

2018.03.19

10 Deputy G.P. Southern of the Chief Minister regarding the arrangements for payment of compensation arising from the finding of the Independent Jersey care Inquiry to victims of abuse: [OQ.52/2018]

Will the Chief Minister inform Members what arrangements, if any, exist for the payment to victims of abuse of compensation arising from the findings of the Independent Jersey Care Inquiry following the election in May of this year and, in particular, will he advise whether such payments will depend on the current post-holder being still Chief Minister?

Senator I.J. Gorst (The Chief Minister):

There will be no changes to the arrangements relating to the existing compensation scheme prior to May this year. In the event further late claims are received, Council will consider those claims as per previous arrangements. I have however commissioned a review of matters relating to alleged unlawful detention and solitary confinement and a review relating to alleged abuse suffered in foster care. Those reviews will not be finalised for consideration until the early summer.

3.10.1 Deputy G.P. Southern:

Is the Chief Minister aware that one of the legal advisers to victims is making the following statements, it is not verbatim, but to this effect: "Mr. Gorst is the one who has agreed to pay out compensation. If he is not elected you may not get compensation. What you need to do, you and your friends from Les Chenes and your family need to go out and vote for Mr. Gorst." Does the Chief Minister find that sort of statement acceptable?

Senator I.J. Gorst:

I have had a telephone conversation with one Islander who reported to me a conversation along those lines. I did not have a verbatim report. We are about to enter an election. Members will make all sorts of arguments about why one should vote for one particular candidate above another, it is not an argument I personally would make, but if the Deputy has a concern perhaps he should take it up with the lawyer concerned.

3.10.2 Deputy G.P. Southern:

I certainly will and while I am speaking to him can I transmit the Chief Minister's regret that anyone, legal adviser or not, should be making those sorts of statements?

Senator I.J. Gorst:

Look at the evidence over the last 10 months. I have absolutely committed myself to delivering on the recommendations of the Care Inquiry. I think that making the changes that the Care Inquiry and other inquiries... the Comptroller and Auditor General has written report after report about changes to Government that need to take place. Clothier and that committee said changes needed to take place. This election is going to be about those individuals who are going to commit themselves to delivering those changes. As I said in my opening response, I have requested that this extra work is undertaken so that the next Council of Ministers can make decisions about future compensation schemes. If people are saying that is a reason they should vote for me then I support that reason.

3.10.3 Deputy G.P. Southern:

No, the statement was: "If you wish to see your compensation you will vote for Mr. Gorst." Does the Chief Minister not condemn that sort of statement from a legal adviser talking to victims of abuse?

Senator I.J. Gorst:

As I have said, I have had one conversation with a member of the public and that was not a verbatim report. Surely, if the Deputy is concerned, then he will take the matter up rightly with the lawyer involved to understand exactly the terms that were used.

3.10.4 Deputy M.R. Higgins:

The question I have for the Chief Minister is: can he explain if there are any delays in paying current compensation, let alone after May, because I am aware of one claimant who has had to wait a considerable period of time. What is the timescale for paying out on compensation claims? Just so the Chief Minister is clear, people have applied for compensation, they still have not got it after an inordinate delay. Is this Chief Minister aware of why there is a delay on paying these claims, which should be straightforward; it was another victim of Haut de la Garenne?

Senator I.J. Gorst:

Perhaps the Deputy is touching on an issue where it is not clear. The current scheme is as outlined to this Assembly and claims have been considered under it. I am not, from recollection, aware of such an outstanding claim that would meet the terms of the current scheme. Of course I am aware that there are claims, which I have commissioned a review of, that do not meet the terms of the current scheme. The Council of Ministers have previously given a commitment that they would consider foster claims after the Care Inquiry was published and there have been further claims, as I have said, relating to alleged unlawful detention and solitary confinement and it is a review of those claims that I have commissioned extra work on. That work will have to be considered by the next Council of Ministers.

3.10.5 Deputy G.P. Southern:

Can the Minister then assure this Assembly that, whatever the outcome of the election in May, these further cases, which are looking at unlawful confinement and other situations, will be paid by the Chief Minister come what may, whoever the Chief Minister is after May?

Senator I.J. Gorst:

Of course the Deputy knows, that why he is miffed about the conversation that the lawyer has had, that it will have to be a decision by the next Chief Minister and the next Council of Ministers and, if necessary, the next Assembly, if extra money has to be put aside. That work will be presented to the Chief Minister for onward consideration, as I say, by the Council of Ministers and, if necessary, the States Assembly, to allocate funding. So I cannot give a commitment about what the action of the next Chief Minister, the next Council of Ministers, or the next Assembly, will be. The Deputy absolutely knows that.