



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 3.55 p.m.

Gibraltar, Friday, 18th November 2016

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The House adjourned at 3.55 p.m. 20

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

[MR SPEAKER: Hon. A J Canepa GMH OBE *in the Chair*]

[CLERK TO THE PARLIAMENT: P E Martinez Esq *in attendance*]

Procedural

Mr Speaker: For the sake of the Hansard, we will record and welcome that Mr Craig McDonald is Acting Clerk this afternoon.

Questions for Oral Answer

HEALTH, CARE AND JUSTICE

Q716/2016

People with disabilities – Care received outside Gibraltar

Acting Clerk: Answers to Questions continued, and we continue with Question 716.
5 The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Can the Government disclose how many people with disabilities receive care outside Gibraltar, detailing where the care is given and what type of care is received?

10 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there are currently six adults with learning disabilities receiving care outside Gibraltar. These include three in Wales, one in Devon, an additional person in Cornwall and one additional person in Estepona, Spain. All of these individuals are receiving full-time residential care.

Q717/2016

Respite care in disabilities – Number of available beds

Acting Clerk: Question 717. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

15 **Hon. T N Hammond:** Can the Government provide statistics of how many beds are available for respite care in disabilities as at 30th March for the years 2012, 2013, 2014, 2015 and 2016, and 9th November 2016?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the number of available beds for respite care is three, and one for emergencies.

Q718/2016
Residential facilities –
Number of residents

Acting Clerk: Question 718. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

The Hon L F Llamas: Can the Government provide statistics as to how many service users are currently residing at the Dr Giraldi Home and other associated residential facilities?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, a total of 19 service users are currently residing at Dr Giraldi Home and satellite units under its remit. The breakdown is as follows: flat 1, five service users. flat 2, four service users; flat 3, two service users; flat 4, one service user; flat 5, one service user. flat 6, two service users.

Mr Speaker, in respect of satellite units in the community: four service users.

Q719/2016
St Bernadette's School –
Number of attendees

Acting Clerk: Question 719. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Mr Speaker, can the Government provide statistics of how many service users have been attending St Bernadette's per school year since 2012, broken down by ages as at the end of each calendar year?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, I hand over to the hon. Gentleman a schedule with the requested information.

Whilst the gentleman usher takes the schedule to the hon. Gentleman, perhaps, for the benefit of the hon. Members opposite, and as my hon. colleague and learned Friend Samantha Sacramento has reminded me, St Bernadette's does not operate as a school year, it operates all year round except for public holidays.

Answer to Question No 719 of 2016

	2012	2013	2014	2015	2016
Aged 16 - 21	5	5	7	8	8
Aged 21 - 30	9	9	9	9	9
Aged 30 - 45	6	7	6	7	7
Aged 45 - 65	5	5	5	4	4
Above 65	0	0	0	1	1

Q720/2016

**Team Leader of the Disability Team –
Update re recruitment**

Acting Clerk: Question 720. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

50 **Hon. T N Hammond:** Further to Question 155/2016, can the Government provide an update on the recruitment of the post of Team Leader of the Disability Team?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

55 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, an internal advert was issued on 23rd October with no applicants applying for the position of team leader for the Disability Services.

There was an external advert placed in the Gibraltar *Chronicle* in November 2015. Two applications were received and both were unsuccessful.

60 The position is still vacant with a suitably qualified person seconded into this position.

Q721/2016

**Employees acting in post –
Confirmation of posts involved**

Acting Clerk: Question 721. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

65 **Hon. T N Hammond:** As at 9th November 2016, can the Government confirm individually which posts described in pages 196 and 197 of the Government Estimates 2016-17 are being carried out by employees who are acting for a post which is not the post they were specifically employed to do, and since when?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

70 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the information is in the schedule I now hand over to the hon. Gentleman.

Answer to Question No 721 of 2016.

Admin and Social Worker Posts

Post	Acting Post	Date of Acting	Temporary promoted	Secondment Date
Head of Service Children	CEO		14/12/2015	
Deputy Nursing Coordinator (ERS)	Head of Service Disabilities			01/07/2012
Senior Social Worker	Head of Service Children's		29/12/2015	
Senior Social Worker	Head of Service Adults	01/06/2016		
Social Worker	Senior Social Worker (for Nicole Viagas)	01/03/2016		
Social Worker	Senior Social Worker (Vacant position)	15/02/2016		
Social Worker	Senior Social Worker (for Jennifer Poole)	01/06/2016		

Continued answer to Question 721 of 2016

Disabilities

Post	Acting post	Date of Acting
Unit Manager	Covering maternity leave	07/03/2016
Manager St Bernadette's	Vacant Post	07/09/2016
Deputy manager St Bernadette's	Vacant post	07/09/2016

Children's Services

Post		Acting Post	Post Holder	Date of Acting
Care Worker	Tamara Gomez	Senior Care Worker	Vacant	01/10/2011
Care Worker	Alex Britto	Senior Care Worker	Vacant	29/08/2011
Care Worker	Clare Lockwood	Senior Care Worker	Vacant	02/09/2013
Care Worker	Pedro Verdaquer	Senior Care Worker	Vacant	04/05/2013
Care Worker	Tanya Dalmedo	Senior Care Worker	Vacant	29/09/2014

Mr Speaker: We can come back to Question 721, because the schedule is longish, and deal with any supplementaries that may arise from that.

**Q722/2016
Care Agency –
Details of posts**

75 **Acting Clerk:** Question 722. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: As at 9th November 2016, can the Government confirm individually which posts described in pages 196 and 197 of the Government Estimates 2016-17 are being carried out by employees employed specifically by the Care Agency to carry out these posts?

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Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

85 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, Government can confirm that the following posts, as described in pages 196 and 197 of the Government Estimates 2016-17, are being carried out by employees employed directly by the Care Agency. The information is in the schedule I now hand over to the hon. Gentleman.

Answer to Question No 722 of 2016

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Administrative Grades

Clinical Standards Compliance Director (1)
Higher Executive Officer (2)
Executive Officer – (5)
Administrative Officer – (13)
Personal Secretary – (1)
Administrative Assistant – (5)

Other Grades

Head of Service (1)
Senior Social Worker (2)
Counselling Psychologist (1)
Social Workers (20)
Assistant Social Workers (2)
Trainee Social Workers (4)
Community Elderly Needs Coordinator (1)
Day Centre Coordinator (1)
Drugs Counsellor (1)
Drug Keyworker – (1)

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Disability Services – Dr Giraldi Home

Manager (1)
Registered Nurse (4)
Admin Assistant (1)
Unit Manager (4)
Social Care Worker (62)
Domestic Worker (3)

Disability Services – St Bernadette's

Occupational Therapist (1)
Enrolled Nurse (1)
Classroom Aide (14)
Driver (1)

Children's Residential

Unit manager (1)
Social Care Worker (40)
Administrative Officer (1)
Administrative Officer (PTH) (1)

Rehabilitation Centre

Administrator (1)
Counsellor (3)
Care Workers (8)
Admin Officer (1)

Q723/2016

**Dr Giraldi Home, Children's Home and Rehabilitation Services –
Subcontracted workers**

Acting Clerk: Question 723. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

90 **Hon. T N Hammond:** As at 9th November 2016, can the Government disclose how many subcontracted workers were working at each of the following establishments, together with the identity of the employer the subcontracted worker is employed by: Dr Giraldi Home, Children's Home and Rehabilitation Services?

95 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, as at 9th November the following are the subcontracted workers working at the following establishments: Dr Giraldi – Grand Home Care 15, ADA 30; Children's Home – Grand Home Care 8, ADA 33; Rehabilitation Services – Grand Home Care 2.

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Q724/2016

**Social Services and Care Agency–
Subcontracted workers**

Acting Clerk: Question 724. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

105 **Hon. T N Hammond:** Can the Government provide a detailed schedule of the commencement date for each subcontracted worker working within Social Services and the Care Agency as at 30th June 2016, together with the role being carried out by each subcontracted worker, the care provider they are employed by, the reason for requiring their services and the area in which they were working?

110 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the information is in the schedule I now hand over to the hon. Gentleman.

115 Again, for the benefit of the hon. Gentlemen opposite and for the benefit of Mr Llamas in particular, he should be aware that I believe it was in 2009 that Social Services and another entity merged to form the Care Agency, so it would not be technically appropriate to call it 'within Social Services and the Care Agency' because the Social Services are subsumed within the Care Agency – just for his benefit.

Answer to Question No 724 of 2016

Role being carried out	Care Provider	Reason for Requiring Service	Area Working
Care Worker	ADA (6) GHC (7)	5 Vacant Posts 5 Maternity Covers 1 Suspended 2 Acting	Dr Giraldi
Registered General Nurse	ADA (1) GHC(1)	2 Vacant Posts	Dr Giraldi
Care Workers	ADA (11) GHC (2)	13 New Admissions and Respite Services	Dr Giraldi
Care Workers	ADA (10) GHC (6)	16 New Admissions	Satellite Residential Flats, Disabilities
Care Workers	ADA (4)	1 Maternity Cover 2 Suspended 1 Study Leave	St Bernadette's
Care Workers	ADA (4) GHC (1)	5 New Admissions	St Bernadette's
Care Worker	ADA (33) GHC (8)	1 Vacant Post 8 Acting Seniors 2 Interdicted 1 Maternity Cover 8 Covering sick leave 4 Parenting Assessments 17 Extra Support	Children's Residential Services Tangier View + Satellite flats
Care Worker	GHC (2)	2 Vacant post (1 Covers up for Cook/care worker when on sick or Annual leave)	Bruce's Farm Rehabilitation
Administrative Staff	S&K (10)	1 Admin Officer 6 Admin Assistants 1 Extra Admin Staff (Tangier View) 2 Vacant Post at Elderly Residential Services	Throughout the Care Agency
Counsellors	S&K (2)	2 Vacant posts	16 Governor's Parade
Day Care Assistants	S&K (2 part-timers)	1 Vacant post	Waterport Day Centre
Domestics	S & K 8 JFM 7	4 Vacant posts 9 new posts to cover JM Home 1 Maternity Cover	All throughout Mount Alvernia, John Mackintosh Home
Hybrid Labourer	S&K 1	Vacant post	Mount Alvernia / John Mac Home

Hon. D A Feetham: Mr Speaker, may I return to Question 721?

120 Question 721 is the question about the individuals who are acting for a post which is not the post they were specifically employed to do. The Hon. the Minister provided a schedule, and the schedule basically provides that the Head of Children's Service, a CEO, the Deputy Nursing Co-ordinator, the Senior Social Worker, Head of Service ... are individuals acting as CEO, Head of Service Disability, Head of Service Children, Head of Service Adults, Senior Social Worker, Senior Social Worker and Senior Social Worker ... And then, over the page, in Children's Services there are care workers who appear to be acting in senior care worker posts, some going back to 2011.

125 It just appears to me that there is an awful lot of acting in senior positions in this particular Department. Does the hon. Gentleman feel comfortable with such a level of senior acting in this particular Department?

130 **Hon. N F Costa:** Mr Speaker, I am afraid that I do not follow the hon. Gentleman, and I will tell him why. The supplementary information that I have in respect of Question ... Is it 722? (**A Member:** No, 721.) Yes, now I have it.

Hon. D A Feetham: If you look at 721, the schedule, you will see the post, Head of Children's Services, acting post CEO, then Head of Service Disability, Head of Service Children, Head of Service Adult, Senior Social Worker, Senior Social Worker, Senior Social Worker ... All those are acting, and then over the page you will also see that there are five senior care workers acting, some of them going back to 1st October 2011. Indeed, when we were in government the most recent senior care worker started acting on 29th September 2014. That is over two years ago. I was asking the Minister whether he feels comfortable with this level of acting at such a senior level in this particular Department.

Hon. N F Costa: Mr Speaker, I think, for the purposes of *Hansard*, the first thing to say is that, if we refer to the schedule that I provided to the hon. Gentleman, in respect of the Head of Services of adults and the Senior Social Worker, the date of acting is from June 2016, March 2016, February 2016, and again June 2016 and indeed September 2016. So I do not want the public to have the impression that these senior posts have had people in acting positions since the only date mentioned by the hon. Gentleman opposite, which was 2011. The reality is that these senior positions have persons acting in them since this year.

In respect of the senior care workers, which the hon. Gentleman specifically referred to in the course of his supplementary, which is date of acting of 2011, the hon. Member may recall, as my hon. and learned Friend Miss Sacramento has reminded me, these particular positions are currently the subject of discussions with the unions, the ones relating to 2011.

So, to answer his supplementary, in respect of those senior positions acting, as I have said, they are since this year, and so, having met with the top management team of the Care Agency and discussed, as he can imagine, a series of issues since being allocated responsibility for the Care Agency, they have not raised with me any particular or material issues of concern in this respect.

Hon. D A Feetham: Mr Speaker, the hon. Gentleman has referred to four of those senior posts, which are 2016, where this particular post holder started acting, and I will come back to that in a moment. But in relation to the CEO temporarily promoted in 2015, the Head of Children's Services temporarily promoted in 2015, and the Head of Disability secondment date 1st July 2012, it just does appear to me that when you look at this on the whole there are an awful lot of people who seem to be acting.

Is the hon. Gentleman suggesting that there is no concern being expressed to him in relation to such high levels of acting across the board in these areas? It does seem to me an awful lot of people are acting in posts. That is one question.

The other one is: in relation to the ones in 2016 that he quoted, is that the first time that somebody has acted in this particular post? Because of course, somebody could have been acting earlier in these particular posts – does he have that information?

Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, I am happy to provide further information.

Of course, this needs to be set into context in relation to the vacancies and the acting, because we are talking about an organisation that employs in excess of 300 members of staff, so for a handful of them to be acting, then ... In terms of concern, as the hon. Gentleman has mentioned, if he had a meeting with senior management yesterday and this was not on the agenda then it is not a concern of the management ... then certainly it is clear that it is not a concern.

But the reason why people are acting is because it is the knock-on effect of the person acting in the post of CEO. The person who is acting CEO used to be the Head of Children's Services, so the person who is now acting up for that person used to be the senior social worker in Children's Services and that is the knock-on effect. So, in effect, there is a chain of three people acting up because of the acting-up of one post.

185 Then there is another post of team leader of the Disability Services, which is as a result of the recent retirement of the incumbent and it is by agreement that the current incumbent will be acting in that post for a defined period of time. So that is a planned acting; it is not like it is a disorganised acting in a Department such as this, because this is probably one of the most important Departments that we have. So this is very organised, Mr Speaker.

190 In relation to the other post, that of the vacant Head of Service for the Disability Service, the hon. Gentleman has just explained that while on paper this is a post that has been vacant since 2012, it is a post that has been advertised both internally and externally, and internally there were no suitable applicants. Indeed, when it was external there were no applicants who met this criteria. Of course, when one is leading a service as important as that of the Dr Giraldi Home and
195 St Bernadette's we have to make sure that we have the highest calibre of person discharging that role. It is not a vacant post as such because the incumbent is seconded, so it is not someone who is acting into that post. So, Mr Speaker, there is a perfectly logical and reasonable explanation for these posts, which really are quite short-term posts.

In relation to the care workers, as I have explained very recently in this Parliament, that is in
200 relation to a restructure of the residential services, which, as time progresses and as the service progresses, the needs of the service and the needs of the children who we serve change and develop and we want to make sure that the posts and the job descriptions of those posts are commensurate to the needs of the service as they are today. That is something that we are in negotiations with the union. It is not as if it is something that has been left there; it is something
205 that we are actively working on with management and with the union on behalf of the staff.

Mr Speaker, the question was made to the hon. Gentleman as to whether he is satisfied with the number of acting. The hon. Gentleman has said no, and I agree with the hon. Gentleman because all of these acting posts are, of course, planned and they are controlled and in no way are these services at risk.

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Hon. D A Feetham: Mr Speaker, well then, turning to the question of senior care workers, these are acting posts. There are five: there is one from 1st October 2011 – in other words, that person has been acting in that post from 1st October 2011; another one where he or she has been acting from 29th August 2011; the next one is 2nd September 2013; 4th May 2013; and
215 29th September 2014. I hear what the hon. Lady has to say about 'controlled', but why are people acting as senior care workers for so long, when she will agree with me that these are critical areas? I would have thought that the Government would have done everything that it can in order to have settled people in those posts.

Hon. Miss S J Sacramento: Well, yes, Mr Speaker, because that is precisely what has happened. The people who are in those posts are actually settled, because they are the same people who are acting. They are acting, therefore they are being remunerated accordingly to the responsibilities that they have. And precisely because those posts are important and the people are important – because the people who work in this service are, of course, very important to
225 us, because it is about the continuity that they provide – it is exactly precisely the reason why this service, which is a residential service for children, is being restructured. But, Mr Speaker, this is being done in consultation with the unions, so it is something that is progressing. This is not something that the staff are complaining about. We are working together with the unions to find the optimum outcome for the staff and for the children for whom we both serve together.

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Hon. D A Feetham: I am afraid that I do not agree with the hon. Lady about the staff being happy with the situation, because we have received complaints about long-term acting in relation to the care workers.

How can the hon. Lady say that everything is fine, the staff are very happy, there is no
235 problem here, when you have got people acting going back to 2011? What is the reason for that? It cannot be that you are reviewing the situation. When did you begin reviewing the

situation? What is this – a review that has taken six years, five years, going back to October 2011? What are the reasons for the delay in making sure that you have permanent people in these particular posts?

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Hon. Miss S J Sacramento: Mr Speaker, we are just going round in circles here – and I will say the same: this is a ... Perhaps what happens is that the hon. Gentleman does not exactly understand the service that one provides at the residential home, but this service is certainly one that is very fluid and that progresses, and it has particularly changed a lot in the last year to 18 months. So we are working to make sure that we have the right structure in place. I will say once again that we are working with the union that represents these members of staff. We are working together. We will find, I am sure, that the hon. Gentleman and the union will work together to finalise the work that we have been doing for quite a period of time now.

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Hon. D A Feetham: Mr Speaker, I have read comments publicly from the union about ongoing discussions with the Care Agency. My understanding is that it is about also the level of acting in certain posts amongst the care workers. Is the hon. Lady saying that the union is happy with the current situation in relation to acting? Is that what she is saying when she says that she has received no complaints in relation to this?

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Hon. N F Costa: Mr Speaker, no, that is not what the hon. Lady has said. What the hon. Lady has said is in fact that we are meeting ... although there have been meetings and meaningful discussions and progression with the unions in respect of these acting positions.

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But if I may, Mr Speaker, I think the hon. Gentleman needs to accept that in the schedule that I have provided him there are only two positions that go back to 2011 and the other ones are of 2016 – they are this year. *(Interjection)* Yes.

Hon. D A Feetham: 2013?

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Hon. N F Costa: I have said there are two that go back to 2011, which are the ones that the hon. Gentleman has once again raised when he raised it in the course of his supplementary.

Hon. D A Feetham: Senior care workers, which is the 2011, 2013 and 2014 – there are five.

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Hon. N F Costa: Yes, okay, but when the hon. Gentleman stood to raise a supplementary he spoke about the 2011 ones, and once again I want to say ... I do not want the public to leave with the impression that there have been acting positions in that schedule since 2011. There are only two of those people who have been acting since 2011. The senior positions, which was his first supplementary to as to whether I was concerned that there were persons in acting positions at a senior level and I explained to him that there have only been since this year and that at my meeting with top management these issues have not been raised with me at my meeting. It may well be that they do raise it with me in slower time in due course when human resources issues are discussed. But I think the point was well made by the hon. Lady when she said that if these issues were, in their mind, urgent and needed to be addressed because in allowing people to act we would place the persons who use these critical services in any risk, then of course at the very first meeting you would have expected them to have raised them with me – and they have not.

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In respect of the point that he makes about the question of continuity of care, there is no such problem about continuity of care. In fact, it is a double-edged sword insofar as the fact that people have been acting since 2011 means that there has been that continuity of care since that time. So the question, with respect, is not that. The question is *why* are people acting since that time, rather than is there an issue as to continuity of care, because there cannot be because it is the same people.

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290 But let me tell the hon. Gentleman that having only been recently allocated with this responsibility it is certainly the case that I will, in due course, have discussions with the top management and with the union, and of course I will naturally seek their views as to these acting positions.

Hon. D A Feetham: I am very grateful for the answer, Mr Speaker.

295 The point about continuity of care was raised in relation to the very senior post that I started asking questions about, and we do not know but I am prepared to accept that in fact there had been no acting prior to 2016 because the hon. Lady has said that this is a question of everybody acting upwards, and I accept that.

300 The questions that I am asking now, and indeed I have been asking in the last two or three supplementaries, have been on those five senior care workers who have been acting since ... two of them in 2011, two of them in 2013 and one of them in 2014. Those are the ones that we are currently on, and in relation to those ... And I know that there have been concerns that have been expressed by the unions in relation to those, because I have seen them and I have also met with people within the Care Agency who are concerned in relation to these posts and other posts in other areas. When does the hon. Gentleman expect that the negotiations with the union will be completed in relation to these five senior care worker posts that have been filled in an acting capacity going back to 2011, two of them, two of them in 2013 and one of them in 2014?

310 **Hon. N F Costa:** Mr Speaker, just yesterday I had a meeting with one of the unions – the union that represents these particular workers – and again it was a meeting where we discussed in broad strokes what the issues were. I have to tell him that in those broad strokes these posts in particular were not raised, but I am meeting with them for a much fuller, longer meeting, and indeed in that agenda, when they do send it to me, these posts may well appear – and if they do, I will get the chance to be able to meaningfully exchange views then. The hon. and learned Lady has just advised me that those discussions in any case are quite advanced, so I am hoping to be able to resolve that finally, and of course if I am able to do so in very short order it will be because of the work that the hon. Lady did, and not myself.

Q725/2016

Elderly Care Services – Subcontracted workers

320 **Acting Clerk:** Question 725. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

325 **Hon. T N Hammond:** Can the Government state the commencement date for each subcontracted worker working within the Elderly Care Services as at 9th November 2016, together with the role being carried out by each subcontracted worker, the care provider the subcontractor is employed by, the reason for requiring their services and the area in which they are working?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

330 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, the information is in the schedule that I now hand over to the hon. Gentleman.

Answer to Question No 725 of 2016

	GHC	ADA	S&K	JMF Cleaning
Qualified Nurses	20	0	0	0
Nursing Assistants	57	3	0	0
Full time Admin	0	0	2	0
Part time Admin	0	0	1	0
Full time Caterer/Domestic	0	0	10	0
Supply Domestic	0	0	0	14

	Qualified Nurse	Nursing Assistant	Full Time Admin	Part Time Admin	Full Time Caterer/Domestic	Supply Domestic
ERS	8	28	1	1	2	4
ERS SBH	0	0	0	0	0	0
JMW	12	32	0	0	3	8
Hybrid	0	0	1	0	5	2

Q726/2016
Elderly Care –
Policy re outdoor recreational time

Acting Clerk: Question 726. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

Hon. T N Hammond: Mr Speaker, within the Elderly Care infrastructure, does Government have a policy to provide outdoor recreational time to residents on a daily basis, weather permitting?
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Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, there is an internal policy which regulates the attendance of residents to outings.
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Additionally, residents have the possibility to make use of the outdoor facilities available. Relatives, but also staff, provide escort to the residents during these outings.

By way of reference, an approximate number of 150 outings were organised in 2015, including outings to the fair, concerts and beach, amongst others.
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Mr Speaker: Are there any supplementaries arising from Question 725?

Hon. E J Reyes: Yes, Mr Speaker. Looking at the schedule, the opening line for Question 725 says 'Can the Government state the commencement date for each subcontracted worker' and the schedule provides the list of who the subcontractors providing the services are and their role – qualified nurse or whatever – but I cannot quite find here the actual commencement date for each subcontracted worker.
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Hon. N F Costa: No, Mr Speaker, the hon. Gentleman is correct, the commencement date is not included for the very same reason – and I hope that we do not revisit the argument – that commencement dates would be included in the terms of engagement filed with the
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360 Employment and Training Board, and as the Hon. and learned Mr Licudi once again explained this morning in this House, such information is confidential by virtue of the Employment Regulations 1994. But I commend the hon. Gentleman for his astute observation of the absence of that fact.

365 **Hon. D A Feetham:** Mr Speaker, I have to say I admire the hon. Gentleman the flight of foot in answering that particular question – how he has avoided the need to answer the question. But has he himself obtained legal advice that suggests that confidentiality would be breached simply because we are asking not the identity of the subcontracted worker but in relation to the
370 statistics of subcontracted workers, which he has provided, and where they are actually working and in what area, be it nursing or whatever, when they commenced working within the Care Agency etc. on a subcontracted basis, because surely ... I have not looked at the section, I have to say, but my gut instinct is that giving me the date of when these subcontracted workers commenced their placement within the Care Agency is not revealing and not breaching any kind of confidentiality, because the confidentiality must relate to either the employee or the employer.

375 **Hon. N F Costa:** Mr Speaker, when I replied to a question put I believe it was by the Hon. Mr Phillips, I believe it was in relation to GJBS, and I had to reply to the hon. Gentleman not because I sought to be unhelpful but because I was advised that regulation 3 of the Employment Regulations 1994 explicitly states that such information is confidential. I am aware of the Standing Orders of the House, Mr Speaker, that say that we cannot have across the floor of the House a discussion about legalities and whether one agrees with one particular legal opinion or
380 another. However, let me tell the hon. Gentleman that if he refers to regulation 3(1), and indeed (2), he will have the relevant clauses for him to consider.

But, Mr Speaker, it has to be said that we are providing to the hon. Gentleman all the information that he requests – the posts that are being subcontracted etc. – except for the commencement date, so other than that I have been as transparent as I possibly can without
385 breaching the law. But if the hon. Gentleman is concerned to know, I imagine, the posts that are being subcontracted and all that information, indeed the only thing he will not know is since when a particular person has started in a particular post.

390 **Hon. D A Feetham:** It is not a particular person because nobody has asked for the identity of the person. The issue here for us is that if you have a subcontracted worker who has been placed in a public service position – whether it is in Government or in a Government-owned company or in the Care Agency – and that person has been filling a particular public service post for, say, seven, eight, nine, ten years, it would be a matter ... I am not suggesting that is the position, but just for illustrative purposes it would obviously be a matter of concern that you
395 have a subcontracted individual in those posts for such a length of time. That is why we have asked the question how long have these individuals been placed in those posts on a subcontracted basis. He must understand the relevance and indeed the public interest in the information.

400 **Hon. N F Costa:** Mr Speaker, if I still were the Minister for Employment I would be tempted to just remove those regulations just so that the hon. Gentleman did not make so much mischief every time he stood to ask me supplementaries in this House.

I can assure the public who may be listening in, who may then read *Hansard* or indeed listen to the audio recording later on the website – as I tend to do to see how we have performed in
405 this House and whether we have been able to remain civil and provide as much information as is humanly possible – that there is no position that I am able to glean from the document provided to me by way of supplementary information ... that there is any person who has been subcontracted for anything more than 2014. So I can tell him without breaching the

410 confidentiality section of the Employment Regulations and end up getting me into hot water for
doing exactly what the law does not allow me to do, to say, as a general point that there has
been no sub-contraction – and I am double checking for him – since from before 2014.

Q727-729/2016

Dementia Care Centre –

Expressions of interest; awarding of contract; opening date

Acting Clerk: Question 727. The Hon. T N Hammond on behalf of the Hon. L F Llamas.

415 **Hon. T N Hammond:** Can the Government disclose to whom expressions of interest for the
Dementia Care Centre were sent and when?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

420 **Minister for Health, Care and Justice (Hon. N F Costa):** Mr Speaker, I will answer this
question together with Questions 728 and 729.

Acting Clerk: Question 728. The Hon. R M Clinton.

425 **Hon. R M Clinton:** Mr Speaker, can the Government advise if the contract has now been
awarded in respect of the Dementia Day Care Centre; and if so, to whom?

Acting Clerk: Question 729. The Hon. R M Clinton.

430 **Hon. R M Clinton:** Mr Speaker, can the Government please provide an update in respect of
the opening date of the residential Dementia and Day Care Centre?

Acting Clerk: Answer, the Hon. the Minister for Health, Care and Justice.

435 **Hon. N F Costa:** Mr Speaker, in respect of the dementia day facility, the GHA approached all
known companies registered locally that can provide care services on 7th September of this
year.

The GHA has interviewed shortlisted candidates and is in the process of awarding the tender.
The Dementia Day Centre opened the memory clinic component in October of this year.

440 **Hon. R M Clinton:** Mr Speaker, if I may ask the Minister: in respect of the residential centre I
believe that contract was already awarded to Grand Home Care – does he have an opening
date? I believe the previous Minister said some time in the autumn.

445 **Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes):**
Mr Speaker, I recall that I had a question ... because this is a monthly question that the hon.
Member brings and I believe that my monthly reply last time, when I had just assumed new
responsibilities, was in fact several months. I do not recall exactly, but it will be in *Hansard*, and
unless my hon. Friend tells me otherwise there has been no change. The last time that we
discussed this I think I said it is several months' time, but *Hansard* will show.

450

Hon. R M Clinton: Mr Speaker, if my memory serves me well – but it may not – I think it was
something like five weeks' time, but I am happy to be corrected in due course.

Can the Minister confirm that Grand Home Care is still the provider for the residential dementia facility?

455

Hon. N F Costa: Mr Speaker, I do not have the information that the hon. Gentleman has asked me for, and instead of trying to recall what my officials told me during the course of this week I would rather go back and ask them and then give him the answer ... I was going to say tomorrow, but it will be Monday now. But if he would excuse me on this occasion, given the recent reallocation of responsibilities, I will definitely write to him on Monday.

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Hon. D A Feetham: Mr Speaker, may I go back to Question 725 a moment? In relation to Question 725, which was when I was asking some supplementaries, can I ask the Hon. the Minister if he could explain the actual table. There are two tables and I would just ask him to explain the difference between the two, which I do not quite understand. The first one obviously tells you that qualified nurses ... there are 20 from Grand Home Care, zero from ADA, zero from S&K, zero from JMF. Nursing assistants – there are 57 from Grand Home Care and three from ADA, zero and zero. And it continues. That I do understand, but what is the interplay between the second table, the ERS SBH ... I presume SBH is St Bernard's Hospital, John Mackintosh Ward is JMW and then Hybrid, but what is the interplay between the second table and the first table?

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Mr Speaker, if I may help the hon. Gentleman, the financial guru here to the left has just done one of his calculations and it appears that they may tally in number. So the first table – I would ask him to confirm this – is the profession and the second table is where they are located, and there is a correlation if one does an addition of the numbers. Is that correct?

475

Hon. N F Costa: Yes, Mr Speaker, the Hon. Mr Clinton is correct.

Hon. D A Feetham: And ERS is where?

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Hon. N F Costa: Elderly Residential Services.

Hon. E J Reyes: And ERS SBH is St Bernard's Hospital?

Hon. N F Costa: Yes, sir.

485

Hon. E J Reyes: And by 'Hybrid', Mr Speaker? That is the only one where I am lost. The other one is John Mackintosh Ward, but then 'Hybrid'?

Mr Speaker: They are the ones that throw out the papers every evening at 8.30 when they answer the emergency.

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Minister for Housing and Equality (Hon. Miss S J Sacramento): Mr Speaker, hybrids are people who are not clinical and are not administrative – it is like the industrials. The hybrids referred to at TRS will be the messenger/labourer ... It is a hybrid of responsibilities but it is an industrial post. (*Interjections*) They will have more than one role.

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Acting Clerk: Question 730. The Hon. D A Feetham.

Hon. N F Costa: Mr Speaker, sorry, if I may go back to the Hon. Mr Clinton, to whom I will write on Monday, but having had the opportunity to reread the question that the Gentleman asked me and how I answered, the question that he asked me at 728 is 'can the Government advise if the contract has now been awarded in respect of the Dementia Day Centre', and I said during answer that the shortlisted candidates had been interviewed and that the GHA is in the process of awarding the tender.

500

505 In respect of the opening of the residential Dementia and Day Care Centre, the question was whether Grand Home Care was still the preferred bidder ... Was that ...? I just want to get it right for when I reply to him.

510 **Hon. R M Clinton:** Mr Speaker, yes, just to clarify, Question 729 was in respect of the opening date for each of – i.e. (1) the residential day care and (2) the residential dementia centre – and then my supplementary was: is the chosen contractor still Grand Home Care for the dementia residential unit?

Hon. N F Costa: That is clear now, Mr Speaker, thank you.

Q730/2016
UK nationals working but not living in Gibraltar–
Access to healthcare

515 **Acting Clerk:** Question 730. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what is the policy in respect of UK nationals working but not living in Gibraltar for access to healthcare in Gibraltar?

520 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, British nationals need to produce their British passport for care under the United Kingdom reciprocal agreement.

525 **Hon. D A Feetham:** Mr Speaker, has there been any change in policy recently in this particular area? The reason why I am asking is because I have received two complaints from people who live across the way – UK nationals who are working in Gibraltar – in relation to difficulties that they have experienced accessing health services here in Gibraltar, it appears in relation to the renewal of the card that is produced that they need to renew for these purposes.
530 I just wonder whether there has been a change of policy, or is it just that there are two people who maybe have been unlucky or they have had just simply particular situations in relation to their own cases.

535 **Hon. N F Costa:** No, Mr Speaker, there has been no change of policy and I am very sorry to hear that two British nationals have had difficulty in registering. If he were to write to me with the names of those individuals I will make sure that they are attended to straight away.

Minister for the Environment, Energy, Climate Change and Education (Hon. Dr J E Cortes): Mr Speaker, may I ask just by way of clarification? a UK national who is working in Gibraltar would not come under the UK reciprocal agreement. I think that the Leader of the Opposition needs to be aware of the difference. That person would be entitled to healthcare in Gibraltar under the good practice medical scheme. The UK reciprocal agreement, correctly, as my hon. Friend has said, will apply to visitors to Gibraltar who are not entitled by way of their employment and contribution in Gibraltar to care in Gibraltar.

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Hon. D A Feetham: I will just read the hon. Gentleman the message subsequent to the meeting that I had with a particular individual. This is what she said to me:

I live in Spain and our, my and my husband's, health cards expire on the 14th of this month, so I contacted the registration office in the ICC to remind me what proof of employment forms etc. are required to enable me to do this. It seems I have everything required except that this year the GHA are making it more difficult for frontier workers to access healthcare in Gibraltar without first being registered for health care in Spain.

550 She appears to be indicating that there has been some material change in policy. Having read that to the Hon. Ministers, I wonder whether they can shed some light as to what she is talking about and why would somebody say to her that she first has to be registered in Spain for healthcare before she can be registered in Gibraltar.

555 **Hon. N F Costa:** Mr Speaker, I find it interesting that having told the hon. Gentleman that he could write to me with the name of the person and the complaint and I would make sure it is addressed on Monday he still felt the need, for effect, to read the message to me across the floor of the House.

560 I can assure the hon. Gentleman that it has to be a misunderstanding because there has been no change in policy, and I would once again repeat my offer – notwithstanding his theatrics in reading me the message across the floor of the House – that I will personally make sure that the registration happens on Monday. I hope that is to his full satisfaction.

Hon. D A Feetham: Thank you very much, Mr Speaker.

565 I can assure the hon. Gentleman there were no theatrics intended. It was that after I had asked the hon. Gentleman the question that I remembered that this lady had also sent me a message on Facebook, so I went back to Facebook in order to make sure that I could explain the position further.

Let me say that I have no hesitation in saying that every time I have sent somebody to the hon. Gentleman with a particular problem the hon. Gentleman has always seen that person very promptly and has resolved most of the problems that certainly I have sent him over the years.

Q731/2016
Attempted murder –
Reform to sentencing laws

570 **Acting Clerk:** Question 731. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government intend to reform sentencing laws for attempted murder?

575 **Acting Clerk:** Answer, the Hon. the Minister for Health, Care and Justice.

Minister for Health, Care and Justice (Hon. N F Costa): Mr Speaker, the Government has noted a recent judgment handed down by the Court of Appeal, as a result of which two sentences relating to offences of attempted murder have been subsequently reduced.

580 The Government is taking advice as to whether the law on sentencing in such cases requires amendment further to these judgments, and, if so, the form of such amendment.

Mr Speaker: Any other supplementary?

585

ADJOURNMENT

590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn to Thursday, 24th November at 11 a.m.

Mr Speaker: The House will now adjourn to next Thursday, 24th November at 11 in the morning.

595 **Hon. D A Feetham:** Mr Speaker, may I just say that I have a very, very longstanding commitment in the diary in the United Kingdom. It is both personal and also of a professional nature. Obviously, I have planned my diary around the third Wednesday, Thursday and Friday of the month and I will not be here on Thursday of next week. It may necessitate me adjourning my questions to next time round, but I will notify Mr Speaker about my intentions.

600 **Mr Speaker:** The Hon. the Leader of the Opposition is indicating he would like those questions not to be Written Answer but to be deferred to the following meeting of Parliament?

605 **Hon. D A Feetham:** I will give Mr Speaker an answer in relation to it by Monday.

Mr Speaker: Very well.

610 **Hon. Chief Minister:** Mr Speaker, if the hon. Gentleman could just tell us who is going to be the Acting Leader of the Opposition it might help (*Laughter*) in case there is any need to liaise between now and then.

615 **Hon. D A Feetham:** Mr Speaker, on the Chief Minister's form of wanting to control everything I suppose he will want to do my job as well as his and ask my Questions and answer them himself – but that, I am afraid, is beyond even him.

Hon. Chief Minister: I did his job for the shortest period anybody has ever done it in history before being able to do this job, so I am quite happy for him to choose whoever he wishes to on his side – but he might choose someone one day.

620 **Mr Speaker:** The House will then adjourn to next Thursday at 11 in the morning.

The House adjourned at 3.55 p.m.