

ISLAND OF SARK

EXTRAORDINARY MEETING of the CHIEF PLEAS to be held on TUESDAY
26th JULY 2022 at 5.00 PM in the ASSEMBLY ROOM.

AGENDA

1. To CONSIDER a Report with Proposition from the POLICY and PERFORMANCE COMMITTEE entitled "**The Church of England – Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury**" (copy enclosed).
2. To CONSIDER a Report with Propositions from the EDUCATION COMMITTEE entitled "**Sark 13+ Education – Sark House**" (copy enclosed).

12 July 2022

Lt Col RJ Guille MBE
Speaker of Chief Pleas

NOTES:

This Meeting has been called in accordance with Rule of Procedure 1 (1) (c).

Under the Provisions of Rule 13(11) of the Rules of Procedure of the Chief Pleas of Sark, the Speaker of Chief Pleas has waived the notice required under Rule 1(4) and allowed, by request of the Policy and Finance and Education Committees, for these items to be tabled.

Anyone wishing to see any of the Reports and Supporting Papers may do so at the Committee Offices, Monday to Friday, 11 am to 3 pm; copies may be obtained from the Committee Office. The Agenda, Reports and Supporting Papers may also be seen on the Sark Government Website at www.sarkgov.co.uk

POLICY & FINANCE COMMITTEE

Report with Proposition to Extraordinary Chief Pleas, July 2022

**THE CHURCH OF ENGLAND - THE ATTACHMENT OF THE
BAILIWICK OF GUERNSEY TO THE DIOCESE OF
SALISBURY**

In March 2014, following the breakdown of the relationship between the Deaneries of Jersey and Guernsey and the Bishop of Winchester, the Bishop of Winchester delegated to the Bishop of Dover the episcopal oversight and functions reserved or assigned to him, *inter alia*, 'in all ecclesiastical legislation, canons, customs and protocols as may apply in the Islands'.

In June 2018, the Archbishop of Canterbury established a Commission to review the relationship of the Channel Islands to the wider Church of England. The Commission considered:

- (a) The current and future constitutional, legal, financial and other structural mechanisms governing the status in the Church of England of the Deaneries of Jersey and Guernsey, and their relationship with the wider Church of England; and
- (b) The most appropriate mechanisms for the future relationship between the Deaneries and the wider Church of England.

The Commission published its report in June 2019. The report made a number of recommendations relating to the future relationship between the Deanery of Guernsey and the Diocesan Bishop and the wider Church of England. The principal recommendation (*recommendation 7 in the Commission's report*) was that the Deaneries of Guernsey and Jersey should be attached to the Diocese of Salisbury. In addition, the report made the following further recommendations:

- (a) To introduce a streamlined process for adopting Church of England Measures (*recommendation 6 in the Commission's report*); and
- (b) To review of the canonical provisions for the Deanery of Guernsey to either produce draft Canons for the Deanery, or an order applying the Church of England Canons with appropriate modifications (*recommendation 4 in the Commission's report*).

For completeness, before the Canons for the Deanery of Guernsey are approved and apply, it is also recommended that provision is made to clarify that both a man and a woman can be consecrated as bishop.

Further details are outlined in the Policy Letter attached to this report. The Policy and Finance Committee does not consider that the proposed changes will negatively affect Sark.

Proposition –

That Chief Pleas agrees to the substance of the provision of an Order in Council made under prerogative powers and under the Channel Islands Measure 2020, in respect of its application to the Bailiwick of Guernsey, including, but not limited to:

- (a) the attachment of the Bailiwick of Guernsey to the Diocese of Salisbury;**

- (b) the transfer of the episcopal oversight of the Bishop of Winchester to the Bishop of Salisbury;**
- (c) that a man or a woman may be consecrated as a bishop; and**
- (d) the simplified mechanism for the application to the Bailiwick of Measures of the Church of England set out in section 5 of the Policy Letter attached to this Report.**

Conseiller John Guille
Chairman, Policy & Finance Committee

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

POLICY & RESOURCES COMMITTEE

THE CHURCH OF ENGLAND - THE ATTACHMENT OF THE BAILIWICK OF GUERNSEY TO
THE DIOCESE OF SALISBURY

The States are asked to decide:-

Whether, after consideration of The Church of England – the Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury policy letter dated 9th March, 2022 they are of the opinion:-

1. To note the recommendations as set out in the report of the Archbishop of Canterbury's Commission on the relationship of the Channel Islands with the wider Church of England;
2. Pursuant to Article 72A of the Reform (Guernsey) Law, 1948, as amended, to signify agreement to the substance of the provision of an Order in Council made under prerogative powers and under the Channel Islands Measure 2020, in respect of its application to Guernsey, including, but not limited to:
 - (a) The attachment of the Bailiwick of Guernsey to the Diocese of Salisbury;
 - (b) The transfer of the episcopal oversight of the Bishop of Winchester to the Bishop of Salisbury;
 - (c) That a man or a woman may be consecrated as a bishop; and
 - (d) The simplified mechanism for the application to the Bailiwick of Measures of the Church of England set out in section 5 of this policy letter;
3. To note the ongoing work to draft Canons for the Deanery of Guernsey and that, once drafted, these Canons will be given effect in the Bailiwick by way of an Order in Council.

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

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

POLICY & RESOURCES COMMITTEE

THE CHURCH OF ENGLAND - THE ATTACHMENT OF THE BAILIWICK OF GUERNSEY TO
THE DIOCESE OF SALISBURY

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

9th March 2022

Dear Sir

1. Executive Summary

- 1.1□ The primary purpose of this policy letter is for the States of Deliberation to signify agreement to the substance of an Order in Council, which provides:
- (a)□for the attachment of the Bailiwick of Guernsey to the Diocese of Salisbury;
 - (b)□for the episcopal oversight of the Bishop of Winchester to be transferred to the Bishop of Salisbury;
 - (c)□that a man or a woman may be consecrated as a bishop; and
 - (d)□for the simplified mechanism set out in section 5 of this policy letter to have effect for the application to the Bailiwick of Guernsey of Measures of the Church of England.
- 1.2□ This policy letter also provides an update on the introduction of Canons for the Deanery of Guernsey (see Section 6).
- 1.3□ These proposals relate to the report of the Archbishop of Canterbury's Commission on the relationship of the Channel Islands to the wider Church of England (see Section 4).
- 1.4 In 1496, episcopal oversight for Guernsey was transferred from the Norman Diocese of Coutances to the Diocese of Salisbury. Subsequently, in June 1568 Elizabeth I confirmed that she had "*annexed and united*" the Islands to the Bishops of Winchester who were required by Her Majesty "*to govern and direct Our ecclesiastical estate in the said Isles*". This was subsequently confirmed by Order in Council of 11th March 1569 ("the 1569 Order in Council") to "*perpetually unite*" the Islands to the Diocese of Winchester.

- 1.5 In March 2014, following the breakdown of the relationship between the Deaneries of Jersey and Guernsey and the Bishop of Winchester, the Bishop of Winchester delegated to the Bishop of Dover the episcopal oversight and functions reserved or assigned to him, inter alia, ‘in all ecclesiastical legislation, canons, customs and protocols as may apply in the Islands’.
- 1.6 In June 2018, the Archbishop of Canterbury established a Commission to review the relationship of the Channel Islands to the wider Church of England. The Commission considered:
- (a) The current and future constitutional, legal, financial and other structural mechanisms governing the status in the Church of England of the Deaneries of Jersey and Guernsey, and their relationship with the wider Church of England; and
 - (b) The most appropriate mechanisms for the future relationship between the Deaneries and the wider Church of England.

The Commission published its report in June 2019¹.

- 1.7 In presenting this policy letter, the Policy & Resources Committee recognises that government should maintain a “light touch” on matters of administration and procedure relating to the function of the Church of England and its clergy in the Bailiwick. For this reason, the Propositions only address those recommendations where it is necessary to draft legislation to enable the Deanery to progress the Commission’s recommendations.

2. Background

- 2.1□ The ecclesiastical relationships of the Bailiwick have developed over many centuries and changed significantly as events in history have unfolded, including following the Norman Conquest of England and the Reformation.
- 2.2□ The following summary highlights the dates which mark the most important milestones in this ecclesiastical history and the relationship between the Church and the Bailiwick:
- (a)□933 – Guernsey integrated into the legal and administrative systems of the Duchy of Normandy and became part of the Diocese of Coutances;
 - (b)□1496 – King Henry VII obtained a Bull from Pope Alexander VI transferring the islands from the Diocese of Coutances to the Diocese of Salisbury;
 - (c)□June 1568 – Queen Elizabeth I advised that she “*annexed and united*” the Islands to the Bishops of Winchester who were required by Her Majesty “*to govern and direct Our ecclesiastical estate in the said Isles*”.

¹ [The Report of the Archbishop of Canterbury’s Commission on the Relationship of the Channel Islands to the wider Church of England](#)

- (d) *March 1569* – by letter Queen Elizabeth I confirmed by Order in Council that the Islands were “*perpetually united*” to the Diocese of Winchester and constituted the Bishop as Ordinary of them; and
- (e) *March 2014* – following the breakdown of the relationship between the Deaneries of Jersey and Guernsey and the Bishop of Winchester, the Bishop of Winchester delegated to the Bishop of Dover the episcopal oversight and functions reserved or assigned to him, inter alia, ‘in all ecclesiastical legislation, canons, customs and protocols as may apply in the Islands’.

2.3 The 2014 delegation was seen as an interim measure until alternative arrangements for episcopal oversight for the Church of England in the Islands had been fully reviewed and consulted on.

2.4 In June 2018, the Archbishop of Canterbury appointed a Commission to review the constitutional, legal, finance and other structural mechanisms which currently govern the status in the Church of England of the deaneries of Jersey and Guernsey, and their relationship with the wider Church of England. The Commission was also directed to consider options for the future relationship between the deaneries and the wider Church of England, including whether the deaneries should be treated together or separately, and any measures needed to give effect to the future relationship.

3. Report of the Archbishop of Canterbury on the relationship of the Channel Islands to the wider Church of England

3.1 In September 2019, the Commission published its report, The Report of the Archbishop of Canterbury’s Commission on the Relationship of the Channel Islands to the wider Church of England. The report made a number of recommendations relating to the future relationship between the Deanery of Guernsey and the Diocesan Bishop and the wider Church of England. The principal recommendation (*recommendation 7 in the Commission’s report*) was that the Deaneries of Guernsey and Jersey should be attached to the Diocese of Salisbury. In addition, the report made the following further recommendations:

- (a) To introduce a streamlined process for adopting Church of England Measures (*recommendation 6 in the Commission’s report*); and
- (b) To review of the canonical provisions for the Deanery of Guernsey to either produce draft Canons for the Deanery, or an order applying the Church of England Canons with appropriate modifications (*recommendation 4 in the Commission’s report*).

3.2 For completeness, before the Canons for the Deanery of Guernsey are approved and apply, it is also recommended that provision is made to clarify that both a man and a woman can be consecrated as bishop.

3.3 This policy letter focuses on the principal recommendation and the three further recommendations, as set out above, as each will require the enactment of legislation to give them effect in the Bailiwick of Guernsey.

4. Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury (*Commission's Recommendation (7)*)

4.1 The procedure for the attachment of the Bailiwick of Guernsey to the Diocese of Salisbury will require the making of an Order in Council. This Order in Council will also contain provision to transfer episcopal oversight of the Deanery of Guernsey from the Bishop of Winchester to the Bishop of Salisbury and make such other consequential and savings provision as are necessary, including any amendments to the 1569 Order in Council.

4.2 On the basis that the Order in Council will transfer the episcopal jurisdiction from the Bishop of Winchester to the Bishop of Salisbury, it is also considered prudent at this point to make specific provision relating to male and female bishops in that Order. Further provision on this point will in due course be made in the Canons to be drafted for the Deanery of Guernsey, but this is considered to be the minimum required for episcopal jurisdiction to be exercisable.

4.3 It is likely that a single Order in Council will be made encompassing the provisions required for the purposes of English and Bailiwick law under the Channel Islands Measure 2020 (a Measure of the General Synod) and Her Majesty's prerogative powers, respectively.

4.4 As the Order in Council will have effect in Guernsey, it falls within the provisions of Article 72A(1)(b)(iii) of the Reform (Guernsey) Law, 1948, as amended. Article 72A(1) requires the Policy & Resources Committee, unless it considers it unnecessary, to submit a proposal to make such an Order in Council to the States of Deliberation, in order that the States may signify their views on it.

4.5 Subject to the agreement of the States of Alderney and the Chief Pleas of Sark (see section 7), it is intended that the Order in Council will come into force as soon as possible.

4.6 The States of Jersey approved equivalent measures to provide for the attachment of the Bailiwick of Jersey to the Diocese of Salisbury at its meeting on 1st March 2022. These measures are also set out in an Order in Council, which will need to be made by the Privy Council in due course².

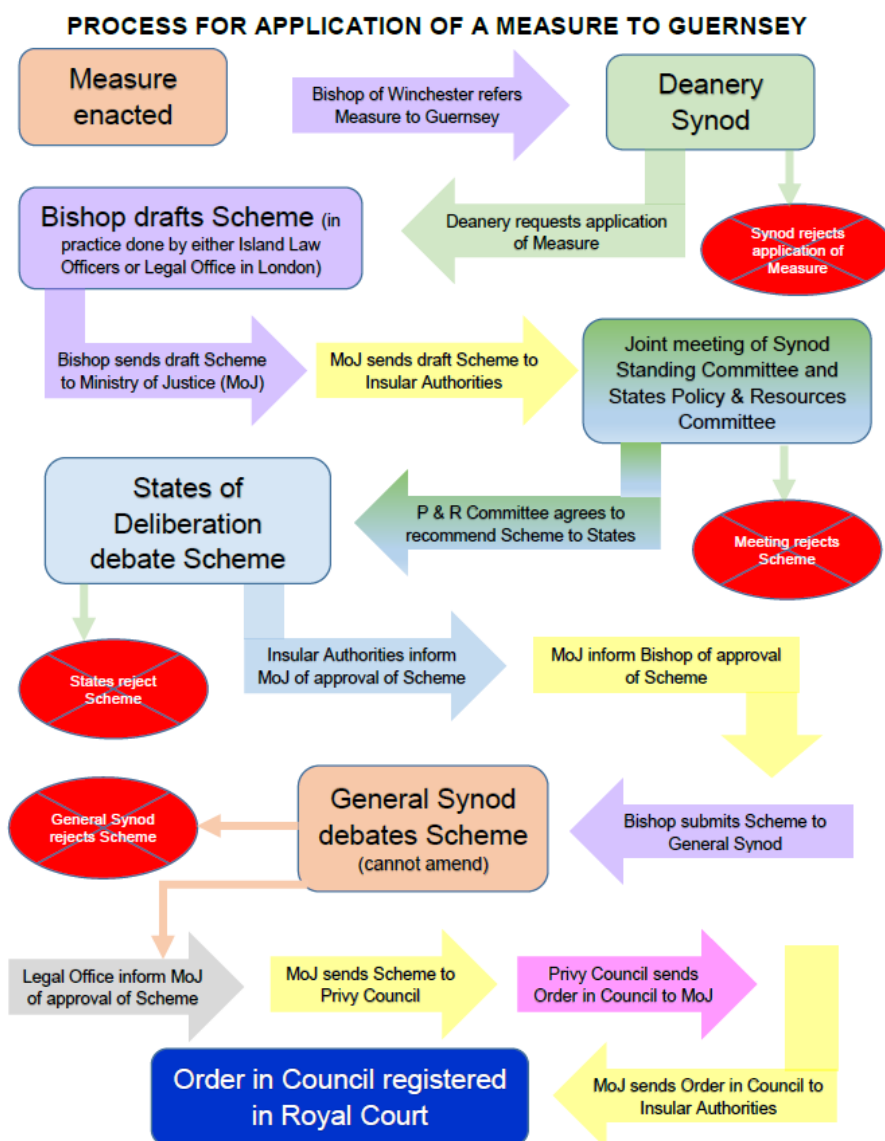
² [P.10/2022 – Vote for draft Ecclesiastical Legislation \(Consequential Amendments\) \(Jersey\) Law, 202-](#) and [P.12/2022 – Vote on Order in Council: Adoption of New Canons](#)

5. The process for adopting Church of England Measures on the Bailiwick (Commission's Recommendation (6))

5.1 The Commission's report highlighted that the current procedure for adopting Church of England Measures in the Bailiwick is complex and recommended that consideration be given to streamlining the current process.

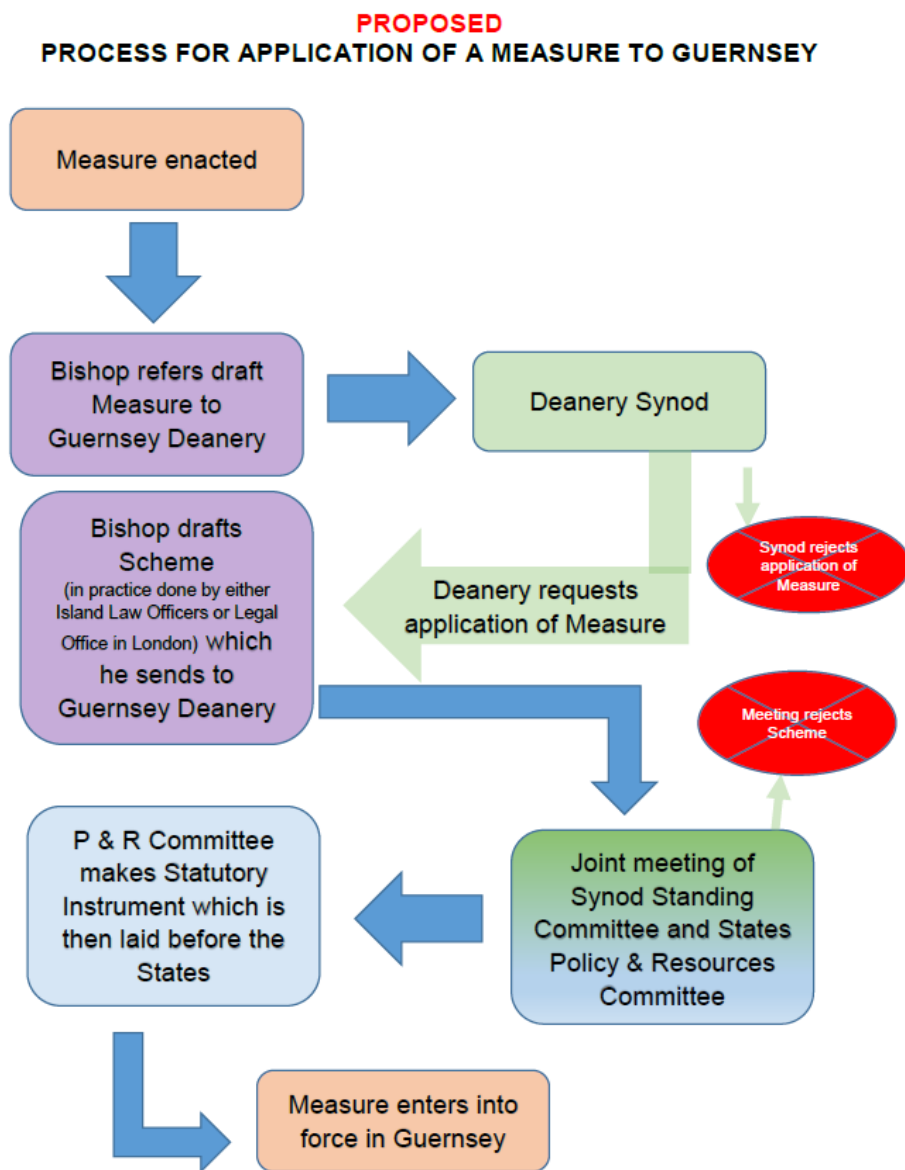
5.2 □ Figure 1 (below) sets out the current procedure which has twelve separate steps before the Order in Council is registered by the Royal Court.

Figure 1:



- 5.3 In seeking to streamline the process set out in Figure 1, it is essential for the appropriate checks and balances to be retained to ensure there is scrutiny to ensure that the Measures are proportionate, necessary and comply with other domestic Bailiwick legislation and international obligations, including compliance with the principles under the European Convention on the Protection of Human Rights and Fundamental Freedoms.
- 5.4 The proposed new procedure (see Figure 2 below) will ensure the conformity of ecclesiastical law and practice with human rights legislation and reflect the enhanced culture of accountability in the Church of England.

Figure 2:



- 5.5 The streamlined procedure proposed by Jurat Robilliard, the then Guernsey representative on the General Synod, was presented to the Commission and it received their full support. The proposed new procedure is supported by the Dean and the Deanery Synod.
- 5.6 The simplified procedure seeks ensures appropriate consultation at all stages and with the relevant parties so that there is accountability in the Church and conformity of ecclesiastical law and practice with human rights legislation. Once the Deanery Synod, having considered the draft Measure, requests its application to the Islands, the Scheme is drafted and sent to the Guernsey Deanery. It will then be considered at a joint meeting of the Synod Standing Committee and the Policy & Resources Committee.
- 5.7 Subject to the Scheme being approved at this meeting, the Policy & Resources Committee will make a Statutory Instrument and this will then be laid before the States. The Measure will enter into force when the Statutory Instrument is made, unless otherwise annulled by the States of Deliberation.
- 5.8 Having reviewed the proposed streamlined process, the Policy & Resources Committee believes that it strikes the right balance between the responsibility of government to oversee and scrutinise legislation that will have effect within its jurisdiction and the protection of the right to freedom of thought, belief and religion. The Policy & Resources Committee believes that government should maintain a “light touch” on matters of administration and procedure relating to the function of the Church of England and its clergy in the Bailiwick.
- 5.9 The involvement of government should be limited to oversight and scrutiny of such measures to ensure that they are proportionate, necessary and comply with other domestic legislation and international obligations, including compliance with the principles under the European Convention on the Protection of Human Rights and Fundamental Freedoms.
- 5.10 The Policy & Resources Committee has been advised by the Deanery authorities that Measures will be extended to the Bailiwick without amendment save where it may be necessary to reflect different structures of church administration locally compared with elsewhere in the Church of England. For example, any Measure where there is a reference to a Parochial Church Council will require an amendment before extension because in the Islands the duties of a Parochial Church Council rest with the Rector (or Vicar) and Church Wardens.
- 5.11 The Policy & Resources Committee recommends that the current procedure for bringing Church Measures into force in the Bailiwick be altered and simplified as set out in Figure 2. In adopting this more simplified approach, the necessary governance and oversight for bringing Church Measures into force

in the Bailiwick will be strengthened as such Measures can be progressed in a more timely manner.

- 5.12 Further, the proposed new procedure retains oversight and scrutiny by the Policy & Resources Committee and the States of Deliberation, but “lightens” the involvement of government in ecclesiastical matters and so provides a more equitable balance in the relationship between Church and State. Further, as such Measures will be made by way of Statutory Instruments under the proposed new procedure, this will mean that new Measures and any amendments to existing Measures can be made in a timely manner and significantly reduce the States’ resources required compared to the current procedure.

6. Adoption of a new legislative framework for the application of Canons for the Guernsey Deanery (*Commission’s Recommendations (4)*)

- 6.1 Recommendation 4 of the Commission’s Report proposed that the canonical provisions for the Deanery of Guernsey should be reviewed, either to produce draft Canons for the Guernsey Deanery, or for an Order applying the Church of England Canons with appropriate modifications to be approved.

- 6.2 The Dean has indicated that a draft of the Guernsey Canons has been prepared. The current English Canons have been reviewed, with sections not relevant to the Bailiwick of Guernsey being removed or amended. Inclusive language has been used throughout. The draft of the Jersey Canons have been considered carefully; where relevant, parallel elements will be brought into the draft of the Guernsey Canons.

- 6.3 An Order in Council would need to be drafted to give legal effect to the Guernsey Canons and would also fall within Article 72A(1) of the Reform (Guernsey) Law, 1948, as amended. The States of Deliberation may thereafter be requested by the Policy & Resources Committee to signify their views on the proposed Canons.

- 6.4 The Policy & Resources Committee therefore asks the States to note that it is consulting with the States of Alderney, Sark Chief Pleas and the Deanery Synod to progress the ongoing work to draft an Order in Council which will give effect to the Guernsey Canons.

7. Alderney & Sark

- 7.1 Given that the attachment to the Diocese of Salisbury is a significant constitutional change, the States of Alderney and the Chief Pleas of Sark will also be requested to approve the proposals set out in this policy letter, including the attachment of the Bailiwick to the Diocese of Salisbury.

8. Consultation

- 8.1 The Policy & Resources Committee has worked closely with the Law Officers of the Crown in the preparation of this policy letter.
- 8.2 The Policy & Resources Committee has also consulted with the Dean of Guernsey and representatives of the Deanery Synod. The Dean has confirmed that he and the Deanery Synod are fully supportive of the transfer to the Diocese of Salisbury and the associated changes as set out in this policy letter.
- 8.3 The Policy & Resources Committee has also consulted with the authorities in Alderney and Sark.

9. Conclusions

- 9.1 In preparing this policy letter, the Policy & Resources Committee has been mindful that the involvement of government in the management and oversight of ecclesiastical matters should be limited to where there is a necessity, i.e. because legislation is required to allow the Church of England to discharge certain duties or functions. For this reason, the Committee has not made any comment on the recommendations of the report commissioned by the Archbishop of Canterbury or the events which gave rise to the establishment of the Commission.
- 9.2 The Policy & Resources Committee has noted the wishes of the Dean and the members of the Deanery Synod to progress the Commission's recommendations, including the attachment of the Bailiwick to the Deanery of Salisbury and transfer of episcopal responsibility for the Bailiwick to the Diocese of Salisbury. It is satisfied that the Dean and the members of the Deanery Synod have carefully considered the recommendations and are satisfied that the proposed new arrangements will ensure that the future relationship between the Deanery of Guernsey and the wider Church of England will return to a stable basis and that the Islands will be "perpetually united" to the Diocese of Salisbury (or at least for the next 450 years).
- 9.3 The Policy & Resources Committee is satisfied that the recommendations set out in this policy letter are necessary to attach the Bailiwick of Guernsey to the Diocese of Salisbury (with the consequent transfer of episcopal oversight) and to ensure that the ongoing relationship between the Bailiwick and wider Church of England returns to a firm and stable footing.

10. Compliance with Rule 4

10.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

10.2 The Proposition is in accordance with Rule 4(1):

(a) The Propositions contribute to the States' objectives and policy plans in that they relate to the Island's constitutional position and the relationship with the Crown;

(b) The Proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications; and

(c) There are no new or additional financial implications to the States associated with the making of the Order in Council.

10.3 In accordance with Rule 4(2), the Proposition relates to the duties set out in the mandate of the Policy & Resources Committee, in particular (c) 1 – the Island's constitutional position and the relationship with the Crown and 9. – studying and reporting on schemes for the application of certain General Synod measures. The Propositions have the unanimous support of the Committee.

Yours faithfully

P T R Ferbrache
President

H J R Soulsby
Vice President

M A J Helyar
J P Le Tocq
D J Mahoney

EDUCATION COMMITTEE

Report with Propositions to Extraordinary Chief Pleas, 26th July 2022

SARK 13 + EDUCATION – SARK HOUSE

At the extraordinary meeting held on 19th June, 2019, Chief Pleas agreed that ‘*Sark School should no longer educate children beyond the age of 13*’ and that ‘*Sark children should, if their parents /carers wish it, from September 2020 attend schools in Guernsey from age 13 for Years 9, 10 and 11 of their education.*’ The Education Committee was directed to work with the parents/carers to arrange suitable school places and accommodation for these children.

For the past two years, Sark children aged 13+ attending school in Guernsey have been accommodated by host families in Guernsey. For a variety of reasons, despite numerous efforts, it has not been possible to recruit host families this year and hosting is unlikely to ever provide the security that the island needs to accommodate students.

A new solution for accommodating those children that go to secondary school in Guernsey for their 13+ education is needed. If this option is selected, the parents of the pupils residing in the house will have to commit to the house through years 9, 10 and 11.

Proposition 1 –

That Chief Pleas authorise the Education Committee to arrange for the provision of a rental property in Guernsey (“the Sark House”) to accommodate children who commence 13+ Education in Guernsey in September 2022 or commenced 13+ Education in Guernsey in September 2021 and under the care of appointed houseparents.

Proposition 2 –

That Chief Pleas agree to fund the cost of the provision of the Sark House and salaries of house parents in its entirety for 3 years (September 2022 – August 2025)

Proposition 3 –

That Chief Pleas agree to fund the cost of the provision of the Sark House and salaries of house parents in its entirety, for 3 years (September 2022 – August 2025) less parental contributions based on published rates.

Proposition 4 –

That Chief Pleas agree to fund the cost of the provision of the Sark House and salaries of house parents in its entirety, for 3 years (September 2022 – August 2025) less parental contributions based on published rates for years 2 and 3, waiving the parental contribution for the first year.

**Conseiller Joseph Donovan
Acting Chairman, Education Committee**

Appendix A

Sark 13+ Education briefing

Background

Around March 2022 it became apparent that Guernsey Health & Social Care (HSC) was struggling to find host families for children attending secondary schools and further education from Alderney, Herm and Sark. Under the 1948 agreement, Guernsey has a legal responsibility to house students from Herm and Alderney, but it does not have the same obligation for Sark students. When the current system was agreed by Chief Pleas, Guernsey had a waiting list of prospective term time host families, however external factors have had a negative effect on this arrangement.

For September 2022, we need to find accommodation for up to 6 children. Although that it is not clear at the time of writing this report what the preferred parental options are for all the children.

Members from the Education Committee (EC) and The Board of Education (BoE) met with Guernsey HSC on several occasions and a recruitment campaign was agreed, specifically to recruit hosts for Sark children. Unfortunately, The Education Committee have not been able to secure any hosts at the time of writing this report.

The EC and BoE discussed increasing the daily payment rate for hosts, however this would impact existing arrangements and could have a negative effect on not only the hosts of Alderney and Herm students, but also foster care arrangements in Guernsey.

The Education (Sark) Ordinance 2019 obligates The Education Committee to arrange boarding and lodging in Guernsey. It is recognised that Chief Pleas cannot be responsible for something that is outside of Sark's control, and an amendment Ordinance to the 2019 Ordinance is required. The proposed changes to the Ordinance will come before Chief Pleas at its emergency meeting on 3rd August. The Committee remain committed to assisting parents in finding suitable accommodation but cannot be obligated to do so.

On 9th May 2022, the BoE met with most of the parents of the children currently in year 8 and 9 who will require host families in September 2022. All parents present were adamant that the only solution that was acceptable to them was one that saw their children at school in Guernsey either with a term time host or in a "Sark House", i.e a house rented by Chief Pleas solely for this cohort. Their children had already visited schools, attended taster days and are expecting to go to Guernsey, The parents stated it was unfair not to follow through with this option at this late stage. Parents have written to all Conseillers expressing their views.

Following that meeting legal advice regarding the possibility of setting up a Sark House was received. The model being to secure a property in Guernsey for the children to reside in during the week (recognising that weather conditions and extra curricular activities may require some weekend night stays also) under the care of paid carers. The advice is summarised below

- FHSC will only give final approval not less than 2 weeks and at most 4 weeks before the start date. Informal discussions are possible beforehand but will not result in any guarantees or decisions, resulting in practical issues. Following a meeting on 20th June these timelines have been relaxed.
- The children living in the Sark House will most likely be considered by HSC as foster children pursuant to the Child Protection (Guernsey) Law 1972, if not from the outset, from the time 3 months of care by an unrelated adult has passed.

HSC advised the following:

- Even with parental consent, Social Services would have concerns if unrelated children shared bedrooms. Children must have their own bedroom.
- Social Services currently prefer not to house more than 3 children together in a “children’s home” however, in a meeting on the 20th June with Deputy Al Brouard, HSC and legal advisors, HSC have indicated that they may consider an exception for Sark and allow no more than 6 children being housed, in separate bedrooms, in one single dwelling.
- 2 carers will be needed at the house with 2 more carers “on call” in case of emergency. The on-call carers could be parents.
- Legal advice will need to be sought as to how delegated parental responsibility for the children would work.
- New regulations are due to be introduced in Guernsey, most probably during the 2022/2023 academic year that are based on The Children’s Homes (England) regulations 2015. These regulations will be more stringent and HSC are unable to confirm whether a Sark house under the above conditions will meet the new regulations and it may have to close. If this were the case, it would be highly unlikely that the Education Committee would be able to accommodate the children in Guernsey and the children may have to move schools to a non-Guernsey option.

These conditions escalated the costs of the Sark House to circa £80,000 a year for a house to accommodate 4 children. Tuition fees for those children amount to circa £30,000 a year for 4 children (£7,500 each) There would be additional one off costs of circa £23,000 in year one.

(Please note these are the costs for 4 children. We have 6 children to consider but we have not been able to find a house that will accommodate 6 and it would appear that at least 2 children may not be looking for a place in the Sark House and would elect to go to school in the UK. The Education (Sark Ordinance 2019) does not allow for that option currently, but an amendment to the Ordinance will be brought before Chief Pleas on 3rd of August)

For comparison the current budget for the whole of Sark School is £196,000 for 2022 (not including the SLA)

The Education Committee met on Wednesday 15th June and invited P&F to the latter part of the meeting. At the meeting the following options to be shared with the board of Education and the parents were agreed. These will be before the house on the 3rd of August:

- the continuation of funding of tuition fees for schooling in Guernsey at schools approved by the Education Committee, with parents sourcing their own accommodation through family and friends. (Cost to the island circa £11,000 per pupil per annum)
- Funded places at UK state boarding schools (cost to the island circa £14,000 per pupil per annum)
- Provision of education through an Education Committee approved online school (cost to the island circa £11,000 per pupil per annum)
- Home education with an approved plan of learning. (Cost to the island circa £2,000 per pupil per annum)

The current budget for each child ranges from circa £7,400 - £10,100 attended Sark school

A meeting took place on Monday 20th June between representatives from Sark and HSC. Following on from this meeting it was agreed how some of the practical issues which may arise under the Child Protection (Guernsey) law 1972 could be accommodated. HSC indicated that more than 3 children (up to 6) could be housed in one house provided they had their own bedrooms. The expectation that carers should be foster carers or similar was not stipulated but that people with relevant parenting experience could be considered for the role of house parents. Two carers would be needed, and they would need to be checked by HSC and have some training in safeguarding and first aid. It was also agreed that there could be flexibility around the 2–4-week period for assessing the suitability of the property and carers. However, new regulations are due to be introduced in Guernsey, most probably during the 2022/2023 academic year that are likely to be based on [The Children's Homes \(England\) Regulations 2015](#). These rules will be more stringent, and HSC are unable to confirm whether a Sark house set up as described above will meet the new regulations when enacted and consequently there is a risk that it may have to close, or further costs might be incurred to meet requirements.

As a result of queries raised by parents, it has been clarified that a Sark child is required to fulfil Guernsey's legal requirements when in Guernsey. Further, if an arrangement is put in place which does not comply with Guernsey's legislation to ensure the protection of children, its likely steps would be taken to ensure that this situation did not continue which could potentially include the withdrawal of a school place.

Sark House - rental option

Renting a property for 3 years would allow (currently 4 children) from the current year 8 & 9 cohort to be housed together in Guernsey, offering each other support, regardless of which school they were attending. This option also allows for the children to take part in the important social and extracurricular activities, parents can visit frequently, and Guernsey is familiar to pupils.

However, the increase in costs to the over and above the current budget would be considerable. Subject to approval for this unforeseen expense, P&F has agreed to meet these additional costs for the 2022/2023 academic year.

However, no decision has been made on the 2023/2024 and 2024/2025 academic years, and the cumulative effect of these additional costs for this cohort is substantial, at least £70,000 a year over the budgeted costs (that is if parents pay the published contributions that they would have under the existing scheme). The rental market in Guernsey is difficult at present, rents are increasing, availability is reducing and there is a possibility that Sark may not be able to secure a property or may need to agree a lease and pay rent before the property is required.

Published rates of parental contributions towards accommodation and travel, that apply to the existing arrangements, are outlined below:

Accommodation and Travel Scale as at 25/10/21		
Years in Sark school from the age of 5 years	% Parent Contribution	Charges for 2021/22
Less than 2 years	100%	£6,164.40
2 to 3 years	90%	£5,547.96
3 to 4 years	80%	£4,931.52
4 to 5 years	70%	£4,315.09
5 to 6 years	60%	£3,698.64
6 years or more	50%	£3,082.20

These would be subject to an RPI increase for 2022/2023.

Population management have indicated that an exception can be made to allow pupils to reside in the house, this will also apply to Sark residents if they act as house parents (although the reality is, they will only be the emergency on call carers)

Whilst mentioned elsewhere in this briefing it is important to emphasise that a Sark House that meets HSC requirements under the child protection (Guernsey) law 1972 may not meet the requirements of the impending Children's Homes Regulations and the house may have to close. This could mean that the children could no longer be accommodated in Guernsey and would be very disruptive to the children who may need to change school to a non-Guernsey option.

Whilst we are currently looking at the 2022/2023 cohort, we need to be mindful that, were this option of accommodation agreed, it will be extremely difficult to sustain it for future cohorts.

