

2025.08.09

1.1 Deputy M. Tadier of St. Brelade of the Minister for Sustainable Economic Development regarding the experiences of a wheelchair user during a recent DFDS sailing (UOQ.3/2025)

Was the Minister made aware of the harrowing case of a wheelchair user who was obliged to stay in his vehicle throughout a recent DFDS sailing from Jersey to the U.K. (United Kingdom) because he was told that the lift was already closed, does he accept that this situation was both inhumane and degrading to the individual in question and will he conduct his own investigation to understand what took place to make sure it does not reoccur?

Deputy K.F. Morel of St. John, St. Lawrence and Trinity (The Minister for Sustainable Economic Development):

I am grateful to the Deputy for raising this important issue. This incident was clearly unacceptable, and my officers raised it directly with DFDS as a matter of urgency on Monday, 8th September. By their express admission, this incident falls a long way short of DFDS's own standards, and those expected of them by the vessel flag state. DFDS has reached out to the passenger concerned and is reviewing the incident to find out why its usual procedures were not followed in this case. Furthermore, they have proactively reported this matter to the vessel flag state, given the deeply unsatisfactory passenger experience and unorthodox crossing. They are also shortly meeting with the Government's Disability and Inclusion Team to ensure that all passengers have access to the reliable and dignified experience that they rightly expect.

1.1.1 Deputy M. Tadier:

Is the Minister also concerned that this may be a breach of Jersey's anti-discrimination legislation, which has an underlying requirement to treat people with disabilities humanely but also to make reasonable adjustments for them so that they are not disadvantaged compared to other citizens, in this case other customers?

Deputy K.F. Morel:

As a politician, I am unable to suggest what may or may not be against the law but I can say that ... in fact I will read a message from DFDS themselves: "This was a bad mistake and we really let the customer down. We are changing our processes to prevent this happening again. The customer was correctly identified as needing assistance at checking in but was put in the wrong lane and was missed when we loaded vehicles which needed lift access." They say: "To be clear, the lift was working, it was a failure of process to get the passenger close to it so they could easily get to the passenger desk." The reason I read that is because this being a failure of a process as opposed to an intention to discriminate in any way suggests to me that maybe not. But I am not a lawyer and certainly it would be for others to determine whether a discrimination act had taken place or not.

The Deputy Bailiff:

I have questions from Deputy Doublet, then the Connétable of Lawrence, then the Connétable of St. Saviour, then a final supplementary from Deputy Tadier.

Deputy M. Tadier:

Did you see Deputy Wilson's ... I am not suggesting you should ask her but I think we are within the time possibly.

The Deputy Bailiff:

All right, Deputy Wilson as well.

1.1.2 Deputy L.M.C. Doublet of St. Saviour:

When the Minister was commissioning the supplier of ferries, was the topic of accessibility covered and is this something that the Minister understands this supplier has considered from the outset because oftentimes people with disabilities are thought of at the last minute rather than built into processes?

Deputy K.F. Morel:

It is my understanding that under the customer care elements of tender processes - I believe in both cases - there were elements about accessibility. I believe that was the case and certainly, or at least we certainly were looking at their customer care processes ... policies is the word I am looking for. So both firms that were in that tender process obviously had their own procedures, and in the case of DFDS, their high rankings for customer care and I believe accessibility in the past were reassuring, is my understanding. But this is an incident. This, as I have just read out, does not seem to be the case that there is any intention to discriminate, as Deputy Tadier has suggested. It is a sad kind of human reality that processes do sometimes go wrong and that incidents sometimes do take place. It does not excuse the action, but it does say that what needs to happen is to learn. I believe the fact that DFDS themselves have directly reached out to the vessel flag state, which in this case is the United Kingdom as opposed to the Bahamas for other ferry companies, and also reached out to our own Disability and Inclusion Team shows that they take this extremely seriously. I do not believe that they think accessibility is the last of the priorities. That does not seem to be the case.

1.1.3 Deputy L.M.C. Doublet:

I understand that it was human error and not intentional, but I believe that we can learn from this collectively. Would the Minister agree that actually this should not ever happen again because if there was an emergency on that boat that individual could not have been evacuated? What I would like to see happen is for the Minister to talk to the Chief Minister so that across all departments, when any services are being commissioned, that there is some kind of step right at the beginning where accessibility is raised so that Ministers can establish whether there are processes and indeed processes to recover if those initial processes do not go right. I would like to see that embedded right from the beginning.

Deputy K.F. Morel:

I believe such a conversation should probably involve the Minister for Treasury and Resources purely because procurement happens through Treasury. So I think that is where that - I am somewhat guessing here - but I think that may be the appropriate place because the commissioning, et cetera, does often happen through Treasury and the commercial services function. I think the reaction from DFDS in terms of particularly going to the vessel flag state and, like I said, our own Government Disability and Inclusion Team suggests to me that they are very much wishing to learn from this and make sure that this does not happen again, which is the right attitude. Because it is correct that mistakes do happen, but what is important is that you learn from them. It seems to me that they have that intention at heart. I think the Deputy's comments about accessibility and procurement processes were entirely valid, so I would be happy to have those conversations. I do not want the Minister for Treasury and Resources to feel on the spot. It was my guessing whether it was the Minister for Treasury and Resources as opposed to the Chief Minister, but whichever, all 3 of us.

[9:45]

1.1.4 Connétable D.W. Mezbourian of St. Lawrence:

I have got no idea how the person concerned must have felt being left in their vehicle, and I do wonder whether they were traveling alone or whether they had someone with them who could have stayed with them. My question though to the Minister is: how was the Minister made aware of this incident? Is there a process by which the department is made aware of such instances. I will follow up.

Deputy K.F. Morel:

I thank the Constable for her question. I think it is really important, and this comes from DFDS directly, is that a staff member stayed with the passenger throughout the entire journey. They were not on their own during that journey. That is what they have informed me of. From the evacuation perspective, my

assumption - it is only an assumption - is that that that would have enabled evacuation, et cetera. One of the reasons, because the passenger was offered a voyage on the Stena Vinga, but because of the passenger's own need to keep to a schedule that was not viable so the passenger opted to go on the Levante Jet. But, as it says here, the chief officer allowed the passenger to travel but remain in the vehicle with a member of crew staying with them for the entire journey or entire crossing, as I have here. I personally was not made aware of it except by officers and the media. I think it is one of the things in Jersey is that I am not - and I am not speaking about this incident - convinced that every operational incident should come to a Minister. I think operational incidents are meant to be dealt with by the companies themselves and the appropriate institutions around that, in this case, the vessel flag state. I think that is utterly appropriate that they have engaged with Government. One of my concerns for Jersey as a whole is that by raising everything to a Ministerial level it is not appropriate. I personally cannot sail ferries. I cannot mend lifts. I cannot change processes in a company. I think it is really important that we do in Jersey perhaps need to understand that operational matters do need to stay within any area with those companies or institutions that are providing the operations.

The Connétable of St. Lawrence:

I have to just apologise to the Minister because when he actually said how he had been made aware of this somebody coughed and I did not actually hear what his answer was to that.

Deputy K.F. Morel:

It was via the media and officers.

The Connétable of St. Lawrence:

Via the media and ...?

The Deputy Bailiff:

And officers.

1.1.5 The Connétable of St. Lawrence:

And officers. I suppose my supplementary has to be quite understandable, the Minister himself need not be made aware of operational matters that arise but my question is does the process with DFDS require them to inform his officers then of such incidents? Is that what happened in this case?

Deputy K.F. Morel:

I cannot be 100 per cent sure but I think my officers contacted DFDS. I do not think, and I have to say whether it is airlines, whether it is a ferry company, I am not convinced that such operational matters necessarily need to be reported to Government. I think when there is a more general ... if there is something going wrong at the port, as a general thing, or something at the airport, then I can understand why that would be raised to Government. But I think there is an element in Jersey, we have to understand that Government is doing the work of Government. If this was systemic, that would clearly be a Ministerial and Government matter where a Minister needs to go in and say: "Look, you have got a systemic problem with accessibility issues, you need to sort it out", and certainly with regard to the malfunctioning lift or non-functioning lift ... excuse me, may I just ask Members to not chatter around as I am trying to answer a question?

The Deputy Bailiff:

Yes, Members should not converse noisily if they are distracting the speaker.

Deputy K.F. Morel:

It is a difficult line, but I am concerned in general in Jersey that we try to raise everything to a governmental level and I do not think when there are instances, which I hope are isolated, and if this was to prove in any way to not be isolated ... there is the fact that at the beginning of service the wheelchair lift was not in operation. That was a matter where a Minister needed to know because that was systemic. This appears now the lift is working; this is nothing to do with the lift not working. This is the company's own processes and it appears to be an isolated matter. If it appeared not to be an

isolated matter, I would absolutely expect that to come up to Government. But as an incident that is isolated, then I think it can rest with the company and the institutions that I have mentioned.

1.1.6 Connétable K.C. Lewis of St. Saviour:

After the Spirit of Free Enterprise disaster many years ago, I was under the impression it was a legal requirement that all vehicles in the vehicle bays on board ship, on the vehicle decks, must be vacated during transit, is that not the case?

Deputy K.F. Morel:

I must profess my ignorance of the rules on that.

1.1.7 Deputy K.M. Wilson of St. Clement:

It appears the Minister's comments about if this was an isolated incident you could understand why that would need to be dealt with operationally but this is not an isolated incident. In actual fact there was an earlier incident earlier this year where there was a similar situation involving a person with a disability who could not access the provision on the boat, and that was due to the fact that the lift access was still a problem. I think my question to the Minister is what assurance is he seeking from DFDS on the learning that has taken place from these incidents that have clearly come to the public's attention? But I would imagine that there is a general concern for anybody travelling with a disability about some of the adaptations and provisions that need to be addressed. Can he give some assurance to the Assembly that he will, as part of the contract monitoring arrangements, ensure that this is routinely monitored? I referred to a statement made by the Chief Minister earlier also, where he said that the operating agreement sets performance standards relating to customer satisfaction. I think what we would like to be assured about is how often they are monitored, how these are brought to the attention of the operator, and what changes happen as a result of these incidents taking place?

Deputy K.F. Morel:

I can understand why the Deputy suggests that this is not isolated. The reason I say it is, is only because I understand the reasons to be different. The Deputy is referring to an incident that occurred when there were no lift provision on the Levante Jet. That was something that happened as they brought the vessel into service and, as Government, we weighed in and said you need to sort this out, this has to change very quickly, and they worked to change that by the end of July. The lift was brought in to service by the end of July. The reasons for this incident appear to be very different to that original incident and it is because of the difference in circumstances that I am saying that it does not appear to be systemic. There are 2 different causes for this. But I can understand why the Deputy is concerned there are. I think with regard to the monitoring, yes, I am more than happy to ask officers to ask in their quarterly meetings that they speak about accessibility and the provision of facilities for people who have accessibility needs, and to ensure that these matters are learned from. As I said in response to Deputy Doublet's question, I am pleased to see that DFDS have not hidden from this in terms of their own reporting themselves to the vessel flag state and their own contacting the Government's Disability and Inclusion Unit. That suggests to me strongly that they wish to learn from this, and that is the appropriate attitude. As I said, it does not excuse the mistakes that led to these incidents but it absolutely does suggest they have the right attitude in learning.

1.1.8 Deputy M. Tadier:

First of all, can I clarify, contrary to what the Minister said, I did not suggest that there was intention to discriminate here, but what I said is that there may have been an act of discrimination under 7A of the law, which talks about indirect discrimination, failure to make reasonable adjustments regarding disability. One of the questions I would like the Minister to ask was would it have not been more reasonable for DFDS to have paused the departure to move things around, to open the lift up, so that this individual did not have to spend the four-plus hours sitting in his van? I am almost lost for words. The real question here also is: is the Minister not concerned that there has been a breach of law, so not simply a failure of process but, as the Connétable of St. Saviour has indicated, it seems that there is a *prima facie* breach of international maritime law by keeping somebody on the car deck? I know that when I travel with my dog, we are told that we are not allowed to go down except at specific times to

see the dog in the vehicle, so they are very strict about that normally. But also a breach of Jersey's anti-discrimination law. Given the fact that it is all of our jobs to uphold the law, and not least for the Minister, if he thinks that there have been breaches, would he indicate whether there is any mechanism within his department, certainly when it comes to maritime law, to have this particular incident investigated properly?

Deputy K.F. Morel:

I only demurred on the issue of law because I am not a lawyer and I am not *au fait* with all these laws. If there has been a breach of law then I believe it would be called to the harbourmaster to look into that. I am happy to speak to the harbourmaster to look into that. I think this is one of those interesting cases where if - and only if - the Deputy is correct and misinterpretation of the law with regard to staying on the car deck, that that was the solution which enabled the passenger to travel to their destination in the time that the passenger needed to travel to their destination. I do not know what the situation would have been with the case of unloading the vessel but my guess is that this passenger would then have also missed the ... they were travelling onwards and so they needed to get to their point of departure for travel at a certain time. So it may be the case that if there was a breach of the law it was with the intention to help this traveller get to where they needed to at the time they needed to. Something of a Catch-22 in that respect following the mistakes that they had made in their processes. But I will speak to the harbourmaster and ask him to look into that from a legal perspective.