

2.4 Deputy R.G. Le Hérissier of St. Saviour of the Minister for Health and Social Services regarding numbers of dysfunctional parents in the Island:

Following his recent statement that there are huge numbers of dysfunctional parents in the Island, would the Minister indicate whether his department has information on the actual numbers and state when he will be bringing forward plans to address this issue and in particular whether he will be pursuing his professed wish to provide for the imprisonment of some such parents?

Senator S. Syvret (The Minister for Health and Social Services):

There is no effective means of determining the actual numbers of such dysfunctional families. It will come as no surprise to the Deputy that these parents are rarely so self-aware as to readily identify themselves as dysfunctional. My observations are drawn from 2 principal sources; firstly, from my own now extensive experience as both President and Minister with ultimate responsibility for intervening and placing children at risk with our looked-after service. Secondly, from my discussions with a wide range of health and social care practitioners, personal experience, members of the public, police officers and indeed some of these dysfunctional parents themselves. It must also be noted that the stereotypical image of dysfunctional parents fails to convey the full scale of the problem. There are numerous instances of neglect, violence, emotional cruelty and gross dysfunction to be found in many middle class households. Though it will come as a surprise to some, such as the author of the *JEP* leader and the Deputy himself, the Children's Jersey Law 2002 already contains provision for the jailing of parents. The Law states that if a person who has responsibility for a child under the age of 16 intentionally or recklessly causes harm to that child, exposes him to risk of harm or neglects him in a manner likely to cause harm, that person will be guilty of an offence and liable to a fine or to a term of imprisonment. It can therefore be seen that we have already passed laws which render parents liable to imprisonment for failing to properly care for their children. Therefore, the question is not one of principle; rather it is whether the extant law goes far enough in furnishing the courts with sufficient powers. Wishing to see the courts jail a parent who has been found guilty of gross failure and neglect of a child may seem harsh but I am afraid that our society often treats children in ways which would be regarded as utterly appalling and completely unacceptable if applied to an adult. I am not naturally a person who believes that tougher laws and sentences are the panacea to all social ills. Dysfunctional and inadequate parents are usually victims themselves, failed in turn by their parents and society at large. What most people in this category need is help.

The Deputy Bailiff:

Minister, I have given you some leeway, but how much longer are you going on for?

Senator S. Syvret:

I am nearly finished, Sir, but it is an important question. However, if a couple with young children, having received extensive support from Social Services, the Alcohol and Drug Service, and very often the forbearance of the courts, are still discovered in a drug-induced stupor while children crawl on the floor among broken bottles, rotting pizza boxes, cigarette ends and used heroin needles, then imprisonment may be the necessary measure and I make no apologies for that.

2.4.1 Deputy R.G. Le Hérissier:

Would the Minister not acknowledge that to use a phrase like "huge numbers" gives a totally misleading impression of what is conventional wisdom in the field, namely that there are a group of intractable and very difficult parents, but to jump from the kind of anecdotal conversations he has had with professionals to "huge numbers" seems in the circumstances entirely irresponsible?

Senator S. Syvret:

No, Sir, that is utter nonsense. The fact is there are a variety of types of family dysfunction to be found across the entire social spectrum and to imagine that we are only talking about the kind of very extreme case which I refer to at the end of my original answer is, I am afraid, to miss the true

nature of the problem and to miss the point. Neglect, emotional cruelty and various other forms of dysfunction are in fact, unfortunately and tragically, to be found in many, many families across the Island.

2.4.2 Deputy G.P. Southern:

Does the Minister sincerely believe that imprisonment of parents can be used to help either the parents or their children?

Senator S. Syvret:

In some very extreme cases where the neglect is both physical and emotional to the child, where they are at risk of harm, malnutrition, perhaps injuring themselves because of a lack of care, then, yes, taking the children into care may well be the best option for the child and also if we are looking upon prison as I do - as a process of rehabilitation, whereby people who are imprisoned might learn to become better and more useful members of society - then some of these parents who are at the very extreme end of the spectrum may in fact benefit from and be helped by imprisonment, providing the services provided in the prison are aimed at being rehabilitative as opposed to being merely punitive.

2.4.3 Deputy J.A. Martin of St. Helier:

Is the Minister assured, if these parents do exist and the amount, that if these children are taken into care - looked-after children - that his department, Sir, his Ministry is achieving what the Cathy Bull Report many years ago suggested. We still have, I think, 2 full children's homes and will the Minister also inform us how many more professional foster-carers we have. If the Minister is saying he needs to take these children out of an unsuitable environment, is he sure he has got a suitable environment and enough carers - professional - to take care of them, because I would dispute this, Sir?

Senator S. Syvret:

I agree entirely with the Deputy's point. No, we do not have sufficient facilities, sufficient professional foster carers at present. If the Deputy or other Members of the Assembly wish to provide us with sufficient resources I would be very, very happy to see more investment in this area. This is the second year of our implementation of developing a professional foster-caring service in the Island, so we are in fact devoting a lot of effort into developing this particular area, with ultimately a view of fully incorporating and enacting all of the recommendations of the Cathy Bull report, which did, as the Deputy rightly points out, mean the closing down of the institutions in which children are kept. Frankly, it cannot happen soon enough as far as I am concerned but as I said there are certain constraints, money being one of them, but also the time it takes to recruit and properly train professional foster carers.

2.4.4 Deputy J.A. Martin:

I did ask for a specific number - and I was one of those who voted for the extra resources for the professional foster-carers - how many extra have we, this year, recruited since the last 2 years?

Senator S. Syvret:

I do not know the precise figures at the moment, Sir. I can find out that information and provide it to the Deputy later.

2.4.5 Deputy J.B. Fox of St. Helier:

The Minister is right about the numbers that he has been expressing this morning. Is he actively having discussion with the Minister for Home Affairs in relation to the preventive measures for those people who unfortunately end up in prison or other establishments of necessity, and if he is not will he do so?

Senator S. Syvret:

I have not so far discussed this precise issue with the Minister for Home Affairs although we have discussed the generality of these issues in conjunction with the Minister for Education as part of the Children's Executive corporate parent function. I certainly do intend, upon developing these issues further and getting professional reports prepared on the subject, to bring it to the Children's Executive for discussion.

2.4.6 Senator M.E. Vibert:

I wonder if the Minister would agree with me that in any cases where families are having problems the emphasis should be on supporting and helping those families who are experiencing difficulties and that that is what the emphasis should be on and that the talk of punishment and even imprisonment should be completely as a last resort and hopefully never have to be introduced?

Senator S. Syvret:

As I said in my original answer, what these people do need is help and I would certainly agree with the Senator that in the main what we are talking about are people who are victims themselves and who do need the help and support of the State. Certainly I have no hesitation in agreeing that prosecution, and perhaps imprisonment, should be ultimately a very, very last resort. It is not something I advocate or wish to see a great deal of but it is in fact in some cases, I regret, a necessity and as I already explained in my initial answer, such provision - although the Minister is not perhaps aware of it - does in fact already exist in the existing Children's Law.

2.4.7 Deputy R.G. Le Hérissier:

While understanding the Minister's frustration, would the Minister not accept that by talking of "huge numbers" he is suggesting - as Deputy Martin has suggested - that Social Services are going to be utterly overwhelmed and it is a totally misleading assumption of "huge numbers". Secondly, Sir, would he tell the House who is going to define what is dysfunctional if he is saying dysfunctionality is almost everywhere in our society? Who will be the Parental Correction Tribunal in this society?

Senator S. Syvret:

I did not say in fact that dysfunction is everywhere in our society, I just said it is more common than perhaps people would like to imagine. I cannot remember them all extensively off the top of my head but there are in fact already guidelines and procedures written-up that are used in these kind of cases for assessing whether the circumstance of a child might put them at risk in some way of suffering neglect or harm. Jersey has a Child Protection Committee with a number of eminent people on it who routinely revise and update the Child Protection Handbook. So, these procedures do exist already, Sir.

2.4.8 Deputy J.A. Martin:

I may be stretching it, but some looked-after children - quite a few in Jersey - go on to be adopted. In the old committee form, it used to have to come to committee and everybody discussed and agreed. Could the Minister tell me now who makes the final decision on adoption? Is it just his alone? Thank you, Sir.

Senator S. Syvret:

No, Sir, it is not mine alone or was it the committee's alone. It is a matter for the courts. We make the decision that we conclude that it is in the best interest of a child or children to free them for adoption. The matter then has to go to the court and rightly so. This is the ultimate check and balance. The court decides whether our recommendations - our findings - are fair, balanced and justified as a case may or may not be.