exploring the potential for a limited programme to be introduced now that restrictions have been lifted across the Island.

The Treasury continues to provide access to the National Insurance Holiday for returning graduates, which provides graduates with an additional financial incentive to consider returning to the Island on completion of their studies.

As the situation in the Island resumes some sense of normality, the Department is revisiting the Locate Strategy and continues to engage with colleagues in the Department of Education,
Sport and Culture, as well as with employers to ensure that there are opportunities for all our people in the future, including graduates.

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

**Mr Moorhouse**: Thank you, Mr Speaker; and thank you, Minister.

I found the particularly attractive point of that speech the bit about the STEP Programme. Would the Minister consider really pushing that initiative? It has got massive potential as at this current moment in time many graduates are struggling to find jobs and that programme really provides the contacts, the skills and the getting to the workplace experience that many of these graduates require.

Is this something high up the Minister’s agenda?

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

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

I thank the Hon. Member for picking up on the STEP Programme, of which I know many Members are aware. This is an excellent programme which has been running for many years. Last year I believe we had 38 undergrads actually participate with that and it has been very successful.

Sadly, obviously, COVID disallowed us from having this full-scale programme. But we are reviewing a limited programme and we will make that announcement in due course.

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

**Mr Moorhouse**: Thank you, Mr Speaker; and thank you, Minister.

This next question is taking us into a slightly different area. In terms of where we were last year, we were desperate for graduates to come back to the Island and this year we have got a new problem that graduates cannot find jobs. Is it possible that the Department and the Chamber could come up with some innovative programme to enable those graduates to get work experience on the Island which would give them the potential to go out and get full-time jobs, full-time opportunities which would be for the benefit of the Island and particularly those graduates?

Thank you.

**The Speaker**: Minister to reply.

**The Minister**: Gura mie eu.

Yes, clearly in the Locate Strategy we identified graduates and returning graduates as one of our key themes and target markets to be employed here on the Island. So, yes, we will look at any programme and we are talking with our colleagues in Education already with regard to other potential opportunities.

And it is not just the graduates, we have got the young people who will be coming out of school and they are deciding do they want to pursue an academic qualification or are they going to follow the vocational route, of which we have a growing number of vocational opportunities for our young people on the Island. But you cannot replace work experience and that comes back to the Step Programme.

I would encourage Government across the whole piece, if you have got projects or you have got opportunities please let us know about it. We will help co-ordinate those opportunities with the Department of Education. And I would encourage the private sector and third sector to also engage in this particular area and we will help facilitate wherever we possibly can.
1.10. The Hon. Member for Douglas East (Mrs Barber) to ask the Minister for Education, Sport and Culture:

What provision exists for those children unable to attend school physically to continue with their studies remotely without detriment to their education?

1.12. The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Education, Sport and Culture:

What remote learning provision is in place for those children unable to attend (a) primary and (b) secondary school owing to shielding or other concerns; and how this provision will be monitored?

The Speaker: We turn to Question 10 and I have given permission for Questions 10 and 12 to be taken together, so I first call on Mrs Barber, Hon. Member for Douglas East.

Mrs Barber: Thank you, Mr Speaker.
I wish to ask the Minister for Education, Sport and Culture what provision exists for those children unable to attend school physically to continue with their studies remotely without detriment to their education?

The Speaker: I call on the Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr Speaker.
I would like to ask the Minister for Education, Sport and Culture what remote learning provision is in place for those children unable to attend primary and secondary school owing to shielding or other concerns; and how this provision will be monitored?

The Speaker: I call on the Minister for Education, Sport and Culture to reply.

The Minister for Education, Sport and Culture (Dr Allinson): Thank you, Mr Speaker.
I am pleased to reassure the Hon. House that this week and last week’s attendance levels for pupils appear to be close to normal for this time of year, with over 93% of primary school pupils and almost 90% of secondary school pupils back in their classrooms, and with only a small proportion of pupils unable to attend school, for a variety of reasons.

The Department has advised that schools’ usual procedures for pupils who are too poorly to attend school or who are shielding will need to be maintained. This does not mean that all remote learning can or should be stepped down, but that a proportionate response needs to be developed as it would have been before the pandemic. Typically this would include close contact between families and schools, although individual schools’ arrangements will differ. Some schools will have also already recognised the need for a very small number of pupils, perhaps with social or emotional difficulties, to have a more flexible introduction back to normal school life.

 Schools’ provision is, of course, quality assured by the Education Improvement Service who support schools in the ongoing monitoring and evaluation of their work. Through their visits to schools they carry out joint activities with school leaders and, if necessary, challenge the school’s evaluations and evidence base for the judgements they make about their work.
The Department also has a small team of teachers and support staff to work with children and young people with medical difficulties, who are too ill to attend school. This team will continue to deliver remote online learning. Students who do not wish to access these lessons, or are unable to, will continue to be assisted with a combination of work delivered to their home and online learning. This team will also continue to liaise with all five secondary schools across the Island in order that work and information is collated in line with the awarding bodies’ requirements for GCSE qualifications. The team is also linking with primary schools to help parents to access relevant work for their children.

Thank you, Mr Speaker.

The Speaker: Supplementary question, Mrs Barber.

Mrs Barber: Thank you, Mr Speaker.

The Minister mentioned the availability of remote online learning for students who are unable to attend school. Can he confirm is that available to all students unable to attend school and has that been available prior to the COVID-19 period?

The Speaker: Minister to reply.

The Minister: Thank you very much, Mr Speaker.

Remote online learning is just one form of teaching that can carry on whilst pupils are unable to come to school. It is not appropriate for all students and what we have been asking teachers to do, and where they have been rising to the challenge, is assessing individual requirements for the best way of those people accessing education. Certainly in primary schools it has been found that online learning actually is not the best way, and often getting the right content over to the students is through workbooks and a telephone conversation rather than online work.

But this is certainly an entire sector that is developing on the back of the COVID-19 crisis and the closure of schools, and we will continue to develop the functionality of this in the future.

The Speaker: Supplementary question, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

The Minister’s Answer is actually quite concerning. He talked about being back ‘close to normal’ and relying on existing processes and procedures that exist. When you hear the evidence to the Public Accounts Committee recently, he advised that the existing QA process had been suspended. Has that now restarted?

He also made it very clear that there was no quality assurance work undertaken around remote learning during the recent school closure, but in his Answer he talked about continuing the QA work that is already in place. Now, these statements are directly contradictory. There was no QA work in place during the crisis. That is a statement that has previously been made. Now he is saying they are going to carry on doing the work they were previously doing.

So is he telling us they are going to carry on doing nothing? I think the Minister needs to provide much more clarity on exactly what it is that the Department is expecting from schools and exactly how that provision is going to be quality assured to make sure we do not continue to have a patchwork of provision across the Island.

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I think the Hon. Member makes a very good point that when myself and some of the other officers from the Department of Education, Sport and Culture appeared before the PAC we were in a different environment. Since then, all schools have reopened.
He makes a comment about the suspended quality assurance work and certainly during a time when all schools were closed he is quite right, that was suspended. What we are now doing is working with educationalists to see if that can be restarted and certainly working with head teachers to see how we can support them as we move forward.

He also talks about the development of remote learning and this is something I think that all of us have become far more aware of after what we have been through over the last three months. Four months ago I did not know that Zoom existed and now we have been using it almost on a daily basis to communicate.

What I have asked for is a working group to be set up which will incorporate members of the Department through the EIS, but also those teachers who have really excelled in terms of developing new ways of teaching, new ways of assessment and new ways of actually allowing their students to learn at home so that we can move forward from this period to have a much more concerted plan in terms of online learning and remote learning. And moving forward that can be rolled out right across the educational sector to deal with, not just any further closures of schools that we need to face up to, but also those pupils who may be at home for other reasons, whether that be due to ill-health or in terms of exclusion, that their education does not suffer due to them not being actually physically within their school.

Thank you.

The Speaker: Supplementary question, Ms Edge.

Ms Edge: Thank you, Mr Speaker.

I just wonder if the Minister could confirm he still has an ICT adviser, and what the funding is for ICT within Education. I am happy for that to be circulated.

But in the Digital Strategy for the Department in 2015, which was revised in 2018, there is no mention of developing and supporting online learning beyond what had already been delivered.

So can the Minister circulate the current digital strategy for the Department and advise what work is ongoing with the itslearning platform?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I can confirm that we do have an ICT adviser and actually we are using them and developing that part of the service in terms of the Education Improvement Service.

In terms of the digital strategy, she is quite right. The strategy we had before was in a completely different time and I think right across Government we need to look at our digital strategies again in the light of the experiences of the last three months. And as I said to the Hon. Member for Ramsey, I have asked for a working group to be set up looking at the provision of information technology and how it is used for learning. Part of that will be reviewing the digital strategy because with the lessons we have learned from the last three months we need to capitalise on those and move forward.

Thank you.

The Speaker: Supplementary question, Mrs Barber.

Mrs Barber: Thank you, Mr President.

I wonder if the Minister could confirm if he is aware that there have been students who are having to pay themselves to access online learning because it has not been available via the Department to students who have been excluded from school for a plethora of reasons, in fact. And so I would welcome his comments.
But I wonder also is he in agreement that we need really a comprehensive, uniform plan to be able to deliver that level of remote learning at all different ages of the curriculum to students who, for whatever reason, are not able to attend school? Will he commit to that?

And will he accept that if we had had that in place prior to the COVID-19 period we would actually have been in a far stronger position and been able to support the teachers through the infrastructure that needs to be facilitated centrally?

The Speaker: Minister to reply.

The Minister: Thank you very much, Mr Speaker.

I would certainly agree with the Hon. Member that in the past certain individuals have found accessing education quite challenging, particularly when they have been excluded. And that needs to be addressed both for their benefit and the benefit of their families, but also the wider community, that we should not have children who miss out on their education and then have that legacy of problems going forward.

I think previously because of the autonomy that schools have been given, rightfully so, some have developed very good online presences, some very good ideas and using different forms of platform to provide that in a very tailored way to their pupils. What we are now doing is trying to get that best practice and bring that together as a comprehensive plan for how schools can use information technology in the future.

With hindsight, I also agree with her and I think she is quite right that if we had set up an entire online education system we would have been able to face school closure in a much more coherent way. We have never had the closure of schools for this length of time or this extreme in our history. But it is a wake-up call that we must have a resilient Education Service going ahead, not only to support those teaching staff but also the pupils that they relate to.

I am wary, though, of having a one-size-fits-all way of dealing with education. I think it is incredibly important to understand that those individual teachers, particularly at the primary school level, are the best people to judge how to teach their pupils and how to tailor that to their own needs and requirements.

Thank you, Mr Speaker.

The Speaker: Supplementary question, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

Just before I ask, I would just like to clarify something. The Minister has talked about a comprehensive online education system. I thought we were talking about remote learning which is much broader than simply an online provision.

I wonder, though, the Minister has made some very positive comments about how they are developing a structure and a future and a way forward for education in this space, in remote learning. My concern though is what is happening to children now? Those children that are at school today and tomorrow and them trying to say, ‘Actually, how do we teach these children? How do we make sure these children are not disadvantaged by the fact that they cannot physically attend school?’

So what is the position now? What is happening now in respect of quality assurance and ensuring that there is not a one-size-fits-all, but a minimum standard and a consistent level of educational delivery across the Island? What is in place today – not what is going to be in place in six months’ time? What can parents and students expect today?

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker; and again I thank the Hon. Member for Ramsey for his impatience, (Laughter) and I think all of us are. (Interjection)
The education for our children is incredibly important. (A Member: Hear, hear.) But also the mental wellbeing of our children is incredibly important. And although we talk sometimes about ‘teaching’ and ‘education’ there is far more that goes on in schools and we need to deal with that social aspect when people cannot physically get into school as well – that wellbeing.

In terms of what is happening today, what individual teachers and individual schools are doing is supporting their pupils who are at home. They are working with the families who may be anxious about sending their children back into school to reassure them about the safety of schools, and to reassure them about the safety of their classrooms and what has already been done in terms of cleaning and monitoring of those classrooms to make them a safe place to be.

In terms of those children who cannot come back to school, what the individual schools are doing is liaising with them and providing remote learning. The Hon. Member is quite right that we get fixated on screens and online learning, and there is far more in terms of remote learning than purely internet-based activities or recorded lessons. So we have the ability for teachers to liaise with the families to provide workbooks, to provide regular contact and create a structure of learning which is key to delivering that learning.

But also, as I have said in my previous answer, we have a small team of people who are willing to go out and see those children, to sit down with them face-to-face and deal with any problems and give face-to-face teaching if that is required.

Thank you, Mr Speaker.

The Speaker: Supplementary question, Ms Edge.

Ms Edge: Thank you, Mr Speaker.

I just wonder if the Minister would agree with me that obviously there is an itslearning platform that has been used for numerous years but some of the difficulties that were experienced recently during the COVID were to do with GTS and some of the barriers that they had put in place for our teachers.

So I just wonder if the Minister could confirm how he is going to break down those barriers with GTS to ensure that the teachers have the platforms to be able to deliver anything that comes forward in the future.

The Speaker: Minister to reply.

The Minister: Thank you very much, Mr Speaker.

I have to declare an interest in that previously when I was working in the Cabinet Office I worked very closely with GTS, and I do not think they did erect barriers during this. The transformation of education from physical to online was a challenge for many teachers and for many schools. Some rose to that challenge a lot quicker than others. There were a range of platforms being offered by teachers; again, quite rightly, because they knew what their pupils needed.

She comments about the itslearning platform and that has been used by a lot of schools. But other schools were using either Zoom or Microsoft Teams or Google Classroom to provide that learning. And certainly I found during the last three months that GTS were responsive to the needs of teachers and were responsive to conversations with the Department to provide as much functionality as possible, so that teachers could use that to deliver the learning that they wanted to provide.

Thank you.

The Speaker: Supplementary question, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker.
In all these discussions, would the Minister agree with me that we should never, ever forget that the right way for a child to develop is physically in school with fellow children, for both their educational and their social wellbeing; and that the whole concept of play is an incredibly important part of the educational process?

So that whatever discussions we may have with regard to online learning or remote learning it is always going to be second or even third-best, and that the key thing is to get our children back into school wherever absolutely possible?

**The Speaker:** Minister to reply.

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

I completely agree with the Hon. Member. I think sometimes people get fixated on education as being rows and figures, of being results and workbooks and things that you can mark.

One of the things that have come out of the closure of schools over almost three months is the value of schools, the value of that experience of walking through the front door, seeing people that you know and seeing a teacher that you know and who knows you. It is very hard to replicate that or even try to with online platforms.

I think he also comments about the power of play. There are so many things that go on in schools that cannot be necessarily quantified but, unless you create that enthusiastic environment, children will never learn. It does not matter how good the class is, if they are not enjoying that experience and if they do not feel comfortable and confident in that environment, learning takes a backseat and is very hard to do. So I completely agree with him.

And one of the things that I am incredibly grateful for is that everyone who works across our education service – from teachers to caretakers to cleaners to catering staff – they have allowed all our schools to open. So all those children who want to come back can come back and are now in their second week.

Thank you, Mr Speaker.

**The Speaker:** Supplementary question, Mrs Barber.

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

The Minister said earlier how teachers are best placed, and I absolutely and wholeheartedly agree. I think teachers know the children and the children know the teachers. But what we have seen during the COVID-19 period is a situation where teachers have used all of the time they have available to them creating an online and remote learning opportunity for children. And what we now have is a situation where we are asking teachers to do both the classroom learning and the online and remote teaching.

Are we realistically expecting that to be able to happen, or are we actually in fact asking too much potentially of our teachers? (A Member: Yes.)

The other question I would just ask is: at present when a child is unable to go into school all the time, they remain a pupil of that school they are the responsibility of the school. Once they are no longer on the roll of that school, who takes responsibility for the education of the child?

**The Speaker:** Minister to reply.

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

I completely agree with the Hon. Member. When schools were shut, schools closed, there was obviously a big shift of teaching provision to remote learning – some of it online, some of it through workbooks. I know of teachers who would physically go round and visit families to drop off homework for them, to have that contact and even dropping off free school meals to those families. And I would like to thank them for that.
But we have to remember that at the same time when we say the schools were shut, in the same way as we talk about the borders were shut, they were not! Schools were also dealing with the vulnerable children and the children of key workers as well and putting that physical teaching on board.

What we have now done is gone back almost completely to normality in terms of schools, in terms of the number of pupils who are back at schools; but there is a small number who are staying at home for various different individual reasons. We have taken away the obligation for parents to send their children to school during this time of crisis because we understand those anxieties and we respect the individual family’s choice to keep their child at home during this difficult period. What we need to do, though, is to support the schools to provide that remote learning when it is appropriate. And certainly from the Department’s point of view we will do as much as we can to support individual head teachers to provide as much remote learning as they can to those children who need to still stay at home.

Thank you very much, Mr Speaker.

Mr Hooper: Thank you very much, Mr Speaker.

When I asked the Minister what was in place now, he talked extensively about what individual schools and individual teachers are doing. What I did not hear him talk about is what his Department is doing in terms of quality assuring that process. It is somewhat concerning that, three months into a crisis where remote learning was almost a necessity, we still do not have a process by which the Department can set out and quality assure a set of minimum standards to ensure some level of consistency across the Island.

I hope the Minister would agree with me that whilst they have suspended parents’ obligation to take a child to school, they have not suspended the statutory duty for a school and his Department to provide a suitable education to every child that goes to one of our state schools. So can the Minister please advise how he is ensuring that this statutory duty is being met when he is, by his own admission, not delivering any quality assurance over remote learning?

Mr Hooper: Thank you very much, Mr Speaker.

The Speaker: Supplementary question, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

The Minister: Thank you, Mr Speaker.

The Hon. Member asks about minimum standards and these go right across education, and I am sure that all head teachers and all teachers are more than well aware of them. He talks about consistency and ensuring that pupils and their parents know what to expect from the Educational Service. In terms of quality assurance of online or remote learning that is problematic, and what the Department is doing at the moment is working with those schools and with those head teachers to ensure they have all the resources that they need to provide that. But I think I would agree with him that there is a much wider bit of work in terms of as we move forward how we get that quality assurance of online and remote learning.

One of the key things we need to do as a Department is look at that, work with teachers and work with educationalists so that in the future we can guarantee that those pupils who have to remain at home, for whatever reason, get the same ability and the same resources that they need to actually complete their education.

Thank you, Mr Speaker.

Mrs Corlett: Thank you, Mr Speaker.

I would like to ask the Minister, would he agree that what we have learned and developed during the pandemic will be developed further, but that one size absolutely does not fit all?
Would the Minister agree also that inclusion is a policy that is passionately supported? Every child should be given the opportunity to achieve their potential; and that we will strive to provide that.

Thank you.

The Speaker: Minister to reply.

The Minister: Thank you, Mr Speaker.

I think the Hon. Member makes a very valid point because throughout this process there have been a whole range of other services that have been ongoing.

The Hearing Impairment Support Service, the Visual Impairment Service, the Pre-School Assessment Centre, the Education and Child Psychology Team – all that has been taking place, because some of the children that are still at home and are unable to come into the schools are amongst the most vulnerable children in our community. We need to make sure that as we move forward none of these children are left behind, and we bolster the provision of services for them and their families to make sure that their education does not suffer.

Thank you.

The Speaker: Final supplementary on this Question, Mrs Barber.

Mrs Barber: Thank you, Mr Speaker.

I wonder whether the Minister would agree that for some children who have not been able to attend school for a longer period of time, where that is due to physical ill-health or mental ill-health, in fact they have had a better provision of remote learning during the COVID-19 period, and perhaps have seen how it could be if we were able to really get this going in a longer period. But that is going to need that resourcing.

I wonder if he would also just answer the previous question around where the statutory responsibility for education of a child lies when they have been removed from the school roll?

Thank you.

The Speaker: Minister to reply.

The Minister: Thank you very much, Mr Speaker; and I apologise for not answering that question.

Obviously when a child leaves the school roll for whatever reason, that statutory responsibility ceases to be with that school. However, I do believe that there is a responsibility in terms of the Department to monitor any transition either to another school or a further education system, particularly when that child may not have been in mainstream school for some time. And certainly our Inclusion and Safeguarding Team work very closely with those families to ensure that transition is managed properly and that people do not fall through the cracks which, even in a small community, can happen.

The other point she makes obviously is about I suppose the way our society has woken up to the possibilities that this horrible episode has brought us. Those children who have remained either excluded or unable to come to school for some time, I would agree have probably seen something completely different. They are suddenly not outliers, they are mainstream. Almost everyone has become a home educator very quickly, and I know some people now actually appreciate the work teachers put in, because they have had to try to mimic that themselves.

I think what this period has shown is sometimes you only recognise and actually value something when it is taken away, and certainly I think now there is a new-found value for education and our Education Service on the Island. We need to capitalise on that and learn the lessons and move forward with a far more inclusive provision of learning for all students on the
Isle of Man which should be their right – all students in the Isle of Man wherever they are, whether that be in their classroom or at home for whatever reason.

Thank you, Mr Speaker.

The Speaker: Now, Hon. Members, that concludes the time available for Questions.

(Interjection)

Suspension of Standing Order 3.5.1(2) to complete remaining Questions – Motion lost

The Speaker: Mr Hooper.

Mr Hooper: Mr Speaker, a procedural point. I beg to move that Standing Order 3.5.1(2) be suspended to enable the remaining Questions for Oral Answer to be taken at this sitting.

The Speaker: Seconder? Mrs Barber.

The question is that Standing Orders be suspended to take the remaining Questions on the Question Paper at this sitting. Those in favour, say aye; against, no. The noes have it.

A division was called for and electronic voting resulted as follows:

<table>
<thead>
<tr>
<th>FOR</th>
<th>AGAINST</th>
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</thead>
<tbody>
<tr>
<td>Mr Moorhouse</td>
<td>Mr Ashford</td>
</tr>
<tr>
<td>Mrs Barber</td>
<td>Dr Allinson</td>
</tr>
<tr>
<td>Mrs Caine</td>
<td>Mr Baker</td>
</tr>
<tr>
<td>Mr Callister</td>
<td>Mr Boot</td>
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<tr>
<td>Mrs Corlett</td>
<td>Mr Cannan</td>
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<tr>
<td>Ms Edge</td>
<td>Mr Cregeen</td>
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<tr>
<td>Mr Hooper</td>
<td>Mr Harmer</td>
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<tr>
<td>Mr Perkins</td>
<td>Mr Peake</td>
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<tr>
<td>Mr Shimmins</td>
<td>Mr Quayle</td>
</tr>
<tr>
<td>Mr Speaker</td>
<td>Mr Robertshaw</td>
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<tr>
<td>Mr Thomas</td>
<td>Mr Skelly</td>
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</table>

The Speaker: There are 16 required. With 11 for and 11 against, the motion therefore fails to carry.

Therefore, in terms of the remaining Questions for Oral Answer, given that there is not a sitting next week, they will be answered in writing.

Item 2, Questions for Written Answer, and those will also be circulated by the Table Office in due course.
2. Questions for Written Answer

EDUCATION, SPORT AND CULTURE

1.11. University attendance following COVID-19 – Financial support for Isle of Man students

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Education, Sport and Culture:

What plans he has to enhance temporarily financial support for Isle of Man students attending university, following the coronavirus crisis?

The Minister for Education, Sport and Culture (Dr Allinson): Even though we are aware that a number of students who would have previously worked when at university or through the summer break may lose out on this extra income due to the economic effects of the current health emergency, we do not feel that this could be addressed adequately through the support the Department for Education, Sport and Culture provide to students towards their university tuition fees and maintenance grants. Therefore we have no plans to enhance the financial support we currently provide.

The Student Award Regulations are flexible enough to allow contributor income to be assessed on a current year basis, allowing parents that have been affected to access more funding from the Department. We would urge all families who find themselves in financial difficulties to contact the student awards section for guidance and support.

The Department also paid the third instalment of the maintenance grants to eligible students even though many of them were back on the Island and are aware that some had been let out of their accommodation contracts early. These payments will, for some, compensate for not being able to work during the summer break.

It would be very difficult to devise a scheme to cover all the scenarios that a student and their families could find themselves in or to devise a way to assess the amounts to provide, as each student’s circumstances would be different.

ENVIRONMENT, FOOD AND AGRICULTURE

1.13. Langness footbridge – Question withdrawn

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Environment, Food and Agriculture:

If he will make a statement on plans to upgrade the Langness footbridge?

[Question withdrawn.]
1.14. Protection of village public houses –
Powers of the Planning Department

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Minister for Environment, Food and Agriculture:

What powers the Planning Department has to protect village public houses through land use restrictions and preventing any covenants being placed on the buildings which limit future use?

The Minister for Environment, Food and Agriculture (Mr Boot): The Isle of Man Strategic Plan includes a planning policy that states:

Community Policy 4:

Development (including the change of use of existing premises) which involves the loss of local shops and local public houses will only be permitted if it can be demonstrated that the use is no longer commercially viable, or cannot be made commercially viable.

The reason as set out in the Strategic Plan for such a policy is:

The loss of facilities such as neighbourhood shops in towns and/or village shops and public houses reduces customer choice and can also necessitate people travelling further to meet their needs. This is a particular problem in rural areas where village shops, post offices and public houses can be central to village life. It would be preferable to retain viable facilities, or those that can be made viable and where a change of use or re-development is proposed developers will be expected to show evidence of attempts to market the property as a business in these areas.

The policy needs to be taken into consideration as part of any planning decision, alongside other material considerations.

It is of course not possible to require a business to operate.

In terms of covenants being placed on buildings to limit future use, the Department has no powers to prevent land owners placing covenants on land or buildings. However covenants are not material planning considerations and their existence or otherwise are not normally taken into account in determining a planning application.

HEALTH AND SOCIAL CARE

1.15. Isle of Man residential and nursing care –
Number of units available for couples

The Hon. Member for Onchan (Ms Edge) to ask the Minister for Health and Social Care:

How many units are available for couples in the Isle of Man for (a) residential care and (b) nursing care?

The Minister for Health and Social Care (Mr Ashford): From the records held by the Registration and Inspection unit the current number of rooms available for couples are as follows:

- Adult Care Homes with Nursing: Four rooms
- Adult Care Homes without Nursing: Seven rooms
1.16. Clinical Director of Mental Health Services – Recent resignation

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social Care:

*If he will make a statement regarding the recent resignation of the Clinical Director of Mental Health Services?*

The Minister for Health and Social Care (Mr Ashford): I can confirm that the Clinical Director of Mental Health Services resigned from his position on 12th June with immediate effect. It would not be appropriate for me to comment on an individual’s employment beyond this.

1.17. COVID-19 in the Isle of Man – Confirmed cases – residence and spread

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

*If he will publish residence of confirmed Island COVID-19 cases broken down by three-digit postcode; and if he will make a statement about the spread of COVID-19 on the basis of the verified anti-body test programme which is underway?*

The Minister for Health and Social Care (Mr Ashford): Confirmed cases by three-digit postcode are as follows:

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<th>Postcode</th>
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<td>IM9</td>
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We are now approaching the completion of 2,500 COVID-19 antibody tests and are on target to analyse 5,000 by the end of July.

The expectation was for a preliminary internal report to be submitted half way through the testing programme and we hope to release that this week.
POLICY AND REFORM

1.18. Hunger suffered by children during the summer holidays – Progress for mitigation

The Hon. Member for Garff (Mrs Caine) to ask the Minister for Policy and Reform:

What progress has been made to mitigate hunger suffered by children during the summer holidays?

The Minister for Policy and Reform (Mr Harmer): As part of the Cold, Hungry and Homeless Action Plan, a working group was established in February 2020 to gather evidence on ‘holiday hunger’ for children of school age. The ‘holiday hunger’ working group is being led by the Cabinet Office and includes officers from the Treasury, the Department of Education, Sport and Culture and the Third Sector.

Prior to the COVID19 outbreak a workshop was held in March and attended by Government Departments and members of the Third Sector where options for gathering data on the issue along with a range of options were explored.

One such option was to gather qualitative and quantitative data from IOM Foodbank. Economic Affairs will now begin working again with IOM Foodbank to establish this data.

The ‘holiday hunger’ working group have now recommenced development of the plan for addressing any issues of holiday hunger and I would extend an invitation to the Honourable Member to meet with the group. The range of options identified at the ‘holiday hunger’ workshop will be considered for possible trial or implementation in 2020. The COVID-19 outbreak has of course delayed this work significantly, however, every effort will be made to work with Departments for a solution for Summer Holidays 2020.

Indeed data, learning and experiences during COVID-19 could be capitalised on. Shopping vouchers were provided on a bi-weekly basis by the Department of Education, Sport and Culture to those parents who would normally be in receipt of free school meals. These vouchers will continue to be issued until the school term finishes in July irrespective of whether the child has returned to school or not, and the Department for Education, Sport and Culture is considering options for the forthcoming summer holiday.

As Chair of Council of Ministers’ Social Policy and Children’s Committee, I am fully committed to working with my ministerial colleagues, to address any issues of holiday hunger on this Island.

POST OFFICE

1.19. Post Office marketing and PR services– Reason for non-tendering of expired contracts

The Hon. Member for Ramsey (Mr Hooper) to ask the Chairman of the Post Office:

Pursuant to her Answer on 16th June, what the reason was for the marketing and PR services contracts not being tendered in 2017 when they expired; and when the Isle of Man Post Office Board made this decision?

The Chairman of the Post Office (Ms Edge): The tender for preferred suppliers could not be progressed as planned due to unforeseen resource constraints within the internal Marketing & Public Relations team; a waiver to delay the procurement was approved on 15th November 2017.
PUBLIC SECTOR PENSIONS AUTHORITY

1.20. Pension statements –
Reason for non-issue

The Hon. Member for Arbory, Castletown and Malew (Mr Moorhouse) to ask the Vice-Chairman of the Public Sector Pensions Authority:

Why the Public Sector Pensions Authority has not issued pension statements to Government employees for over two years?

The Vice-Chairman of the Public Sector Pensions Authority (Mr Harmer): The Public Sector Pensions Authority issues statements to Government Employees who are contributing members of public sector pension schemes, to show an estimate of pension benefits at the end of each scheme year, which is the 31st March.

The statements to 31st March 2018 were issued in February 2019. The statements to 31st March 2019 will be issued shortly.

The Office of Human Resources is responsible for the provision of a majority of employee pay and service data, from its employee payroll system.

The delay in issuing the statements to 31st March 2019 have been primarily caused by the late arrival of data from OHR, due to them having moved over to a new payroll system during the 2018-19 Scheme year. The impact of this change was that pay and service data had to be delivered and checked for each employee across two systems and resulted in both OHR and subsequently PSPA needing to spend longer in the data review, collation and quality assurance process.

The 31st March 2020 payroll data is currently in the process of being provided to the PSPA by OHR in accordance with the expected normal timescales. This means that these statements should be issued this year in around November.

CHIEF MINISTER

1.21.&1.23. Publicly funded bodies –
Ensuring highest standards and ethics

The Hon. Member for Douglas South (Miss Costain) to ask the Chief Minister:

21. What action he has taken to ensure that publicly funded bodies demonstrate the highest standards and ethics?

23. By what means publicly funded bodies are expected to demonstrate the highest standards and ethics?

The Chief Minister (Mr Quayle): I am grateful to the Hon. Member for allowing me to take Questions 21 and 23 together.

‘Publicly funded bodies’ is a broad term which ranges from Government Departments, Offices and Statutory Boards to organisations which are in receipt of public funds but are not part of or directly overseen by Government.

The actions that Government may take to ensure standards and ethics are upheld, and the means by which this would be achieved, will therefore differ depending on the body.
1.22. Replacement of HM Attorney General – Composition of the selection committee

The Hon. Member for Douglas South (Miss Costain) to ask the Chief Minister:

How the Attorney General will advise on the composition of the selection committee responsible for his replacement to ensure that the committee’s composition is consistent with choosing a successor who is independent and not politically motivated?

The Chief Minister (Mr Quayle): The position of Attorney General in the Isle of Man is a Crown appointment made by Her Majesty the Queen on the recommendation of a local selection panel.

The panel comprises the First Deemster, the Judge of Appeal, the President of Tynwald, and the Chief Minister. These panel members represent the interests of the Crown and judiciary, the Isle of Man legislature and our executive Government.

The Chief Secretary assists the panel in an advisory capacity.

HM Attorney General has no influence on the composition of the selection panel and no involvement in the process to recruit his successor.

ENTERPRISE

1.24. Protection of village public houses – Considered initiatives by DfE

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

What initiatives the Department has considered to protect local village public houses in the last four years?

The Minister for Enterprise (Mr Skelly): Whilst in the last four years the Department for Enterprise has not launched any initiatives that directly support Public Houses across the Isle of Man, Visit Isle of Man however, successfully operates the ‘Taste Isle of Man Scheme’, which is a quality assurance scheme open to all types of eateries including pubs that aims to drive quality standards and encourage use of local produce in the industry.

The Department for Enterprise’s two executive agencies, Visit Isle of Man and Business Isle of Man, work closely together to support the hospitality sector – of which public houses are an important part. The Agencies are currently working on delivering the ‘Town and Village Branding Project’ which is a marketing project to help increase footfall in local towns and villages to support their Retail and Hospitality businesses. In addition, the Town and Village Regeneration Scheme which was re-launched in December last year following Tynwald approval is open to public houses looking to improve the external visual appearance of their premises offering matched grant funding for projects.

Although much of the Department’s vires, funding and resource is targeted at international and export sectors, the Department is dedicated to supporting all hospitality and retail businesses where it can across the Island. The Department also has close working relationships with the Local Authorities and supports them with a number of community projects and
initiatives to help them prosper in their own right. We are beginning to see more cross-
collaboration between towns and villages, businesses, and Government following COVID-19
which is fantastic, and we will strive to uphold this going forward. Our focus has now turned to
stimulating demand for these businesses into the ‘new normal’ and further initiatives will be
developed in order to achieve this.

1.25. Relocation to the Isle of Man –
Number of enquiries

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

How many (a) businesses and (b) private citizens have contacted his Department in the last 30
days about relocating to the Isle of Man?

The Minister for Enterprise (Mr Skelly): The Department continues to see a good level of
interest in the Isle of Man as a place to live, work and invest.

Over the past 30 days, across the Department’s central Locate team and the individual
Executive Agencies, there have been 19 enquiries relating to relocating businesses and/or
investment opportunities and 90 individual relocation enquiries.

To clarify, these numbers relate to new enquiries received within the past 30
days and do not
include the numerous contacts that the Department has both with existing on-Island businesses
and well established leads.

Nor does it include contacts made to Estate Agents and other on-Island advisors, from off-
Island contacts, which are understood to have substantially increased over recent weeks.

1.26. COVID-19 –
Assistance with claims not covered by insurance policies

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Enterprise:

What action he is taking to assist (a) leisure and retail companies which are unable to claim
on insurance policies for loss due to the COVID-19 outbreak unless they can prove that a
member of staff has been diagnosed with COVID-19 and (b) holiday makers who have lost the
cost of their holidays through the COVID-19 outbreak but are not able to claim on their
insurance?

The Minister for Enterprise (Mr Skelly): In answer to the first part of the Honourable
Member’s question:

- it is very difficult to comment on this as each business will have different insurance
  policies;
- the Government cannot get involved in individual cases and the Department
  understands that business insurance policies have been an issue across the world, not
  just on the Isle of Man;
- the Department has launched a series of support measures during COVID-19 to
  support businesses to keep their staff and their businesses going.

With regards to the second part of the question, concerning the assistance provided to
holidaymakers who have lost the cost of their holidays as a result of COVID-19:
the Department was aware very early on of the likely impact of the pandemic on this sector whilst being committed to upholding the reputation of the Island as a visitor destination during this difficult time.

the Department provided guidance to both the businesses as well as to visitors; all of which was approved by the Office of Fair Trading. Businesses were advised to try to be flexible by either offering vouchers, or transferring the bookings to next year where possible; or if their terms and conditions meant that the visitor was entitled to a full refund, that this was honoured.

the Department is delighted to hear that a number of tourism businesses have gone above and beyond to help visitors, and have been flexible with their policies and operating models to ensure that a positive image of the Island is maintained. The Department is aware that some businesses were unsure how to navigate their deposit and payments situation and have yet to confirm arrangements with visitors.

with regards to our visitors the Department worked with the Office of Fair Trading to ensure that we were providing the correct consumer advice and this was posted on the visitisleofman.com/trade website and also emailed to visitors when they contacted us directly. If visitors required any further consumer advice they were directed to the Office of Fair Trading.

EDUCATION, SPORT AND CULTURE

1.27. Exams due in secondary schools – DESC policy

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Education, Sport and Culture:

What the situation is in each secondary school in relation to exams that were due to be held in the summer; and what the Department policy is on this?

The Minister for Education, Sport and Culture (Dr Allinson): Schools on the Isle of Man offer a range of different qualifications through a number of national and international exam boards. Policies in relation to processes used by examination boards sit within their own regulations and rules and are therefore independent of any Isle of Man education policies.

The bulk of Level 1/2 qualifications are through Cambridge Assessment’s IGCSEs, with some Welsh Joint Education Committee GCSEs, Pearson BTECs, SQA and other qualifications.

At Level 3, including A Level and BTEC Level 3 qualifications, exam boards used by Isle of Man schools include CIE, WJEC OCR, AQA, Pearson and Pearson BTEC.

Using this range of exam boards enables Isle of Man schools to offer a broad, balanced curriculum that continues to meet the needs of a full range of learners and supports employment in key economic areas such as engineering, hospitality and catering, ICT and computing and construction.

Many of these Level 1, 2 and 3 qualifications include coursework alongside written exams as part of the usual overall assessment process.

In summer 2020, pupils will be awarded calculated grades by exam boards. These will be evidence-based assessments of how pupils would have performed if they had been able to complete external examinations as normal.

Grades will be provided by exam boards based around teacher assessments of how pupils would have performed if they had completed the full assessment process during summer 2020.
Schools, as examination centres, have been required to submit evidence-based teacher assessment grades for pupils to exam boards. A range of evidence has been used by schools to support this process and is likely to have included:

- coursework that would normally be submitted to exam boards as part of usual assessment;
- the full range of evidence that schools collect on an individual’s performance in a subject based on ongoing teacher assessment that is part of the normal teaching/learning process;
- previous performance in externally assessed exams;
- mock exam results; and
- pupil responses to practice exam questions.

The wholesale cancellation of national and international examinations globally is a completely unprecedented situation and this decision was taken by exam boards in order to protect life due to the COVID-19 global pandemic.

The regulated processes that all exam boards have put in place to award calculated grades to pupils for the summer 2020 exam series are to ensure that pupils are still able to take positive next steps following the significant disruption to their learning and lives due to the extraordinary circumstances resulting from the health emergency.

All exam boards have indicated that certificates for summer 2020 will be of the same value as all other years as the process followed will be rigorous, fair and meet exam board regulation requirements.

1.28. Voucher scheme for free school meals – Success and continuation

The Hon. Member for Garff (Mrs Caine) to ask the Minister for Education, Sport and Culture:

_How successful the voucher scheme for children entitled to free school meals was during the period when schools were closed; and whether it will be continued through the summer holidays?_

The Minister for Education, Sport and Culture (Dr Allinson): During the Coronavirus lockdown and closure of schools for all pupils other than vulnerable children and children of key workers, the Department initially provided free school meals through the secondary schools. This created a number of difficulties in relation to collecting meals and resulted in extremely low levels of uptake. To mitigate this, the Department introduced a voucher scheme.

The Free School Meals voucher scheme, commenced on 20th April 2020. Fortnightly vouchers, with a face value of £23 and £29 for primary and secondary school pupils respectively, were issued.

Prior to the TT half term break 6,532 vouchers were issued and 5,929 were redeemed. This represents a 91% take-up. During a ‘normal’ academic year, the take-up of free school meals, provided within our schools is approximately 70%. Pupil absence, Year 11 and 13 not attending during the late summer term and pupils choosing a packed lunch are the probable reasons for this.

The increased uptake of vouchers has supported more children receiving a free meal.

Under the Education Act 2001, the Department does not have the legal vires to continue to provide food outside of term time. However, we are currently considering options.
The Hon. Member for Douglas East (Mrs Barber) to ask the Minister for Enterprise:

_How many payments have been made to date under the Douglas Promenade Support (No. 2) Scheme 2019[SD 2019/0499]; and how many applications have been received?_

**The Minister for Enterprise (Mr Skelly):** To date a total of 10 applications have been submitted by businesses seeking support under the Douglas Promenade Support (No. 2) Scheme 2019. Out of those 10 applications, one has been approved and is receiving payments under that offer and a further one has been approved and contracts are being prepared.

The remaining applications are at various stages of processing. Three applications are having reports prepared and should progress for a decision shortly, four are awaiting further information from the applicant and one application has been declined as it fell outside the designated area under the scheme.

This is, of course, in addition to the £6,000 grant scheme and the £2,000 marketing scheme.

**CHIEF MINISTER**

2.1. COVID-19 – Number and reason of exemptions

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

_How many exemption numbers were issued on each day since Monday, 25th May; and what reason was given in each case?_

**The Chief Minister (Mr Quayle):**

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<tr>
<th>Date</th>
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<th>IOM Compassionate Grounds</th>
<th>Non-IOM Compassionate Grounds</th>
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<td>13</td>
<td>2</td>
<td>18</td>
<td>33</td>
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</table>
The significant number of certificates that were issued on 27th May 2020 was due to a change in process to reflect the increase in the number of passengers that were allowed per week. When this increase took place, certificates were issued to all individuals who had satisfied the requirements in the regulations for them to contact the Department of Infrastructure’s booking team. Prior to this, certificates were only released up to the maximum number of people that could travel in that week.

The significant number of certificates released on 5th June 2020 was also due to a change in process where home quarantine with other members of a person’s family was introduced, and certificates for those who met the regulations, but had not informed the Cabinet Office of where they could undertake their 14-day quarantine period, were able to be distributed.

**Key Worker Exemptions**

The data for Key Worker exemptions relates to the dates when an application was received. The date of certificate issued has not been recorded within the database in respect of key workers.

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### House of Keys, Tuesday, 30th June 2020

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### Patient Transfers

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<tr>
<th>Date</th>
<th>Exemption Numbers Issued</th>
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<tbody>
<tr>
<td>25/05/20</td>
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<td>27/05/20</td>
<td>4</td>
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<td>29/05/20</td>
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<tr>
<td>01/06/20</td>
<td>7</td>
</tr>
<tr>
<td>02/06/20</td>
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<tr>
<td>03/06/20</td>
<td>8</td>
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<tr>
<td>04/06/20</td>
<td>3</td>
</tr>
<tr>
<td>05/06/20</td>
<td>3</td>
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<td>07/06/20</td>
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<td>09/06/20</td>
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<tr>
<td>10/06/20</td>
<td>10</td>
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<tr>
<td>11/06/20</td>
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<tr>
<td>12/06/20</td>
<td>11</td>
</tr>
<tr>
<td>13/06/20</td>
<td>3</td>
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<td>14/06/20</td>
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<td>15/06/20</td>
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</tr>
<tr>
<td>26/06/20</td>
<td>2</td>
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<tr>
<td>28/06/20</td>
<td>1</td>
</tr>
<tr>
<td>02/07/20</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>190</strong></td>
</tr>
</tbody>
</table>
I am grateful for the Hon. Member’s clarification that the number of exemptions from self-isolation was not sought as part of this Question.

2.2. Political accountability for Justice Affairs through a Minister for Justice – Implementation of proposal

The Hon. Member for Douglas South (Miss Costain) to ask the Chief Minister:

What plans he has to implement the proposal that political accountability for Justice Affairs should be through a Minister for Justice?

The Chief Minister (Mr Quayle): I can confirm that the Council of Ministers remains committed to the designation of a Minister with responsibility for Justice. The Council of Ministers plans to allocate the role as part of an existing Minister’s portfolio.


The Hon. Member for Douglas Central (Mr Thomas) to ask the Chief Minister:

If he will publish Manx Gas’s (i) incentive-based regulation proposal for a new voluntary gas regulatory agreement first submitted in March 2020 and improved on 15th June 2020 and (ii) cost, emissions and impact calculations and analysis submitted in response to Isle of Man Government’s Action Plan for Achieving Net Zero Emissions by 2050 Phase 1 [GD No 2019/0101] first submitted in January 2020?

The Chief Minister (Mr Quayle): (i) At this stage, as negotiations are ongoing, I do not think it is appropriate to publish the proposals received from the company.

(ii) A copy of the letter is attached with Appendix 1. The company have asked that Appendix 2 which contained commercially sensitive information is not released.

To put the Manx Gas submission in context the Department of Environment, Food and Agriculture have been asked for comment.

In the letter Manx Gas suggest that gas should be the main transition fuel and could deliver a significant reduction in carbon at a lower cost than electrification of heating.

The use of gas as a transition fuel depends very much on the pace of development of renewable energy, mainly renewable electricity. In the Isle of Man Government Climate Action Plan Phase 1 there is a commitment to:

‘Develop a strategic plan for delivering 75% of the Island’s electricity from renewable sources by 2035.’ Electrification of heating is therefore a sensible step towards renewable home heating in future as electricity generation moves to renewable sources. Electrification is not the only way to reduce emissions, there are other options for modifying oil and gas heating supplies, for example developing the use of biofuels and transitioning to hydrogen which are also possibilities. It is a complex picture and one we acknowledge requires further research as we develop our strategic energy plan. We also acknowledge it will take a long time to fully transition to low-carbon heating and our current energy partners will be asked to participate in the development of such a plan.
Unfortunately, in our opinion several of the assumptions provided by Manx Gas in the estimated savings of CO$_2$ (Table 1) and cost comparison (Table 2) need to be revised and we look forward to discussing these with Manx Gas. Our view is set out below.

**Table 1: estimated savings in CO$_2$**

The use of heat pumps may not be suitable in all homes due to issues with lack of insulation, space for a heating tank and outdoor space for the heat pump. However, properties suitable for installation of a heat pump will benefit from cost effective low-carbon heating. Each unit of electricity consumed by a heat pump will extract approximately three units of heat from the air, therefore having an immediate impact on reducing emissions even when the electricity is generated from natural gas.

The loss of heat from a home due to drafts and poor insulation will be the same in all properties regardless of heating source and whenever possible homes should be better insulated to avoid unnecessary wastage of energy. Therefore, the ‘additional load for retrofit loss’ should be removed from the calculation for heat pumps which would adjust the results to 1,469 kg/CO$_2$/kWh per property and 23,497,536 kg/CO$_2$/kWh in 16,000 homes. The resulting savings in CO$_2$ using heat pumps in this calculation is 22,191 tonnes instead of the 10,088 tonnes quoted in the Manx Gas calculation.

**Table 2: cost comparison of switching oil space heating to electric heat pumps vs. to natural gas**

The cost of switching from oil to gas is not a zero cost to the residents of the Isle of Man as either the tax payer or consumer will have to pay for the new gas infrastructure and replacement of boilers. When the natural gas extension project brought gas to 6,712 homes in the north, south and west of the Island it cost around £20 million, therefore a further 16,000 homes being added to the gas network is likely to have a significant cost for the new additional gas infrastructure. A new gas boiler costing £2,200 will also result in an additional cost of £35 million. It is acknowledged that the cost of a new gas boiler is significantly less than the cost of a new heat pump system at the current time.

The Isle of Man Government Phase 1 Action Plan has a commitment to ban the installation of fossil fuel heating appliances in new homes by 2025 which builds on the Chief Minister’s statement made in May 2019. This will mean that newly-built homes will need to have electric heating or heating powered from renewable sources. However, this ban does not extend to the replacement of heating appliances in existing homes, so for the majority of households, gas heating will continue to be an option whilst the role of gas and the pace of conversion to renewable electricity are determined through the delivery of the actions in the Phase 1 Action Plan. Gas/gas infrastructure may play a role in transition and the Climate Action Plan does not preclude that.
Our Reference: UIAP/JC

Hen Howard Quayle MHK
Chief Minister
Legislative Buildings
Finch Road
Douglas
IM1 3PW

17 January 2020

Dear Mr Quayle,

Thank you for agreeing to meet with Manx Gas and its shareholder Ancala on Monday 20 January. Spence Clunie, David Owens and I are looking forward to a positive discussion.

Ahead of the meeting I thought it would be helpful if I wrote to you to provide some background to the topics we would like to discuss with you.

Manx Gas is the largest provider of space heating on the Isle of Man however, to date, we have not been included in the development of the Climate Action Plan.

Manx Gas wants to work with the Government to deliver its carbon reduction action plan. Gas should be the main transition fuel and only gas can deliver a significant reduction in carbon without having a detrimental impact on the finances of homes, businesses and Government on the Isle of Man. In the high ambition climate action plan it states that £172m has been set aside to electrify oil over the next ten years. Our initial analysis shows that by converting from oil to gas rather than subsidising oil to electricity we can help achieve a higher level of carbon reduction at zero cost to the government over this time period (see the table below and appendix 1 for more detail).

<table>
<thead>
<tr>
<th>Climate Change action plan</th>
<th>Manx Gas proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action</strong></td>
<td><strong>Govt cost</strong></td>
</tr>
<tr>
<td>Domestic heat pumps</td>
<td>£112</td>
</tr>
<tr>
<td>Gas central heating tariff (10 years at £60/kW)</td>
<td>£65</td>
</tr>
<tr>
<td>Commercial space heating - no action (Govt)</td>
<td>£63</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>£172</td>
</tr>
</tbody>
</table>

*: assumes 16,000 of customers using 10,000 kWh per annum

The first action plan in its current form will have a very detrimental impact on Manx Gas. The main actions included in the plan, subsidisation of oil to electricity and the subsidisation of a cheap electricity tariff will push customers towards electricity. Over the next five years over 10,000 of our customers are due for a boiler renewal; through the subsidy plan, if say 20% of these customers were to take a subsidised heat pump and lower electricity tariff then this would reduce Manx Gas profits by close to £1m (22%) (see appendix 1). Furthermore, the action plan is looking to remove all gas heating by 2035, meaning Manx Gas in its current form has a lifespan of only 15 years. Changes such as these to our operating environment would be catastrophic for the company.

Manx Gas’ owner Ancala has always stated its willingness to invest further capital into the Isle of Man, setting aside up to £10m for the natural gas extension programme and, should the investment environment on the
Island be attractive. Ancala has additional capital to deploy in the isle of Man’s decarbonisation programme. Furthermore, Ancala is the owner of the largest biogas company in the UK (biogen, www.biogen.co.uk) and can utilise its expertise to develop the biogas sector on the Island. We would be willing to ship biogas to the island to mix with natural gas to reduce carbon emissions further.

We fully appreciate that decarbonising our economy to address climate change is very important, it is also complex with many challenges as well as opportunities, especially if done rapidly. Manx Gas and Ancala would welcome the opportunity to work with the Government to achieve its decarbonisation objectives in the most cost effective way.

We look forward to meeting with you on Monday to discuss the long term future of gas on the Isle of Man.

Yours sincerely

Ian A Penderleith
Group Managing Director

Appendix 1

The Council of Ministers current Action Plan considers three actions to reduce the impact of carbon in building emissions, these are:

1) Electrify oil based domestic systems – direct and full grant for an air source heat pump at a cost of £112m (source Professor Curran’s report)
2) Establish a new, low electric heating tariff to encourage electrification of heating – Manx Gas estimates a minimum of £90m over 10 years.
3) Strengthen the electricity grid to deal with the increased load at a cost of £65m (source Professor Curran’s report)

On points 1) and 2), our analysis indicates that a switch in the near-term from oil to natural gas would deliver quicker and greater reductions in CO2 at no cost to government (a saving of £172m) and only a marginal increase in cost to oil customers.

Table 1: estimated savings in CO2

<table>
<thead>
<tr>
<th>Consumption (KWH)</th>
<th>Oil</th>
<th>Heat pump</th>
<th>Gas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Old</td>
<td>10,000</td>
<td>12,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Full house factor (UKRA report)</td>
<td>10,000</td>
<td>12,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Network losses (Manx Gas estimate at 5%)</td>
<td>0</td>
<td>10,000</td>
<td>0.06</td>
</tr>
<tr>
<td>Efficiency of technology</td>
<td>0.9</td>
<td>11,123</td>
<td>0.95</td>
</tr>
<tr>
<td>Additional load for renewables (e.g. roofs, walls, doors, windows)</td>
<td>0.4</td>
<td>11,123</td>
<td>0.95</td>
</tr>
<tr>
<td>Solar thermal (based upon discussions with the Energy Saving Trust)</td>
<td>0</td>
<td>11,123</td>
<td>0.95</td>
</tr>
<tr>
<td>Total heat required to provide 10,000 KWH of heat load</td>
<td>11,123</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td>CO2 emissions (gas for heat pumps = greenhouse gas)</td>
<td>0.257</td>
<td>0.206</td>
<td>0.206</td>
</tr>
<tr>
<td>kgCO2/KWH per property</td>
<td>2,856</td>
<td>1,227</td>
<td>2,720</td>
</tr>
<tr>
<td>Number of homes in the area</td>
<td>40,000</td>
<td>30,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Avg CO2/KWH for all homes</td>
<td>45,000,000</td>
<td>15,000,000</td>
<td>15,000,000</td>
</tr>
<tr>
<td>Saving in CO2, tonnes</td>
<td>-10,000</td>
<td>-10,000</td>
<td>-10,000</td>
</tr>
</tbody>
</table>

Table 2: cost comparison of switching oil space heating to electric heat pumps vs to natural gas

<table>
<thead>
<tr>
<th>Climate Change action plan</th>
<th>Manx Gas proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action</td>
<td>Cost (KWH)</td>
</tr>
<tr>
<td>Domestic heat pumps</td>
<td>112</td>
</tr>
<tr>
<td>Low carbon heating (20 years at existing)</td>
<td>600</td>
</tr>
<tr>
<td>Commercial space heating – no action from Govt.</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>772</td>
</tr>
</tbody>
</table>

* Assumes 10,000 customers using 10,000 KWH per annum

The 2 tables summarise our analysis. Note within these calculations we have assumed that the efficiency saving will need to be offset with additional heating load to allow for the fact that basic retrofit heat pump solutions do not deliver the heating and hot water requirements of the home, and thus increase the amount of energy required. In this case we have included a conservative estimate of a 33% increase in energy requirements, i.e. giving a heat pump efficiency factor of 100%.

Highlights from the above:

- Changing the initial Action Plan from ‘oil to electric’ to ‘oil to gas’ (and potentially electric later once renewables are fully enabled) will save the Government up to £172m in public expenditure and will deliver higher CO2 savings for Government in terms of tonnes of CO2 in the domestic sector over the medium term.
2.4. Manx Gas –
Estimated percentage reduction on gas tariff

The Hon. Member for Douglas Central (Mr Thomas) to ask the Chief Minister:

What the estimated percentage reduction on the gas tariff in the Isle of Man would be of: (i) adjusting it in line with the lower wholesale market price of natural gas since the most recent Island gas price change in 2017; (ii) reducing the annual return on capital employed of Manx Gas by each 1%; (iii) making changes to the Modified Asset Value for regulated public gas supply in line with UK regulatory best practice and with the other proposals and conclusions of the Gas Regulatory Review Committee’s report published in February 2019; (iv) reversing the political decision to have an all-Island tariff for natural gas and LPG customers so that the tariff of each reflects real costs in the future; (v) reduction of the interest due in the payment that Manx Gas makes in respect of the natural gas extension programme to the standard Consolidated Loans Fund interest rate; (vi) reflection of the real costs in the annual payment Manx Gas makes for use of the MUA’s gas network and other costs via the PGS charge; and (vii) any other proposals to reduce the gas tariff which are being discussed?

The Chief Minister (Mr Quayle): The Answer has been prepared based on taking the amounts calculated as a percentage of a turnover figure of £24.9 million. It should be noted that these are theoretical percentage figures as actual tariff reductions will depend upon a number of factors. Tariffs are set on a forward-looking basis and therefore these reductions cannot necessarily be correlated directly to tariff reductions going forward.

(1) It is not possible for us to calculate the tariff reduction as prices fluctuate day by day and taking an annual average does not reflect the actual usage of gas. The company also undertake hedging to assist with planning and therefore do not always buy on the spot market. Information which helps show the trend of the company’s expenditure on gas is available from the MUA accounts and is reproduced below.

The MUA financial year-end is 31st March whilst Manx Gas has a year-end of 31st December.
An example calculation based on a modified asset value of £48.4 million is outlined below.

<table>
<thead>
<tr>
<th>ROCE</th>
<th>9.99%</th>
<th>8.99%</th>
<th>7.99%</th>
<th>6.99%</th>
<th>5.99%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Return</td>
<td>£4.84m</td>
<td>£4.35m</td>
<td>£3.87m</td>
<td>£3.38m</td>
<td>£2.90m</td>
</tr>
</tbody>
</table>

A reduction of 1% on ROCE, would give an overall reduction in the return the company could generate of £484,000. If an assumption is made that the company has a turnover of £24.9 million, then the £484,000 is 1.94% of the turnover.

If the fixed asset value per accounts was used as the fixed asset value, intercompany balances removed and loan creditor added back then using the 2019 accounts as an example the modified asset value would have been lower by approximately £4.7 million. 9.99% of this, the allowed return in the current agreement, is £469,530.

It has been estimated by the company that the cost of the subsidy is around £900,000 and this could reduce tariffs for households and small businesses which use natural gas by up to 6%. It is important to note that this would result in an increase of c45% for LPG Domestic Customers.

The MUA have a loan from Treasury via the Consolidated Loan Fund this was used to pay for pipeline assets and pay for the household conversion costs. The agreement between the MUA and Manx Gas was that these costs plus a premium would be recovered from Manx Gas through an annual charge. The rate used to calculate the premium was 6%. It is estimated based on the information available that the reduction of the rate used, to the current Treasury Consolidated Loan Fund Rate of 2%, could result in an annual saving of over £700,000. This assumes that the payments are calculated based on recovery of the capital plus a premium and that this premium is 2% over the whole transaction with the payments made going forward being reduced to take account of the overall reduction. If changes in the premium were made from 2021 onwards then the saving would be less.

This information below has been supplied by the MUA. The PGS (Public Gas Supply) charge is paid by Manx Gas to transport gas from the subsea IC2/Isle of Man spur tee to the offtake points around the Isle of Man that connect to the Manx Gas distribution network. The annual expenditure costs for this include the lease cost paid by Manx Utilities for use of the subsea spur pipeline from the subsea IC2 tee to Glen Mooar and operational costs of Manx Utilities’ gas division. The subsea pipeline requires inspection and maintenance activities to be undertaken and these cost of these subsea activities are expensive (usually >£1 million) but are not required annually. A five-year average of these costs has been taken to remove the year-on-year volatility.

Annual depreciation and estimated interest (using the CLF rate) is included in the cost summary below for the pipeline and pressure reduction stations. The costs for 2019-20 are reproduced as follows.
(7) As negotiations are undertaken many items are discussed, the list above appears to cover the majority of items.

CABINET OFFICE

2.5. Equality Act 2017 – Impact of proposed changes in Road Traffic Legislation (Amendment) Bill 2020

The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister of the Cabinet Office:

What the consequences and impact of proposed changes to the Equality Act 2017 in the Road Traffic Legislation (Amendment) Bill 2020 that was introduced into the House of Keys on 10th March 2020 would be; and how the Equality Adviser and the Equality Champion have been involved in considering the consequences and impact of these proposed changes?

The Minister for Policy and Reform (Mr Harmer):

Both the Equality Act 2017 and the Road Transport, Licensing and Registration (Amendment) Act 2018 contain provisions to be inserted in Section 37 of the Road Transport Act. Both of these insertions relate to the obligation to transport disabled people with or without a wheelchair or assistance dog.

The Equality Act’s provisions could only apply to the operators and drivers of private-hire vehicles whereas the provisions contained within the Road Transport, Licencing and Registration (Amendment) Act could apply to the drivers and operators of public passenger vehicles.

Neither of the relevant provisions has been brought in by appointed day order. As this change does not reflect any change in policy direction there has been no involvement from either the Equality Advisor or the Equality Champion, however, both were cognisant of the current limitations of this provision in the Equality Act 2017.

2.6. COVID-19 – Travel history data for confirmed Island cases

The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister of the Cabinet Office:

If he will make a statement on the travel history data for confirmed COVID-19 Island cases broken down by (i) short breaks; (ii) cruise holiday returners; (iii) longer holidays not on cruise vessels; (iv) returning students before 27th March 2020; (v) returning residents after 27th March 2020; (vi) key workers broken down between the various exemption categories; and (vii) other significant groupings?

The Minister for Policy and Reform (Mr Harmer): The following data sets out Travel History of Positive COVID-19 Cases.
### Positive Covid-19 Cases: Travel History – those incoming to the IOM before 27/03/20

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Breaks (&lt;7 days)</td>
<td>27</td>
</tr>
<tr>
<td>Cruise Holiday Returners</td>
<td>0</td>
</tr>
<tr>
<td>Longer Holidays (not on cruise)/Travelling</td>
<td>30</td>
</tr>
<tr>
<td>Returning Students</td>
<td>2</td>
</tr>
<tr>
<td>Travel for Work/Business</td>
<td>2</td>
</tr>
<tr>
<td>Hospital Appointment/Patient Transfer</td>
<td>2</td>
</tr>
</tbody>
</table>

### Positive Covid-19 Cases: Travel History – those incoming to the IOM after 27/03/20

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Breaks (&lt;7 days)</td>
<td>0</td>
</tr>
<tr>
<td>Cruise Holiday Returners</td>
<td>0</td>
</tr>
<tr>
<td>Longer Holidays (not on cruise)/Travelling</td>
<td>0</td>
</tr>
<tr>
<td>Returning Students</td>
<td>0</td>
</tr>
<tr>
<td>Travel for Work/Business</td>
<td>0</td>
</tr>
<tr>
<td>Hospital Appointment/Patient Transfer</td>
<td>0</td>
</tr>
<tr>
<td>Healthcare Worker - Exemption</td>
<td>1</td>
</tr>
</tbody>
</table>

The tables above include the known travel history for all positive covid-19 cases. However, due to symptom timelines, or other members of the household already being positive, only 48 cases are recorded as having Covid-19 with travel as the nature of transmission. As such the breakdown of the travel history for just those 48 cases are set out below.
TREASURY

2.7. COVID-19 closed borders –
Revenue loss and Isle of Man Depositors’ Compensation Scheme

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for the Treasury:

How much revenue the Island is losing (a) per week and (b) per month by keeping borders closed; whether there has been a review of the Island’s Depositors’ Compensation Scheme to ensure that it remains fit for purpose to take into account changes in regulation and fewer banking licences having been issued in the Island; and whether the Scheme will perform as expected in the event of institutional failure?

The Minister for the Treasury (Mr Cannan): The decision taken to close the border was one based on containing and reducing the spread of COVID-19 in order to protect, first and foremost, the population of the Isle of Man from the virus, and not one based on economic factors.

The Treasury is unable to accurately estimate the impact on the revenue of the Isle of Man as a direct result solely of the closure of the borders. There are many factors influencing the economic situation of the Island at this time and it is not considered feasible to assess the individual impact of one change given the complex nature of a modern economy.

(b) The Treasury conducted a full public consultation on the Revised Policy Proposals for the Depositors’ Compensation Scheme (‘DCS’) in 2017 and published a response at that time. Since then, a great deal of work has been undertaken by Treasury in conjunction with the Financial Services Authority to introduce a comprehensive Bank Recovery and Resolution (‘BRR’) framework. This new framework, which is in line with international standards, provides a wide range of options to deal with a failing bank other than liquidation, which in turn lessens the probability of a call on the DCS. In addition, the pay-out priority for both the DCS and for depositors in general in the event of a bank failure will also be improved when the new BRR framework is introduced later this year.

Following the initial feedback on the revised policy proposals for the DCS, the Isle of Man DCS has become an active member of the European Forum of Deposit Insurers, which has helped to inform best practice in terms of future changes to the DCS. In this regard, we are currently interacting closely with peer DCS agencies in the other Crown Dependencies, recognising that many of our banks have representation in all three locations. Discussions with regard to planned changes to the DCS to facilitate, for example, faster pay-out times are also already underway with the Isle of Man Bankers Association.

Once the new Bank (Recovery and Resolution) Act 2020 is in effect, it is planned to commence the process of considering necessary amendments to the Depositors’ Compensation Scheme Regulations 2010 (as made under the Financial Services Act 2008) to ensure that the DCS remains effective, sustainable and proportionate to the needs of all stakeholders, reflecting relevant international standards. Again, the finalised proposals will be consulted upon prior to implementation.

2.8. Orders for Default Judgment with Execution –
Powers and responsibilities of Coroners

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for the Treasury:

What plans there are to change the powers and responsibilities of Coroners in enforcing Orders for Default Judgment with Execution, whether by arrest and sale of the property of the
party subject to the order or by other lawful means for payment of the debt; what the powers
and responsibilities are of Coroners to use discretion in enforcing Orders for Default Judgment
with Execution or by other lawful means for payment; and if he will make a statement?

The Minister for the Treasury (Mr Cannan): In relation to the first part of the Question, Phase II of the Civil Debt Recovery Project, which is currently being led by Treasury, will include a review of the current coroner structure. This review will seek to improve current enforcement provisions where considered appropriate. Policy options will be outlined and subject to a full public consultation. As has been previously advised, Treasury hopes to finalise, consult and introduce a Bill in respect of Phase I of the project shortly, and it is envisioned that focus can turn to Phase II promptly thereafter.

In answer to the second part of the question, the principal responsibility of the Coroners is to enforce Court Executions and Orders. Powers to exercise these responsibilities through the arrest and sale of personal and real property are predominately provided under the Administration of Justice Act 1981 (AJA), supplemented by rules contained in Part 12 of the Rules of the High Court of Justice 2009 (RHCJ) https://www.courts.im/rules-court/high-court-civil and Enforcement Rules 1982 (as repealed), with such rules being made under the vires of AJA. Within this framework, the Coroners also have powers to apply for instalment orders/attachment of earnings and for the service of other court documents, for example the provisions of Part 2 RHCJ relating to personal service/certificates of service. Further rules are also made under the Coroners Act 1983 which relate to the jurisdiction of the Coroners in the different parishes/shedings and which also provide for the application of relevant fees for all duties carried out, as set by the Treasury through Order.

Details regarding the current Coroners can be found at https://www.courts.im/court-information/coroners/.

Ahead of Phase II of the civil debt recovery project being moved further forward, I believe that it would be premature to make a further statement on matters raised in the Hon. Member’s Question at this time.

2.9. UK-registered suppliers – Treasury spending and invoicing

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

How much budget was spent and invoiced with UK-registered companies, contractors, sub-contractors, sole traders, individuals broken down by (a) value and (b) category of supplier, in each financial year since April 2016?

The Minister for the Treasury (Mr Cannan): Central Government’s accounting system includes a field for territory for each supplier, so the figures in Table 1 as follows are comprised of all supplier payments made to the territory ‘United Kingdom’.

There is no indication on the system as to whether the organisation is a company or not and the figures therefore include payments to individuals, partnerships, charities, institutes, and government bodies (such as the Ministry of Justice, NHS Trusts, Universities, etc.).

Government Departments have been restructured several times over the past few years so year-on-year comparisons may not be on a like-for-like basis. In addition, the supplier territory may change year on year and therefore is only accurate at the point the data is extracted.

The figures in Table 1 are for Central Government only and do not include non-revenue funded Statutory Boards such as the Isle of Man Post Office or the Manx Utilities Authority.
Policy and Reform

2.10. 2021 census – Progress

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

What progress he has made with the 2021 census?

The Minister for Policy and Reform (Mr Harmer): Prior to the COVID-19 pandemic, initial planning had begun for the 2021 census, with a focus of the census being ‘online by default’, with supporting options for those unable to complete a form online.

However, due to resources being redeployed in response to the pandemic, and the budgetary pressure that is expected to be experienced by Government departments, consideration is currently being given as part of the Budget update that Hon. Members will receive in July, that the 2021 census be delayed by 12 months until 2022.

Due to the planning only having been at a very early stage when it was interrupted, delaying the census by 12 months will allow for the appropriate planning and development time to be dedicated to such an important project. It will also help to ease budgetary pressures for the 2020-21 financial year. It may also lessen the risk of capturing a population in a transition period (either through people leaving or coming to the Island due to the effects of COVID-19).

The 1929 Census Act only limits censuses from being carried out more frequently than every five years and does not require a census to be carried out within a certain time period of the previous one.

In light of this, discussions regarding smaller-scale surveys or studies, that could be run before the postponed census is undertaken, are ongoing. One such study under current

**Table 1**

<table>
<thead>
<tr>
<th>Department</th>
<th>2016-17</th>
<th>2017-18</th>
<th>2018-19</th>
<th>2019-20</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cabinet Office</strong></td>
<td>7,794,362</td>
<td>10,254,423</td>
<td>9,843,488</td>
<td>9,688,580</td>
</tr>
<tr>
<td><strong>Enterprise</strong></td>
<td>8,845,433</td>
<td>7,222,356</td>
<td>6,386,515</td>
<td>7,080,487</td>
</tr>
<tr>
<td><strong>Education, Sport &amp; Culture</strong></td>
<td>13,055,038</td>
<td>12,467,352</td>
<td>15,906,656</td>
<td>12,986,331</td>
</tr>
<tr>
<td><strong>Environment, Food &amp; Agriculture</strong></td>
<td>1,407,555</td>
<td>1,403,537</td>
<td>1,213,393</td>
<td>1,450,408</td>
</tr>
<tr>
<td><strong>Health &amp; Social Care</strong></td>
<td>67,843,968</td>
<td>65,877,814</td>
<td>69,192,224</td>
<td>71,003,447</td>
</tr>
<tr>
<td><strong>Home Affairs</strong></td>
<td>3,052,811</td>
<td>2,910,293</td>
<td>2,748,453</td>
<td>3,468,265</td>
</tr>
<tr>
<td><strong>Infrastructure</strong></td>
<td>20,754,329</td>
<td>20,943,474</td>
<td>24,674,495</td>
<td>28,574,847</td>
</tr>
<tr>
<td><strong>Treasury</strong></td>
<td>4,577,286</td>
<td>3,592,954</td>
<td>5,371,365</td>
<td>3,601,477</td>
</tr>
<tr>
<td><strong>Government Departments</strong></td>
<td>127,330,781</td>
<td>124,672,202</td>
<td>135,336,590</td>
<td>137,853,841</td>
</tr>
<tr>
<td><strong>Statutory Boards</strong></td>
<td>1,041,937</td>
<td>934,999</td>
<td>671,086</td>
<td>539,161</td>
</tr>
<tr>
<td><strong>Manx National Heritage</strong></td>
<td>363,497</td>
<td>456,032</td>
<td>586,380</td>
<td>436,340</td>
</tr>
<tr>
<td><strong>Executive Government</strong></td>
<td>4,014,640</td>
<td>5,497,663</td>
<td>3,909,425</td>
<td>3,370,687</td>
</tr>
<tr>
<td><strong>Clerk of Tynwald’s Office</strong></td>
<td>81,287</td>
<td>70,188</td>
<td>58,589</td>
<td>74,018</td>
</tr>
<tr>
<td><strong>No Department Structure</strong></td>
<td>123,733</td>
<td>34,973</td>
<td>98,671</td>
<td>3,408</td>
</tr>
<tr>
<td><strong>Total Central Government</strong></td>
<td>132,955,876</td>
<td>131,666,056</td>
<td>140,660,741</td>
<td>142,277,455</td>
</tr>
</tbody>
</table>

**No Department Structure relates to payments held in the supplier ledger that have not been allocated against a specific Department.**
investigation is a ‘micro-census’, which is a methodology used by a number of European countries to gather reliable demographic data between their 10-year censuses.

ENTERPRISE

2.11. Douglas Promenade Support (No. 2) Scheme 2019 – Number of applications and payments

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Enterprise:

_How many (a) applications have been received and (b) payments have been made under the Douglas Promenade Support (No. 2) Scheme 2019; and in what way?_

**The Minister for Enterprise (Mr Skelly):** A total of 10 applications have been submitted under the Douglas Promenade Support (No 2) Scheme 2019 and are at various stages as follows:

<table>
<thead>
<tr>
<th>Application Status</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications received</td>
<td>10</td>
</tr>
<tr>
<td>Applications approved and paid</td>
<td>1</td>
</tr>
<tr>
<td>Applications approved and contracts being prepared</td>
<td>1</td>
</tr>
<tr>
<td>Applications being processed</td>
<td>3</td>
</tr>
<tr>
<td>Applications awaiting information from applicant</td>
<td>4</td>
</tr>
<tr>
<td>Ineligible applications</td>
<td>1</td>
</tr>
</tbody>
</table>

The approved application has had the full £50,000 approved but this will be paid in tranches. The first £35,000 was paid to the applicant in March, with two further payments of £7,500 being available.

The payment has been used to clear debt to Government and to assist with current liabilities and to ease cash flow.

2.12. Product and advertising design work – Budget and contracts

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

_How the budget is for product and advertising design work; who has contracts for this; when each contract was last tendered; and when each contract is due to be re-tendered?_

**The Minister for Enterprise (Mr Skelly):** The Department is structured into the four executive agencies to support the Island’s business sectors, Locate to support relocation, motorsport for our major events and our Registries for their commercial activities.

Each of these have marketing budgets and in addition they are able to access the Marketing Initiatives Fund for individual cases as they have their own responsibilities for promoting the Island, its business sectors, its way of life and the events that take place to a wide audience around the world.

The Department does not allocate line item budgets to this level of detail as marketing generally will often include some level of product and design for each specific project.

The majority of design work is undertaken in-house or with external designers. The Department for Enterprise’s Marketing & Business Intelligence team has a marketing framework
in place with the Attorney General’s Procurement Division as a ‘Select List’ and any design work required by the Department is allocated to service providers listed on this framework.

This is an ‘Open’ List and service providers, such as freelance designers or design agencies, can apply at any time to be included on the framework.

There are no specific product and advertising contracts and if the Department needs to access such expertise it will go through a procurement route, often involving the Framework Agreement that is in place.

2.13. Work permits –
Number in circulation before introduction of Emergency Powers Regulations

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

_How many work permits were in circulation, broken down by category of employment and period of time outstanding on the permit, before the Emergency Powers Regulations were introduced on 16th March?_

_The Minister for Enterprise (Mr Skelly):_ The table below shows the breakdown of all active work permits as at the 16th March 2020, together with the year in which the work permits are due to expire.

<table>
<thead>
<tr>
<th>Business Category</th>
<th>Permits concluding during the year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2020</td>
</tr>
<tr>
<td>(001) Agriculture, Forestry &amp; Fishing</td>
<td>6</td>
</tr>
<tr>
<td>(005) Manufacturing Food &amp; Drink</td>
<td>6</td>
</tr>
<tr>
<td>(010) Manufacturing Engineering</td>
<td>51</td>
</tr>
<tr>
<td>(021) Manufacturing Other</td>
<td>20</td>
</tr>
<tr>
<td>(022) Mining &amp; Quarrying</td>
<td>2</td>
</tr>
<tr>
<td>(025) Construction</td>
<td>153</td>
</tr>
<tr>
<td>(031) Electricity</td>
<td>3</td>
</tr>
<tr>
<td>(032) Gas &amp; Other Energy</td>
<td>6</td>
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<tr>
<td>(033) Water</td>
<td>7</td>
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<tr>
<td>(035) Transport &amp; Communications</td>
<td>13</td>
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<tr>
<td>(040) Ship Management</td>
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</tr>
<tr>
<td>(045) Wholesale Distribution</td>
<td>14</td>
</tr>
<tr>
<td>(050) Retail Distribution</td>
<td>58</td>
</tr>
<tr>
<td>(055) Insurance</td>
<td>15</td>
</tr>
<tr>
<td>(060) Banking</td>
<td>17</td>
</tr>
<tr>
<td>(065) Other Financial Institutions</td>
<td>12</td>
</tr>
<tr>
<td>(070) Property Owning / Management</td>
<td>9</td>
</tr>
<tr>
<td>(075) Other Business Services</td>
<td>42</td>
</tr>
<tr>
<td>(076) Information Technology</td>
<td>20</td>
</tr>
<tr>
<td>(081) Legal Services</td>
<td>6</td>
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<tr>
<td>(082) Accountancy Services</td>
<td>5</td>
</tr>
<tr>
<td>(083) Education / Teaching</td>
<td>20</td>
</tr>
<tr>
<td>(084) Medical &amp; Health Services</td>
<td>51</td>
</tr>
</tbody>
</table>
(085) Tourist Accommodation 39 19 13 55 50 8
(086) Other Professional Services 51 25 16 23 31 17
(087) Residential / Nursing Homes 8 17 14 17 18 14
(091) Other Catering & Entertainment 92 57 65 113 136 56
(092) Film Productions 0 0 0 0 0 0
(093) E-Gaming 9 11 3 8 3 5
(095) Miscellaneous Services 48 39 40 79 109 46
(100) Public Administration 14 22 14 52 70 42
(600) Not Identified 141 88 1 0 0 3

1 Automatic work permits issued to spouses, civil partners and cohabiting partners are transferrable across employments and therefore are not attributed to a particular employment type at the time of issue.

EDUCATION, SPORT AND CULTURE

2.14. COVID-19 shielding and related concerns – Teachers and education support staff not returning to school

The Hon. Member for Ramsey (Mr Hooper) to ask the Minister for Education, Sport and Culture:

How many (a) teachers and (b) education support staff are not returning to school owing to shielding or other related concerns; what work (if any) they are required to do whilst not undertaking their usual on-site functions; and how the Department is monitoring this?

The Minister for Education, Sport and Culture (Dr Allinson):

(a) 9 plus 1 P/T
(b) 3

It is the responsibility of head teachers to set and monitor the work of teachers and support staff. This has been detailed to the Department by the individual head teacher and regular contact and support will be provided if required.

HEALTH AND SOCIAL CARE

2.15. Mental health – Changes in waiting times

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social Care:

What is causing changes in waiting times in mental health in the last 12 months?

The Minister for Health and Social Care (Mr Ashford): The Mental Health Service has experienced an increase in waiting times over the previous 12 months, this being largely attributable to the restrictions associated with the COVID-19 pandemic. Whilst the overwhelming majority of Mental Health Services remained operationally active during this
period, it has been necessary, particularly for those routine cases, to modify the mode of
delivery from face-to-face contact to telephone or video conference calls. Whilst such an
approach has been embraced by the majority of patients, there is a significant cohort that have
expressed a desire to temporarily postpone treatment until such time that the face-to-face
contact is viable. It is also the case that some conditions were assessed as not suitable for a
telemedicine approach. In all cases patients are explicitly advised to proactively seek advice and
support from services should they experience a deterioration in their condition. The necessary
border controls have also presented significant challenges both in the retention of locum staff
and the recruitment of locum and substantive staff.

2.16. Isle of Man residents –
Number of lives lost to seasonal flu

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social
Care:

How many Island residents lost their lives to seasonal flu in each of the past six years?

The Minister for Health and Social Care (Mr Ashford): Due to the complexity of determining
cause of death as ‘seasonal influenza’ and subsequent small numbers that do get attributed to
flu, we group these together with pneumonia; plus also give overall mortality information for
Respiratory Disease (which includes flu and pneumonia).

Please see the following tables.

All respiratory deaths = all deaths with a ICD-10 J code for underlying cause.
Deaths for 2020 include all deaths with a respiratory disease/illness anywhere on the death registration.
Influenza and Pneumonia Mortality Trends: 2015 - 2020

Respiratory Deaths - 5 Year Trends

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
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<td>13</td>
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<td>March</td>
<td>14</td>
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<td>11</td>
<td>11</td>
<td>16</td>
<td></td>
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<td>May</td>
<td>5</td>
<td>7</td>
<td>9</td>
<td>14</td>
<td></td>
</tr>
</tbody>
</table>

Flu and Pneumonia Deaths - 5 Year Trends

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
<tr>
<td>May</td>
<td>3</td>
<td>1</td>
<td>6</td>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>
Age Standardised Mortality Rates - Respiratory Disease Deaths

<table>
<thead>
<tr>
<th>Month</th>
<th>Rate per 100,000</th>
<th>Lower limit</th>
<th>Upper limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan-16</td>
<td>7.94</td>
<td>5.17</td>
<td>10.11</td>
</tr>
<tr>
<td>Jan-17</td>
<td>5.43</td>
<td>2.80</td>
<td>10.45</td>
</tr>
<tr>
<td>Jan-18</td>
<td>9.17</td>
<td>5.24</td>
<td>17.90</td>
</tr>
<tr>
<td>Jan-19</td>
<td>13.66</td>
<td>4.03</td>
<td>23.76</td>
</tr>
<tr>
<td>Jan-20</td>
<td>93.37</td>
<td>36.40</td>
<td>154.41</td>
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<table>
<thead>
<tr>
<th>Month</th>
<th>Rate per 100,000</th>
<th>Lower limit</th>
<th>Upper limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan - Mar 16</td>
<td>39.82</td>
<td>28.61</td>
<td>53.81</td>
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<tr>
<td>Jan - Mar 17</td>
<td>32.13</td>
<td>21.07</td>
<td>45.77</td>
</tr>
<tr>
<td>Jan - Mar 18</td>
<td>60.48</td>
<td>44.35</td>
<td>76.75</td>
</tr>
<tr>
<td>Jan - Mar 19</td>
<td>74.06</td>
<td>22.41</td>
<td>97.46</td>
</tr>
<tr>
<td>Jan - Mar 20</td>
<td>74.30</td>
<td>56.18</td>
<td>92.44</td>
</tr>
</tbody>
</table>

Age standardised mortality rate: Respiratory Disease Deaths

IDM yearly comparison (Jan - Mar)
2.17. Isle of Man residents –
Number of lives lost to various causes

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social Care:

How many Island residents lost their lives in each of the past five years (including 2020 to date) broken down by causes linked to: (a) alcohol misuse; (b) illegal drug consumption; (c) tobacco use; (d) cardiovascular disease; (e) cancer; (f) sepsis and other blood infection; (g) diabetes; (h) medical negligence; (i) the TT festival, whether as competitor or visitor; (j) participation in the Classic TT, whether as competitor or visitor; (k) suicide; (l) road traffic accident; (m) medical negligence; (n) breach of duty of care by: (i) institutional carer; and (ii) medical practitioner and health professional; (o) old age; (p) other substance misuse; (q) other disease or illness; and (r) other physical injury or accident?

The Minister for Health and Social Care (Mr Ashford):

The following link is to a spreadsheet providing numbers of deaths by all causal categories included in the ICD-10 coding of disease annually for the period 2006 to 2018:

https://www.tynwald.org.im/business/hansard/20002020/k200630WQ17.xlsx

This data is from the Office of National Statistics coding of Isle of Man deaths which creates a searchable database from the free text included on death certificates. 2018 is the last year for which full data is available.

It is not possible to provide an answer to the question on the number of deaths due to alcohol misuse since alcohol misuse may contribute to death by a wide variety of causes (e.g. liver disease, various cancers, accidents etc.). The role of alcohol in any given death may be difficult to assess and is rarely recorded on the death certificate. Similarly, tobacco use is not recorded on death certificates and may contribute to deaths from various cancers, heart and circulatory disease. Similar issues pertain around deaths related to drug use – which may be due to illegal drugs or to legal drugs being misused.

If the Hon. Member is interested in the relationship between mortality and lifestyle on the Isle of Man, she may find the 2017 report of the Director of Public Health of interest, along with the Public Health Outcome Framework indicators which are regularly updated. These documents are publicly available at: https://www.gov.im/about-the-government/departments/health-and-social-care/public-health-old-hidden/director-of-public-health-annual-report/, although I am sure she is already familiar with these from her time as Minister for Health and Social Care.

In the time available we are not in a position to be able to prepare a response to the question around clinical negligence across all areas of the Department easily – but would be able to look to provide a response in a month’s time.

2.18. Medical data –
Monitoring and analysis

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social Care:

What monitoring and analysis of medical data is being used with a view to reducing death and improving health outcomes?

Work is underway through transformation and in addition through our clinical governance systems to develop systems and processes to improve health outcomes. We have a mortality review process in place within Noble’s Hospital where deaths are reviewed to see if there is any learning that can be identified.

Please also note that some of the indicators are shared with the Public Health Outcomes Framework (PHOF).

2.19. Health risks in the community – DHSC strategy for identification and mitigation

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Health and Social Care:

What strategy is in place to use data held by his Department in order to identify health risks in the Island community and take appropriate measures in the interest of mitigating any apparent medical or public health risk posed?

The Minister for Health and Social Care (Mr Ashford): As part of Sir Jonathan Michael’s independent review of health and care, he highlighted the lack of data across different aspects of the service, the variable quality of the data and the resultant impact it has on planning and delivery of health and care services.

As a result, one of the workstreams of the Transformation Programme is to address this deficiency, working with DHSC and identify how data (its capture, management and appropriate publication) along with overall quality can be improved, in a systemic way across all services, focussing on what is needed to plan, run a modern and efficient health and care service with quality outcomes measured.

It has already prepared an overarching information strategy which is under review by the Department currently, but much work remains to be undertaken. This project was significantly impacted by the availability of key stakeholders during COVID-19 but has recently recommenced engagement.

Similarly, the Pathfinder project, which looks at each care pathway and considers the most appropriate service arrangements for each service is now underway and considers within that what is the data that must be captured as the service is transformed and this is built into the reconfiguration of that service.

One of Sir Jonathan’s other recommendations was that Public Health, now part of the Cabinet Office following his report, should be resourced to produce Joint Strategic Needs Assessment(s). A Joint Strategic Needs Assessment (JSNA) looks at the current and future health and care needs of local populations to inform and guide the planning and commissioning of health, well-being and social care services. This will also require data from across Government to inform its production and delivery.

Following its move to Cabinet Office and as less time is focussed on COVID-19, Public Health are considering its broader future strategy and this, JSNA need, will form part of that consideration.

The Public Health Directorate continually monitor key health and wellbeing outcome indicators through the Public Health Outcomes Framework which is publicly available online. Indicators which show as ‘red flags’, i.e. where the Isle of Man data is a statistical outlier compared to indicators from similar areas in the British Isles, trigger further work to understand
the reasons for this and to propose evidence-based interventions to address this. The Hon. Member will be aware that, to date, this approach has led to cross-Government work on substance misuse, children’s oral health, sexual health services, sexual assault referral services and domestic abuse – to name some examples.

HOME AFFAIRS

2.20. Alcohol licensees – Prosecutions for breaches

The Hon. Member for Douglas South (Miss Costain) to ask the Minister for Home Affairs:

*Why no alcohol licensees have been prosecuted in recent years for serving people who were intoxicated at the point of purchase?*

The Minister for Home Affairs (Mr Cregeen): The Isle of Man Constabulary has four elements to their Alcohol Strategy:

1. Harm Minimisation (reducing crime & disorder, preventing abuse of alcohol by children);
2. Partnership Working;
3. Education;
4. Enforcement.

The first three elements, Harm Minimisation, Partnership Working and Education cannot be achieved without good partnerships and relationships with the licencing trade, security trade, local authorities, event organisers, and other Governmental Departments. It is because of the successful work between the police and its partners that the requirement for formal enforcement of licensees is very rare.

Therefore, in answer to the Hon. Member for South Douglas’s question, there are a number of reasons why licensees have not been prosecuted in recent years. Any flagrant breaches are investigated and should they meet the threshold for prosecution, then that course of action would be open and available to the Police. A number of licensed premises have been investigated for serving alcohol to people who were suspected of being intoxicated but there have been no recent prosecutions. This doesn’t mean the Police have not been alive to the issues or indeed investigated them. It is not uncommon for patrons to consume alcohol in their homes prior to going out and the full effects of doing so may not always be notable until later in the night after being served further drinks. If there is clear evidence that a licensee is serving customers who are intoxicated and clearly should not be served then that is a matter the Constabulary takes seriously.

There can also be issues in obtaining sufficient evidence to prosecute for such offences. A witness would need to provide evidence that:

(a) a person was intoxicated; and
(b) they were served alcohol.

In addition, supporting evidence such as CCTV may not always provide the Police with additional evidence that a person was intoxicated, although it could be used to support other evidence gathered.

The Police have a healthy but appropriate and firm relationship with the licensing trade and work is often done to alleviate issues either before they happen or in order to prevent them happening again. Prosecuting a person should not be the sole indicator in how the Police monitor the licensing trade and the issues within the community caused by the misuse of alcohol. As part of all Designated Official and Licensee appointments, applicants have to sit and pass an exam on Manx Licensing Laws, are vetted by the Police and also attend the Licensing
Court where they are asked a series of questions in relation to a number of areas, particularly serving people who are intoxicated and how they deal with such persons.

It is important to concentrate on educating the licensing trade and for the licence holders to ensure their staff are aware of what is expected of them. Staff in licenced premises will know that it is an offence to sell alcohol to someone who is drunk. In this connection my Department is working towards introducing a new training package with qualifications for all staff that work in the industry, part of which will be delivered online.

The fact that no Licensees have been prosecuted over recent years is not in itself a bad thing, however, the Constabulary will investigate any offences and prosecute licence holders if the evidence is there and it is proportionate to do so.

The Licence trade is generally very well run in the Island and the co-operation with the Constabulary with joint working undoubtedly reduces the likelihood of the need to prosecute Licensees.

INFRASTRUCTURE

2.21. Isle of Man Climate Change Action Plan – Policy on space heating

The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Infrastructure:

What the policy is regarding space heating for (i) public sector housing and (ii) Government estate; and how this policy might be changed during and subsequent to Phase 1 of the Isle of Man Climate Change Action Plan?

The Minister for Infrastructure (Mr Baker): The Department of Infrastructure does not have a stand-alone policy for space heating.

The DoI works to existing building design standards, which focus on the production of low-energy/low-emission public sector homes and buildings; and will seek to exceed these standards where possible.

Recognition of the requirements of Phase 1 of the Isle of Man Climate Change Action Plan is primarily in the assessment of works required to improve existing buildings and to achieve major changes in respect of new developments when compared with past standards.

To achieve the carbon reductions as set down in the Action Plan requires the production of very thermally efficient buildings and this is the aim of all new property construction carried out by the Department.

(i) The Department is seeking to deliver all new public sector housing, which will have low running costs, low carbon emissions and good environmental credentials, and has selected the AECB Building Standard as the technical guide.

Adherence to this standard will achieve near passive levels of thermal performance and the reduced heating requirements will be provided by a low-emission source such as Air Source Heat Pumps or PV panels, supported by grid electrical supply. Space heating demand will be greatly reduced due to the high levels of thermal efficiency. It is not intended to use oil or gas sources for new developments, so as to keep carbon emissions to the lowest levels achievable.

These new standards will be complied with for the new schemes at Castletown and Willaston which are in the final design stages at present. The Department has in the recent past produced eight AECB homes at Clagh Vane and is recording their thermal performance through the measurement of energy usage and costs-in-use.

(ii) With regard to existing buildings, whether domestic or commercial, owned or managed by the Department, and also with public sector housing in the ownership of other Housing
Authorities, work is ongoing to improve thermal efficiency levels and to reduce carbon emissions for both new-build and refurbishment. This is achieved by the replacement of oil and gas boilers, where these items have reached the end of their useful life, with new heating sources such as Air Source Heat Pumps, together with the improvement of the thermal envelopes to reduce heat losses.

2.22. Summerhill View and Castle Rushen High School developments – Impact of electrifying space heating

The Hon. Member for Douglas Central (Mr Thomas) to ask the Minister for Infrastructure:

*What the impact on costs and emissions will be of electrifying space heating rather than using fossil fuels for the (i) Older Persons’ Residential & Resource Centre – Summerhill View and (ii) Castle Rushen High School development?*

**The Minister for Infrastructure (Mr Baker):**

(i) The Older Persons Residential & Resource Centre is a Department of Health and Social Care (DHSC) project. Department of Infrastructure is assisting in its management and delivery of this scheme.

A sustainability energy strategy report for Summer Hill View has been commissioned by the DHSC. The report, once complete, will provide a review of the existing energy strategy along with alternative strategies to align with the Isle of Man’s Climate Change Bill 2020, which seeks to achieve net zero carbon emissions by 2050. A number of scenarios using heat pumps in place of gas fired boilers will be evaluated. The impact on energy, carbon and cost will be analysed. The sustainability energy strategy is currently ongoing with the project’s Mechanical and Electrical consultant.

(ii) The Castle Rushen High School (CRHS) new development is a Department of Education, Sports and Culture project. In order to assist, I am able to advise that the view of that Department is as follows:

The project is at briefing stage and so it is too early to identify the impact on costs and emissions. The DESC is keen to provide an energy efficient, low-carbon-footprint new school development, subject to funding agreement on the school scope, which will include the building’s environmental performance. Such design will require significant extra initial capital investment, but will provide the payback of reduced running costs and reduced carbon emissions over the life of the school. The CRHS playing fields project, approved to progress at June Tynwald, includes for ground source arrays to be installed under the pitches. These will be connected to electrically powered heat pumps installed in the new school, which will provide space heating.

**ISLE OF MAN POST OFFICE**

2.23. Post Office Financial Regulation FD8, part 2 – Set criteria

The Hon. Member for Ramsey (Mr Hooper) to ask the Chairman of the Post Office:

*What criteria have been set in accordance with the Isle of Man Post Office Financial Regulation FD8, part 2?*
The Chairman of the Post Office (Ms Edge): The Board of the Isle of Man Post Office approved the financial criteria, after consultation with the Treasury’s Financial Management Adviser (Governance). The criteria under the IOMPO Financial Regulations, FD8 - Procurement and Tenders, part 2 is:

- Written or telephone quotations or internet prices or estimates should be sought for purchases costing less than £10,000 where considered appropriate. Where it is not possible or practicable to obtain three quotations or estimates, the reasons should be documented and retained for audit purposes
- Three quotes or estimates required – advertise contract value of greater than £10,000
- Formal tender process required – contract value of greater than £100,000
- Accounting officer may waive tender requirements for contract values up to £100,000
- Board may waive tender requirements for contract values up to £250,000
- Treasury approval to waive tender requirements for contract values in excess of £250,000

2.24. Post Office competitive tenders – Number of waivers and reasons

The Hon. Member for Ramsey (Mr Hooper) to ask the Chairman of the Post Office:

*How many times in the last five years the requirements for competitive tender have been waived, or a contract extended beyond five years; what contracts these were for; and what the reason was in each case?*

The Chairman of the Post Office (Ms Edge): In accordance with IOMPO Financial Regulations (FD8 Procurement and Tenders) the following waivers have been approved in the last five years:

### Financial Year – 2020-21

<table>
<thead>
<tr>
<th>Contract purpose (Number of waivers)</th>
<th>Reason for the Non-Competitive Action</th>
<th>Beyond 5 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>ICT Managed Services</td>
<td>To allow sufficient time for the tender process</td>
<td>Yes</td>
</tr>
<tr>
<td>Marketing, PR &amp; Associated Services</td>
<td>Limited resources within Procurement as other tenders being prioritised.</td>
<td>Yes</td>
</tr>
<tr>
<td>Confidential waste disposal services</td>
<td>Other quotation exercises being prioritised.</td>
<td>Yes</td>
</tr>
<tr>
<td>Website maintenance &amp; development</td>
<td>Limited resources within Procurement as other tenders being prioritised.</td>
<td>Yes</td>
</tr>
<tr>
<td>Port to POHQ Haulage service</td>
<td>Limited resources within Procurement as other tenders being prioritised.</td>
<td>Yes</td>
</tr>
<tr>
<td>Postal services in Ramsey and Douglas Post Office</td>
<td>Limited competition.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Financial Year – 2019-20

<table>
<thead>
<tr>
<th>Contract purpose (Number of waivers)</th>
<th>Reason for the Non-Competitive Action</th>
<th>Beyond 5 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2 x) Plain and printed paper and envelopes</td>
<td>To allow sufficient time for the tender process</td>
<td>Yes</td>
</tr>
<tr>
<td>Port haulage service</td>
<td>Pending related commercial discussions</td>
<td>Yes</td>
</tr>
<tr>
<td>‘Electric and Diesel Vehicles (PO/2019/001)’ tender advertisement whilst tender documentation is being finalised</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Sortation machine parts and technical support services</td>
<td>To maintain current warranty</td>
<td>Yes</td>
</tr>
<tr>
<td>Route planning software, training and technical support</td>
<td>Specialist software</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Financial Year – 2018-19

<table>
<thead>
<tr>
<th>Contract purpose (Number of waivers)</th>
<th>Reason for the Non-Competitive Action</th>
<th>Beyond 5 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCTV and security alarms</td>
<td>Extension of contract to allow for sufficient time for procurement process to take place</td>
<td>No</td>
</tr>
<tr>
<td>Replacement camera for the Compact Reader Sorter (CRS)</td>
<td>Specialist equipment.</td>
<td>No</td>
</tr>
<tr>
<td>GDPR resource</td>
<td>Specialist service.</td>
<td>No</td>
</tr>
<tr>
<td>(2 x) Marketing, PR &amp; Associated Services</td>
<td>Marketing &amp; PR resource constraints</td>
<td>Yes</td>
</tr>
<tr>
<td>Mails Exchange and Regulatory Services</td>
<td>No competitor exists</td>
<td>Yes</td>
</tr>
<tr>
<td>Specialist consultancy and training in both negotiation and sales management practices</td>
<td>Urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>Office layout changes at POHQ</td>
<td>Urgent business requirement due to timescale</td>
<td>No</td>
</tr>
<tr>
<td>Public relations database and monitoring service</td>
<td>Only one bid received</td>
<td>No</td>
</tr>
<tr>
<td>Subscription for online access to online Job Evaluation tool</td>
<td>Specialist service</td>
<td>No</td>
</tr>
<tr>
<td>Cash delivery/collection services</td>
<td>Only one bid received</td>
<td>No</td>
</tr>
<tr>
<td>Website maintenance &amp; support</td>
<td>Limited resources within Procurement as other tenders being prioritised</td>
<td>Yes</td>
</tr>
<tr>
<td>Airport Conveyor belt vehicle purchase</td>
<td>Specialist equipment</td>
<td>No</td>
</tr>
<tr>
<td>Permitted to enter open term contracts with strategic suppliers (Royal Mail and Sub Post Masters)</td>
<td>Limited competition.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Financial Year – 2017-18

<table>
<thead>
<tr>
<th>Contract purpose (Number of waivers)</th>
<th>Reason for the Non-Competitive Action</th>
<th>Beyond 5 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>RAM upgrade cost</td>
<td>Specialist equipment</td>
<td>No</td>
</tr>
<tr>
<td>Network switch upgrade</td>
<td>Specialist equipment</td>
<td>No</td>
</tr>
<tr>
<td>Enveloping machine maintenance</td>
<td>Specialist service</td>
<td>No</td>
</tr>
<tr>
<td>ISO Internal Audit services</td>
<td>Limited responses to quotation exercise</td>
<td>No</td>
</tr>
<tr>
<td>Purchase of vehicles</td>
<td>Limited competition.</td>
<td>Yes</td>
</tr>
<tr>
<td>Vehicle bodywork and accident repair services</td>
<td>Only one bid received</td>
<td>No</td>
</tr>
<tr>
<td>Locksmith Services</td>
<td>Limited responses to quotation exercise</td>
<td>No</td>
</tr>
<tr>
<td>IT software, service and support for a parcel tracking system</td>
<td>Specialist software.</td>
<td>Yes</td>
</tr>
<tr>
<td>Mails strategy consultancy</td>
<td>Urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>Purchase of 3 electric vehicles</td>
<td>Limited competition.</td>
<td>No</td>
</tr>
<tr>
<td>Appointing consultant to provide a job evaluation scheme as a one-off project</td>
<td>Limited competition and urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>Purchase of 10 x bar code scanners</td>
<td>Urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>Marketing, PR &amp; Associated Services</td>
<td>Marketing &amp; PR resource constraints</td>
<td>Yes</td>
</tr>
<tr>
<td>Counter point and online portal payment collection services</td>
<td>Essential software until tender completed</td>
<td>Yes</td>
</tr>
<tr>
<td>Contract purpose (Number of waivers)</td>
<td>Reason for the Non-Competitive Action</td>
<td>Beyond 5 years</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>---------------------------------------</td>
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</tr>
<tr>
<td>Post Office corporatisation legal advice</td>
<td>Specialist service and urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>Postal services at Douglas and Ramsey Post Offices</td>
<td>Limited competition and urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>Public relations support for the '100 Years of General Relativity' stamp issue</td>
<td>Specialist service and urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>Specialist foil stamp printing for '100 Years of Relativity' stamp issue</td>
<td>Specialist service and urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>Heating System Maintenance</td>
<td>Urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>Public relations support for 'Aardman 40 years of creativity' stamp issue</td>
<td>Specialist service and urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>2016 year book printing</td>
<td>Specialist service and urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>Online training system</td>
<td>Specialist service and urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>Weighing scales maintenance</td>
<td>Specialist service</td>
<td>Yes</td>
</tr>
<tr>
<td>IT parcel tracking system software, service and support</td>
<td>Specialist software</td>
<td>No</td>
</tr>
<tr>
<td>DDoS protection</td>
<td>Specialist service and urgent business requirement</td>
<td>No</td>
</tr>
<tr>
<td>SAN upgrade</td>
<td>Specialist equipment</td>
<td>No</td>
</tr>
<tr>
<td>Payroll &amp; leave requests/absences software &amp; support</td>
<td>Specialist software</td>
<td>No</td>
</tr>
<tr>
<td>WLA Specialist IT Development Resource</td>
<td>Specialist service and urgent business requirement</td>
<td>No</td>
</tr>
</tbody>
</table>
Order of the Day

3. BILLS FOR FIRST READING

3.1. International Maritime Standards Bill 2020;
3.2. Medicines (Amendment) Bill 2020

The Speaker: Item 3, Bills for First Reading and I call on the Secretary of the House.

The Secretary: Bills for First Reading: International Maritime Standards Bill 2020, Member in charge, Mr Baker; Medicines (Amendment) Bill 2020, Member in charge, Mr Ashford.

7. SUSPENSION OF STANDING ORDERS

Licensing (Amendment) Bill 2020 –
Standing Orders suspended to take all stages at this sitting

The Hon. Member for Arbory, Castletown and Malew (Mr Cregeen) will move:

That Standing Orders, and in particular Standing Orders 2.2, 4.6, 4.7, and 4.11, be suspended to permit First Reading of the Licensing (Amendment) Bill 2020 and subsequent stages at this sitting.

The Speaker: Now, Hon. Members, we have some legislative business which is hoped will be considered by our colleagues in another place and I propose to take that first. Is that agreed?

Members: Agreed.

The Speaker: Thank you very much.

In which case then at this point I will call on Mr Cregeen to move suspension of Standing Orders, as is notified on Item 7 on your Order Paper, in respect of the Licensing Bill.

Mr Cregeen: Thank you, Mr Speaker; and Hon. Members.

Mr Speaker, I rise to move the motion requesting the suspension of Standing Orders, which has been tabled at this sitting. I have previously circulated by letter a slightly amended and expanded motion to clarify the extent of the Standing Orders proposed to be suspended.

In preparing to come out of the emergency it has become apparent that some matters cannot be resolved without new and immediate primary law. One such matter is the requirement on licensees and those within the hospitality industry to renew their licences every three years during the triennial sessions of the Licensing Court. This is an extensive process involving the industry, the Police and the courts along with the payment of a substantial licence fee. The licences themselves are all due for renewal before the end of March 2021. However, the background process of this administration that is performed by licensees must normally start the previous September, hence the urgency.

Unfortunately the requirement to renew the licences cannot be deferred without a change of the Licensing Act 1995. This change to the law, if approved, will assist the licensing industry to survive the impact that has come about with the closure for three months on their businesses.
Mr Speaker, I come to today's sitting to beg to move the motion standing in my name, that Standing Orders, and in particular Standing Orders 2.2, 4.6, 4.7 and 4.11, be suspended to permit the First Reading of the Licensing (Amendment) Bill 2020 and subsequent stages at this sitting, and that amendments to the Bill may be accepted in manuscript at this sitting.

I beg to move.

The Speaker: Hon. Member for Douglas East, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker.

I welcome this important initiative and beg to second.

The Speaker: I put the question that Standing Orders be suspended to permit the passage of this Bill and that manuscript amendments be permitted. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Licensing (Amendment) Bill 2020 –
First Reading

The Speaker: First Reading, I call on the Secretary of the House.

The Secretary: Licensing (Amendment) Bill: Member in charge, Mr Cregeen.

The Speaker: Thank you.

Licensing (Amendment) Bill 2020 –
Second Reading approved

Mr Cregeen to move:

That the Licensing (Amendment) Bill 2020 be read a second time.

The Speaker: I call on Mr Cregeen to move Second Reading.

Mr Cregeen: Thank you, Mr Speaker.

Mr Speaker, I am grateful to you and to Hon. Members for allowing this brief but very significant Bill to be brought before the House today.

The primary purpose of this Bill is to provide a temporary financial and practical break for the licensed trade, allowing them to benefit from the support of the Government in the aftermath of what has been a period of unprecedented change and upheaval in every part of life.

In bringing forth this Bill, the Department has worked with the Department for Enterprise and the Licensing Forum. The Department believes these legislative changes provide an opportunity for the licensed trade to regroup and recover.

The recent enforced closures, whilst necessary and indeed critical to the fight against coronavirus, have nevertheless caused hardship that can be counted in the cost from lost stock and lost revenue. For example, the loss of regular day-to-day events such as weddings and birthdays, to the cancellation of the TT, along with a number of other large events that were planned for 2020.
Mr Speaker, I commend this Bill to the House and beg to move that the Licensing (Amendment) Bill 2020 be read for the second time.

Mrs Barber: I beg to second and reserve my remarks.

Mr Thomas: Just a very brief point which is that obviously there might be some people who are not supportive of this Bill. My understanding is that there has been a statement and a declaration of an amendment Bill for the whole of the licensing regime that will come forward in the shortest time. And obviously it is very unusual for us to be not absolutely sure that we have taken into account everybody’s interests in all of this.

On Friday I really bigged-up this Bill, I really gave it a compliment in the emergency Tynwald, but there might be little gaps that need to be filled. And there might be people who did not know this is going on and we need to be cognisant as a place, and the other place upstairs needs to be cognisant that there might be omissions and errors and special treatment of certain parties as opposed to other parties that need to be taken into account. So with that I give my full support, but that is now on the record in case there are errors, given the unusual way we are processing this Bill.

Mr Perkins: Thank you, Mr Speaker.

I wholeheartedly give this Bill my support, but I think it is vital we get the message out to the public ‘use it or lose it’. The key is to get people out enjoying themselves in the pubs and clubs and this goes some way to helping them. But we really do need to persuade the public to get back to normal and enjoy themselves in the pubs and clubs.

Thank you.

A Member: Hear, hear.

Mr Cregeen: Thank you, Mr Speaker.

Some very important points made there, and I do agree. With bringing this forward people do have to realise that the pubs are out there and a number of them, I am sure prior to coronavirus, were probably under threat so you may lose some of them, but hopefully this will assist with the licence rate.

I beg to move.
Mr Cregeen to move.

The Speaker: We turn then to clauses, and I call on the Minister to move.

Mr Cregeen: Thank you, Mr Speaker; Hon. Members.

Clause 1 gives the title to the Act as the Licensing (Amendment) Act if the Bill is passed, and I beg to move that it stand part of the Bill.

The Speaker: Hon. Member, Mrs Barber.

Mrs Barber: Thank you, I beg to second and reserve my remarks.

The Speaker: I put the question that clause 1 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2, Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.

Clause 2 is a standard commencement provision which allows the Department to bring the Act into operation by Appointed Day Order and make appropriate consequential, incidental, supplementary, transitional and transitory provision in connection with the Act coming into operation.

I beg to move that clause 2 stand part of the Bill.

The Speaker: Mrs Barber.

Mrs Barber: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 2 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3, Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.

Clause 3 provides that within section 4 of the Licensing Act 1995 a change is made by which the triennial session of the Licensing Court that would have taken place by the end of March 2021 is deferred to instead take place by the end of March 2022. The intended consequence of this change is that the licence issued to any licensed premises will not expire or require to be renewed until 2022.

The deferral of the triennial session is also made with the explicit intention that in 2022, when that session takes place, only the remaining proportion of the triennial fee will be levied. Therefore the licensees will receive a one-year reduction of the financial fees associated with the triennial, along with the benefit of a postponement of the administrative and bureaucratic burden.

I would note at this point that the Department is grateful to colleagues in the Treasury for their concurrence with these legislative changes being made in this manner, and also to our colleagues in the General Registry who have accepted this pragmatic approach.

Mr Speaker, I beg to move that clause 3 stand part of the Bill.

The Speaker: Mrs Barber.
Mrs Barber: Thank you, I beg to second and reserve my remarks.

The Speaker: I call on Mr Hooper to move his amendment.

Mr Hooper: Thank you very much, Mr Speaker.

I rise to move the amendment that has been circulated. This is very specifically in connection with pavement licensing. The effect of the amendment is such that where a business is the holder of a licence and they apply to a local authority for permission to place outside their own property which is licensed on the public highway outside furniture, under section 78 of the Highways Act, this licence application would automatically extend the business's own licence to that outside space. This is a temporary extension, a temporary provision that will last only until 30th September or such later date as may be prescribed in regulation subject to the affirmative process in Tynwald.

The intention of this amendment is to try and support businesses with some additional opportunities during the summer period by making it easier to create an outside, alfresco culture – weather permitting, of course. (Laughter) I appreciate that this amendment will only help a little, but I think every little in these circumstances should help.

There are a number of queries that have been raised in respect of notices, consultations and access requirements. The Highways Act itself provides local authorities with the power to issue licences for pavement furniture and in doing so it places a number of restrictions on the licences that may be issued. A licence may not be issued for furniture that will obstruct a carriageway, for example. It will not be issued in any way that prevents access to land or premises or any other highway, preventing the passage of pedestrians, preventing the Department from carrying out any works or interfering or preventing a statutory undertaker from having access. The section 78 provisions also require that the local authority consults statutory undertakers before issuing such a licence and publish a notice in respect of the application.

Having read some of the timescales in the Act, I think that if any local business is interested in taking advantage of this, should it be passed by the House and by the Legislative Council, hopefully their licences for the pavement permissions will come in at around about the same time that Royal Assent is granted, so with a fair wind everything might just land together.

I have spoken with representatives from the LVA and local hospitality businesses and generally they were supportive of this temporary measure, pending a full review of the licensing regime in the near future.

Mr Speaker, I have not sought out a seconder, but I beg to move the amendment.

Amendment to clause 3
Page 3, after line 17 insert—
“(3) After Part 4 (registered clubs) there is inserted the following Part —

“PART 4A – TEMPORARY EXTENSIONS OF LICENCES AND REGISTRATIONS

55A Interpretation of this Part

In this Part —

“publicly maintained highway” means a highway that is maintained at public expense under the Highways Act 1986;

“relevant portion” means that part of a publicly maintained highway which—

(a) is covered by a section 78 licence; and

(b) would form the curtilage of the on-licensed or, as the case may be, club premises if that curtilage extended to include that part of the highway;

“temporary extension period” means the period beginning with the date this Part comes into operation and ending with 30 September 2020 or such later date as may be prescribed in regulations;
“section 78 licence” means a licence granted under section 78 of the Highways Act 1986 (licences to provide refreshments, and to place kiosks and necessary furniture, on a public highway).

55B On-license and registered club premises: treating provision
(1) This Part applies where on-licensed or club premises do not include the relevant portion but abut or are situated within 50 metres of that portion.
(2) On-licensed premises referred to in subsection (1) shall be treated as including the relevant portion and the on-licence in respect of those premises shall be deemed to have been granted subject to the conditions referred to in subsection (4).
(3) Club premises referred to in subsection (1) shall be treated as including the relevant portion and the registration order in respect of the club shall be deemed to include the conditions referred to in subsection (4).
(4) The conditions referred to in subsection (2) and (3) are that the holder of the on-licence or, as the case may be, the members of the registered club —
   (a) must not permit dancing or singing to occur in the relevant portion that is treated as forming part of the on-licensed or, as the case may be, club premises; and
   (b) must not permit music to be played or amplified in a way or at a volume that is likely to cause a nuisance to the occupants of premises in close proximity to the relevant portion.
(5) The conditions of the section 78 licence covering the relevant portion continue to apply to that portion during the operation of this Part.

55C Duration
(1) At the end of the temporary extension period, the relevant portion is no longer treated as forming a part of the on-licensed or, as the case may be, club premises.
(2) Subsection (3) applies where before the end of the temporary extension period —
   (a) the licensee of the on-licensed premises applies to the court for an on-licence in respect of the relevant portion; and
   (b) the court has not determined that application.
(3) Where this subsection applies, the relevant portion shall continue to be treated as forming part of the on-licensed premises until the court determines the application referred to in subsection (2) (whether before or after the end of the temporary extension period).
(4) Subsection (5) applies where before the end of the temporary extension period —
   (a) a registered club applies to the court for an order under section 48(3) (change of club premises) in respect of the relevant portion; and
   (b) the court has not determined that application.
(5) Where this subsection applies, the relevant portion shall continue to be treated as forming part of the club premises until the court determines the application referred to in subsection (4) (whether before or after the end of the temporary extension period).”

55D Regulations
The Department may, by regulations, specify that the temporary extension period is to end on a date later than the 30 September 2020.

Tynwald procedure – affirmative. “”

The Speaker: Mr Perkins.

Mr Perkins: I beg to second and reserve my remarks.

The Speaker: Mover to reply, if you wish.
Mr Cregeen: Thank you, Mr Speaker.
Yes, the Department is supportive of the amendment so I beg to move.

The Speaker: I put first the amendment in the name of Mr Hooper. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Putting to you clause 3 as amended to stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 4, Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.
Clause 4 provides an amendment to section 7 of the Music and Dancing Act 1961 which provides, in a similar manner to that within clause 3, that the triennial session for Music and Dancing licences is also deferred to take place by the end of March 2022, with existing licences continuing until that time. In this case the number of specific licences and their nominal value is small, however, the value of these licences to the community where they provide for the operation of venues such as our local parish halls and our village recreation centres is immeasurable.

With that, Mr Speaker, I beg to move that clause 4 stand part of the Bill.

The Speaker: Mrs Barber.

Mrs Barber: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 4 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 5, Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.
Clause 5 provides for regulations to be made to support any necessary or supplementary, incidental or consequential provision needed to implement this amendment Act and ensures that the Department is equipped to deal with any unforeseen obstacles to this implementation. Naturally, if such regulations were to be brought forward, the mechanism for this would be that they require Tynwald approval.

Mr Speaker, I beg to move that clause 5 stand part of the Bill.

The Speaker: Mrs Barber.

Mrs Barber: I beg to second and reserve my remarks.

The Speaker: Thank you.

I put the question that clause 5 stand part of the Bill, those in favour, say aye; against, no. The ayes have it. The ayes have it.

Clause 6, Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker.
Clause 6 is the termination clause which provides that the changes made by the foregoing clauses cease to have effect on 1st April 2022, at which point the triennial session will have concluded and the Act would have outlived its useful purpose and fall away.

Mr Speaker, I beg to move that clause 6 stand part of the Bill.

The Speaker: Mrs Barber.
Mrs Barber: I beg to second and reserve my remarks.

The Speaker: I put the question that clause 6 stand part of the Bill. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

This is a lot easier when I can see you, Hon. Members! (Laughter)

Licensing (Amendment) Bill 2020 –
Third Reading approved

Mr Cregeen to move:

That the Licensing (Amendment) Bill 2020 be read a third time.

The Speaker: I call on Mr Cregeen to move Third Reading.

Mr Cregeen: Thank you, Mr Speaker, Hon. Members.

I would to like to thank Hon. Members for their input and for providing the opportunity that with urgency we might receive their valued consideration of the Bill which was before us today.

Reference has often been made to the unprecedented times in which we have been and, while I am sure that we are all grateful that our Island has weathered them, we hope that this legislation will form part of the positive future we all aspire to see.

Many thanks, again, Mr Speaker. And in closing I beg to move that the Licensing (Amendment) Bill 2020 be read for a third time and be conveyed to the Legislative Council for immediate consideration.

I beg to move.

The Speaker: Thank you.

Mrs Barber.

Mrs Barber: I beg to second and reserve my remarks.

The Speaker: I put the question that the Bill be read for a third time and conveyed immediately to the Legislative Council for consideration. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

5. CONSIDERATION OF COUNCIL AMENDMENTS

5.1. Elections (Keys and Local Authorities) Bill 2020 –
Council Amendments considered

Mr Thomas to move.

The Speaker: Hon. Members, in line with our earlier decision we will turn next to Consideration of Council Amendments, and I will take first the Elections (Keys and Local Authorities) Bill 2020 and call on Mr Thomas to move.

Mr Thomas: Thank you, Mr Speaker.
The Elections (Keys and Local Authorities) Bill 2020 was last before the Keys on 2nd June when the clauses were considered and Third Reading took place. While Hon. Members fully supported the progress of this important legislation, there was a collective belief that certain provisions would benefit from additional scrutiny. The Bill, as amended, then passed to the Legislative Council where it has been subject to careful consideration and rigorous debate.

I am grateful to our hon. colleagues, in particular the mover of the Bill in Council, Mr Henderson and his seconder, Mr Mercer; and also Mrs Lord-Brennan, who took up the challenge to pursue the matters that had been identified as requiring further action, particularly as I laid out when summing up at Third Reading.

I am also very grateful to Ms Edge, Mr Speaker and Minister Ashford for perfecting the amendment regarding interests for candidates which I believe will be presented and, if so, I would support. This was worked up in final form yesterday evening and was circulated to Members earlier this morning. The original form Legislative Council amendment delivers the spirit of the Keys’ intention and the further amendment perfects it by making the intention dynamic, allowing for the possibility of the provision in Keys documents being developed reasonably with appropriate oversight and then incorporation of that in the law, with Tynwald approval. It is my understanding that Legislative Council should be able to consider this amendment today in the excellent manner it does, so that the Bill can continue its passage for completion before the recess.

Under paragraph (3)(a) of Standing Order 4.13, I am pleased to concur with the Council amendments as advised on the Order Paper, as they provide a sensible and practical way forward and help to improve the Bill as a whole.

Mr Speaker, I beg to move that the Council Amendments to the Elections (Keys and Local Authorities) Bill 2020 be approved and that this Bill would then be transmitted upstairs for further consideration in the Legislative Council, with the additional amendment.

The Speaker: Hon. Member for Glenfaba and Peel, Mr Harmer.

Mr Harmer: Thank you, Mr Speaker.
I beg to second and reserve my remarks.

The Speaker: Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr Speaker.

Obviously an amendment has been circulated to all Hon. Members. I totally concur with what the Member for Douglas Central said. The reason behind this is just really to ensure that the process is smoother and there is no need for primary legislation in the future. So that is the purpose of the amendment.

Thank you, Mr Speaker, I beg to move:

Amendment to Council’s Amendment to clause 3
Page 23, in the first line of the inserted definition of “relevant interest”, between “relevant interest” and “means” insert the following —
«, subject to the power of the Council of Ministers to amend this definition by order requiring Tynwald approval,».

The Speaker: Hon. Member for Middle, Mr Quayle, Chief Minister.

Mr Quayle: Thank you, Mr Speaker.

I am more than happy to second my good friend, the Hon. Member for Onchan’s amendment.
The Speaker: Mr Hooper, Hon. Member for Ramsey.

Mr Hooper: Thank you very much, Mr Speaker.

I just have two questions that I would very much like the hon. mover to answer for me. The first one is in respect of declarations of interest. So the amendment that has been tabled to clause 3 defines a ‘relevant interest’ very specifically. Unfortunately the definition in that clause does not match the definition we have in the Members’ Rules for declaring a Member’s interest post-election. So there is a potential gap here where something that was not considered an interest the day before the election is subsequently considered to be an interest.

The one that specifically draws my attention is in relation to:

shares or stock held in any company whose shares or stock are publicly quoted …

A Member: Hear, hear.

Mr Hooper: And the following provision:

shares or stock held in any company other than [that] …

In the Member’s Rules there is a very specific provision that references this exact type of interest but also states that:

... where any asset to which such a company may be entitled is or represents a right, interest or circumstance which is itself a relevant interest, details of that asset and of its value shall be declared;

So, within the Member’s Rules post-election if someone is elected there is a sort of look-through provision that says just because you put an asset inside a company you still have to declare it, which makes a lot of sense and it is the principle behind much of the beneficial ownership work that has been going on. But for some reason that provision is not replicated here inside this amendment.

So it would seem that if I wished to do so I could place a relevant interest inside a corporate structure and, before the election, not be required to declare it; but then the moment I am elected it becomes a relevant interest and requires declaration.

So I would be very grateful if the hon. mover could explain why that is different. That seems like it could be quite an important difference.

The other question I have for the hon. mover is in relation to the amendment to clause 107 that is being proposed. So currently in the Bill a Presiding Officer may only forcibly or lawfully evict a teller from the premises. The amendment allows the eviction of:

... a teller;
a volunteer, or
a person casually in attendance at the polling station.

But it seems, though, that the following subsection in that clause makes it an offence for:

A teller who refuses or otherwise fails to depart from the polling station after having been lawfully removed ...

But it does not make it an offence for a volunteer to do so, or for a person casually in attendance to do so. So why is the mover arguing that we should be applying a slightly higher level of standards to a teller than to anyone else who happens to be present at a polling station?

Surely if someone is being lawfully evicted and they refuse to do so, either it is an offence or it is not, the person’s role or the nature of that role should not come into the question.

So if the hon. mover could just provide some clarity on those two questions, I would be very grateful. Thank you.
The Speaker: Now, I call on Ms Edge first to respond to the amendment, and then Mr Thomas to sum up.

Ms Edge: Thank you, Mr Speaker.

The whole intention of this was to make sure that it aligns with the Rules that are in place once a Member is elected, so that is the whole intention. Obviously it is going to go back to the Legislative Council now, so it is possible that the Member’s concerns could be looked at.

Is that possible, Mr Speaker?

The Speaker: We shall leave to Legislative Council what is Legislative Council’s.

But, having summed up, Mr Thomas to reply to the motion.

Mr Thomas: Thank you very much.

As always, the Hon. Member for Ramsey makes a good point. There is also a timing issue potentially of a few days in respect to the declaration. That is exactly why this amendment is in place.

This amendment now allows, with Tynwald approval, for an amendment to be made. So, if the difference that the Hon. Member for Ramsey has identified is material, it can be looked at as part of the regulations process; and if it can be dealt with in the regulations, because it is not a change to the primary law, the change or any clarification can be made in the regulations.

If it is a change in primary law, obviously we have got the ability for the law to be reviewed by the Electoral Commission after we have seen how it works in the 2021 Election, for instance, because the Electoral Commission will be called in 2022. And in any case, at any point Tynwald can actually direct the Electoral Commission to consider any issue if this becomes a material issue.

So I appreciate the Hon. Member for Ramsey’s concern. In the last half hour or so, we have had a good debate and dialogue about this, and I am sure we can address this upstairs and in the normal process using the law. But the main point is that is exactly the reason why this amendment is on the table, so we can deal with this sort of issue.

In terms of the teller, it seems like a good point to me. The clear intention was to extend the obligation on the tellers to other people who would be in the polling station, so I will have that investigated and we can try to deal with that. But the clear intent of the legislation, as expressed by the mover, is that the tellers and the other people in the room should be treated equally and I do not think there is any intent the way that the Member is arguing it could be construed.

This is one of four changes made upstairs, the other one of course being the interest we have just discussed; the other one made by Mrs Caine; and Miss Costain in terms of the offences and the nature of where those offences are committed. The third one was the good point made by Mr Baker in terms of donations and how we treat donations.

With that, Mr Speaker, I beg to move and hope that this Bill will continue its passage upstairs this morning.

The Speaker: I will put first the amendment in the name of Ms Edge. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

I then put the motion that the Council amendments be agreed to in their entirety, as amended. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That Bill will then be conveyed immediately to Legislative Council.
5.2. Property Service Charges Bill 2020 –
Council Amendments considered

Mr Baker to move.

The Speaker: Next we have the Property Services Charge Bill 2020 and I call on Mr Baker to move.

Mr Baker: Thank you very much, Mr Speaker.

I would like to start by just reminding Hon. Members that this short Bill of four clauses was brought about as a response to the recommendation of a Tynwald Select Committee which considered that an extension of the Property Services Charges Act 1989 should apply to freehold property to certain circumstances of contract.

The Bill has been considered and amended in the other place by inserting two words into the new section 12B(1)(b) which was introduced in clause 4. The new words to be inserted are ‘during which’, and the purpose of this amendment is to provide further clarity to the provision. I am pleased to concur with this minor amendment; and, Mr Speaker, I beg to move this amendment be approved.

Thank you.

The Speaker: Ms Edge.

Ms Edge: Thank you, Mr Speaker.

I beg to second and reserve my remarks.

The Speaker: I put the question that the Council Amendment to the Property Service Charges Bill 2020 be agreed with.

Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

4. BILLS FOR SECOND READING

4.1. Education Bill 2020 –
Second Reading approved

Dr Allinson to move:

That the Education Bill 2020 be read a second time.

The Speaker: We then go back to Item 4 on our Order Paper, and the Education Bill 2020, and I call on the Hon. Member for Ramsey, Dr Allinson to move.

Dr Allinson: Thank you, Mr Speaker.

I am pleased to bring the Second Reading of the Education Bill 2020 before you today for the benefit of pupils, staff and the Isle of Man generally. This Bill seeks to put children, young people and families at the heart of our Education Service. There are some radical elements which recognise that society has changed significantly over the years, such as in relation to social media, but also aspects that are a continuation of what has been in place to create the excellent Education Service we have on our Island.

By way of an introduction, this Bill is intended to replace the Education Act 2001, addressing a number of areas which have been highlighted over the past six years when work has been
undertaken in seeking ideas from a range of people. Views have been put forward by individuals and organisations and the Department has consulted on principles and then on the draft Bill. There have also been a number of briefings to Members over this time as well as a meeting with the Social Affairs Policy Review Committee. Legal opinion and a rebuttal have also been sought and given over concerns relating to home education.

Work started in 2014 when various groups such as the Education Council and Religious Education Advisory Council were consulted and the collation of information began. Schools were approached in 2017 and the direct input of some staff was evident in the submission of responses from them. It was necessary to consult on principles and this commenced in October 2017. Instructions were then prepared which led to a draft Bill.

Consultation on this draft Bill commenced on 29th January 2019 and resulted in a significant number of complex responses. The vast majority of the 588 responses were from individuals who live on the Isle of Man. Many of the responses can be viewed on the consultation hub as some 480 people indicated that their responses could either be published in full or anonymously. As a result of this public input, changes were made as felt appropriate and are indicated in the report produced following the consultation.

Between January and March 2019 Department officers attended meetings with teaching unions, head teachers and other key stakeholders to discuss the draft Bill. There were also four lengthy meetings between the Department and teaching unions, including officials from the UK, held on 5th April, 1st July, 23rd October and 13th November 2019. These meetings went through the Bill on a clause-by-clause basis.

I understand that Members have been contacted in recent days by one of the four teacher unions with a further submission on clauses in the Bill. There remain a few disagreements on some of the technical aspects of this new legislation. However, it must be recognised that there are different legal structures that exist in the Isle of Man as compared with England and here it is the Department that is the legal entity rather than individual schools.

I also am aware that individual teachers have contacted Members with concerns regarding this draft legislation. I welcome this renewed interest in the Bill and its importance to our Island. Now is the time to address these concerns through advancing the Bill and discussing each clause on the floor of this Hon. House later this year.

There are some that would say that the current Education Act 2001 does not need changing and a comparison would suggest that there are elements which have not changed significantly. The Department would agree that in some areas this is the case and all that was needed was an updating in terms of the language used. However, the Education Act 2001 was written for a time before the development of social media, the introduction of GDPR, Freedom of Information and primarily the Equality Act. So, rather than changing sections the Department was minded to bring all aspects of the proposed legislation to this Hon. House for full scrutiny of every clause, ensuring that ultimately a single piece of primary legislation was in place rather than a piecemeal set of laws and regulations.

From an early stage in the drafting process it was felt appropriate to consider a principled approach to education on the Island. The Bill articulates the principles that must guide the development of education policy. This has led us to the principles stated in clauses 6 and 82 of the Bill. These will form the basis for the provision of education on the Island and will underlie what is delivered in schools and at University College Isle of Man.

They reflect the Department’s view that education should be regarded as a public good and a human right for all children and all young people. In all its activities, the Department will be required by law to demonstrate that it is acting in a way consistent with these principles.

School governors form part of local governance and should play an important role in local accountability for head teachers and schools. It is important therefore that these local decisions should not be made in isolation. For this reason it is particularly important that governors and head teachers understand the policy and priorities of the Department. They localise these and have the autonomy to decide what is appropriate in their local context.
In this regard, in order to ensure that the direction, strategy and plans of the Department are conveyed to governing bodies and to head teachers it is proposed that there is a requirement for at least an annual meeting between the Minister and representatives of the governing bodies of all maintained schools, as well as between the Minister and all head teachers. This would also provide an opportunity for direct questioning about those matters which are of concern, rather than having the message go through another governing body such as the Education Council, which it is proposed to remove.

As governors and head teachers are responsible for the schools they represent it will be their responsibility to take what has been discussed and convey this to the staff, pupils and parents that they engage with, implementing what has been agreed in its local context.

The Department has included provisions to allow, where necessary, the input of key stakeholders into the development of policy. There are, however, some policies and procedures around which there is little room for discussion such as financial regulations and safeguarding. For those policies affecting the day-to-day roles of staff within schools, appropriate full consultation with those staff and governor groups should occur to secure a positive and constructive relationship with stakeholders, including head teachers and all those affected.

It is not the Department’s current policy intention to launch an academies and free schools programme in the Isle of Man. The Department has included provisions in the Bill that would allow such schools to be established in future to meet specific purposes which may not be met by our current provisions. Any proposal to create a new contracted school or to convert an existing maintained school to contracted status must be the subject of Tynwald approval. The Department is of the view that any significant future decision about establishing a contracted school is best brought to Tynwald to endorse or amend any proposals before they can proceed.

To recognise that the term ‘stakeholders’ should include young people, the Bill makes provision for pupil governors. The minimum age at which a pupil governor would be eligible for membership of a governing body is proposed to be 16; however, there is recognition that if this provision is passed into law, clear guidance must be issued on the types of activity that might be carried out by pupil governors. In particular, it would be important to recognise that involving pupils in governing bodies’ decision-making processes could create serious conflicts of interest for the pupils concerned. It would not be reasonable, for example, to expect some pupils to be impartial about issues concerning other pupils who may be subject to a governing body determination and with whom they may have a personal history of friendship or conflict. In respect of staffing issues, it would be highly inappropriate for pupils to become involved in any matter that could have implications for the employment of teachers or for the maintenance of an appropriate educational relationship between pupils and staff.

The Department is of the view that there is a continuing need for local accountability in the form of governing bodies, although it is recognised that there is a need to strengthen the governance role for governors in holding head teachers to account and in representing pupils, parents and staff.

The Department welcomes input into developing the role of governors and the current independent review of the Department may raise some interesting points in this regard, which will need to be worked through during the summer months following the completion of the investigation and publication of the Beamans’ report into the Department. It would therefore not be appropriate to pre-empt the outcome of this but I will give a commitment to this Hon. House today that any changes will be fully consulted on prior to amendments being suggested.

In regard to the curriculum, the current Order describes broad headings and areas to be taught at the Foundation Stage and Key Stages 1 to 3. In drawing up secondary legislation the Department will commit to reviewing the requirements of the current Order in consultation with teachers, school leaders and their representative organisations.

The Education Bill introduces provisions to allow for the restraint of pupils, the confiscation of alcohol, tobacco and other restricted or prescribed substances found in pupils’ possession, as well as powers to search pupils for offensive weapons. To support this, schools will be given
guidance on ways in which these powers should be used in practice, given the sensitive nature of the circumstances they address, and any extra training requirements will be assessed. The Bill has also been used as an opportunity to make a provision that would assist in securing improvements to the management of behaviour away from school sites.

The Articles and Instruments of Government, which could be amalgamated in a school constitution, could be used to promote positive behaviour. The school governors and head teachers operationalise behaviour policies and establish custom and practice in this regard, to develop their behaviour policies. The general direction is driven by the Department, requiring such a policy but the details are best dealt with at an individual school level.

The Department is aware that there are significant concerns about the misuse of social media and for this reason it was felt appropriate to include provisions to seek to address this. The Bill introduces a requirement for schools to take action if a pupil at a school, their parents, or associates is using social media in ways that cause, or are intended to cause, distress or offence to other pupils, teachers or other members of school staff. If enacted these provisions would establish, the Department believes, an effective legislative framework for addressing social media-related concerns backed up by appropriate guidance developed with relevant stakeholders.

Further work is already under way in the draft Justice Reform Bill which will revise and strengthen the provisions to protect teachers and school staff from harassment and possible stalking outside of school premises. As Minister I will be working closely with the Department for Home Affairs to ensure that our staff feel safe and are supported in carrying out their role for the good of our young people.

The Department believes that the proposals in regard to home education are balanced and proportionate and recognise that it is a core duty of the state to ensure that all children and young people receive their entitlement to education and are kept safe. The Department intends to continue to allow parents to elect to educate their children at home, but it is right that it should have the legal means to require home educators to register and to provide information, where necessary, to confirm that their children are receiving a suitable education. The Bill also contains important provisions to ensure that the educational development of home-educated children is assessed periodically by the Department.

Recent months have illustrated that the assessment of the education delivered at home is an area for development and further reflection on the effect the current health emergency has had on education will be incorporated into future guidance.

The Bill sets out arrangements for the regulation and registration of private tutors and educational establishments. The Department believes it is right that relevant authorities are able to ensure that those providing such services are subject to meaningful scrutiny and oversight.

The ability to bring schools and leaders to account in a responsible way is important, and can help give reassurance to Tynwald and to the public about the quality of our schools. What is proposed gives the opportunity for more formal inspections as well as continuing the present approach.

This will undoubtedly be an area for consideration by those undertaking the independent review into the Department and so the conclusion of this will provide an opportunity for reflection and amendment as necessary. The Department recognises the strong opposition that exists to the penalty for intentionally obstructing somebody carrying out an inspection or seeking to support a school, and will bring forward measures to address this.

So, in closing, the Bill seeks to replace the Education Act 2001 with an up-to-date piece of legislation which takes on board the findings of the independent review into the Department as well as the views where appropriate of all key stakeholders.

I accept that some members of our community still disagree with some of the provisions this refined piece of legislation contains. We have consulted, discussed and negotiated for six years to get to Second Reading today. Now is the time for you, as democratically elected Members of this House to seize the challenge to take this debate to the next stage.
Mr Speaker, I beg to move the Second Reading of the Education Bill 2020.

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

Mrs Corlett: Thank you, Mr Speaker.
I beg to second and reserve my remarks.

The Speaker: I call on the Hon. Member for Onchan, Ms Edge.

Ms Edge: Thank you, Mr Speaker.
Obviously this has been circulated around today, that I wish to move that the Education Bill be referred to a committee of five Members for consideration and to report. The reason for moving this today ... I think the Hon. Member for Ramsey, the Education Minister, really has just confirmed himself that we are not quite ready. I am also aware I feel that, due to the fact that we have a Council of Ministers, the Chief Minister’s independent review into the Department, I am sure all Hon. Members have received considerable emails in the last few days from teachers, from head teachers, from home educators, from parents of children with special needs; and I do feel that it would do no harm for five Members of this hon. place to be involved with all the individuals to make sure that we get the right outcomes and we bring this Bill forward.

We all want an Education Bill that is fit for purpose and fit for the Isle of Man, and I feel that is really important.

I would also like to ask the Minister: I believe at a meeting on 18th March at Bemahague School that he promised he would give more time for consultation after the health emergency was over, and that was at a meeting with head teachers. So the head teachers, I do not believe have had the opportunity to discuss their concerns with any of the changes in this Bill. I do feel that that perhaps is part and parcel of some of the concerns and the reasons for us receiving an awful lot of emails in the last week.

Has the Education Minister gone back on that promise that he only made on 18th March this year?

I am sure other Members have got an awful lot that they would like to comment on as well. This is not a delaying tactic, this is making sure that five Hon. Members from this House are involved and that we get the right legislation in place for the children, the future of our Island.

So I beg to move, Mr Speaker:

The Speaker: Before I proceed any further on this, I would just draw the House’s attention to Standing Order 4.10(1). I will read it briefly:

After the motion for second reading has been carried, the clauses of the Bill may be referred to a committee to consider and report.

So unless Second Reading is approved by the House, reference to a committee cannot take place. I appreciate the Hon. Member indicating her intention to move this but it is not on the floor at the moment until Second Reading has been approved. If Second Reading is approved, I will immediately at that point ask Ms Edge to move the motion that is on here. It does not need to be tabled for future sitting, it can be done at this sitting and she will then require a seconder and we can debate that motion at that point, but that would need to be after Second Reading if it is approved.

With that in mind we continue with the debate for Second Reading, unless I have a point of order?

Mr Shimmins: Yes, I would like to move a motion of adjournment, Mr Speaker, of this debate.
The Speaker: You would like to adjourn this debate?

Mr Shimmins: Yes, please.

The Speaker: Okay. Until when?

Mr Shimmins: I would like to move a motion of adjournment due to the Beamans’ report, which is commencing work very shortly, and that is due to be completed by the end of July. It feels inappropriate that we would proceed with the Second Reading of this Bill (A Member: Hear, hear.) in these circumstances.

If we just look at the remit of the report, it is the effectiveness of current governance arrangements such as roles and responsibilities, and how the Department provides oversight of schools. It also talks about the effectiveness of the Department and managing the interface with schools including relationships with governing bodies and school leadership teams.

Now, that actually reflects a lot of what the Education Minister has just talked to in moving Second Reading. (A Member: Hear, hear.) So I believe that we would have a much more informed debate if we awaited the publication of that report which is due next month, and also if the stakeholders had a chance to engage with that, including ourselves. It feels we are rushing our horses unnecessarily, Mr Speaker.

So I would like to move that this House adjourns the debate on this until we receive the Second Reading and until stakeholders have a chance to engage. I believe that makes absolute sense given all the sensitivities on this important piece of legislation and the concerns that have been raised by various constituents of mine who are head teachers, teachers, educational support officers, home educators and parents. I think we should listen to those concerns and we should have a proper debate.

Thank you.

That debate be adjourned till the next sitting of the House in its own Chamber.

A Member: Hear, hear.

The Speaker: I am just trying to work out a way that I can ensure that Mr Shimmins’ intention is procedurally valid. And my suggestion is that you are actually seeking to adjourn this until the next regular sitting of this House, which would be about 27th October, I think, there or thereabouts; notwithstanding that we will be sitting in St John’s on Tynwald Day and we will be sitting immediately after July Tynwald, but of course we do not normally take legislative business at that point.

So it will be the first sitting of the House of Keys in October. Does that reflect your intention, Mr Shimmins?

Mr Shimmins: Thank you, Mr Speaker, for seeking that clarity.

I think it would be helpful. I guess it depends on the publication date of the report. I am assuming that the report will be published by the end of July and then that all stakeholders will have the opportunity to engage and make their views known, in which case July, August, September – that is two months, that does feel appropriate. So the October sitting would, I think, have some merit.

Unless, of course, this House decides to come back in September, because we may have other legislation to consider.

The Speaker: I need to find a way of wording this so that everyone knows where they are and everyone knows what it means. And the next regular sitting will be – is it 27th October?
The Secretary: The next sitting in this Chamber – (The Speaker: Yes.) would cover –

The Speaker: Yes, right, so it would be the next sitting.

Mr Shimmins: I understand your dilemma, so I am supportive of that suggestion.

The Speaker: Okay, in which case we will say ‘the next sitting in this Chamber’ which hopefully will cover both eventualities.

Mr Shimmins: Yes, that would be great.

The Speaker: Right, thank you very much. I call on Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker. I do stand to second the motion placed before us by the Hon. Member for Middle, Mr Shimmins.

But I would just, Mr Speaker, draw Hon. Members’ attention to a few important finer points here. The Education Bill is an incredibly important Bill. Equally, the independent review is incredibly important as well. And they must be brought together and considered together before we dare to move forward at all.

I have certain concerns lurking in the back of my mind. It is inevitable that the independent review was delayed in the way it was, due to COVID, but now we have an incredibly important review that is going to be considered over a matter of a very few weeks by Zoom or Microsoft Teams where you cannot get that personal interaction between a teacher, members of the Department and the reviewers. I am uncomfortable about that, and we are concentrating it down into a month. That really worries me.

A personal, subjective opinion is that I am not a great fan of Beamans, which also leaves me with a question mark. I am therefore really concerned, because this Bill considers a range of incredibly important matters like governance – and so does the review. So I think this is the point where this House needs to pause. So I have great pleasure in supporting Mr Shimmins’ position.

Thank you, Mr Speaker.

The Speaker: I also need to remind Hon. Members that Standing Order 3.29 applies in terms of the five-minute rule. But I thank everyone for keeping me on my toes.

Next up to speak is Dr Allinson.

Dr Allinson: Thank you, Mr Speaker.

Second Readings are always a bit of a challenge. Ms Edge wants to refer it to a committee. I have always thought this is not a long-grass administration and she seems to want to do that. She says it is not quite ready. I think I have said in my speech how long we have taken to get to this stage – the amount of consultation that has gone on, and on, and on. And Hon. Members have been contacted by people with interests in the Bill, whether they be home educators or teachers. Let’s not forget that this Bill is all about children and young people and students. They are at the centre of education not ‘people’ – some of whom unfortunately have vested interests.

The Hon. Member talked about a promise I made to teachers and she is absolutely right. I stand by that promise. There will be consultation on this Bill. I have already said to two of the unions, who still have outstanding differences in terms of the clauses, that I am more than happy to arrange for extra briefings of members over the summer to go through this.
What the Second Reading does is set out the vision for this Bill. What we are talking about now is the individual clauses and what they contain. Delaying Second Reading will contribute nothing to that debate. All it will do is give more time over the summer for people, hopefully, to read the Bill that they should have read last year when it was first presented.

We have been here before. We have been to committees before; we have been to consultation before. But what we need to do now is move forward.

And again, there is this idea that it is being rushed through. I think, Mr Speaker, I do not know how long the Pyramids took to build, but it was probably quite similar to the amount of time it has got to get this Bill to fruition. Again, an adjournment of debate … We are not actually debating the clauses here, we are agreeing on Second Reading. The actual debate of those clauses based on the Beamans’ report, I have already said is going to happen in October. We can then digest it after full consultation and go through these clauses line by line, as we have already done several times with lots of stakeholders and four different meetings with all the trade unions, gone through those line by line; and actually, leading up to this debate, I have contacted the general secretaries of those unions and a lot of them are very appreciative of all the work that has gone into getting this Bill forward.

Mr Shimmins talks about a ‘proper debate’. Yes, that is what I am asking for: a proper debate on the clauses line by line to go through that. But we will not get to that stage of debate until we actually grasp the nettle and approve Second Reading.

I cannot help but feel, Mr Speaker, that having an adjournment and a committee all at the same time, rushed – with even the Hon. Members not quite understanding the procedure to do so – strikes as a bit of desperation in trying to delay this Bill further.

We have to remember that today is the last Keys sitting in this session. The next time we do this we will be facing a general election and the dissolution of this administration. The clock is ticking in terms of us delivering what we promised in the Programme for Government at the start of this administration, which was a revamp of our education system putting the responsibility in the Department to provide education for our young people and children. That is what this Bill is about. If you want to negate that responsibility, if you want to kick it into the long grass, if you want to delay and adjourn that is absolutely fine. What I am trying to do is bring this legislation forward to the stage where we can discuss it in the clauses stage with everyone’s views. But we have to make the end decision. That is what we were put here for by our constituents. That is what I am asking you to do.

Thank you, Mr Speaker.

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

Mrs Caine: Thank you, Mr Speaker.

I rise to support an adjournment although I would be happy also to support a committee of five Members to go into the detail of this Bill and to sort out what needs sorting out.

Rarely have I known such public engagement with the progress of legislation in this Hon. House. (A Member: Hear, hear.) But the Education Bill has consistently attracted criticism and concerns from many including teachers, head teachers, parents and home educators. This Bill, if progressed as drafted, would criminalise teachers for obstructing inspections and it would punish parents too for failing to ensure children attend school, with fines or prison.

The Social Affairs Policy Review Committee was critical, particularly about the consultation process and I had hoped the Department would withdraw the Bill for substantial redrafting before bringing it before us. What is the political or social imperative for bringing it before us today? Draft legislation … the Minister admits aspects need to be worked through in the summer months. I am still unsure what the purpose is of this Bill and why it sets in stone a system of school assessment that serves neither student nor teacher. What is its ambition for our education system – our world-class education system?
I do not accept that the Bill establishes the best structure in governance of our schools. I think it lacks clear vision. And why rush ahead with the Second Reading of flawed legislation, while an independent review into the Department has just commenced? (Several Members: Hear, hear.)

The future of our education system is too important for a botch job. It is vitally important for all our young people now, and future generations, that we get this legislation right. Referring it to a committee and having an adjournment while we can work those aspects through in the summer would seem the best way forward.

I for one cannot vote in support of legislation to support a Second Reading when I know the legislation is not fit for purpose in its current form. A flawed Bill needing amendments is simply not good enough for the future of our education system and the future generations it will serve. The Department would get a bad end-of-term report on this: it should try harder.

I think it should go away and complete the drafting of the Bill to a state where most people involved in education are content with it. An adjournment hopefully will provide time for the Education Department to do that. This Bill is not ready. It is not batting it into the long grass; it is in the interests of getting it right.

Preferable for me would be for the Department to take stock, to reconsider the Bill’s provisions following the outcome of the independent review and following further consultation as promised. We need a revamp of the Education System. We do want it to be modern. We do want it to be fit for purpose. But it has to be with the support of all involved in education and this Bill would not seem to be at that point yet.

Thank you, Mr Speaker.

Several Members: Hear, hear.

The Speaker: Next up, the Hon. Member for Arbory, Castletown and Malew, Mr Moorhouse.

Mr Moorhouse: Thank you, Speaker.

I also rise to support the adjournment. The timing of the Second Reading of the Bill does concern me. I have spoken to the Minister and recognise why he is eager to move forward. What concerns me is the voice in the community. Some of these individuals will want to give the Minister a bloody nose; however, I am hearing the voice of many moderate, reasonable and thoughtful individuals who really do believe that the process needs to be halted.

The word ‘communication’ remains key. I worry that by carrying on in this way the message being heard is a juggernaut that cannot be stopped. I know it is late in the day but whilst an independent review is taking place I feel the process needs to be paused.

At this point I worry that moderate people are not being heard and the Minister’s words are simply being ignored. The message that is coming across is, ‘We can and we will’; and that is not the best interpretation of this really important Bill. We need time for calmness and reflection to show that we are really serious about listening and working together.

Thank you.

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

Mr Cregeen: Thank you, Mr Speaker.

At my last meeting with the unions regarding the clauses of the Education Bill they were generally supportive apart from, I think, there were about three clauses: one was about social media – and one of the unions did not want anything to do with social media in it, and the other did. There were questions about the governance – there were those issues. But they were generally supportive of the Bill and, as Hon. Members will be aware, one of those unions actually came to a Tynwald briefing supportive of the Bill being moved forward.
Hon. Members will have been given possibly the same emails that I received, saying that it was the SSRE, it is about the Social Affairs Policy Review Committee’s Report. The Bill has changed significantly since the Social Affairs Policy Report first came out. So there is a significant difference between that and what the Hon. Members have got before them today.

I would challenge those Members who are saying it should be adjourned and it is not fit for purpose. Have they actually read the latest version of it? Because it does not refer to SSRE and some of the comments that have been made are out of date.

This Bill has been consulted on significantly with all the unions, even the unions’ official’s from across came to meetings which were all recorded and minutes were taken on every clause that we went through – every clause was gone through line by line on numerous occasions.

Mr Speaker, we are going for Second Reading. The summer has plenty of time for those Hon. Members who have concerns to actually go through the Bill again and ask the Minister his position on it. That is what you can do in the summer. I doubt many people will be going away anywhere, so let’s use the time (Laughter) in the Isle of Man. Have your holiday in the Isle of Man and go through the Bill, and when it comes forward to us please bring those points up.

I gave an undertaking to the unions that when the Bill came through this House they would have the opportunity if we went into a Committee of the House to put their points, which is the appropriate time.

Mr Speaker, I would say that we should go ahead with the Second Reading.

The Speaker: Thank you.

Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

I rise mainly because I am quite concerned about some of the things that I am hearing and the content of some of the emails that I received, and I think there is quite a bit of misunderstanding out there about a number of things. So, first things first.

The Social Affairs Policy Review Committee Report that is being referenced was never actually debated in Tynwald. The Committee never brought it for a debate. If a Committee does not have enough confidence in its own report to bring it for a debate to Tynwald I do have to question how much value there is in the findings.

But the point really is that this whole Bill is amendable and so anything that is not right can be fixed in clauses stage. So adjourning the Second Reading debate to October actually does not achieve anything, because until you have finished your Second Reading debate you cannot get on to clauses, and clauses is where you can table amendments and fix things that might be broken.

So I thought it was important to look at what the Bill actually does. A number of the comments that have been made so far are about things like the SSRE process being enshrined in law. The Bill does not actually do that, it is very clear that it does not, and if any Member thinks that it does, I suggest they go back and read again the Bill about enshrining in statute a particular process. That is completely inaccurate. So there is a reference in there to any inspection process requiring some form of self-assessment but actually the Bill is silent on the scope and extent and breadth and width of that. The Bill is pretty broad in terms of inspection regime.

I think it really is important that we know what we are talking about here. In terms of governance arrangements, as well, the Bill very specifically leaves most of that up to Articles of Government and Instruments of Government for schools. So the Bill says that articles must include certain things and the instrument must include certain things, but actually it does not say that every school must have its own unique individual governing body, for example – that is not a requirement in the Bill. And if it was determined that you wanted to make some changes to that section actually it is only one clause that refers to governors and appointment of
governors – so amending one clause to change, fundamentally, the governance structure of schools and education on the Isle of Man would seem to be relatively straightforward.

I mean, the amendment I brought this morning to the Licensing Bill, the amendment was larger than the Bill! I always entered this House with the view that anything is amendable and the conversation is not finished until this House has decided the conversation is finished. So why do we not get to the next stage and have that conversation about what is good and what is bad, and what clauses work and what clauses do not, and we can all table whatever amendments are necessary and actually hash it out properly in this place, which is exactly the role we have been elected to do. So an adjournment does not make a great deal of sense to me.

I would also like to touch very briefly on the terms of the independent review. I went back and looked at the terms of reference for that review and it talks about ‘roles and responsibilities’; it talks about ‘policies, procedures, protocols’ and ‘management of relationships’. I might be wrong but I do not think the Bill deals with most of that. The elements of the review that will impact on the Bill are again in terms of governance and inspection. Those are two very specific sections of the Bill that, again, I think are entirely amendable. I think there is some fluidity here. The Department may not get its own way when it tables these clauses and maybe it is right that it does not.

But we have not had that debate yet. We have not really gone through it in detail line by line. And, to be fair, when I was in the Department of Education I did make that offer that I would sit down with any Member and go through with the Bill clause by clause, line by line and no-one took me up on that offer. (Interjection and laughter)

So, sorry I apologise, Mr Speaker. Mr Speaker did take me up on that offer!

The Speaker: Thank you very much! Over two afternoons!

Mr Hooper: Yes, that is true. But aside from my colleague, the Speaker, Members were silent on this. So if there were serious problems with the Bill, why have we not all tried to fix it sooner? Why are we now saying ‘Let’s delay it by another six months’? Actually, that will serve very little purpose.

The clauses stage, I was going to mention this in my speech around the Second Reading, absolutely has to happen after the review reports. That is an absolute requirement in my view.

You cannot take clauses before the review is completed. But it is clauses we need to be concerned about, not the Second Reading.

So again, just some context around the adjournment here and what the Bill does. I have not actually heard many comments about what the Bill does that actually reflects what is written in black and white. And equally I think the comments around adjourning this particular part of the debate do not make a lot of sense.

So in that context, Hon. Members, I really think: get Second Reading through; make sure the Minister does what he says he is going to do and consults and engages over the summer; make sure that he brings back clauses after the independent review is finished; and then make sure that as we go through the clauses stage we are all fully and properly engaged in that debate and in that conversation. That seems to me the right way of dealing with this.

That is it. I would argue that adjournment does not really make sense.

Thank you, Mr Speaker.

The Speaker: Hon. Member for Douglas Central, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I fully support the call for adjournment. I think it is not anything to do with the Social Affairs Policy Review Committee, it has to do with the independent review.

It is also to do with the juxtaposition of two quotes from the Hon. Member for Castletown, Mr Moorhouse, and the Minister, Dr Allinson, from Ramsey. But basically what Mr Moorhouse
said was we need to demonstrate that we are listening and we are working together. (A Member: Hear, hear.) Now, I have got 14 pages here of moderate constituent input into the clauses stage that I would like considered, and I have got a few other constituents – not teachers, not home educators just genuine people who care about education – who we need to carefully consider. So Mr Moorhouse said we need to basically make sure we listen and work together; whereas the Minister said we would take into account other views where appropriate. And there is a difference there.

Then the second juxtaposition is that Mr Moorhouse said that we needed to demonstrate that we were listening and working together; whereas the Minister said the Department was responsible for Education. (A Member: Exactly!) I beg your pardon: teachers have a role, parents have a role and most importantly the individual has a role. This is a much bigger issue than just the Department can and so therefore it will.

Look, let’s face it, let’s face the facts: the 2001 Education Act in Isle of Man legislative terms is quite recent. The 2001 legislative Act was substantially amended in 2009 with the Education (Miscellaneous Provisions) Act. Lots of what is in this Bill was in that Bill back in 2009. A few months is not going to make any difference in terms of actually genuinely listening and showing that we are listening, and then learning from other people’s views rather than just dismissing them because we can and therefore we will.

So with that, Mr Speaker, I will be participating later in the debate in terms of the committee, which I think I can. We can obviously call for a committee at a later stage as well, because it will be in another parliamentary year. But most important now is to take the time to get this right, because education matters. So I support the adjournment.

The Speaker: Next I have Mrs Barber, Hon. Member for Douglas East.

Mrs Barber: Thank you, Mr Speaker.

It strikes me that we are in a really positive position, actually, with the Education Bill before us because we are about to go into an enforced pause, and I just feel we can use that more productively if we breathe and we stop and we allow ourselves to have the benefit of the Beamans’ report in front of us. By debating now we pre-empt the content of the Beamans’ report and I think that is an unhelpful position to be in.

So while we are awaiting that, I think there is clearly a conversation that still needs to be had, because there is a mismatch. Whether that is relating to the content of the Bill, which in some cases I think there is a difference in understanding over the content of the Bill; or whether that is relating to people’s concerns about something specific that would affect them within the Bill … Ultimately we are creating the laws to make the situation better for the people of our Island. And we seem to have ended up with this Bill with a situation where, for a large number of people, they do not feel that it is achieving that.

But actually we have an opportunity. We have got three months where we are not sitting in this House and there is an opportunity to have that engagement. I would argue that any committee – and obviously we will discuss that shortly – should report in a very timely manner because I think that is the important element of this. I do not think we should seek to delay the Bill hugely. I think it is just using the time we have, rather than getting the Beamans’ report in July, everyone having a quick flick through and then nothing happening with it until October, let’s use the time between the report and October to actually talk to the people that this is affecting – the parents, the teachers, those people working within our schools.

Let’s talk to those people, talk to them about the Beamans’ report and how those things all interact together with the Bill. And let’s see how we can make sure that any clauses that are needing amendment can be done so with a broad consensus. Because, ultimately, everyone I am speaking to and everyone here, I am actually in no doubt wants the best for the children of our Island. Everyone has that same purpose, there just seems to be a difference of opinion in quite how we get there.
I just think we have this enforced pause, and we also have something that we are always
desperate for: we have got people engaged in legislation! (Laughter) We try and get this all the
time and we fail, but we have got it! So, rather than knocking people down with a great big stick,
let’s talk to them, let’s listen to them and let’s understand what it is that is causing so much
upset with this Bill. Because, actually, I think we can all come together and we must all come
together because ultimately, to my mind, if we put a piece of law in place that the people who
are going to have to work within it, around it and encapsulated by it do not support it – I think
we put ourselves in an incredibly difficult position.

So I would say, we have an opportunity and I think that we would be foolish not to take it. So
I will be supporting the adjournment and, should we not get an adjournment – I hope we will,
I hope that there will be some common sense around this – but then I will support a committee.
I think it is very important that we take the time to breathe, that we take the time to engage
with people who we always want to engage with us and who now are doing – and suddenly,
because it is making everything a little bit harder we are like ‘Actually, we’ve changed our minds;
we didn’t want actually that engagement we’re always after’!

So I hope people will support that. Thank you.

Mr Quayle: Thank you, Mr Speaker.
I rise to my feet just to discuss briefly the Beamans’ report which I asked to be set up and for
the investigation to be carried out. Just to confirm, I have spoken with the team, a number of
professors, very learned people, who have excellent qualifications to carry out this report. They
have assured me, barring unforeseen circumstances they will have it ready in July for us all to
see. I have said it will be shared. It is totally independent. We will all get to see it. And we then
have circa three months to discuss it.

I would commit, and I am sure the Minister for Education, Sport and Culture will happily
agree, to meet with our teaching representatives during that period, once the report has come
out, to see if it raises anything. We do not know what it is going to find, or say; but should it
make a comment in the report that x needs to be fixed and that is relevant to the legislation.
Then I am sure the Minister for Education, Sport and Culture will be more than happy to commit
to discussing that with the teaching representatives, so that come October, three months later –
because we are looking at all of August, September and October and, contrary to some public
opinion, we do actually work non-stop during that period, we just do not have Tynwald, but we
maybe have our Tuesdays for our officers to fill up those days with.

So that is something I will personally commit to, as Chief Minister – and we do not know what
they are going to say – that if it needs changing, or clauses need changing, then I am sure the
Minister will happily go out and meet with the representatives, and he will have all of August, all
of September and the vast majority of October.

Thank you.
It would not be appropriate for us to make specific legislative recommendations, given that we are a Committee of Tynwald Court; that the Bill is expected to come before the Branches soon; and that Tynwald Standing Order 3.11(3) ...

The Hon. Member from Ramsey is always very keen to point out to us about Standing Orders so I am pointing out that that was all in the report.

But, more importantly, an adjournment debate: how often in here do we all stand up and say that we need to bring people with us? All I have actually felt I heard from the Hon. Member for Ramsey, the Education Minister today is: ‘We are going to …’, ‘We are doing this …’, ‘We are moving on no matter what’. ‘Why do you want to put it into the long grass?’

It is not putting anything into the long grass, it is giving people an opportunity to be involved as the Hon. Member for the Douglas East, Mrs Barber said, we are trying to bring people with us. I think there is enough unrest within our Education setting at present without creating any more. And I think an adjournment is nothing for the Education Minister to be afraid of. I think he should want to hear from all these professional people and want to hear from our constituents and anybody that is interested. I am quite astounded really that he would not want that.

He also mentioned the Programme for Government. I am sure we have all been told in the other place that there is going to be an update to the Programme for Government. So what is changing? Is there anything changing in that? Or is he just going to railroad this through?

I thank the Chief Minister for his comments about Beamans because one of the questions I was going to ask is would it be circulated in July to all Hon. Members, because it did say it would report to CoMin in July. So as long as that is not just reporting to CoMin and we will receive it as soon as it is published.

The other question I would like to ask: at this point – and I will ask the Education Minister – but when we originally were advised about the Beamans’ report it clearly said in that that all stakeholders would be involved. Now, I am not aware of any political Member or backbencher outside of the Education Department that has been contacted, and I wonder if that is a possibility to be considered. So I am just putting that out there as part of this adjournment debate.

Thank you, Mr Speaker.

The Speaker: I call on Mr Shimmins to reply to the adjournment debate.

Mr Shimmins: Thank you very much, Mr Speaker; and thank you to all the Hon. Members who have spoken today.

I would suggest we just need to take a step back. The adjournment is about looking at the independent review when it is published. That makes sense. It is just very important legislation, we have got an independent review into our Education structures, and we are proposing just to crack on with the Second Reading before that.

I was very interested to what the Minister said in response to the general debate, and he said ‘We need to act responsibly’, ‘We need to make decisions’. I could not agree more. Of course we should act responsibly. The responsible thing is to wait for the independent report and then we make informed decisions, Hon. Members.

I also agreed very much with what the Chief Minister said and I was heartened by his comments because he stressed again that the Beamans’ report is totally independent. He also said we do not know what it is going to say. Exactly. Those are quite important words, Hon. Members because the previous Education Minister and the current Education Minister seem to think they know what the report is going to say.

Now, I was heartened when the Chief Minister said, ‘We don’t know’. So, in that context, why would we proceed with the Second Reading when we have got a report, and we do not know what the report is going to say? Surely it must make sense to await the publication of that report.
Again, I was delighted to hear the assurances given by the Chief Minister that it will be published and people will be listened to and there will be ongoing engagement. Indeed the Education Minister also commented along similar lines, and there is a suggestion that we will change the Bill.

Okay, that sounds entirely sensible. But is it sensible to change the Bill before Second Reading? I mean, that feels quite an extraordinary thing to do, to say actually that we will –

**Dr Allinson:** Point of order?

**The Speaker:** Point of order.

**Dr Allinson:** Could the Speaker please comment on changing the Bill before Second Reading?

**The Speaker:** It is a matter for debate, but obviously a Bill cannot be changed whilst it – apart from through clauses.

**Mr Shimmins:** Well, the technical aspects of the Bill we can fix in terms of First, Second Reading and clauses. It is the content which people are really interested in.

I was certainly intrigued when Mr Hooper said an adjournment to October will delay the Bill by six months. That is hyperbole; absolute hyperbole. We know that the report is going to be done by the end of July and he suggested the right way to do things was to crack on. I would strongly suggest to you that is not the right way to do things.

And when Mr Thomas said, really, this an example of dismissing other people’s views because we can and Mrs Barber said, ‘We need to breathe’ ‘We are knocking people down with a big stick’. Those words are quite concerning to me. It is not something I would suggest that the Education Minister would want to do.

So I really think that the Education Minister might wish to consider that this would cause minimal delay. It is the right thing to do. We have commissioned an independent report. Let’s have a look at that report. Let’s discuss it before we take the Second Reading.

And on that basis, I will sit down. Thank you.

**The Speaker:** The motion before the House is that the Second Reading debate be adjourned until the next sitting in this Chamber. Those in favour, please say aye; against, no.

A division was called for and electronic voting resulted as follows:

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**The Speaker:** With 10 for, 12 against, the noes therefore have it.

We continue debate on the Second Reading; and Mr Hooper.
Mr Hooper: Thank you very much, Mr Speaker.

I think from my perspective this Bill itself does not actually resolve many of the issues that are facing our education system. Many of the issues are not legislative – the issues are cultural, relationship based, policy based, they are personality based – it is much broader than just the legislative framework. But I think what this Bill does is it provides the opportunity to address a wide range of issues because most of the detail is not in the Bill. Most of the detail sits inside regulation and articles and other subordinate documentation. Getting these documents right is absolutely critical to making sure that we have an education system that is fit for purpose and that delivers what it should deliver for the young people on the Isle of Man.

I think one of the biggest challenges that our education system faces is dealing with the question of autonomy. The current principle seems to be that schools essentially themselves determine in large how education is delivered and have a great deal of flexibility around that, within a framework obviously that exists set by a combination of Department policy, exam boards and the wider world at large, and that flexibility I think is a good thing. Where I think we fall down in legislative terms is we are not clear on where various responsibilities and accountability lies within our system: school, governance, Department, GTS. We have seen this in the recent crisis and we have seen this in the evidence that was given to the Public Accounts Committee. You had schools saying we cannot do something and other schools going ahead and doing it. You had the Department saying we are unable to do something and yet some schools were doing it anyway. You had people saying, ‘It is not up to me, it is up to someone else to do that’ and I am not sure that is particularly healthy.

I think, for me, I want to put a marker down here that says the Department really should be the policy maker and the person responsible for that quality assurance process either through its own regulator or an independent body. It should not be any more involved in schools than it has to be.

I think the proposed new structure of the health system, the Manx Care Bill that we will be talking about shortly, sets out a sensible, broad framework that could be replicated or applied in the right context to our education system, allowing schools to act as their own arm’s-length bodies, delivering education within a broad mandate set by the Department.

But having said this, I do not think we want to turn education on the Isle of Man into a market place. We do not want schools having to compete with each other for staff and resources. And going as far as they have in the UK in terms of academy-style structures I think would be completely inappropriate for the Isle of Man and that should be avoided at all costs.

(A Member: Hear, hear.)

In this context then, I think I would just like to ask the Minister to confirm a few things: first things first, the Bill deals with setting out a new framework for the way the Government and the way the Department provides financial support to students on the Island, not just pupils at school and students at secondary school and university students, but actually the wider population so retraining, upskilling, the broader skills development needs of our economy. I think I would like to ask the Minister what his plans are in this regard in terms of the regulations that he will be expected to bring to update and upgrade some of the financial framework that exists in this space.

I would like the Minister to confirm, if he will, that the patchwork provision that we have seen in recent weeks has shown the necessity of a well-functioning quality assurance system. Can he confirm that the Bill itself does not prescribe any particular process and that the current approach and inspection regime will be reassessed following the Beamans’ review and before he brings clauses stage to this Hon. House?

The Minister also mentioned in his opening remarks that there will be more engagement and consultation with stakeholders over the summer following the review and before clauses stage. Can he confirm what he means by this? Is he talking about proper and full engagement with teachers directly, with their representatives, with parents and with students?
When it comes to the regulations themselves, I think the point I would like to make is that this Bill provides the opportunity to review every aspect of how education is structured and how it functions on the Island. I think a very negative outcome would be simply lifting existing regulations and making them again under the new Bill without giving any thought as to whether they are fit for purpose and appropriate. So can the Minister confirm that as he is bringing individual sets of regulations and subordinate documents through the process that each one will be considered on its own merits and there are no plans to simply lift, copy and drop existing rules and regulations?

This Bill provides us with the opportunity, I think, to relaunch our education system and it is up to us to take that opportunity, and I would hate to see it wasted. So if the Minister can please confirm these few things I would be extremely grateful.

The Speaker: I call on the mover to reply, Dr Allinson.

Dr Allinson: Thank you, Mr Speaker; and I would like to thank Mr Hooper for his comments, but also all the previous comments that came before that. Can I be quite clear that by bringing this Bill to Second Reading it is not because we can do it; it is because we should do it. We should progress this legislation. Is this the ideal time for it? (A Member: No.) The ideal time would possibly have been last year when it could have come through. I see this as an ideal time. We have got a review of the entire education service on the background of a crisis which amplified all those parts of our service that need improvement, a warts-and-all review of the way the Department functions in terms not only of governance but also in how it relates to all the people who work within education but also rely upon the education service. We have also got, hopefully, the conclusion of an industrial dispute that has been going on for 18 months, and then an Education Bill. I am quite an unfortunate Minister to have all these happening over one summer, to be able to hopefully draw a line under problems in the past, plan a future that is centred around our pupils and young people.

I think Mr Hooper, the Hon. Member for Ramsey, was absolutely right when he talked about the balance between autonomy and responsibility. I trust the teachers. But we need to enshrine that trust and that autonomy in legislation and actually make sure that we seize this opportunity.

If I can just go through the questions Mr Hooper asked me. He asked about financial support for students but also in terms of skills and upgrades and lifelong learning, and I think that is a phrase often bandied about without actually any meat on the bones. As we move into this summer, this year, next year, the importance of education in terms of retraining, in terms of skills, will never have been more important for our Island, and that has to be seized upon.

We have already started work between the Department of Education, Sport and Culture, the Department for Enterprise and others to have an actual Government plan for how we reskill, retrain and re-employ people who have suffered economically due to the coronavirus pandemic.

He also asks about the necessity of a well-functioning assurance system. Again, this is one of the questions that Beamans has been asked to look at: how do we assure that we are delivering what we have promised to our children? Now, I have never been keen on an Ofsted model. When I have talked to teachers here one of the advantages that they see coming to the Isle of Man is to get away from tick-box exercises about assurance, and what they appreciate is the self-assessment and support that the Department gives to them. I think we need to look at that again, we need to consult on that again and get it right because any quality assurance should have that supportive element to allow people to develop the services they provide, not chastise them for not being able to do so in comparison with their neighbour.

I fully agree with the Hon. Member for Ramsey’s emphasis on full engagement. I have already said that during the summer we will do a full engagement with teachers, with their representatives. He makes the very valid point that I have made earlier on in this session, that
pupils and their parents should also be part of that. But on the basis of our conversation today we need to move forward and engage people.

And the Hon. Member, Mrs Barber, is absolutely right, one of the advantages of legislation like this, we are talking about in some ways social policy, this touches peoples’ lives. It is important for people and I completely appreciate the passions it stirs up, but also see this as a really good opportunity to engage in people with something that is very meaningful for them.

One of the aspects has always been about regulations, and certainly as we develop the regulations and everything that underpins this piece of legislation, they will be assessed on their own merits.

This will not be a cut-and-paste job, it is a large piece of work that needs to be got right for this Island and for the pupils and young people of this Island, and with that, Mr Speaker, I beg to move.

The Speaker: I put the question that the Education Bill 2020 be read for a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

A division was called for and electronic voting resulted as follows:

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The Speaker: With 15 for, 7 against, the ayes have it, the ayes have it.

Education Bill 2020 –
Referral to Committee –
Motion carried; Committee of five elected

The Speaker: In accordance with Standing Order 4.10(1), and as previously indicated, I call on Ms Edge to move her reference to a committee.

Ms Edge: Thank you, Mr Speaker.

What I have actually considered during the debate is to add in to this to move that: the Education Bill be referred to a committee of five Members for consideration and to take into consideration the Beamans’ report and to report back by October. So that gives a bit more clarity around what the committee’s remit would be.

I said earlier what my thoughts were on having a committee and to make sure that everybody is engaged and everybody has the opportunity. The Hon. Member for Ramsey, the Minister for Education, has just commented again about SSRE, etc. Until we have got Beamans and the outcome of Beamans and the structures – and Hon. Member for Ramsey, Mr Hooper,
talked about the healthcare set up – surely an independent review of our Department is going to
look at all of this and consider – well they should if they are not – and I think that there is so
much importance on this, which we have all highlighted today. None of us wants to stop an
Education Bill. We want to make sure it is the right Education Bill for the Island and I think with
dfive political Members looking at this in conjunction with all of the people that have raised
concerns would do no harm.

It is not delaying anything; the Minister has said he would be coming back in October. So
wouldn’t that be great that we have got two valuable views coming back here in October before
we debate clauses? I think it is really important, and I hope Hon. Members will consider that.

This is the future; it is going to be enshrined in legislation. The Minister said that he is
enshrining trust in legislation. That is great because I think that is the one thing that is lacking at
the moment with our current Department and we do need to have that trust. The Isle of Man
needs to have the trust in the education system. If we are going to attract people to the Isle of
Man we need to have a good, robust education system and an Education Bill that is fit for
purpose with professional input, with parents’ input and with individuals’ input.

I know the Minister is probably sitting there thinking we have been debating this for seven
years, well, clearly something has been wrong when we are still at this point now in 2020 that
we have not got the right piece of legislation in front of us.

And with that, Mr Speaker, I will not take any more time, but I beg to move:

*That the Education Bill be referred to a committee of five Members for consideration to
include review of the Beamans’ Report; and to report by October 2020.*

Thank you, Mr Speaker.

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

Mrs Caine: Thank you, Mr Speaker.

I rise to second the proposal that the Bill be referred to a committee of five Members.

Ideally I think the Department should have gone away before bringing the Second Reading
and made sure that the legislation was right and had the buy-in from all their stakeholders, all
the community from students, teachers, head teachers and home educators. Unfortunately, for
its own reasons, it did not do that. Perhaps it could go away and come back with a completely
new Bill instead of a flawed one. But seeing that has not happened, I think it would be best that
five Members of this Hon. House have input into that work to ensure that when the Bill comes
back before this House it is fit for purpose because, as the Hon. Member for Onchan, Ms Edge,
says, it is just too important to get it wrong. We have to get this right.

Thank you, Mr Speaker.

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

Dr Allinson: Thank you very much, Mr Speaker.

Speaking to the amendment (The Speaker: The motion) the motion to take this to a
committee – which seems to have changed drastically since it was originally put down in front of
me – again we are talking here about engagement. And I do get slightly confused with what
some Hon. Members want: do they want to refine the Bill or, as Mrs Caine said, get rid of it
completely? Because I think we need to be quite clear with this.

People have said that there is something wrong with the Bill, it is not fit for purpose. Well,
nobody so far has explained to me why. People have talked about specific clauses. Sometimes
the difference between a word of ‘may’ to ‘must’ that is what we are arguing about, rather than
the fundamental principles of new legislation to actually enshrine governance, responsibility and
the key principles of how we apply legislation on this Island.
As I said in my opening speech, this bit of legislation puts into writing the key principles which should guide all of us, whether that be Government, Departments, schools, teachers, parents or pupils, and that is the important part of it and I think that is fit for purpose and I do not think that is wrong to put those principles down.

In terms of sending this to a committee and engagement, I have already said that I will engage with all stakeholders over the summer regarding this.

Everything seemed to go quiet after the First Reading and now some of the same arguments that were actually voiced then have come back now. I think they are valid arguments and I hear those views but, as I have said, as a Tynwald we need to decide what the wording of those clauses should be. In terms of that engagement, in terms of committees, I will give an assurance to this Hon. House that when we come to the clauses stage I will be quite happy to move this House into a Committee of the House so that in real time we can debate clause by clause with any relevant parties who want to take part in that debate.

Rather than put it off over the summer to five Members, why don’t we include all Members in that discussion? (A Member: Hear, hear.) That is what we use a Committee of the House to do, to tackle some of these key issues where sometimes there is not a right or a wrong answer and we need to decide. So I am quite happy to engage over the summer. I am quite happy to have a Committee of the House when this comes back in October.

But what we are looking at here in terms of the submissions that have been given to me, and again I have gone through those again and again, we are dealing with differences of opinion in terms of clauses. Nobody has said so far that the principles that underlie this Bill are in any way wrong; that the principles that education is a human right and the child should be at the heart of that right is somehow wrong. But it is for us to decide, as legislators, exactly how we apply that, that is why I think a committee of five people over the summer looking at the Beamans’ report is fine, you can do that if you want to drag the Bill off and try to analyse it and perhaps, according to one Hon. Member, get rid of it completely.

I would rather bring this Bill back to the House, as I promised, after full engagement and we go into Committee of the House for those clauses that people have problems with. But when you look at the list of those clauses it is actually quite short and I have already pledged to deal with some of the things that as a backbencher I could not really justify, including custodial sentences for teachers. As a new Minister I will look into that.

So with that, Mr Speaker, I have to say I cannot agree with this motion. We have had the Second Reading, and I thank Hon. Members for progressing this Bill. I want now to take this to the next stage and have a full, democratic debate, not just five Members.

Thank you.

The Speaker: Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

Just to clarify, my vote for the Second Reading today was just because we do need a good Education Act. We need a perfect Education Act if we can do anything about it in this House; that is the reason I voted for Second Reading today.

The second point is that we are down in this House at the moment by two Members, we do not have representation for Douglas South and that might well have changed the dynamics of this debate and it might well have changed the vote in the debate up to date.

And I just wanted to clarify with Mr Speaker, perhaps the Clerk as well, even if the Committee is not set up today am I right in thinking that a Committee could be established again before the clauses reading in October, November time? There are two opportunities – there is after the Second Reading and there is before the clauses, so...

The Speaker: Carry on, continue.
Mr Thomas: Therefore what we need now is a rich summer for that and we could be moving again today with 24 Members of the House in November for a committee, and why wouldn’t we start that committee today? Because I fully respect the Minister’s offer then to make sure that we have a Committee of the Whole House to go through the detail of custodial offences, which is a brand-new omission – it is one of the issues in my 14 pages that I was going to take up; but that is quite a substantial change because it is all to do with the sentencing policy and the legal framework around this, and that is quite a substantial change.

It is great having a Committee of the House, it was helpful in the Equality Bill discussion, it was helpful in the Abortion Bill, but it is never a substitute for a committee of five Members looking at this inside a framework, with evidence, coming up with reasoned and informed decisions to bring back to this House. It is much better to actually have that committee working earlier, now, rather than in November, if it is set up at that point, and it is much better to have it informed by actually evidence and a few hundred pages of submissions and evidence rather than just having ad hoc legislation-making on the floor of this House, sir, later on.

The other point I want to add in before we make up our mind about this committee, is that I want to build on a statement that the other Hon. Member for Ramsey has made, which I think the Minister will concur with, which is that the Department of Education needs to become more of a policy maker and equality assurer. We have an incredible bias when we draw up legislation in this Island because of the way we organise the legislation process and the specification policy drafting instructions for legislation, which is that we have Departments drawing up the legislation. And if you take the view that the Department is becoming more of the policy maker and the quality assurance regulator, there might well be an incentive for the Department to do too much quality assurance and regulation and there might well be an incentive for the Department to do too much, to develop too much policy and all of that separately. So it is much better to leave policy in the hands of the national interest, taking into account all stakeholders, rather than leaving there to be a potential for a bias for the fact that the Department, which gets something out of in some way, being responsible for drafting the legislation.

The last point I wanted to make is that I am quite worried about clause 2 and clause 130 in the Bill before us. Clause 2 is the commencement provisions and clause 130 is the subordinate legislation provisions. They seem slightly different from the ones that are in the Education Act at the moment, the 2001 Act, as amended in 2009 and again in 2013 and again by orders along the way. I am a bit worried that I might have to be trying to move one of those killer clauses, like I had to move with the National Health and Care Service Act back in 2016. We might need to take care about what happens next because the Department could end up with too many powers to make regulations and to make orders that we do not actually know what they are going to be like in the future, because we have not seen them quite as yet in detail. So that is another point.

All in all, I would value the chance for the Clerks and Members to take evidence and to sit down and to prepare us for a well-informed report. And I do hope that the swing vote today in the vote, Mr Hooper, will come over to the side and that we have an 11-11 vote for this ability to set up a committee. With that, I will sit down, having registered my full support.

The Speaker: Hon. Member for Glenfaba and Peel, Mr Harmer.

Mr Harmer: Thank you, Mr Speaker.

I will just be very brief but I think some of the points that have been made are really interesting. I actually do not think we should delegate to five people, we should all be involved. (Interjection) And actually for all of us being involved would mean … I think the danger of a committee at this stage, unfortunately I do not think it would be helpful. I think all of us need to look at all of the comments that are being made, all of the issues, and really spend the whole summer getting bang into the detail. The danger of a committee is you get a report and then you start all the process again. Let’s not delay it in our own heads, let’s actually get on with the work.
With the principles being defined, the problem is a lot of it is around the detail and that is where we need to all work together.

So with that I do not support a committee of five because actually I think that will delay and delegate where we actually need to grasp the nettle.

Thank you, Mr Speaker.

The Speaker: Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you, Mr Speaker.

I find this quite interesting actually. A number of Members have said there should be lots of input from this Hon. House and we should take account of all the comments that have been made. I was expecting quite a robust debate today actually about the content of this Education Bill. It is important; it is fundamental; it is critical to getting this right. And yet I am the only person that spoke in the Second Reading debate. That I found quite concerning, that we are being asked now to vote on a committee, to ask a committee to go away and look at this in detail, but actually Members were not invested enough in the Bill to actually stand up and say this is what I think about it. We have not had that debate. I was shocked, actually, and quite disappointed that that opportunity has now been missed.

So really I would like the hon. mover just to confirm something when she sums up on this: what direction is the Committee expected to take? Because usually there is a nice robust debate around the principles and then someone says right we will have a vote on that and we have a committee and they have got a rough idea what it is they are supposed to be looking at. So if the Member could outline that it would be quite useful.

Also, when she made her opening remarks, she said that a committee of five Members to consider the Beamans’ Report and report back by October. Forgive me if I am wrong there, but the issues I think that Members have mentioned, or rather the letters have mentioned in connection with the Bill, a lot of them actually step outside the remit and the terms of reference of what Beamans are looking at – so are we asking to appoint a committee to do half a job? I am a bit unclear on that, so again, is the intention to have a committee of five Members solely to consider the output from Beamans in the context of the Bill; or is it to have a much broader remit and wider context? If that is the case, where are they going to take the direction from given that actually we have not had a proper debate around the principles inside this Bill?

Thank you, Mr Speaker.

The Speaker: I call on Ms Edge to reply.

Ms Edge: Thank you, Mr Speaker.

I would just like to say that I am actually moving for a committee on the Education Bill so I think that is quite important for the Hon. Member of Ramsey to see, but to await the outcome of the Beamans’ report.

But I am going to be brief because I want to consider the time. The Minister said that we want to have a full, democratic debate and none of us in here would disagree with that; that is what we all want. But obviously if there was a committee set up that could be getting the views and bringing that forward to everybody and that would be a report that is delivered like any Tynwald Committee. And how important and how many things have been successful by going to committee and making sure you have got everybody’s views in a report?

It is difficult when you are in here doing a debate to make decisions, but if you have got a full report in front of you from five Hon. Members that have looked, they have spent the time to consider all of the concerns that we have had from Members via email, and we can then present that to all Hon. Members for an informed debate. I think the Hon. Member for Middle, Mr Shimmins, used that word earlier, an ‘informed debate’. At the present time obviously it is quite clear from the debate today, we are all feeling ... I think the feeling is out there that there is a bit
of a railroading exercise going on by bringing the Second Reading today. Why couldn’t the Second Reading wait until October? It has not, it has come forward, but I think the right democratic process now is for a committee of this Hon. House to be created and to look at this whilst we have got all this valuable time in front of us. We are all post-COVID now, there are lots of challenges on the Island, but this is an important challenge as well.

There was comment with regard to inspection and I just want to say that actually within the Bill it is quite clear that the Department can create an inspection process. That is clearly not what the Hon. Member for Ramsey said, it does not involve SSRE. It might not have the words SSRE, but it says the Department can create an inspection process. I am sure all our Hon. Members, people that are working in Education, would not disagree with an inspection process, but it needs to be right the process.

And obviously Hon. Member for Douglas Central, Mr Thomas, he said an informed debate and he said that a Committee of the House is not a substitute for a full report from Hon. Members and I do totally agree with that.

He mentioned about quality assurance in the legislation but I think the most important thing that I picked up on was that it is a policy and a Bill that is of the national interest of the Island and I think this is where it is possible that that has not come through from the Department. There are clear issues in the Department with regard to communication and I think that has come out again today. I think it is quite obvious there are clear communication issues and we should not be moving forward with legislation when there are still so many concerns.

Hon. Member for Peel, Mr Harmer, said the danger of a committee is to delay, that we are only approving the principles here today. I do not believe that it is just principles here today. If you read the Bill there is a lot more than principles in there and I think there is significant change for our education setting and I think the professionals should be involved and they clearly do not feel they have been involved enough.

Mr Hooper said none of us input into the Second Reading, and obviously there are a number of Members in here today who wanted to see a committee set up so therefore they have chosen to save their debate for the committee.

With that, Mr Speaker, I beg to move. Thank you.

The Speaker: The motion is that the Education Bill be referred to a committee of five Members for consideration to include review of the Beamans’ Report; and to report by October 2020. Those in favour, please say aye; against, no. The noes have it.

A division was called for and electronic voting resulted as follows:

FOR
Mr Moorhouse
Mrs Barber
Mrs Caine
Mr Callister
Ms Edge
Mr Peake
Mr Perkins
Mr Robertshaw
Mr Shimmins
Mr Speaker
Mr Thomas

AGAINST
Mr Ashford
Dr Allinson
Mr Baker
Mr Boot
Mr Cannan
Mrs Corlett
Mr Cregeen
Mr Harmer
Mr Hooper
Mr Quayle
Mr Skelly

The Speaker: We have 11 votes for, 11 against. Whilst a casting vote should not be used to make a decision it can be used to extend debate, and I will therefore use my casting vote in favour of a committee to report by October 2020.

We therefore need to elect a committee of five people and I call for nominations.
Mrs Caine: I nominate Ms Edge.

The Speaker: Ms Edge.

Dr Allinson: I nominate Mr Hooper.

The Speaker: Mr Hooper.

Mr Skelly: I second Mr Hooper.

The Speaker: Second Mr Hooper. I am still a seconder for Ms Edge and three names short. Mr Thomas.

Mr Thomas: Ms Edge.

The Speaker: Ms Edge, seconded.

Mr Shimmins: I nominate Mr Thomas.

The Speaker: Mr Thomas.

Mr Baker: I nominate Mrs Corlett.

The Speaker: Mrs Corlett.

Mr Cregeen: I second Mrs Corlett.

The Speaker: Thank you.

Ms Edge: I nominate Mr Shimmins.

The Speaker: Mr Shimmins.

Mrs Barber, sorry.

Mrs Barber: I nominate Mr Moorhouse.

The Speaker: Mr Moorhouse.

Mr Cregeen: I second Mr Moorhouse.

A Member: I second Mr Thomas.

The Speaker: Mr Thomas.

At the moment I have proposed Ms Edge, Mr Hooper, Mr Thomas, Mrs Corlett and Mr Moorhouse. I have Mr Shimmins proposed but not seconded.

Two Members: I second Mr Shimmins.

The Speaker: So I have six names for five positions. I will call on the Clerk to prepare the vote, but we need a committee of five ...
Just whilst the Clerk is preparing the vote I will just say that given our other engagements and commitments, what I will do after the committee has been elected is to adjourn the House until three o’clock, which is half an hour later than we would normally return, and at that point we will commence the debate on Manx Care.

A ballot took place and electronic voting resulted as follows:

Vote results
Moorhouse, Jason 21
Shimmins, Bill 20
Thomas, Chris 19
Corlett, Ann 17
Hooper, Lawrie 17
Edge, Julie 16

Full voting results

Voting for Ms Edge
Mrs Barber
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Ms Edge
Mr Harmer
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Speaker
Mr Thomas

Voting for Mr Hooper
Dr Allinson
Mr Ashford
Mr Baker
Mrs Barber
Mr Boot
Mrs Caine
Mrs Corlett
Mr Cregeen
Mr Harmer
Mr Hooper
Mr Moorhouse
Mr Perkins
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Speaker
Mr Thoms
Voting for Moorhouse
Dr Allinson
Mr Ashford
Mr Baker
Mrs Barber
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Hooper
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Speaker
Mr Thomas

Voting for Mr Shimmins
Dr Allinson
Mr Ashford
Mr Baker
Mr Boot
Mrs Caine
Mr Callister
Mr Cannan
Mr Cregeen
Ms Edge
Mr Harmer
Mr Hooper
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Skelly
Mr Speaker
Mr Thomas
Voting for Mr Thomas
Dr Allinson
Mr Ashford
Mr Baker
Mrs Barber
Mrs Caine
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Hooper
Mr Moorhouse
Mr Peake
Mr Perkins
Mr Quayle
Mr Robertshaw
Mr Shimmins
Mr Speaker
Mr Thomas

Voting for Mrs Corlett
Dr Allinson
Mr Ashford
Mr Baker
Mrs Barber
Mr Boot
Mr Callister
Mr Cannan
Mrs Corlett
Mr Cregeen
Ms Edge
Mr Harmer
Mr Hooper
Mr Moorhouse
Mr Peake
Mr Quayle
Mr Robertshaw
Mr Skelly

**The Speaker:** Your Committee are: Mr Moorhouse, Mr Shimmins, Mr Thomas, Mrs Corlett and Mr Hooper.

Thank you very much.
And as advised, the House will now stand adjourned until three o’clock, thank you.

*The House adjourned at 1.02 p.m.*
*and resumed its sitting at 3 p.m.*

4.2. Manx Care Bill 2020 –
Second Reading approved

Mr Ashford to move:

*That the Manx Care Bill 2020 be read a second time.*

**The Speaker:** Fastyr mie, good afternoon, Hon. Members.
Now, we pick up our Order Paper at Second Reading and the Manx Care Bill 2020. I call on Mr Ashford to move.

Mr Ashford: Thank you, Mr Speaker.

I am pleased to be able to move the Second Reading of the Manx Care Bill 2020.

On 21st May 2019 Tynwald unanimously approved and accepted all 26 recommendations made by Sir Jonathan Michael following his independent review of the Isle of Man Health and Social Care system. It was the view of the Hon. Court at the time that implementation of all 26 interlinked recommendations together would secure the benefits Sir Jonathan had outlined in his final report and would enable the Island to achieve the health and care system we strive for.

Following on from this, the Health and Care Transformation Programme was formed within the Cabinet Office to implement the 26 recommendations, the end goal being to provide the people of our Island with a modern, fit-for-purpose health and social care system. Sir Jonathan Michael remains as an independent adviser to the Transformation Programme to provide assurance that both the spirit and the letter of his recommendations are being followed through effectively. (A Member: Hear, hear.)

Hon. Members, the passing of this Bill is a matter of national importance and goes a long way to accomplishing several of these recommendations and laying the groundwork for several others. Central to the purpose of the Bill is the recommendation that:

The setting of priorities and the development of policy ... should be separate from the delivery of services. A comprehensive governance and accountability framework should be established aligned to agreed standards and underpinned, where necessary, by legislation. A single public sector organisation ... should be responsible for the delivery and/or commissioning from other providers of all required health and care services.

This legislation will establish the structure for a separate arm’s-length body called Manx Care which will be responsible for the provision of health and social care services as mandated by the Department of Health and Social Care. It is planned that Manx Care will be established as a Statutory Board from 1st April 2021. By distancing the Department of Health and Social Care away from managing day-to-day operational issues, policymakers within the Department will be able to focus instead on strategic direction-setting and policy development allowing for a better understanding of what services are required now and for the future, and to make better longer-term planning and, importantly, evidence-based decisions.

The Department will also oversee the performance of Manx Care and will be required to provide regular reports to Tynwald. This reformed structure and additional statutory duties on both the Department and Manx Care will pave the way for putting the needs of patients and service users firmly at the centre of the Island’s Health and Social Care Service by providing space for an effective governance and accountability framework with clear responsibilities detailed, and where there will no longer be one body acting as both service provider and service regulator. Indeed this Bill introduces a requirement for regular independent and external inspections of all health and care services.

A key component to this governance and accountability framework is the requirement set out in this Bill for the Department to obtain health and social care services via a written agreement with Manx Care, known as ‘the mandate’, and for the Department to lay the agreed mandate before Tynwald prior to the start of each financial year. The mandate will set out the detail of what is expected of Manx Care by the Department in terms of services, quality and performance as well as the overall level of funding to be provided to Manx Care for the provision of all those services.

Whilst the Department has for a long while sought to adopt best practice in relation to transparency and accountability for mistakes made, this Bill will for the first time make transparency a statutory duty by introducing a duty of candour for the Department and Manx Care. Regulations will follow the introduction of this duty which will set out the process by which
a service user must be notified about incidents affecting their safety. The aim is that these will be prepared to come into operation at the same time that Manx Care is established.

The Bill also introduces other important statutory duties for the Department and Manx Care including a duty to reduce inequalities in access to and outcomes of services provided; the duty to promote public involvement and consultation in the planning, development and operation of health and social care services; and a duty to promote education and training of those working in or seeking to work in the Health and Social Care Service.

Manx Care also has duties specific to it which focus on effectiveness and efficiency, and having enhanced clinical and care governance so that those delivering services are held to account for quality of outcomes. The Bill delivers the legal foundations to enable a future structure that gives autonomy to Manx Care to deliver high-quality, integrated, person-centred care in the best possible way for our Island.

I look forward to engaging with all Hon. Members over the summer months before we move to clauses stage in October, assuming Second Reading is approved today, Mr Speaker.

So, Mr Speaker, I beg to move that the Manx Care Bill 2020 be read for a second time.

The Speaker: I call on the Hon. Member for Glenfaba and Peel, Mr Harmer.

Mr Harmer: Thank you, Mr Speaker.

I beg to second and reserve my remarks.

The Speaker: Hon. Member for Ramsey, Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

I quite welcome this Bill. I think it is about time – past time, actually. It is great that we are looking to set up an arm’s-length structure that kind of more separates some of the Departmental decision-making from actual delivery. But I think there are some real risks here which I think the Minister needs to take away and think about in the context of this Bill.

The first area obviously is the mandate, which he mentioned. The Department will be responsible for the mandate for funding, but the organisation is responsible for its own operating plan. I think the challenge for me in reading this Bill is that they all seem to be set at slightly different timescales. So the mandate is an annual mandate that is set following consultation and engagement and the funding is annual, but actually the operating plan is multi-year. And I think if we really do not want to risk undermining this new structure, this proposal, those three need to be better aligned. So a multi-year mandate, a multi-year funding strategy and a multi-year operating plan that are all capable of being amended in situ to deal with changed circumstances would seem to be a much more appropriate way of dealing with this than trying to mismatch, which is the approach that it currently sets out.

I think also in the context of the mandate that the remit of that is going to be very important. So the Minister has talked in the past about the mandate setting out exactly how services will be delivered, setting out the remit for that, but there is a real risk that in setting this mandate the Department gets too invested and too involved in the level of detail in the delivery. And an example of that is in the Bill where the Department is still responsible for setting fee schedules, for example deciding how much Manx Care can charge private patients, and that is very operational. Whereas, actually, is that really what we want the Department of Health to be doing? I thought we were looking at stepping back from that detail and deciding on the big picture strategy. It does not feel like we have quite found the right balance with some of the clauses in that Bill.

The other area I have some concern over here is the oversight of the structure, the proposed inspection regime. It was great to hear the Minister talk about the requirement for regular external inspection, but it does not go quite as far as the Programme for Government statement
‘to investigate establishing an independent health regulator’, but I think it is a positive step in the right direction.

Inspection operations in the Bill enable the inspection of Manx Care and the delivery within Manx Care, but there do not appear to be any provisions to deal with inspection of the Department and of how the Department’s oversight structure works. And that is something probably worth considering. I think ideally, from my perspective, we need an independent audit office that does this function for all of Government and all of the arm’s-length bodies we are looking to set up – that is clearly outside the remit of this Bill. But whilst we do not have such a body in force actually we need to make sure that the inspection powers that do exist in the Bill are broad enough to give the inspection team, the regulator that we appoint, the powers to come in and make their own decisions about what needs inspecting, and how and when.

At the moment, the Bill only allows for inspections to be done at the request of the Department or at the request of Manx Care. That is very one-sided in terms of the balance of power here. If the Department does not want a service inspected, aside from having to have it inspected once every five years, there is nothing in here that lets the independent regulator step in and say, ‘Actually, we think there’s a problem here. We think something needs to be inspected more frequently’. The Minister is already aware of some of these concerns and I really think it needs to be addressed.

I think the challenge for me, then, the one thing that is missing is really in that slightly high-level context of how we make sure that the relationship between the Department and the new Manx Care body is assessed, is externally reviewed and is independently validated, and how we make sure that Tynwald actually retains proper oversight. I appreciate in the Bill there is talk of annual reports and letters being laid, but actually that is very much ‘after the fact’. It is very high level, you are still very reliant on the Department when you are getting your information through and you are very reliant on the Department making a determination of effectiveness of how well something has been delivered. Whereas Tynwald really needs that ability to have an independent look, an independent oversight, without having to rely overmuch on Government and Government positions on a particular issue.

So, a few very specific concerns with the Bill. The last one I will touch on is the general powers in the Bill. So obviously this is instead of using a statutory board framework, but a slightly different statutory board framework. At the briefing the other day I raised a concern in respect of the limitations that are presented by a statutory board structure. And the answer I got back was: ‘Actually there aren’t really any limitations in this context because there is a general power in the Bill that enables Manx Care to do anything which it needs to do in order to make sure it can deliver its services’.

That sounds all well and good, but if you take that a step further I think the question that has to be asked now is: is there a requirement to limit some of that general power? For example, could Manx Care decide to borrow if it felt it was important, in order to fund something to deliver its functions? The general power seems to say actually they can do anything within that structure. So I would like some clarity from the Minister on exactly what limitations there are on that general power and where we can find them.

Thank you very much, Mr Speaker.

The Speaker: Hon. Member for Douglas Central, Mr Thomas.
I believe you had a couple of questions.

Mr Thomas: Thank you, Mr Speaker. Three in the end!

The first question is that I welcome the statement from the Minister that Sir Jonathan Michael’s Report was unanimously approved, but that he welcomed detailed engagement with this Bill. And I would want him to affirm that.

But the question arising from that is, the consultation happened at a difficult time for the Manx public because it was during the COVID-19 pandemic, and the consultation was followed
by stakeholder engagement. I think it might be helpful if the Minister could lay down exactly what happened during the consultation and what happened in the stakeholder engagement after the consultation, because there might be some confusion that comes up later on about that very point.

The second question I have is to do with the National Health and Care Service Act 2016 which had that killer amendment in it whereby it was not going to come into force until the major scheme had been introduced. Well, there are some people who were inside the mind of the former chief executive of the Department back in 2015 and 2016, who had the view that the National Health and Care Service Act 2016 was going to do everything that this Bill is now going to do. So I would like a very clear description, an exposition about why this Bill will be successful where the National Health and Care Service Act 2016 was not, and which would have been in force now if there had not been yours truly’s killer amendment in place to section 2 of the Act.

The final question, the third question, is about the questions I am beginning to get asked about how this proposal, the Manx Care proposal, which I fully support and I have been supporting actively in public for months and will continue to do so ... I want the Minister to clearly lay out why it is different from Sir Andrew Lansley’s conservative coalition proposal of 2010 to 2012 in respect of privatisation, in respect of terms and conditions, in respect of the issues that my friend from Ramsey, Mr Hooper raised in terms of financial matters ex ante and ex post. Is this just a precursor for something different in the future?

So it would be really helpful if the Minister as early as possible, if not today, but as early as possible, to lay out very clearly why this is not just Sir Jonathan Michael’s re-running 2010 to 2012 and the Sir Andrew Lansley approach that resulted in the 2012 Act across.

Thank you, Mr Speaker.

The Speaker: Mover to reply. Mr Ashford.

Mr Ashford: Thank you, Mr Speaker.

Turning to Mr Hooper’s comments first, if I may? Can I first of all, Mr Speaker, agree with the Hon. Member for Ramsey, it is about time. It is about time this took place.

Turning to his comments around the mandate, the relationship between the mandate and the operating plan, the mandate is to be prepared annually but covers objectives, services and the amount of funding for that financial year and also, crucially, such subsequent financial years as the Department considers appropriate – and bearing in mind that the mandate has to be drawn up in consultation with Manx Care when preparing it. So it will at the start be a bit difficult to go too far ahead with this due to the lack of data that we have available, and I think we have had many discussions both here in this Hon. House and in another place, Mr Speaker, about DHSC’s lack of data that we are now trying to correct and build up.

So the crucial thing is that the operating plan that Manx Care must put together, which will be multi-year, is in detail for the first year and then in outline for the following two years to begin with. And again obviously being published annually, in the first two years the operating plan will only be for one year at a time and this is to allow the relationship data to develop once Manx Care is established. Going forward we would expect that the mandate would cover a three-to-five-year period to fit with the proposed financial settlement recommended within the Sir Jonathan Michael’s Report. However, it was considered important that it should still be updated and reviewed on an annual basis in terms of objectives and services for the forthcoming year, because we know within Health and Care things move very, very quickly. In fact I have got to say, I think one of the failings of the DHSC in the past is we have not been quick enough in being able to move swiftly to update our services. So there is that flexibility in there and we would expect the mandate not to just take a one-year look but take a three-to-five-year look eventually. But we do have to start off with that slow process.

Turning to Mr Hooper’s comments in relation to the payment schedules and private services. In relation to charging for services the policy that we have worked to is that DHSC will set the
charged – so that is prescription charges, social care charges, etc. – and that Manx Care will charge service users based on those set charges. That is the same with private, we have taken exactly the same approach.

Now, Hon. Members may when we get to clauses stage decide with private there should be a different approach. But we have worked with the same principle that we have for all other charges that it should be set by the Department to ensure that you do not have a body that can just ramp up the charges without any form of control over that. So obviously we will be discussing it with Manx Care once it is set up as well. And again things will be done in discussion in terms of the charges that are levied and it will be no different in those terms with private patients.

In terms of the inspection powers we are already looking – and I have had several conversations with the Hon. Member for Ramsey – we will be looking over the summer period – and I look forward to engaging with him on this – at how we can provide more independence to allow the regulator more of a free hand to be able to look at services that they might deem need inspection. One of the important things that I am very keen to make sure that we do not end up doing, is going back to that old thing of looking at things in silos; because a regulator may go in and examine one service but as a result find there are issues with another particular service that overlaps, that they want to inspect as well.

It is important that we do allow that flexibility to happen; but, equally, that we do not allow such flexibility that we end up in the mess that to be frank we see across the water with their inspection regimes.

One of the key things to say is that the inspector, though, would be party to agreeing the programme of inspection with the Department; and any findings from those inspections will also be public as well. So there is that level of engagement between the inspector and the Department when we are setting it up in the first place.

In terms of Manx Care and the statutory board point that Mr Hooper raised, there are limitations because the Statutory Board Act in many parts does apply and there are just specific exclusions and changes for that in the Bill. So in terms of borrowing power – and I dread to use the phrase, Mr Speaker, but I know that Mr Hooper in the back of his mind is probably thinking ‘MEA’ and what happened several years ago. There would not be that ability for Manx Care to just unilaterally do borrowing without the Department and obviously without Treasury and ultimately Tynwald’s consent, so there is not going to be that flexibility where they can just go off and leverage the entire estate on black, or something like that. That ability is not going to be there for them.

Turning to Mr Thomas. Yes, I have said in my opening remarks ‘detailed engagement’. That is deliberately why we have aimed to get Second Reading to this sitting and then pause to allow for more engagement with Members. Because one of the things I do appreciate, Mr Speaker, is because of the issues around COVID-19 and Members having their attention quite naturally directed elsewhere, they perhaps did not have the level of engagement that I personally would have liked to have seen. So I do want to give that opportunity over the summer for Members to be able to go through the Bill in absolute detail, come back with suggestions and come back with any issues they may have so we can talk about it ahead of the clauses stage.

In relation to the consultation, Mr Speaker, I thank the Hon. Member for Douglas Central for raising this. As he will know as a former Member of the Political Board and also as the Minister at that time within the Cabinet Office, the view that was taken by Cabinet Office was we needed to get the Bill into the Branches to ensure that we could meet the ambitious target which all Members signed up to, which is having Manx Care live for the start of the next financial year. Hon. Members will remember that the original timescale was to have Manx Care in shadow form for October, for the go-live in April. We are now going to have the shadow form in January for the go-live in April. So we have had to condense it. But again the crucial thing is that I want to engage with Members over the summer because we get one shot at this to get it right, and it is important that we do get it right.
In terms of wider stakeholder engagement the Hon. Member is also correct that organisations, including the Health Services Consultative Committee, have been engaged with and since the consultation has finished as well we have continued to talk to those bodies about any issues they may have and in fact they have been exceptionally supportive, the bodies that we have engaged with in relation to this Bill.

Turning to the 2016 Act now, Mr Speaker, and yes the rather interesting clause in there about the scheme coming forward which, as we know, has in many cases been too hard to manage, the Hon. Member asks what makes this Bill different? Well, the difference is that this Bill does something that from my point of view should have been done a long time ago, which is it separates out the delivery model from the policy-making. The DHSC for too long has been concentrating on both and it has been getting swamped into the day-to-day delivery.

That includes myself, as Minister, and anyone who has observed as a political Member in DHSC will know that as well, that you lose the strategic direction eventually because you are so busy firefighting the day-to-day. You need to take a step back and have that space to look at the strategic direction and the policy-making. And that is what this Bill allows. That is the difference I think with the 2016 Act – the 2016 Act was trying to put sticky plasters over a system that was not necessarily working. This is basically saying this is a brand new system and a new way of doing things.

In relation to the Lansley reforms in the UK which were 2010 to 2012, if my memory serves me correct, I can categorically say no, we are not trying to mirror the Lansley reforms. In fact one of the things I joke about with Sir Jonathan Michael is that what he is proposing here is a bit like the UK trust structure but without the problems and the errors. What he has actually done is try to design a system that actually works in practice based on experiences elsewhere, and that is what I believe he is delivering with this model.

It is not about privatisation. I have said that many times both in this Hon. House and in the Hon. Court. We have a national healthcare system and that is exactly what it will remain. It will remain a national healthcare system free at the point of delivery for people to access. And in fact I lose track of time these days, Mr Speaker, but I think it was about two years ago when Hon. Members in another place actually reaffirmed the principles of the NHS, supporting an amendment from myself in relation to a motion, and the Hon. Member for Douglas South, Miss Costain, and we reaffirmed that we were committed to those principles. And that commitment still stands, Mr Speaker.

And I think, with that, I will cease.

The Speaker: I put the question that the Manx Care Bill 2020 be read a second time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

6. MOTION

Unfinished business before the House –
Continuation into next legislative year –
Motion carried

Mr Deputy Speaker to move:

That all Bills and other business before the House remaining unfinished at this date be suspended and continued at the same stage to the first meeting of the House in the next legislative year.
The Speaker: We turn then to Item 6 on our Order Paper and I call the Deputy Speaker, Mr Robertshaw to move.

Mr Robertshaw: Thank you, Mr Speaker.
Rather strange to be moving this particular motion in the House here.
Mr Speaker, I beg that all Bills and other business before the House remaining unfinished at this date be suspended and continued at the same stage to the first meeting of the House in the next legislative year.

The Speaker: Mr Cregeen.

Mr Cregeen: Thank you, Mr Speaker. I beg to second.

The Speaker: I put the question that all Bills and other business before the House remaining unfinished at this date be suspended and continued at the same stage to the first meeting of the house in the next legislative year. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.
Hon. Members, that concludes the business before us today. I wish I had known this at one o’clock! (Laughter) We stand adjourned until Monday 6th July at St John’s.

Thank you.

The House adjourned at 3.27 p.m.