
STATES OF JERSEY



REPORT OF THE INDEPENDENT JERSEY CARE INQUIRY PANEL 2019 (TWO-YEAR REVIEW)

Presented to the States on 23rd September 2019
by the Minister for Children and Housing

STATES GREFFE

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Foreword

The Independent Jersey Care Inquiry was a significant commitment for the people of the island, particularly those who had suffered abusive experiences while in care. The island had become the focus of international attention as a result of the investigations at Haut de La Garenne and all that Operation Rectangle had encompassed. It was clear that a public inquiry was necessary to get to the roots of what had happened and to identify what needed to be done in future to protect Jersey's children. During the Inquiry, harrowing accounts emerged of children's experiences in Jersey's care system from World War II onwards and of the enduring impact that had on their lives.

We were conscious throughout the Inquiry of the enormous responsibility we bore to ensure that the past was fully understood and that the future was different. We concluded that simply publishing the report would not, in itself, ensure that all necessary action would be taken to resolve the problems we had identified; we had heard of many reports which had not had their recommendations taken forward. We suggested that we should return to the island to review progress after a period of two years. This was readily agreed and we were pleased to undertake this review, which we believe to be the first of its kind following a public inquiry.

We returned to the island during the course of 2019 and met over 200 people, both in public and in private. We also had access to hundreds of documents. We received over 300 written contributions from people in Jersey. We have, therefore, had the opportunity to hear many perspectives on what has happened since the publication of the Inquiry Report. We are grateful to everyone who so willingly assisted us, whether by providing us with their insights, showing us their work or making arrangements to assist us.

This report sets out what progress we have found in terms of responding to our recommendations. In many areas there has been marked progress; where we consider significant deficits remain or where there is room for improvement, we have set that out along with recommendations. As before, it will be for Jersey to determine how it will respond to our recommendations for improving the safety and well-being of the island's children.

Jersey has the potential to provide world class services for its children. The long path to achieving that will involve fusing the best of the island's values with modern practice and relinquishing long-standing practices to allow new models to evolve.

With this report the Panel's work is concluded. We have, however, suggested a mechanism for ensuring that progress is reviewed by others in the future. We thank the people of Jersey, of all ages, for sharing their histories and insights with us.

We wish success to all who carry the responsibility for keeping Jersey's children safe and well.

Frances Oldham QC

Sandy Cameron CBE

Alyson Leslie

Independent Jersey Care Inquiry Panel Two-Year Review

Findings and Recommendations

Background

- 1 The Independent Jersey Care Inquiry Panel was appointed at the end of 2013 and began hearing evidence in Spring 2014. The Panel's report was published in July 2017. During the Inquiry, we learned that Jersey had a history of commissioning inquiries and reviews into many aspects of island life, but often failed to take forward their recommendations. The Panel therefore proposed that we should return to Jersey after two years, to review what progress had been made in respect of the recommendations of our report. The then Chief Minister, Ian Gorst, accepted this proposal. We believe that we may be the first public inquiry to have been invited back by the commissioning agency to review progress.
- 2 In our 2017 report, we identified 10 significant failures by the States of Jersey between 1945 and 2017 and eight lessons to be learned from these failures. Progress on addressing the 10 failures is discussed in Appendix 1. Progress in relation to the eight lessons to be learned is discussed in Appendix 2.
- 3 The Panel made **eight recommendations**, having taken the view that it would be more helpful to make a small number of high-level proposals, rather than many points in detail. We also considered that it was essential that the people of Jersey determine how to make the necessary changes, in ways that would work best for the current and future children of the island. In addition to our eight recommendations, we included, as an appendix to our 2017 report, a list of some 659 recommendations, which had been made to us by witnesses and other contributors to the Inquiry. We took the view that these were worthy of consideration, albeit we identified a small number which we did not feel able to support. Following the publication of our Report, Chief Minister Ian Gorst stated that it was his intention that all eight recommendations should be implemented. We were aware that a great deal of activity in relation to the recommendations had been going on in Jersey. We were also conscious that this activity might not necessarily translate into progress or a positive outcome.
- 4 It was in that context that we returned to the island in May 2019 to review progress. We did not expect that it would have been possible to fully implement all of the recommendations by this stage, albeit we had an expectation that significant changes and improvements would be in place. At the end of the Inquiry we had set out, for our own reference, a series of indicators to help us determine what progress had been made in respect of our recommendations. That was not a public document but has informed our work in undertaking this two-year review (Appendix 3).

- 5 Ahead of our visit to the island, we met with a range of relevant people to help us prepare for the work we would undertake in the island and also sought over 200 documents from the States of Jersey and other organisations.
- 6 Over a two-week period in May 2019 we met with more than 200 people, including a number of young people, some of whom were care experienced. We also visited a number of establishments and services. We attended a training event involving over 100 frontline staff. Many of our meetings were held in private, but we also held four days of hearing from people in public, as we had done in Phase 3 of the Inquiry. We received over 200 contributions through an online survey, by e-mail and through the website which we had set up for the review¹ and by post.
- 7 In undertaking the review, we operated under the same independent principles of working without fear or favour as we had done during the Inquiry. We made arrangements to receive contributions in private sessions. Where we have drawn on that material in this report, we have done so in a way that protects the privacy and identity of the participants. At the conclusion of this review, all confidential information will be held alongside the confidential archive of the Inquiry off-island. All public domain material, including the transcripts of our public hearings, will be transferred to the Jersey Archive.
- 8 We now set out below our findings and responses in respect of each of the recommendations from the Inquiry Report.

Recommendation 1

- 9 We recommended that the post of Commissioner for Children be established and enshrined in Jersey legislation, in a manner consistent with the United Nations Paris Principles.² This was promptly taken forward and the first Commissioner, Deborah McMillan, was appointed before the end of 2017, in a recruitment process which commendably included young people on the selection panel. Subsequently, she was closely involved in drafting the legislation which underpins her position and that legislation has now been passed by the States Assembly and approved by the Privy Council and is therefore now part of Jersey Law. **We consider this to be a very important step forward for the Island in protecting and meeting the needs of its children and young people now and in the future.**
- 10 We said that, **“It will be important to seek candidates of the highest calibre who have a sound track record of commitment to serving the best interests of children and young people and who will be seen as fully independent of government.”** The appointment of Deborah McMillan, in our view, fulfils that recommendation. It is clear

¹ The website for the review was <https://www.iicipanel.org>

² The UN Paris Principles are benchmarks against which national human institutions can be accredited. They require: Mandate and Competence; Autonomy from Government; Independence Guaranteed by Statute; Pluralism; Adequate resources; and Adequate powers of investigation. See <https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>

to us that she brings a wide range of relevant experience and a personal passion for the rights of children. Since her appointment she has made strenuous efforts to ensure that the way in which her office operates is consistent with best practice for equivalent Commissioners in other jurisdictions. She has also sought to ensure that the rights of children are fully reflected in all future policy and legislative developments.

- 11 The logistical arrangements for the operation of the Office of the Children's Commissioner's Office have reflected its independence. Being visibly independent of the Government of Jersey will be critically important in building trust among young people in the island and amongst those who have experienced trauma as a result of their childhood experiences rooted in the poor governance of the past. Given that the Commissioner is now resident in the island, it will be important that she and her advisory board are vigilant against the risk of being drawn into any situations or relationships which could be interpreted as compromising her independence. This is an ongoing challenge in a small jurisdiction the size of Jersey.
- 12 It was, and remains, our view that the appointment of the Commissioner should be made on the basis of the appointee serving **no longer** than a 6-year term of office, consistent with the other UK Commissioners. Our opinion is based on the need to ensure that the Commissioner is able to sustain her independence and importantly the public perception of that independence. The decision reflected in the new Jersey legislation is, however, that the term of appointment should be for 8 years. There is, in our view, a potential problem which could influence the attraction of future high calibre candidates from off the island, in that the current residency rules mean that at the end of a 6 or 8 year appointment, the post holder would not be able to continue to reside in or own property in Jersey. **We therefore recommend** that further consideration should be given as to what might be done to ensure the future attractiveness of the post to candidates of the highest calibre.
- 13 We note that Jersey has agreed to incorporate the United Nations Convention on the Rights of the Child (UNCRC) on a "due regard" basis. The UNCRC is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child in a nation or jurisdiction. As such, it will be incumbent on the States of Jersey to ensure that full and proper regard is paid to the UNCRC principles in all future legislation and policies and that the Commissioner has oversight to ensure compliance with this positive commitment. We are pleased to note that the States of Jersey have asked the Commissioner to review all existing Jersey legislation and to provide advice in relation to its compatibility with children's rights. Commendably, this work is already underway. This approach has the potential to ensure that Jersey is in line with best practice worldwide.
- 14 We said that, **"It is essential that there is a clear means for looked after children to raise complaints and receive a response from those responsible for their care. The Commissioner should have oversight of such arrangements"**. The Commissioner has been given power to assist children in raising complaints and has indeed already been involved in this. This is particularly important because we consistently heard from a range of people, including young people and their families, that they found it difficult

to raise concerns and complaints about health and social services with the relevant authorities and that where they did succeed in accessing the system, they often did not receive a timely or meaningful response. As far as we could determine, the main mechanism for raising complaints about services, currently, is through the corporate feedback mechanism via the States website. One young person described this as being “difficult and clunky”, and we also found it to be arcane and unnecessarily cumbersome. Ensuring that young people and their families can raise matters of concern, with confidence that they will receive a timely response, is essential to building confidence in services. It also allows services to have a continual eye to improvement.

- 15 Given the impact which Children’s Services can have on lives and future wellbeing of children and families, it is, in our view, essential that users of services know that they have a right to raise a complaint; easy access to a system that will provide a helpful response; and the possibility of escalating matters if they are not satisfied with a response. Responses should be provided in ways which are age appropriate and comprehensible to the person raising the complaint. In the great majority of cases this should involve a personal meeting in addition to a written response. We consider that **a statutory right to raise a complaint about any aspect of a Children’s Service should be introduced, laying out timescales for responses and a mechanism for further review.** We understand that there are proposals to legislate for the introduction of a Public Services Ombudsman for the island. Such posts are, in our experience, usually concerned with matters of maladministration and exist alongside robust internal means of dealing with a complaint. Therefore, it is important for Children’s Services to have such a mechanism in place to allow for both informal and formal resolution of complaints before referral to an ombudsman. We commend the idea of having a system which is not only about complaints, but also encompasses an opportunity for comments and, very importantly, complements. It will, in our view, be essential for the Children’s Commissioner to monitor arrangements for children and to comment on their operation in her Annual Report.
- 16 The legislation has empowered the Commissioner, as per our recommendation, who has **“an unfettered right to make public the findings of any inquiry undertaken by her”**. It has also provided a requirement for her to present an Annual Report. The new legislation provides for that to be laid before the States Assembly, which is consistent with the intent of our recommendations. We did, however, propose that **“a duty be placed on the Chief Minister to make a public response to the States Assembly, indicating what action is proposed to be taken”**. No requirement of this kind has been included in the legislation and this is, in our view, a serious deficit. Our concern in making our recommendation was to avoid the risk that the presentation of the Annual Report would become a ritualistic paper exercise. The current legislation leaves this as a possibility. It is essential that there is an evident, enduring commitment from the States of Jersey to demonstrate its commitment to the rights and best interests of children and young people. This is, in our view, one of the key building blocks to ensure that the failures of the past are never repeated. We therefore recommend **that, at the first opportunity for review, the Children’s Commissioner legislation should be**

amended to include a duty on the Chief Minister to make a formal public response to the Commissioner's Annual report.

- 17 We recommended that there should be exploration as to the possibility of making the appointment of the Commissioner a joint one across other jurisdictions, such as other Crown Dependencies, but that such exploration should not delay the appointment of the first Commissioner. We understand that there are ongoing discussions between Jersey and other jurisdictions as to possible areas of cooperation and we would be keen that the opportunity to share the post of Commissioner with other jurisdictions should continue to be part of future discussions. It is our view that such an arrangement would bring increased opportunities to underline the independence of the office. We are pleased to note the interaction of the Commissioner with longer established Commissioners in other countries and that Jersey has now been included in the British and Irish Network of Child Commissioners (BINOCC). This has been important in assisting Jersey to ensure that international best practice is incorporated into its legislation and we congratulate the Commissioner and the States Assembly in that regard.
- 18 There are two aspects of the new Children's Commissioner legislation which cause us concern. First, it is essential that the Commissioner should have access to all documentation she requires in pursuit of any inquiry. Amendments to the legislation allowed legal advice given by the Law Officers Department to be withheld from the Commissioner, albeit with a provision that the Attorney General could make such advice available if he believed it to be in the public interest, having first applied a public interest test. Whilst we fully understand the importance of the convention that legal advice is not disclosed, we consider that, in setting the arrangement as it now stands, there is a real likelihood of suspicion being generated that critical matters are being covered up and that the "Jersey Way" is being perpetuated. We will come back to the "Jersey Way" later, but suffice to say, arrangements which could be seen to perpetuate this undermining belief should be avoided. To that end, **we recommend that the presumption by the Law Officers Department should be framed to indicate that relevant legal advice will be made available to the Commissioner and withheld only where a public interest test is met for non-disclosure.** This would symbolise a willingness to be open and transparent in most circumstances, since we believe that there should be few circumstances where it would not be appropriate to let the Commissioner have sight of legal advice, given the very direct impact such advice can have on the long-term outcome for a child.
- 19 Second, the legislation has provided for the Commissioner to appoint Advisory Panels as part of the governance arrangements for the office. We do not consider it would be appropriate for appointments to these to be made by the Government of Jersey or the States Assembly, but nor do we consider it satisfactory that the Commissioner should make the appointments at her own instance. To that end we recommend that **consideration be given as to how an independent element can be introduced to the appointment process for members of the Advisory Panel.** This could, for instance, be done through an appointment process overseen by the Public Appointments

Commissioner to ensure that due process was followed and that appointments to the Panel are seen to be made impartially, on the basis of competence for the task.

- 20 Currently the Commissioner receives some legal advice from the Law Officers Department. Whilst not doubting the integrity of that department, we are of the opinion that it is essential that the Commissioner should receive all her legal advice from a source which is seen to be completely independent of the Government of Jersey. Building confidence in the independence of the Commissioner requires that all aspects of her work are seen to be independent of government and this includes the source of her legal advice. Without a suitable arrangement for independent legal advice, including separate advice on the drafting of any amendments to the Commissioner's legislation, the potential for perception of a conflict of interest on the part of the Law Officers could undermine the perceived independence of the Commissioner's role.
- 21 Whilst we would hope that it never becomes necessary to remove a Children's Commissioner from post, it is nonetheless vital that robust arrangements are in place should the need arise. This is important for the protection of the office but also for the protection of the Commissioner, so that she can undertake her duties without fear of repercussions. The current provision in legislation for ending the appointment of a commissioner is for the Chief Minister and the President of the Chairmen's Committee to bring forward a proposal to that effect, which would be presented to a sitting of the States Assembly held in-camera. Whilst the Commissioner would have a right to make written representations to the Assembly, we consider it essential that she should be entitled to make representations in person during the in-camera session. We accept that on matters of this nature, regard must be given to protecting the privacy of the Commissioner, hence the need for proceedings to take place in a private session. We consider the Commissioner should also have the right to waive that facility in favour of an open public consideration. Our concern here is to ensure that circumstances, similar to those which pertained at the time of the removal from office of the former Chief Officer of Police, are not replicated. Jersey must demonstrate that it will deal with such a matter in ways which will evidence fairness and as much transparency as possible. We therefore recommend that **in reviewing the law, consideration be given to achieving the objective of fully demonstrable fairness in any proceedings to remove a Children's Commissioner from office.**
- 22 We consider that the appointment of a Children's Commissioner, and the passing of the empowering legislation, is a robust demonstration of the island's commitment to ensuring that the failures of the past are never replicated. The appointment of the Commissioner has put Children's Rights firmly on the agenda for all agencies in Jersey and has demonstrated that the island is open to adopting best practice. The matters which we have raised above are intended to further strengthen that commitment.

Recommendation 2

- 23 We recommended that, in addition to the appointment of a Children’s Commissioner, a number of steps should be taken to ensure that children and young people were given a voice in matters which affected their lives.
- 24 We recommended that the complaints system for young people should be reviewed, as we have described above, with the objective of ensuring it was easily accessed and that clear responses are always made to complainants within set timescales. It is important to recognise how difficult it can be for anyone to make a complaint and particularly for children and young people to complain about adults.
- 25 To further strengthen the complaints system and to ensure oversight of how services were being delivered, we recommended that the outcomes of complaints investigations should be regularly reported to the relevant Ministers and that they should be required to present a report on an annual basis to the States Assembly. Given the appointment of a Children’s Minister, it could be the case that this responsibility could lie with that office. It would be important that this should not result in Ministers with other responsibilities failing to take ownership of resolving complaints within the services for which they have responsibility.
- 26 In order to assist children and young people to raise complaints and concerns, we recommended that a Children’s Rights Officer should be appointed and this has now been done, albeit on an interim basis. Notwithstanding that the interim post holder has been very active in establishing the role and making positive connections with young people in the care system, we consider that **it is important to move as speedily as possible to make a permanent appointment and, in time, to assess whether a single post will be sufficient to ensure that all children and young people in the care system have regular and easy access to her.**
- 27 We recommended that the Children’s Rights Officer should have direct access to the relevant Managing Director and we are pleased to note that, under the new structure, she has direct access to the Director General.
- 28 Given the number of children placed off island, we consider it **essential that they also have regular access to the Children’s Rights Officer and this may have some implications for the resourcing of the post which will require future consideration.**
- 29 It will be important that the role of the Children’s Rights Officer is fully and properly understood and that there is no confusion between it and the role of the Children’s Commissioner. The Children’s Rights Officer is a post which is internal to Children’s Services and is intended to ensure that the service has its own mechanism for overseeing that the rights of children in its care are protected and overseen and that their voice is always heard. The Children’s Rights Officer must be able to operate independently within Children’s Services, but is at the same time part of the structure of that service. It is vital that the Children’s Rights Officer reports, in management terms, at a very senior level and has direct access to the most senior officer i.e. the Director General and if necessary, to the Chief Executive. This is different from the complete independence from government which the Children’s Commissioner must

have. As we said in our Report, it is not the case that all complaints are upheld, but it is vitally important that where this is not the case, a full and comprehensible explanation for the decision is given in a timely way. The Children's Rights Officer has a powerful position, in that she has direct access to the Director General with whom ultimate responsibility lies for the effective delivery of services.

- 30 In addition to the above matters, we further recommended that there should be engagement with an external advocacy service. We note that there have been visits to Scotland and meetings with 'Who Cares Scotland' which appear to have been helpful in taking these matters forward. We also note that a fledgling advocacy service is being created in the form of 'Jersey Cares' and that care experienced people are involved. In visiting Scotland, those involved will have heard of the Care Review there and the direct involvement of the First Minister. We suggested that the Chief Minister may find meeting care experienced young people from time to time to be of assistance in taking forward the recommendations from the Inquiry. That continues to be our view and our experience of meeting with young people, in the course of this review, reaffirms that view.
- 31 A positive response is under way to our recommendation on giving children and young people a voice. It will be important, not least given the size of Jersey, that there is a clear understanding of the different roles between the three pillars of Commissioner, Children's Rights Officer and Independent Advocacy, to ensure that there is no unnecessary duplication or confusion of roles. We recommend that **those involved should agree a common statement and ensure that it is available in an easily accessible form to children, young people, staff, elected members and the public in general.**
- 32 **We have referred above to the role of a Public Services Ombudsman and would reemphasise that we consider it to be essential that proposals currently under discussion are taken forward without delay. This role is a key element for further strengthening the rights of children and others to have their voices heard and their concerns and complaints dealt with effectively. Properly constituted, the operation of the role will go some way to resolve deficiencies in complaints processes and to dispel public perceptions of lack of transparency and of partiality in decision-making.**

Recommendation 3

- 33 We recommended that an independent inspection regime should be introduced for Children's Services. We considered that it was essential that services in Jersey should be willing to open themselves fully to external scrutiny, in the interests of ensuring continuous improvement and development.
- 34 We are pleased to note that the Jersey Care Commission is progressing these matters and that they commissioned an independent inspection of Children's Services by Ofsted from England. We have considered that inspection report in the course of this review and note that there were a number of concerns raised by the inspectors which we have

also identified during the course of our work (these matters are covered more fully in appendices 1 and 2).

- 35 The 2018 Ofsted inspection, commissioned by the Jersey Care Commission, was an important start to the regime of inspection we had recommended. It is **nonetheless important that a statutory inspection regime for Children's Services is established as soon as possible in order that inspections do not continue to happen simply by invitation**. It seems unlikely that Jersey would be able to resource its own inspection service and therefore the model of bringing in the expertise of a large inspectorate such as Ofsted, working in tandem with Commission staff, is likely to be the most satisfactory way forward. It is crucial, in the light of Jersey's history, that there is a visibly independent element to inspections of children's services in the island, given the dual registration and inspection roles of the small staff group of the Commission. We continue to be of the view that it would be beneficial for relevant staff working in services in Jersey to have the opportunity to participate in inspections in other jurisdictions in order to enhance expertise in the Island. It is, however, important in our view, that inspection arrangements should not be simply lifted from another jurisdiction and applied to Jersey. Adapting experience and approaches from elsewhere to fit with Jersey law and context is in our view important. Jersey has the opportunity both to learn from elsewhere but also to improve on arrangements.
- 36 We noted that a registration and inspection requirement for residential establishments is being introduced as part of the remit of the Jersey Care Commission. Services are applying for registration, albeit at the time of writing there seems to have been some delay in some establishments coming forward with their registration applications. The need for full compliance with the new requirements cannot be overstated and services should see this process as an opportunity to reflect on their operating practices and consider where there is scope for further improvement.
- 37 We are pleased to note that consideration is being given as to how care experienced young people can be involved in inspections. We understand and agree, given the size of Jersey, that there would be difficulties for young people with experience of care in Jersey to be involved. The discussions with other jurisdictions seem likely to open up opportunities for care experienced young people who are already involved in inspections to be involved in Jersey inspections. It would be a positive development if care experienced young people from Jersey had a reciprocal opportunity in another jurisdiction. The value of viewing services through the eyes of people with direct experience cannot be overstated.
- 38 We recommended that once an inspection arrangement was in place then the Independent Visitors for Young People should be wound up. This has been done. We understand that as part of the new registration requirements, there is a need for individual residential services to appoint an independent visitor who would be expected to visit the home at least monthly. This seems to be the application of a requirement from England which has not, in our opinion, taken into account the context in which Jersey homes operate. Residential units here are small, as is consistent with good practice. Care should be taken to ensure that there is no extensive intrusion by

strangers into the homes and living environment of children and young people. Some young people expressed the view forcibly to us that such additional independent visits, though well-intentioned, would be unnecessarily intrusive, alongside the inspection process, visits from the Children's Rights Officer and contact from the Children's Commissioner. This is an example of where it would be more appropriate to consider the Jersey context and needs rather than to lift an arrangement from another jurisdiction. There is a real danger of moving from inadequate protective and regulatory arrangements to excessive and duplicate arrangements. We **recommend that consideration be given as to whether the planned requirement to appoint independent visitors is appropriate or necessary. Above all else, it has to be borne in mind that good residential homes are just that – home for looked after young people where the need for respecting their privacy and the need for ensuring their safety are carefully balanced.**

- 39 The work of the Inspectorate, Children's Commissioner and Children's Rights Officer, along with the development of advocacy services such as, potentially, 'Jersey Cares', should give confidence that the failures and inadequacies of the past are avoided and that high-quality services are developed and sustained in Jersey.
- 40 We are of the view that there is a need to move as quickly as possible to extending inspection of the provision of fostering services. This would not be the inspection of individual foster homes but an examination of all aspects of the management and supervision of the service set against standards devised for Jersey. During our review, we heard many criticisms from foster parents, of poor administration and partnership working from Children's Services, just as we had done during the Inquiry. This suggests **to us that there is a need for routine independent inspection of the Fostering and Adoption Service, which would include gathering the views and feedback of foster carers. This is not an inspection of individual foster homes but of the service within which they operate.**
- 41 We heard of the impact which the Jersey Family and Court Advisory Service (JAF CAS) can have on children's lives and given its powers and influence, we consider that its operation should be open to the same scrutiny as other areas of social work practice with children. **We recommend JAF CAS operations should be included in future programmes of inspection.**

Recommendation 4

- 42 We highlighted the urgency, in our Inquiry Report, of Jersey's need to build a sustainable workforce. We are concerned that whilst positive steps are being taken, it remains the case that a large element of the Children's Service workforce are interim appointments, including at the most senior levels.
- 43 We heard from young people that they had had numerous social workers and indeed one young person told us that she no longer bothered to learn the name of her social worker since they changed so often. Almost all of the young people we met reported similar experiences and, as such, they did not feel that building a relationship with their

social worker had any point. **We consider that this is a serious deficiency in the service, which was also highlighted in the 2018 Ofsted inspection.** We also heard from many sources that interim social workers often had no understanding of Jersey law and as a result often applied inapplicable English legislation or procedures. This undermines confidence in the service particularly from families and external agencies. We do not doubt the good intentions of interim social workers but operating in a different jurisdiction brings with it a need to be very well briefed on the legal framework within which they are operating. We also heard from staff who felt their interim colleagues had preferential conditions and better remuneration. These perceived disparities do not assist in building cohesive teams to deliver services.

- 44 We recognise the very significant difficulties in recruiting suitable, permanent, qualified staff to Jersey, not least of all because of the challenges of the housing regulations, the high cost of living and terms and conditions of service inferior to other European nations. We note that a recent recruitment campaign and attendances at job fairs in the UK has generated a substantial number of enquiries. Converting such enquiries into applications and appointments is, of course, another matter.
- 45 A stable and reliable workforce is fundamental to delivering practice standards and quality services. Let there be no mistake, however, that **real progress in stabilising and improving the quality of Children's Services cannot be made until the vast majority of social worker posts are filled on a permanent basis by well qualified professionals who are committed to staying in Jersey, delivering strong and innovative services for the island's children and their families. It is, in our view, essential that progress on this is constantly reviewed and an understanding is reached as to why enquirers do not follow through to making applications and why staff do not remain in post for long. Securing a stable workforce will mean the Government of Jersey dealing with whatever underlying reasons are identified for failures to recruit and retain staff, even if this means changing long-standing practices in respect of housing and robustly addressing aspects of current terms and conditions of service which act as a disincentive for staff to stay in the service.**
- 46 Interim managers have been brought in at senior levels, as has been the case in the past. Whilst such external expertise and experience are valuable, it is our view that professional leadership, based on a long-term commitment to the island, is the only way that the service will be strengthened. Frontline staff need to feel confident that senior managers are alongside them for the long haul, to see through the improvement of services. It is not enough for interim managers to apply systems and practices which they have experience of in other jurisdictions, but rather they need to be using their experience to develop systems and practices which are fit for purpose in the context of a small, but fiercely independent, jurisdiction with its own strong traditions and identity. This cannot, with the best will in the world, be delivered by managers who fly in on a Monday and out again on a Friday and who cannot be seen to have a long-term commitment to sustaining service improvement. We recommend therefore that **permanent appointments to senior management posts are made, without any undue delay, in order that a leadership team with a commitment to the future is seen to be in place.**

- 47 We recommended that a dedicated specialist HR resource be put in place to support the work of developing a long-term stable workforce and to ensure that Human Resource practice reflected the particular needs of the Children's Service. We are pleased to note that this step has been taken.
- 48 We looked carefully at the development of a Jersey-based BA Social Work course at Highlands College developed in partnership with, and accredited by, the University of Sussex. We consider this to be a highly creative and positive development, which should help build a sustainable professional workforce for the future. It will, however, be several years before the first entrants graduate from the course. We are pleased to hear there has been a large number of applications for the first entry and that the selection panel for the first group of student social workers included care-experienced adults.
- 49 We recognise that for most students on the Jersey degree course, undertaking practice placements off island would be very difficult. We do, however, have a concern that if students only have experience in Jersey then their broader understanding of professional practice will be limited. We therefore recommend **that consideration be given as to how students in Jersey can be linked into experiences in successful local authorities with which the University of Sussex already has links. Short periods of shadowing workers in such an authority, for instance, could help build a broader awareness of good practice. This would be even more positive if longer term links with the settings were built and maintained.** Regular opportunities for exchanges of students and qualified workers with other jurisdictions, including other Crown Dependencies, would be a positive development for Jersey based staff.
- 50 During the Inquiry we were impressed with the way in which the Probation Service had built a stable workforce, but were concerned by how the Children's Service had not looked to learn from this because of the culture of silo working which was deeply embedded. We therefore emphasised the need to develop a culture of corporate working across all public services, led by politicians and the Chief Executive and his senior team. We are pleased to note that there is activity underway to change structures and culture across services. The 'One Gov.' initiative, led by the new Chief Executive, is an important development. If true corporate working is to be embedded, then it is vital that it is led through an expectation of positive behaviours from the top. We do not doubt the Chief Executive's commitment to this, but it does need to be recognised that the concept was not, as yet, well understood by many of the frontline staff we met. The value of corporate working is that staff feel empowered and expected to solve problems and the public receive a seamless service irrespective of what their access point is. This is of particular importance to families in contact with Children's Services who have to deal with considerable complexity in their lives and who often report a feeling of helplessness in the face of what they perceive to be needless bureaucracy. Whilst change will take time it is reassuring that there is now in place a commitment to working together which was not evident in the history we examined during the Inquiry.

- 51 Our Inquiry recommendations dealt with the need to develop a model of social work practice for Jersey similar to the way Hackney had developed a model to transform both practice and culture in their authority and build staff engagement and morale. We learned from Hackney that their model could not be transposed to Jersey but that a Jersey solution had to be developed for its particular challenges. We are concerned that although there are some indications of improved practice, much of what is being put in place is largely process driven and it is difficult to discern what the quality of social work practice is in terms of delivering positive outcomes for children and their families. The Children's Service operation seems to be disproportionately influenced by the activities of the Multi Agency Safeguarding Hub (MASH). The feedback we had from professionals and from families was disheartening. We heard all too often from parents that they had been "Mashed". The unfortunate acronym seems to actually reflect the experience of people who have been exposed to the process. Whilst the MASH model was developed in England to try to build effective information exchange and decision making across relevant agencies in large metropolitan areas, we do question whether the hub, as currently constituted, is proportionate to the size of Jersey. We estimated its annual costs were in the region £700,000, while we could find no indication of what specific outcomes were anticipated in terms of keeping children safe, let alone what had been achieved. We question whether this is the best use of money and resource.
- 52 Parents told us that they had been "Mashed" on repeated occasions, that the process had not been understood by them nor had it effected any change in their circumstances. This was particularly the case for parents who were struggling to cope with their children with special needs. In effect, people perceived MASH as a means of denying them service. Like parents and young people, we found it difficult to understand what the 'Early Help' response was meant to deliver. Many parents described receiving a phone call explaining they had been "Mashed" and were being categorised as in need of 'Early Help', and asked to identify their case "lead" without understanding what this person's role would entail. The MASH team then notified the chosen agency (e.g. school) that they were the family's 'Early Help', without, it seemed, any checks on the capacity or willingness of that agency to take on the role. Many staff who were acting as 'Early Help' leads, particularly in schools, found it to be a bureaucratic, time-consuming and uncertain process which took them away from the job they were trained and employed to do. Our impression was that Children's Services were using MASH to divert referrals and gatekeep access to services, rather than as a safeguarding hub. Having sound child protection practices which operate on a multiagency basis is vital but it is the case that many, indeed the majority, of families which could benefit from the intervention and support of a skilled social worker do not pose a risk to their children. The terminologies of 'child in need', 'edge of care' or 'early help' are not readily understood by families, far less by children, nor do they reflect, in our view, anything more than a process of categorisation of referrals in most instances, rather than effective assessment and service delivery models. We recommend that a **model of social work practice is developed which is fit for the Jersey context and**

which offers effective help for families experiencing hardship and distress and is delivered by a well-trained and stable workforce.

- 53 A key element in a comprehensive provision for children is a strong fostering service. We commented on the inadequacies of the service in Jersey in our Inquiry report, and whilst we were pleased to hear of some progress having been made in recruiting foster carers, we remain deeply concerned that foster carers continue to experience unnecessary difficulties in their relationship with Children’s Services. It is the case that those whom we heard from still did not feel that they were treated as knowledgeable partners in a team working with the child, and some felt they were considered, in their words, “minions”.
- 54 We heard from foster carers, and indeed from parents, of the difficulties they had with supervised access arrangements for children in their care. These have been held in rooms which were described as ‘wholly inadequate’, in the building in which Children’s Services are now housed. Foster Carers felt little consideration had been given to the experience of service users, and particularly children using the building, given that contact with families of origin can be a deeply stressful experience that a child faces, over and over. Rooms for contact were described as “cupboards”. While we were pleased to learn that alternative arrangements are being developed, we felt many of the problems of recent months, and the poor experiences of children, could have been avoided if foster carers had been consulted in the planning of contact space. The Children’s Service building is not simply an office space for staff but it is a working tool for meeting with people in distress or supervising access. It is disappointing, therefore, that consideration for the experience of children has not been at the heart of planning the environment. **We worry that this is a further reflection of an approach to social work being about process rather than care.**

Recommendation 5

- 55 In 2017 we found that legislation for children in Jersey was almost invariably lagging behind developments in the UK and beyond, and we therefore recommended that consideration should be given as to how the island could have a more effective mechanism for developing legislation, policy and practice guidance in relation to children and young people.
- 56 We were pleased, therefore, to hear from the team working on policy of the Children’s Legislation Transformation Programme (see Appendix 4). This aims to ensure Jersey enacts a wide range of new or updated legislation to modernise the basis on which services for children operate and to underpin effective policy and practice that will keep children safe and thriving in the island. The programme demonstrates a genuine commitment to compliance with the principles of the UNCRC. We consider this to be a positive development in Jersey and recognise the very substantial amount of work which is being progressed by a relatively small policy team with support from the Law Officers Department. The fact that there are now well-qualified people with specific responsibility for policy development in place, gives us some reassurance that Jersey

can keep pace with new research and thinking about meeting the needs of children and young people and improving their life opportunities. It will, however, be important that the current momentum is maintained and supported, otherwise there would be a danger that Jersey could once again find itself continuing with outmoded practices. It will be important that this essential work on policy and legislative development takes into account the views of young people at every stage and that it is supported by the legislature.

- 57 We made recommendations, in respect of youth justice, to the effect that a review should be undertaken with a view to moving to a welfare-based model rather than the traditional punitive one. In a welfare-based model, the youth justice system treats young offenders as children first and offenders second. We are pleased to note, therefore, that a Youth Justice Review was commissioned and published its report in October 2018. We are broadly in agreement with its findings and recommendations, which we consider will continue progress toward the welfare-based model we recommended. We have two caveats wherein our view is not directly aligned with that of the Youth Justice Review (YJR).
- 58 The YJR took a positive view of the Parish Hall Enquiry system, which we recognise is valued by many in the island as a very long-standing means of dealing with minor offending at a very local level. The fact that it is based on a centuries old model does not mean, however, that it should not be scrutinised against modern standards and expectations. Our remit did not involve detailed scrutiny of the system and our comments are therefore based on the many comments we have received over the course of our Inquiry and this review. We heard from young people of their dislike and distrust of the Honorary Police and that they did not hold them in any regard. Whilst there are often tensions between young people and the police, it seemed to us that there was a particular tension between young people and their Honorary Police officers because of the very closeness of the community. The Parish Hall Enquiry system is closely aligned with the Honorary Police, given that it is a Centenier from the Honorary Police who presides at Parish Hall Enquiries. Whilst the Parish Hall Enquiry is not a court as such, its operating model is that, in effect, the representatives of parish law enforcement are also “prosecutors” and also preside over cases. This may not be compliant with modern standards of judicial practice, including UNCRC principles.
- 59 We recognise that parishes value the familiarity and locality of the Parish Hall Enquiry system. **We are of the opinion that there should be a review of how it operates, particularly in respect of dealing with young people.** Consideration should be given to the separation of functions of parish law enforcement, presentation of facts and the presiding role. The concept of delivering justice within a young person’s community has much to commend it, as the YJR has recognised, and we do not demur from that. It is, however, important that those who are the decision makers in the system are seen to be independent of the prosecution or presentation of the facts of offences. They must also have appropriate skills and training and their performance must be routinely reviewed by independent assessors. We agree that models, such as the Children’s Hearing system in Scotland or similar Scandinavian models, cannot be transposed easily into the Jersey context and we would not advocate that. Jersey does however have the

opportunity to build on its historic model of dealing with issues at a local community level and to develop a model which combines the best of the current system with the best practices from elsewhere. In this, Jersey could have a world-leading restorative model for dealing with young people outwith the formal justice system.

60 The YJR also took a positive view of the Greenfields facility which we revisited as part of this review. Whilst we found the manager and staff working hard to do a positive job, it was of serious concern to us that, when we visited, there was only one resident, who had been there alone for some time and who would be moved to HMP La Moye later in the year when he reached the age of 18. We consider that, even with good care providers, detaining a single individual in a closed environment is oppressive and unacceptable practice. Greenfields, by the very nature of its design is, in our view, an oppressive and outdated prison-like environment unsuitable for young people. We recommend that urgent consideration is given as to how Jersey can develop alternative models for dealing with young offenders which are less oppressive. It is a matter of serious concern for us that there are two residential units for children on the Greenfields site. Whilst these are now providing care for small groups of children in a homely interior environment, externally they are part of a secure unit campus. This undermines the philosophy of providing a homely, welcoming setting for children indistinguishable from other homes.

61 For some families there may be poor associations of the homes because of their history. One of the units was previously Les Chenes, in respect of which a compensation scheme is now in place for former residents who experienced inappropriate treatment there. **We recommend that plans are developed to move all residential child care from this site.** It is our view that the Greenfields building is entirely unsuitable for the care and welfare of distressed children and young people and that it would not be capable of being transformed into a more appropriate facility. A population of the size of Jersey does not require this type or scale of secure facility. **Although the building is relatively new, it should be demolished and replaced with small homely units within which close support can be provided when necessary.**

62 We recommended that there should be a programme of regular training for all those acting in a judicial capacity in respect of children and young people. Whilst we understand that some training has been provided, we continued to hear that there was at least a perception that the courts did not always have the welfare of the child as their paramount consideration. There was again at least a perception that the courts tended to a view that the best option for a child would be to be with its parents, with the result that movement towards permanence was often slower than the needs of the child deserved. **We therefore reinforce the need for ongoing training for all involved in court decision making in respect of children.**

Recommendation 6

63 During the Inquiry we heard many references to 'The Corporate Parent', but we considered that it was often unclear to those with such duties what this meant. There

was, in our view, little evidence of a full commitment to the duties of corporate parenting by the States of Jersey. We heard that, whilst there had been a briefing session for States members after the election in 2014, it had been attended by very few members. That was, in our view, unacceptable and **we therefore recommended that attendance at future briefings following elections should be mandatory and that there should be annual refresher training to underline the principle of paramountcy of the welfare of children in the care of the States of Jersey.**

64 It is disappointing to find that this recommendation has not been implemented. It was suggested that there was insufficient time following the election to set up a training programme and new members had many activities and responsibilities. In our view, corporate parenting is a vital duty for all States members. Whilst we found there was a noticeably stronger expression of commitment to corporate parenting and a somewhat clearer understanding amongst some members of the responsibilities it involves, we are strongly of the view that it is essential for all States members to show leadership through acquiring understanding and acknowledging acceptance of their role as corporate parents. Similarly, it is essential that senior officials across all services have a clear understanding of how they can support the responsibilities of the States through the work of their services. We therefore stress that **we continue to be of the view that there should be mandatory training for all States members and that this should be followed through with annual refresher training. Arrangements should be put in place without further delay.**

65 To further emphasise the importance of corporate parenting, we recommended that reference to this specific responsibility should be incorporated into the oath of office which members of the States Assembly are required to swear before taking their seats. This has not happened. We considered that this would be a powerful symbol of a demonstration of a commitment to move from the failures of the past. That continues to be our view and we **urge that a decision and arrangements are made in this regard, without further delay, in order to ensure that the oath of office is amended in sufficient time for future elections.** We noted that a Children's Pledge had been prepared and signed by most States Members and senior officials. In our view that does not carry the same symbolic weight as a commitment to Corporate Parenting being part of the oath of office taken by all States Members. We noted that a number of States members had chosen not to sign the Children's Pledge for a variety of reasons. We would stress that corporate parenting is a duty, not an optional interest for each member of the States Assembly. The corporate parenting responsibility, therefore, needs to be emphasised as applying to **all** members. This was why we recommended that it be included in the Oath of Office since it is a paramount responsibility.

66 Whilst we heard varying views during the Inquiry as to whether there should be a Children's Minister, we did not form a view that this would be the best way forward and accordingly we did not recommend such an appointment. We do, however, respect the fact that a contrary view was taken following our Report and that a Children's Minister is now in place who clearly has a strong personal commitment to serving the best interests of children and young people. Our main concern is that this appointment must not be allowed to shift all responsibility to this one minister thereby creating any

expectation across other ministers and members that their personal responsibility as a corporate parent is diminished.

- 67 We recommended that a Children’s Plan should be published which included SMART objectives. We note that a Children’s Plan has been published covering the period up until 2023. This is a brightly presented document which makes a number of important high-level commitments to the island’s children and young people. It is not however a truly SMART document which delivers objectives which are Specific, Measurable, Assignable, Realistic and Time-related. It is not clear from the published document how the laudable objectives are to be delivered and within what timescale nor what resources are to be applied. We are unsure that any member of the public reading the Plan would know whether and when it had been implemented and what difference it had made. In reality, children and young people do not need a document as much as they need the outcome of the plan in terms of the improved resources, services and life experiences it delivers. Members, managers and frontline staff need to be sure of how they will know that the plan’s objectives have been achieved. We commend the amount of planning and policy work to date but **recommend that more specific objectives, outcomes and timescales should be published, alongside clarity as to where responsibility for delivery lies.**
- 68 We looked in considerable detail at the work and operation of the Care of Children Review Panel of the Scrutiny Committee who are charged with reviewing progress on the implementation of the Inquiry’s recommendations. We were impressed with the understanding of child care issues, their commitment to their task and their passion for child welfare. We consider their role to be crucial in ensuring that the recommendations are implemented in ways that deliver real change and improvement for children and families and do not become subject to inappropriate obstruction. For States members to fulfil their responsibilities, they need to have adequate support available to them to ensure that they can access all the information they need to undertake their roles and that they are well-briefed on key issues. We believe it is particularly important, in the short-term, for the Children’s Minister and for the Review Panel to have access to dedicated policy and research support in order to ensure they can identify priorities and carefully monitor progress, while being responsive to the people they represent. **We therefore recommend that this be investigated with a view to adequately supporting States members, with priority being given to those with roles in monitoring the resources, activity and outcomes relating to children.**

Recommendation 7

- 69 During the Inquiry we heard many references to “The Jersey Way”. This was a term which was sometimes used to describe positive features of the island’s culture but in the context we were considering it was much more frequently used as a shorthand to describe a lack of transparency and of fairness in decision-making, a reluctance to challenge the status quo and an absence of redress for those who suffered what were considered to be injustices. This perception was fuelled for many victims of abuse, as the abusive systems and practices to which they had been subjected appeared to have

been tolerated by those in authority. We considered the implications of the concerns raised during the inquiry to have been sufficiently grave as to warrant our attention, even though some of constitutional matters fell outwith our remit. In our view, addressing this issue is fundamental to restoring an ethos of trust in all the island's institutions.

- 70 We were of a view that there were constitutional matters referred to in the earlier Clothier and Carswell Reports which should be revisited as part of an open consideration as to how there could be movement away from the perception that there was a culture of cover up and decision-making behind closed doors.
- 71 In conducting this review, we heard many references by Jersey citizens and by professionals, to the "Jersey Way", whose experiences suggested there was still a strongly perceived "Jersey Way" in the island. We do not consider that this is, by any manner, a simple issue to deal with since much is based on perception rather than tangible evidence.
- 72 We do, however, believe that every opportunity should be taken to counter the perception by working to demonstrate accountability, transparency and impartiality in all aspects of public services. Decision-making processes should be clear, consistent and demonstrably impartial. Complaints processes should be readily accessible with elements of independent oversight and effective redress, such as would be gained by the appointment of a Public Services Ombudsman. Simple actions can do much to change the perception of the "Jersey Way." As we have said above concerning the presumption of making legal advice documents available to the Children's Commissioner, the default position, with public interest safeguards, could have been seen to be an indicator of a willingness to be open to scrutiny.
- 73 The separation of judicial and legislative powers, particularly in respect of the role of the Bailiff, were key recommendations of the earlier Clothier and Carswell reports which saw this as a necessary element of modern constitutional governance. We are concerned that the decision to retain the current arrangements are a further indication of a failure to recognise the importance of these systems, having evident impartiality and full transparency at their heart. In our view, such reluctance to make progress on a matter which sits at the centre of the negative perception of the island only further strengthens that perception.
- 74 Moving forward from traditional forms of governance is never easy; but the failure to do so will hold back progress for the island and keep alive the suspicion of inappropriate influence being brought to bear on decision-making. **We recommend that a mechanism be established whereby all new policy, procedure or legislation is checked as to whether it has the potential to create a further perception of there being a "Jersey Way" or whether it counters any such perception by being as open and transparent as possible.**

Recommendation 8

75 We made four recommendations on what we termed ‘legacy issues’ arising from the history revealed through the Inquiry.

- a) **The preservation and accessibility of the archive of the Inquiry documentation and other material.** Public domain documents are being dealt with by the Jersey Archive, in order that the documents and all the accounts they hold of people’s experiences in the Jersey’s care system can be easily available to future generations. The Inquiry also held sensitive and confidential material and information provided by individuals, on the basis that they would not be identified. This sensitive material is held securely off-island. These unusual arrangements were considered necessary because of assurances provided to witnesses and contributors to the Inquiry that their privacy and identity would be protected.
- b) **Remembering and recognising Jersey’s child care history.** We heard from the Citizens Panel, which was set up following the publication of our report, and from the officers who have worked alongside the members of the Panel. Their work has been commendable and we understand that there is a commitment to taking their recommendations forward, with funding having been set aside. The creation of a memorial, of an emblem and the establishment of an annual Children’s day, will be very visible features of remembrance. It will be important that the commitments made are seen through. We hope that there will be widespread respect amongst islanders for what is planned. In our view, the proposed Children’s Day should have ongoing contemporary meaning for the island’s children and be forward looking. Similarly, we would recommend that the memorial commissioned is a high-quality piece of public art, which attracts interaction with both islanders and the many visitors to the island, in a similar way to how the fountain and statue in Liberation Square are experienced.
- c) **Redeeming the Haut de la Garenne site.** We understand that the public view was that the building should not be demolished. We recognise there is often a reluctance to demolish old buildings. It remains our view in our recommendations that the building should be demolished and the site not used for any public services for children or victims of abuse. We note that it is proposed that the building continues to be used as an activity centre for groups, including children.

We also note that it has been said that *“it was not the building that abused the children”*. It was, nonetheless, aspects of the design of Haut de la Garenne which made some of the abuse possible to conceal. The building was designed as a Victorian institution without thought to the safety and protection of the young residents. Unless there is very substantial redesign of the current building, it is our view that it continues to be a site in which supervision and protection of children from harm is difficult. Should any future incident of alleged abuse arise

in that setting, it would be devastating to the wellbeing and trust of past victims and damaging to the island. It continues to be the case that, unfortunately, the image of Jersey is still elsewhere associated with the building. While the Haut de la Garenne building, in which much abuse occurred over so many years remains in situ, it will, in our view, continue to fuel negative perceptions.

We consider that **the future of the site be re-evaluated, with a particular view as to how the substantial funds that could be realised from its sale could be applied to the legacy issues and as a means of supporting the island's most vulnerable children in the long term.** The building has a considerable amount of land surrounding it which could be converted into attractive open space which could be designed in ways which would be attractive to families. We are aware of the memorial sited at the entrance and see no reason why this could not be retained there or relocated to an alternative part of the site. While the building remains in situ, we believe that activities for children should not be operating on that site, unless robust and validated safeguarding and safety measures are in place.

- d) **Care for witnesses after the Inquiry.** We heard from the Citizens Panel of the need for ongoing support for victims and survivors and of their ambition that this resource should be readily accessible. We consider **that it is important that this is followed through and that the necessary financial resources are made available to allow those experiencing ongoing trauma to obtain help and support for as long as is required.**

Ensuring Progress

- 76 During the process of undertaking this review we were frequently asked if we would come back in another two years. It was clear that many people across all sectors and interests believed that unless there was external scrutiny of progress, there was a possibility, indeed in their view, likelihood, that the momentum for change would be lost.
- 77 While we appreciate the confidence this shows in the Panel, we are of the view that the island now needs to move on from the Inquiry process, while never losing sight of the histories it revealed or the findings it made. Much progress has been achieved in Jersey, and is being made, but as we have identified in this report there are also many things still to be done. (These matters are considered in more detail in appendices 1 and 2).
- 78 Broadly, however, all of our recommendations are being progressed and we consider that there is a genuine commitment on the part of many people with responsibility to continue to make progress. The various checks and balances such as the Children's Commissioner and external inspection which we recommended, along with the work of the Care of Children Review Panel, should help ensure that improvement continues. We are, nonetheless, well aware of the history in Jersey of good intent slipping and there being a failure to take forward the recommendations of previous inquiries across a range of subjects. **We therefore suggest that consideration should be given as to**

how some form of continuing external review is maintained. This could be in the form, for instance, of a quinquennial review, to be undertaken by an independent person coinciding with the reporting of compliance with the principles of the UNCRC. The report of the quinquennial review should be a public document and a response should be made by the Chief Minister to the States Assembly.

- 79 Finally, we commend the progress which has been made in respect of our Inquiry recommendations to date and recognise that a huge amount of effort has been put into starting that change. As we have set out above, we recommend attention be paid to areas where work remains to be done and to other matters which, in our view, could be strengthened or improved, including those set out in the following appendices.
- 80 We believe Jersey has the potential to learn from its past in order to put in place truly world class services for children. Some long-held approaches will need to be relinquished to allow new ones to develop to ensure a better future for the island's children. We are reminded that almost everyone who had suffered maltreatment in the island's care system told us that the purpose of sharing their experiences was to ensure that, in the future, children in Jersey had safer, more fulfilling and happier childhoods. Delivering that future honours their past. We wish well to all with that responsibility.

Appendix 1

Addressing the Failings of the Past

APPENDIX 1

Addressing the Failings of the Past

1. Introduction

- 1.1 In our 2017 report, we identified 10 significant failures that had contributed to inadequate and often abusive treatment of hundreds of children either in the care of the States of Jersey or placed in charitable institutions in Jersey. These failures were rooted in government policies, lack of investment in staff and systems, lack of vision, failures of leadership resulting in an unhealthy organisational culture and poor standards of service and practice.
- 1.2 Throughout this review, we looked for evidence of whether and how these failings were being addressed and to what effect. We focused on identifying progress in addressing the ten failings **in our document review** exercise, where we studied nearly 300 documents provided to us by the States of Jersey, professional organisations, voluntary organisations and individuals. We also considered these failings **in our public discussions** with politicians, staff, foster carers and Jersey citizens. **Over 50 people participated in public discussions** with the Panel held at St Paul's Centre 21-24 May 2019. Transcripts of these sessions are available at www.ijcipanel.org/transcripts.
- 1.3 The themes for our public discussions were also informed by our program of **visits** and **our private meetings with over 200 people** (including families, care experienced young people and adults and staff from several disciplines) and by **over 300 written contributions** to this review that we received from people in Jersey. Fuller discussion of these meetings and contributions is in Appendix 2.
- 1.4 In this appendix we set out our conclusions and findings in respect of progress in addressing the ten systemic child care failures that we identified in our 2017 report:
 - Failure to value children in the care system, listen to them, ensure they are nurtured and give them adequate opportunities to flourish in childhood and beyond.
 - Failure to have in place an adequate legislative framework that prioritises the welfare of children in need or at risk (both in respect of child welfare and youth justice matters).
 - Failure to keep pace with developments in social policy, childcare practice and social work standards in the developed world.
 - Failure to plan and deliver services in an effective, targeted manner to achieve positive, measurable outcomes for children.
 - Failure to establish a culture of openness and transparency leading to a perception, at least, of collusion and cover-up.

- Failure to mitigate negative effects of a small island culture and its challenges.
- Failure to make sufficient investment in staff development and training.
- Failure to adopt policies which would promote the recruitment and retention of staff with essential skills in child welfare and child protection.
- Failure of the States of Jersey to understand and fulfil corporate parenting responsibilities, including adequate aftercare of children who have been looked after by the state.
- Failure to tackle a silo mentality amongst public sector agencies.

1.5 Our discussion below considers the extent to which these failures are being addressed. It is by no means a reflection of the entirety of the inputs we received, nor does it fully cover all the activities and initiatives which have been undertaken in Jersey in response to the recommendations of the 2017 Report. We have focused on the main issues which emerged from our public discussions, on initiatives and actions which illustrate marked progress and on areas where significant further progress is required. Our conclusions in all these matters are reflected in our discussion of the eight original recommendations in the main part of this report.

1.6 In the course of this review, we have studied and heard about a vast amount of documentation including plans, strategies, minutes of policy and of management meetings, and reviews of services. While we have been impressed by the volume of work which has taken place in Jersey, we know that policy intentions and aspirational documents do not necessarily translate into impactful actions. We have considered carefully, therefore, the feedback we received from people experiencing services or who have first-hand knowledge of how systems are working.

2. Failure to value children in the care system, listen to them, ensure they are nurtured and give them adequate opportunities to flourish in childhood and beyond.

2.1 This was the area in which we received most contributions. It has been the focus of much of the work undertaken by the Government of Jersey, some of it pre-dating the publication of the Inquiry report.

“There's no child that goes through the care system that doesn't have an element of trauma. And then I wanted ... all I ever really wanted was not business success, or anything like that. I wanted a stable family home where I could have my own children. And have my own house.” - Lauren Burnett

2.2 EXAMPLES OF PROGRESS:

- a) From the outset, there has been acknowledgement and appreciation of contributions to the Inquiry from Jersey people who had suffered in the care system. On publication of the Inquiry report, a profound apology was made to

them by the then Chief Minister, on behalf of the Jersey Community. *“There was such an acceptance of the failings, and that real desire to face up to the truth, and to put that in our collective memory.”* – Tom Walker

- b) Readiness to engage with and listen to care experienced adults on recognising and redeeming the past. ***“The significance of the setting up of the Citizens Panel cannot be understated. After decades of silence and being ignored and cover-ups, we, survivors are being listened to. We have a voice. We are sitting at the table. We are helping make decisions on the future and every single one of us is incredibly proud to be part of this process.”*** - Mr D.
- c) Transformation of residential facilities for children. This has involved not simply an upgrading of facilities, but replacement of staff, investment in staff development, new leadership and an adoption of policies which promote small, homely settings. There is a clear vision by managers of how care should be delivered in these settings. The short-term facilities for respite care for children with disabilities have been described as *“gold standard”* by some parents.
- d) Appointment of an interim Children’s Rights Officer. A care experienced adult described this as one of the most important responses to the Inquiry findings and paid tribute to the current postholder’s approachability and relationship with young people.
- e) Responsiveness to the ‘Jersey Cares’ initiative: *“The story of ‘Jersey Cares’ doesn’t come from a planned document. It comes from a group of people from across our community who wanted to respond to some of the recommendations, learnings, failings that you outlined in your report.”*- Andrew Heaven. The Government of Jersey recognised and responded to this initiative by citizens of the island. Alongside voluntary organisations and the Children’s Commissioner, the government is supporting the development of the group into an organisation providing advocacy and participation services, as well as opportunities for care-experienced young people.
- f) Recognition that young people in the care system have continuing care needs beyond statutory ‘leaving care’ dates. We heard several examples of more flexible and sensitive approaches being taken to young people’s needs and preferences and provision of support during transition periods. Young people in Jersey now have a ‘personal assistant’ allocated to help them when transitioning to more independent living. Some arrangements are in place to provide additional support for those without family support to navigate moving into employment, further education, securing housing and managing finances. Children’s Services are looking to have a point of contact and provide longer term support, if required, to young adults who have left the care system. Corporate parenting responsibilities will be extended to the age of 25.

- g) The health and well-being of looked-after children has been given higher priority, through the appointment of a dedicated nurse for children in state care, who has been a strong advocate for looked after children.
- h) The appointment of a Children’s Commissioner was agreed before the publication of the 2017 Inquiry report. The post was set up with extensive powers and is well-resourced. Significantly, young people were involved in the selection of the successful candidate to ensure that children would have confidence in the appointee.
- i) Young people have been supported and funded to participate in events for care experienced children and young people, including in the UK where they have had access to a range of resources, new experiences and expectations. *“The conversations that were being had about their next steps, their future, it was really good for me to see that because we never had anything remotely like that. So, I definitely feel that there are changes going in the right direction”.* – Lauren Burnett
- j) A ‘virtual head teacher’ position has been created to co-ordinate and monitor education provision for looked after children, and to ensure early intervention where a child is encountering difficulties in education and to plan for addressing needs and managing transitions.
- k) There has been considerable investment in training staff in trauma informed practice. This is reported to have been particularly successful in Education Services and has resulted in a large cohort of staff with a better understanding of the needs of care experienced children, of how to respond to them and how to plan for the best outcomes for them.
- l) More safeguards have been devised to monitor the experience of children cared for outwith their immediate families. These have included the introduction of a regulatory framework covering the appointment of the Children’s Commissioner and the establishment of the Jersey Care Commission which will register and inspect homes caring for children. The establishment of the Care of Children Review Panel of the Scrutiny Committee has also been a positive development in scrutinising the effectiveness of services for children and in holding to account those responsible for the quality of experiences children have.
- m) The events that gave rise to the investigations of ‘Operation Rectangle’ and led to the Independent Jersey Care Inquiry, fostered the growth of social media commentators in Jersey who determinedly advocated for victims and for transparency in governmental and criminal justice operations and continue to do so vigorously. Print and broadcast media in Jersey have increasingly played a role in holding to account government services providing care for children (e.g. by investigating the quality of the institutions in which Jersey children were being cared for off-island). All media play a role in questioning whether official accounts of progress reflect the actual experience of individuals, particularly children:

"I think we have seen more control over information and media now that I have noticed, than I have had in 20 years of working." – Andy Sibcy

"You would think everything was wonderful by what they were saying and that is the PR approach of loving Jersey, all this stuff, punching above our weight ... Everything is wonderful. There is nothing to worry about." – Mike Dun

We believe an unfettered, questioning, professional media and a thriving online community of social activists, respectful of the privacy of individuals and families, have vital roles in keeping the public informed, advocating for the rights of disadvantaged communities and holding public sector agencies to account.

- n) Jersey Youth Service has been involved in the development of a Youth Parliament, which has the potential to increase the engagement and participation of young adults in island politics, as well as providing another forum for promoting the interests and views of young people.
- o) The Les Chenes redress scheme has been agreed and, significantly, will offer an individual written apology to each person as part of the programme, in recognition that acknowledgment is often more important than financial redress to victims.

2.3 WHERE MORE PROGRESS IS NEEDED:

- a) Two institutions in Jersey still fall far short of acceptable standards. The secure facility at Greenfields is not fit for purpose and we were told that, as currently established, it would not meet standards for registration. Orchard House, the residential in-patient mental health facility where young people are housed, is also not fit for purpose. Deputy Kevin Pamplin spent 24 hours in that facility: *"I walked round, and I saw people, from my humble opinion ... in a facility that was tired, was like an oven. I went to an outside area, which was about a square foot, it looked like I'd gone into an outside prison area...it was so, for me, demoralising. But also, looking around at the patients in there, there was no therapeutic care going on, and I was thinking, 'This has been in place for a few years.'"*

In our view, neither institution's facilities nor practices would be regarded as acceptable in terms of established best practice under United Nations Convention on the Rights of the Child (UNCRC) principles.

- b) It is important to recognise the trauma young people in the care system live with and to provide a range of supports and treatment for them. Problems arising from trauma that is untreated, or inadequately treated, should be better acknowledged and recognised as health rather than behavioural issues, particularly within health services. Much more investment is needed to give young people tools, through therapy and support, to manage their mental health and to deal with their trauma, including destructive thought patterns.

- c) While some steps have been taken to enhance the educational experience of young people in the care system, more help is needed to encourage young people to stay in education and realise their potential. This could include development of mentoring and tutoring schemes for looked after children. The Virtual Head Teacher scheme is an excellent idea but requires proper resourcing. The appointee, also, must have authority to cut through bureaucratic and other obstacles to children receiving necessary educational support. The post should also be resourced to support the educational needs of children currently placed off island.
- d) The government has taken a bold and progressive step in supporting the development of 'Jersey Cares'. When fully operational, 'Jersey Cares' will not only provide advocacy for, and advice on, the needs and aspirations of young people but also will challenge and hold to account government departments in respect of support for looked after young people. It is important that this emerging organisation is enabled to act independently, but also that it is supported to have in place good systems of governance and access to expert advisors to nurture it as it develops. It is also important that unrealistic expectations are not placed on 'Jersey Cares' in its early stages.
- e) The engagement of young people in devising standards for inspection of care homes has been a positive step and one that teenagers in Jersey's care system, even a few years ago, could not have envisaged. Continuing input is required to ensure inspection remains focused on improving outcomes and experiences for young people, lest registration and inspection becomes entrenched in descriptions of process and completion of forms.
- f) The strategy for longer term support of care experienced children should be clearly articulated and the support provided made easily accessible. This includes identifying training, education and housing provision that can be tailored to individual needs.
- g) The complaints processes for all service users, and in particular for young people, is recognised as not being user-friendly nor are responses always tailored to the needs and understanding of the complainant. Greater recognition is required of how difficult it is for a young person to question adults or to raise a concern, while systems must be simplified and made more sympathetic and responsive. The readiness of current senior managers in Children's Services to meet with young people and deal directly with complaints is commendable but the system should not be dependent on the professionalism of some individuals. The fortnightly review of all complaints by the management team of Children's Services is a welcome development but a culture shift is needed across the service away from resistance to and defensiveness about complaints. The right of all public service users to make a complaint should be enshrined in law.

3. Failure to have in place an adequate legislative framework that prioritises the welfare of children in need or at risk (both in respect of child welfare and youth justice matters).

3.1 Since the publication of the Inquiry report, the Children’s Legislation Transformation Programme (CLTP) has been developed (Appendix 3). This is an ambitious programme which aims to establish a robust legislative framework in Jersey for achieving better outcomes and safer lives for children, while improving governance of and accountability for children’s services.

3.2 EXAMPLES OF PROGRESS:

- a) Additional resources have been provided, including a dedicated legal advisor to support policy officers in developing law drafting instructions and enhancing the Safeguarding Team within the Law Officers Department.
- b) The process of informing and developing drafting instructions for legislation has been much more open and inclusive since 2017, involving consultation and inputs from a range of professionals and has been experienced as a more collaborative and much improved process.
- c) Development of extensive legislation proposals involving 39 separate policy areas introducing new or updated legislation covering topics as diverse as safeguarding, regulation and inspection of services for children, criminal record disclosure, housing, domestic abuse, care proceedings and education.
- d) Legislation for the establishment of the Office of the Children’s Commissioner was developed through a process of extensive consultation and promptly drafted and enacted. The law gives the Commissioner extensive powers and is framed in broad terms in respect of who she can assist.
- e) The Care Commission legislation has been enacted and there are plans to give the Commission further powers to regulate and inspect individuals and organisations providing services to children.
- f) Legislation has been enacted to provide more effective protection against sexual abuse and exploitation.
- g) Key areas of proposed new or amended legislation, which underpin the 2017 Inquiry recommendations, include the establishment in law of the States’ duty to any ‘child in need’, including children with disabilities; establishment of the rights of care leavers and of a duty to provide assistance to young people transitioning from care and beyond; principles of corporate parenting to be enshrined in law and the 1961 Adoption Law to be overhauled. Young people in employment will be afforded greater protections under the law to safeguard against engagement in inappropriate work.
- h) A Youth Justice Review has been commissioned and has reported.
- i) Work is underway to incorporate due regard to the provisions of the United Nations Convention on the Rights of the Child (UNCRC) into Jersey’s

legislation, which would put an obligation on government to have due regard to the rights of children when undertaking government business and when bringing forward policy and legislation.

- j) The Government of Jersey has asked the Children’s Commissioner to review all legislation using a ‘child rights’ lens and to report to them next year on what needs to change.

3.3 WHERE MORE PROGRESS IS NEEDED:

- a) We believe the appointment of an independent Public Services Ombudsman is an essential component of the strategy for addressing a poor tradition of complaints handling and for dispelling perceptions of collusion and lack of transparency in public services. We consider this provision should be accorded the same priority in the drafting and enactment of legislation as was given to the establishment of the Office of the Children’s Commissioner. The legislation should reflect the independence of the role and provide extensive and robust powers to investigate complaints.
- b) The right of children and adults to complain about public services, including services provided on behalf of government, should be enshrined in law.
- c) The forthcoming review of the Children’s Commissioner legislation should consider a requirement for people, independent of the Commissioner, to be involved in the selection and appointment of the Advisory Panel. The review should also consider making access by the Commissioner to legal advice provided by the Law Officers Department the default position in law, except where, in the view of the Attorney General, the public interest is not served by disclosing privileged material. Consideration should also be given to ensuring the powers and process for removing a Commissioner from office are as transparent as practicable.
- d) We consider that some priority should be given to increasing the power of the Care Commission to cover the regulation and inspection of youth clubs, voluntary organisations and other environments (e.g. outdoor services) where children are supervised by adults other than their parents or carers. We also consider it would make sense for the regulation and inspection of early years provision – childminders and nurseries - to be brought under the auspices of the Care Commission.
- e) Consideration should be given to bringing forward legislation establishing a duty to promote the social welfare of children. This would provide a statutory basis for addressing the social inequalities which can impact the health and well-being of children, such as accessing medical and dental services.
- f) In recognition of the experience in Jersey that it is often many years after the events of childhood that people come forward to share accounts of abusive experiences, laws on limitation should be revised to include more flexibility.

4. Failure to keep pace with developments in social policy, child care practice and social work standards in the developed world.

4.1 Standards of child care in Jersey suffered for decades, in part because policy and practice became disconnected from research, developments and emerging practice models in other parts of the western world. Staff had few opportunities to participate in training and continuing professional development outwith Jersey, in order to keep their skills and knowledge current. There was little encouragement for staff to engage with external professional networks. Standards suffered, and ultimately children suffered, because of outdated models of practice and because professionals were poorly equipped to understand the needs of, or care of, traumatised children.

4.2 EXAMPLES OF PROGRESS:

- a) While some service users have expressed frustration with some temporary social workers' lack of familiarity with Jersey regulations and child care law, there is also ample evidence of all practitioners benefitting from exchanges of ideas and exposure to different perspectives and social work practices.
- b) Training in trauma informed practice and adverse childhood experiences (ACES), which underpins most modern approaches to working with children who have experienced abuse, neglect or significant family dysfunction, has been made widely available to staff in Jersey.
- c) The Office of the Children's Commissioner took advice from commissioners and ombudsmen in UK, Ireland, Scandinavia, Flanders and Australia on the development of legislation and on establishing and empowering the role, and incorporated good practice in those jurisdictions into Jersey's approach. Jersey is now part of the network of commissioners and ombudsmen from the UK and Ireland (BINOC).
- d) A partnership between Highlands College and the University of Sussex has led to the development of a Jersey-based BA degree course in social work, validated by the University. The course involves exposure to current research and best models of practice in social work internationally, as well as referencing Jersey experience and including a module on Jersey law.
- e) Through the initiative 'Jersey Cares' and with support from the Children's Commissioner, Children's Rights Officer and Children's Services, links have been developed with Scottish initiatives for care experienced children, including with the young people's advocacy service, the Scottish 'Who Cares?' and with units in Scotland specialising in best practice in residential care. Care experienced young people in Jersey have been encouraged and supported to participate in events for young people in care in the UK's four jurisdictions.
- f) The Care Commission is looking to include young people from outwith Jersey in its inspection of care facilities for children and hopes that, in time,

care-experienced young people in Jersey will participate in inspections in other jurisdictions.

- g) External expertise has been engaged to assist the development and operation of the Early Years Partnership and in the key role of interim designated nurse for safeguarding. Both persons bring experience of a range of good practice models in their fields.
- h) Mirroring the existing arrangements for independent chairmanship of the Jersey Safeguarding Partnership Board, the Chair and members of the Care Commission (apart from a carer member) are also all external appointments who bring experience in a range of safeguarding and care settings.
- i) Work being undertaken on early years registration is linked into the British and Irish Network in that field to provide additional perspectives, to ensure consistency with other jurisdictions and to keep officers' knowledge up to date.
- j) The Care Commission commissioned Ofsted to undertake an inspection of Children's Services, with a follow-up review due in the autumn of 2019. The follow-up review will involve the Commission's inspector to ensure a balance of wide-ranging knowledge of good practice models and standards with local knowledge of the Jersey context.

4.3 **WHERE MORE PROGRESS IS NEEDED:**

- a) Promotion of links with international organisations, research institutions and integration into international networks is not intended for the purpose of importing practice and models from elsewhere to supplant Jersey operations. Rather, the aim is to ensure that models and policies, implemented in Jersey, draw on the best research and practice from across the world and use these to enhance and refine models and policies that are tailored to the Jersey context. The value of staying connected to international institutions and networks and drawing on external expertise and the dangers of failing to do so, need to be clearly and continually articulated to dispel ill-founded arguments that this approach diminishes Jersey's identity.
- b) The reality of island life is that staff and political participation in external activities comes at a cost in time and money. Such activities should be viewed as an essential part of the island's child care operations, rather than a peripheral activity or unnecessary benefit.
- c) Funding for children and young people to participate in off-island events for care-experienced youngsters should be guaranteed as part of the States' commitment to fulfilling its corporate parental role.
- d) Opportunities for frontline Children's Services staff to get experience of other settings, as part of their ongoing professional development, should be encouraged. Assistance should also be given to encourage social work staff to become members of international professional networks such as

BASW and IFSW and participate in these organisations training and research events.

5. Failure to plan and deliver services in an effective, targeted manner to achieve positive, measurable outcomes for children.

- 5.1 In recent times, no one can say there has been a failure of planning around services in Jersey. Since the 2017 Inquiry report, there has been a prodigious amount of strategic and operational planning activity, with the goal of improving the life chances for children. There have been Programme and Improvement Boards, a comprehensive and coherent Children's Plan has been developed and launched, and frameworks and pathways have been developed. Commendably, a Scrutiny Sub-Committee, the Care of Children Review Panel, has been established to monitor and hold government and departments to account for progressing the Inquiry's recommendations. In reviewing progress in this area, we have focused on the impact and outcomes of all the planning activity and sought to understand how all the actions set in motion have been experienced by children and families.

"The work that we've done around a children and young people's plan, which is in essence the government's plan for children, becomes more and more important, because that becomes the vehicle through which the government expresses its priorities, measures its outcomes, its achievements, and identifies the areas where it is, where it needs to do more work. So, going forward, the children's plan becomes more and more important, and central to that." – Andrew Heaven

- 5.2 There is evidence of progress and of some better outcomes for children and families and a greater capability to identify children at risk. The significant areas where more work and investment are needed are:

- Stabilising the workforce of children's services
- Developing and implementing an effective social work practice model
- Improving safeguarding practice in health services
- Resourcing and improving mental health services for children

5.3 EXAMPLES OF PROGRESS:

- a) The most significant development in this area was an early political acceptance in Jersey that children were a priority and things needed to improve. Plans and pledges were underpinned by a substantial financial commitment from contingency money which had been set aside in advance of the publication of the Inquiry report to address its recommendations. Agencies were then invited to submit bids for money to enable them to meet recommendations. Initially £4.95m was allocated, followed by another £3m in the period 2017-2019. Additional funding was made available for the establishment of the Office of the Children's Commissioner.

- b) Resources were made available, not only to effect improvements in the leadership and operation of Children's Services, but also to develop and enhance services provided by other agencies working with children and families, to prevent children coming into care or becoming a child in need and to support agencies which seek to tackle inequalities and promote social welfare.
- c) There is evidence that agencies working with children are now better at identifying children who are at risk and that more agencies, professionals and establishments are more confident in identifying and following through safeguarding issues. In schools, many teachers and head teachers have been particularly alert to safeguarding issues and have played a key role in supporting vulnerable children and contributing to multi-agency child protection plans.
- d) Some families have described seeing *"tiny green shoots of change in recent months"*. A parent commented: *"I've seen things have improved. There's still a long way to go, especially around the social worker part of it, and especially on the children with complex needs I would say there are more services needed ...but they're working on it"*. Other families report experiencing more reliability from social workers in recent weeks in carrying out plans and in keeping appointments.

"Organisations take so much time to rebuild, restructure ...But I do feel that we are on a progressive path." - Care experienced adult.

- e) The Education Service has sought to improve educational outcomes for children who are looked after, by having a personal education plan (PEP) for each child with the intention of it being monitored and quality assured, and outcomes evaluated by a 'Virtual Head Teacher'. This has only partially been successful, as the role has been insufficiently resourced and, at the time of writing, a significant number of schools had not completed the PEP process.
- f) The Education Service has also worked to avoid school exclusions which ultimately diminish the chances of good outcomes for many students. Repeat suspensions are now followed up and schools are challenged to develop alternatives to exclusion.
- g) The transformation of residential care services, with its greater emphasis on providing a safe and nurturing environment for children, has been noted above. There is evidence of more consideration being given to the needs of looked after children at points of transition and of decisions and timescales for change being guided by the needs and wishes of children, rather than by arbitrary dates. There has been some particularly thoughtful and sensitive planning undertaken by some social workers and some exceptional support provided by residential care staff.
- h) The availability of new or extended services such as the Sexual Assault Referral Centre (SARC), an initiative promoted by SOJP, and Independent Domestic

Violence Advisors (IDVA) has benefitted many young people who have suffered sexual assault, as well as children (and adults) who have witnessed and experienced domestic violence in their homes. Children have been protected, supported and moved to safer environments. Young people identified at high risk of offending behaviour have been engaged and diverted into other activities and services through impressive outreach work by Jersey Youth Service and SOJP.

- i) Following the highly critical review of progress in Children's Services by Ofsted in 2018, which had looked at a sample of cases, newly appointed Assistant Director Nancy Meehan and Director General Mark Rogers audited every case held by the department to establish the true extent of case management problems. Their approach commendably focused on the outcomes that should be pursued for each child in order to improve their life chances. The exercise resulted in the first realistic understanding of what had to change and the extent to which it had to change and prompted a change in the department's approach and its management.
- j) Recent work by the Care of Children Scrutiny Panel and wider discussion in the States Assembly on mental health experiences and services has heightened public awareness and political engagement with this issue, particularly in relation to the needs of the island's children and young people and the importance of improving mental health outcomes.
- k) Following the large-scale investment in 2017, the challenge for Jersey now is finding ways to evaluate and sustain successful projects, while also identifying and tackling areas where investment of funds has not produced the desired results and determining how to redirect and manage investment to secure better outcomes.

5.4 **WHERE MORE PROGRESS IS NEEDED:**

"We accept that we have not been improving outcomes for children and we knew that." - Nancy Meehan

- 5.5 This is the area where perhaps least progress in addressing past failure is evident. Significantly, however, it is recognised by the senior management of Children's Services that progress has not been as marked as it should have been over the past two years. During the Inquiry, we heard that the fundamental problem in Children's Services was people didn't "know what good looks like". We have confidence that this is no longer the case for senior managers and many staff. While change has not happened as quickly as it should have done following the Inquiry report, in the last few months, following on from the learning from the full case audit, there have been some signs that the quality of service is stabilising, although major improvements in key areas are still needed.
- 5.6 While we understand the reasons for the process that Children's Services has gone through, leading to a necessary change of direction, it is easy to sympathise with families' perception of the process:

“Since you have been here they have changed the management structure twice in terms of how they deal with children in care, and of course it all makes it look like they are doing something when actually all they have done is thrown stones in the air and they have landed back down in a slightly different pattern.” – Foster Carer

5.7 The main areas where progress is required are:

- a) The roots of the problems that Ofsted and Nancy Meehan’s audit identified are twofold:
- the lack of a shared model of social work practice suitable for Jersey, incorporating modern values and underpinned by traditional principles.
 - the instability of the Children’s Services workforce.

The former has led to a focus by some workers on process, at the expense of outcomes; the latter has impacted on relationships with children, families, foster carers and other professionals and also jeopardised the trust that is essential to effective social work practice and multi-agency working.

“We had a social worker and we used to call her “Tick Box Annie.” That is how bad it was. She would turn up. She would read through the lists of questions, tick, tick, tick, get up and walk out. Now what value was that to the child?” – Foster Carer

“It is official social worker language. So, I have got a nine-year-old who talks about contact. Well, no, it is actually seeing his sister.” – Foster Carer

“We have got very few children in care and we need to think about them as individuals on such a small island. Not as just meeting a deadline. So rather than forcing them to meet a social worker they do not know in order to meet, you know, a 12 week deadline, whereas one week later they could meet the person they know and they have got a relationship with ... so that the box can be ticked that we have met the deadline.” – Foster Carer

“I’ve had six social workers in the last 18 months. So, for me as an adult that’s fine, but for a child in care it’s you know, you want to be able to have a relationship with somebody.” – Parent

- b) The instability of the social work workforce in recent years has had a knock-on effect for other agencies. The SOJP have found themselves taking a leading role in developing initiatives to support victims of violence and abuse and in preventive and diversion work - areas where traditionally children’s social services would have been proactive. At a time when schools are facing pressure to raise standards of education, they are dealing with ever more complex issues faced by the children and families they serve. We heard that many families are turning to schools, rather than Children’s Services for help, perhaps due to a less perceived stigma but possibly because they find familiar and trusted people in schools who are more immediately responsive.

- c) Some schools and teachers are managing and supporting children and families with extremely complex needs, where there are high levels of risk, because there is insufficient or inconsistent social work input available. Many agencies expressed concerns to us and gave examples of difficulties in managing or monitoring complex or high-risk cases because of changes of the social worker, resulting in changes to plans and decisions, or simply because of difficulties in identifying who they should contact, let alone build a professional relationship amidst so much perceived turmoil.
- d) Foster carers too, felt the instability in the work force had exacerbated problems they experienced as a lack of support and engagement. Foster carers expressed frustration that often seemingly arbitrary decisions were made about the children they cared for by interim workers, who would not be around to see the consequences and who appeared to discount the insights and intimate knowledge they had about the child. In our view, an initiative is required to show workers and managers what treating foster carers as equal partners means in practice and how it can be developed. It is sometimes difficult for individual foster carers to raise general concerns and a regular schedule of meetings between senior managers and the Jersey Foster Care Association would benefit all parties working to achieve the best outcomes for children in foster care situations.
- e) A review of the operation of “MASH” and ‘Early Help’ initiatives should focus on the outcomes of the “MASH” process, including how it is experienced from the client’s perspective, what additional inputs are going into the reported situation and how they affect outcomes for the children involved.
- f) Notwithstanding the challenges in developing and implementing an effective practice model in social work and in stabilising the workforce through recruitment and retention initiatives, a good understanding of modern safeguarding practice underpins the work of transformation and performance management in Children’s Services. Similarly, there is evidence of greater awareness and responsiveness to safeguarding issues in schools. Concerns exist, however, in terms of the robustness, comprehensiveness and consistency of safeguarding practice in health services in Jersey. We believe these shortcomings in health services safeguarding puts children at risk and jeopardises effective joint working towards better outcomes for individual children.
- g) We noted there are pockets of good safeguarding practice in health services, including examples of excellent work by some individuals. Despite programmes of safeguarding training, however, our perception was that often, in health services, safeguarding is seen as the province of a few designated specialists rather than an ethos that should permeate every area of practice with children and families. We heard from staff in different specialisms and of different levels of seniority that, despite existing policies, in practice there was often little professional supervision around safeguarding in health services. Staff did value

the support of interim designated nurses for safeguarding but said much more of this calibre of support was needed. Notwithstanding the existence of the Health Safeguarding Forum, there was perceived to be an absence of clear strategic direction and a failure to give due priority to ensuring principles were embedded in the organisation of putting the welfare of children first. Our impression was that the collective responsibility of all health professionals for keeping children safe was not as widely embraced or understood as it should have been. Our concern is that, unless there is a significant initiative to have safeguarding properly embedded in health services, most especially hospital-based services, the island's considerable efforts to improve identification of and responses to children at risk, will be compromised and children may suffer.

- h) The recent formal establishment of named GP roles and the introduction of safeguarding leads in GP practice are welcome developments in supporting the promotion of good safeguarding practice across the island's practices and in seeking to maximise the contribution of GPs in safeguarding processes. Securing the participation of GPs in safeguarding processes, like child protection conferences, is essential to ensure good multi-disciplinary working. It is also challenging, because GP practices are businesses working in a system that does not allow for regular short notice attendance at conferences and interagency discussions in the middle of scheduled surgeries. Attendance by GPs at child protection case conferences also means that they are not available, for that period, for their other patients. We would commend a revisiting of the proposal by the named doctors, for the funding of caseworkers who could attend on behalf of GPs and be a conduit of information on the child's needs, health and safeguarding concerns. This approach would also reinforce the value of GP and wider health service contributions to child safeguarding planning and management.
- i) While additional investment in mental health services for children and young people has been welcome and the dedication of staff in this area is widely acknowledged, resources still fall far short of meeting the growing demand in the island for psychiatric and psychological services for children and young people. The CAMHS service is overburdened, early intervention and support services are under-developed and Orchard House in-patient facilities for children are not fit for purpose. Consequently, families, foster carers, Children's Services and schools are managing the repercussions of children living with untreated conditions and unresolved trauma. For the children and young people concerned, insufficient access to necessary mental health services, support and treatment can have a life-long impact, affecting their relationships, educational attainment, employment and life opportunities, self-esteem and well-being. Further strategic initiatives and investment are needed to radically improve access to services and secure better outcomes. A priority should be to develop ways of accessing expertise and care in Jersey that would minimise the need for children and young people being sent off-island for

treatment, with the attendant stresses on family relationships and the costs that incurs.

- j) The Jersey Complex Trauma Network plan has the potential to markedly enhance mental health services for children and young people. Work has already begun on developing the workforce by training staff in trauma-based approaches. Consideration should be given to making the development of this initiative a cornerstone of the island's mental health strategy.
- k) The current situation where a quarter of Jersey's looked after children are placed off island is also unacceptable. While there will always be a few individuals whose assessed needs cannot be met in Jersey, it is recognised that initiatives are needed, in the short to medium term, to return as many of the children to Jersey as practicable (and where this is in their best interests). This shift will involve the development of intensive foster care and other resources. Additionally, efforts should continue to refocus the commissioning process for placements on the needs of the individual children rather than the availability of beds. It should be a matter of principle, embedded in the island's corporate parenting strategy, that no Jersey child should ever be placed in a facility off-island offering a lower standard than would be provided in Jersey.
- l) In terms of clarity of outcomes for children, the Best Start Partnership has set clear goals for what the best start in life looks like for a child born in Jersey. The Partnership has explained how it will know when these goals have been met. What the Partnership has achieved on a tiny budget has been remarkable and we would commend a review of their funding to maximise the potential for giving every child the best start in Jersey, in line with the Children's Service Plan goals.
- m) At governmental level, it will be important to ensure that the comprehensive plans, aimed at improving outcomes for the island's most vulnerable children and families, are maintained and that momentum is sustained through future election cycles. Deputy Rob Ward explained some of the challenges inherent in Jersey's constitutional arrangements. *"We take six months after government is elected to come up with a plan. Whereas, if we had a system whereby the plans are already there in the form of a manifesto that we just implemented it could happen the next day. So, we waste six months already."* It is our hope that a continuing and profound political commitment to improving outcomes for Jersey's children is the legacy of current and recent politicians.

6. Failure to establish a culture of openness and transparency leading to a perception, at least, of collusion and cover-up.

- 6.1 We heard much in private, and in public, about continuing concerns of the existence of elements of a culture that is locally described as "The Jersey Way". Disappointingly, as we heard from public sector staff, politicians, voluntary sector staff, members of the

legal profession and Jersey citizens: *“The Jersey Way’ is still here – alive and well.”* - Neil McMurray

6.2 Many of the concerns we heard related to two key areas of public sector and parliamentary governance: transparency and the management of complaints.

6.3 Sometimes things go wrong, occasionally very seriously wrong, when people interact with complex public agencies. These agencies are delivering services which can have life-changing consequences for individuals, for their health, safety, liberty, identity, employment, living conditions and relationships, all of which raises the stakes considerably for decisions and actions being taken by these agencies. When there is, at best, a lack of transparency and accountability in decision-making processes and professional actions or, at worst, partiality through conflicts of interest or undue influence, the impact of the consequences for the people involved is profoundly heightened.

6.4 In our view any effective approach to tackling the existence and the perception of the existence of an unhealthy “Jersey Way” will have the following elements:

- A code of conduct for politicians, professionals, civil servants and others in public life which requires agreed standards of behaviour and has a zero-tolerance policy for conduct which contravenes these standards.
- Promotion of an organisational ethos which emphasises transparency, fairness and openness in decision making and which has clearly stated policies on managing conflicts of interest and mechanisms for ensuring fairness and equitableness in decision-making.
- Robust and accessible mechanisms for complaints, appeals and redress when the measures above are not in place or not operating effectively. These mechanisms should incorporate the same principles of impartiality and transparency.

6.5 **EXAMPLES OF PROGRESS:**

a) The extensive powers of the Children’s Commissioner. *“The protective powers, the powers to bring an investigation and to bring legal proceedings are not powers or functions that we will revert to ordinarily. We would use them if we have to, but the mere fact that they are there, are what gives this law teeth. It means that people will listen, you know, the power to provide information means that they must. We can’t hide behind ‘well that’s against GDPR, it’s not our policy to’.”* – Deborah McMillan.

b) The establishment of the Office of the Children’s Commissioner with visibly separate facilities and systems from government and with robust investigative powers, has been a radical and symbolic statement of the political determination to ensure the independence of that role. *“We now are in a building which is under my control, we use our own IT systems, so we are not linked to the Government at all, so we have those tangible signs, visible signs, so that children feel and adults feel, they can come to me and we are*

independent. I don't wear a government badge, you know, I don't have access to government buildings in that way, we are very, very different.” - Deborah McMillan.

- c) The appointment of a Chief Executive of the Government of Jersey with the resources and remit to transform not only operational structures but public sector culture, has declared that “business as usual” is no longer an option. There is much wider recognition of the need for the focus of transformation in government to shift from structural change to cultural change. *“A significant amount of work in relation to the recommendations that have been undertaken, but there is still some evidence to suggest that the wider cultural changes required are yet to take effect.” – Care of Children Review Panel.*
- d) There has been acknowledgement of the ineffectual nature of complaints systems and the need to transform these, including making them more accessible to young people.
- e) The readiness of the Director General of CYPES and the Assistant Director of Children’s Services to engage with families and specifically with children in addressing and resolving concerns and complaints, has been commended by young people and families.
- f) The establishment of the Care of Children Review Panel and its commitment to holding departments and politicians to account for progress on inquiry recommendations has been a positive step. That Panel’s current work on addressing these issues, with a focus on dispelling “The Jersey Way”, has the potential to make a significant contribution to the discussion on improving governance, transparency and openness in the public sector.
- g) Plans to establish government-wide principles for staff participation, funding and support in professional training courses, such as the new BA social work degree, are a good example of attempts to increase transparency and fairness in decision-making. Setting out and applying clear and consistent principles and ensuring these are applied impartially, will start to shift perceptions and expectations of a culture of entitlement and unchallenged conflicts of interest.

6.6 WHERE MORE PROGRESS IS NEEDED:

- a) Acknowledging and removing the potential for conflicts of interest in the multiple roles of the island’s senior judicial offices would be a symbolic and powerful commitment to ensuring all facets of Jersey’s public life are governed, and seen to be governed, by the highest ethical standards.
- b) The work of Scrutiny Panels is an essential element in ensuring impartiality and accountability in public sector performance and decision-making. The process itself can be misunderstood by the public or perceived as lacking transparency when much of the preparatory work is done behind the scenes. We would commend the practice of holding regular public sessions where the senior managers from Children’s Services, Health, Education, HR and other departments are invited to discuss progress on and outcomes of implementing

the Inquiry recommendations. More visible public accountability discussions will help dispel perceptions of “The Jersey Way”. We would suggest these public sessions should be complemented by private sessions involving discussions with service users, particularly with young people, and by programmes of visits to agencies and facilities working with children and families in Jersey.

- c) Accountability of government needs to be strengthened by mandating responses to important reports. There should be a requirement for a ministerial response to be given in the States Assembly to the annual reports of the Jersey Safeguarding Partnership Board, the Care Commission and the Children’s Commissioner.
- d) In order to effectively perform their crucial functions, we consider that Scrutiny Panels should be given additional support in terms of research and policy advisors to inform and focus the work of the panels and provide much needed context and assistance to panel members. We believe that, as a matter of priority, this resource should be provided in respect of the Care of Children Review Panel.
- e) We further suggest that additional research and policy support is given to ministers with priority given to securing support for the Children’s Minister. Some of the criticisms we have heard concerning a lack of responsiveness from Ministers have been attributed to indifference or the operation of “The Jersey Way”. We consider it more likely that many politicians, and ministers particularly, are often simply overwhelmed by the volume of demands on their time and that often faster and better-informed responses could be delivered to constituents and to colleagues if they were better supported with dedicated research and policy staff.
- f) The proposals for the introduction of a public services ombudsman should be expedited as the establishment of this office, with powers and independent standing commensurate with the Children’s Commissioner, would go a long way to dispel perceptions of lack of transparency and failures to listen to complaints.
- g) While the powers accorded the Children’s Commissioner are significant and commendable, the debate over her access to privileged information sadly reinforced perceptions of government recalcitrance and lack of accountability in the operation of the Law Officers Department. We would recommend that in the drafting of parallel legislation in respect of a public service ombudsman, trust and goodwill could be readily established if there was a presumption of access to legally-privileged information, unless, in the view of the Attorney General, there were compelling public interest reasons to prevent this.
- h) We heard of one example regarding a recent good liaison with UK authorities, when a professional, working with children in Jersey, left the island following disciplinary action. We are concerned, however, that there are still worrying gaps in the systems for exchanging information with the UK about cases where

professionals have had concerns raised about their conduct or suitability for working with children. We are also aware there are perceived difficulties in the way Jersey services manage 'fitness to practise' issues between jurisdictions. We urge the Council of Ministers to identify someone to work on their behalf with UK authorities, to ensure systems for information exchange and managing professional conduct issues between Jersey and the UK are as robust and comprehensive as possible and are kept constantly under review. In the past, Jersey was, at times, seen as failing to deal adequately with safeguarding concerns about staff and instead encouraging unsuitable staff to leave the island, thereby simply "exporting" problems to the UK. There is now a much stronger culture of safeguarding in the island, but the existence of intergovernmental arrangements, which are insufficiently watertight, could put children at risk and undermine the perception of progress in Jersey.

- i) A quote from a recent paper by two Jersey legal practitioners encapsulates the sentiments we heard from many people on this topic: *"To finally move away from 'the Jersey Way'- Jersey needs to show its own islanders and the world that there is another way- a transparent way, and an empathetic way, a way that stands up for the weakest and refrains from simply protecting the most powerful. A thriving democracy needs debate, it needs people willing to stand up and challenge the system. It needs to listen."*³

7. Failure to mitigate negative effects of small island culture and its challenges.

- 7.1 Some of the matters addressed in the previous section are also relevant to this issue. Small communities have challenges, island communities even greater ones. Some of the advantages of an island setting, such as public sector staff having close knowledge of and connections in the community, can become challenges when trying to evidence transparency and objectivity in decision-making and accountability in government. Sympathy for a lack of alternative employment opportunities may make supervisors reluctant to release staff unsuited to their roles; professional challenge of peers who share family or social connections is difficult; personal knowledge of individuals' circumstances can compromise objectivity in decision-making.
- 7.2 Jersey's fiscal priorities have long been defined by the island-wide preference for a model of low-taxation and low spending in government. In the past, investment in, and priority for, services caring for children were casualties of efforts to maintain the economic status quo. The consequences were devastating and enduring for hundreds of children and were ultimately detrimental to the island's reputation.

³ Jones, I., Palmer, P. 2018. "The Jersey Way"- moving on. *Institute of Law Journal*, 2018:1 Available at: https://www.jerseylaw.je/publications/Documents/IoLJournal/2018_1/TheJerseyWayMovingOn.pdf [Accessed 11 September 2019]

The commendable and sincere refocusing of government priorities and resources on putting children first in Jersey in the last two years, cannot be a one-off investment. The needs and demands continue to rise; projects and policy initiatives which have been initiated require ongoing commitment and funding; the dangers of losing focus and failing to prioritise are now well-recognised and further failures in child care would be unacceptable locally and indefensible internationally. Politicians also must be alert to the potential problems and risks to children that must be addressed, in areas such as safeguarding practice in health services and in resourcing of mental health services for children and young people.

“People have been speaking out, and have been trying to challenge in the past, but haven't been heard. And so, we have to find new ways of moving forward if we're going to tackle these things, and I would just add, ‘What will success look like for Jersey?’ Well, things start happening at a pace which is level to the urgency that's required.” – Deputy Kevin Pamplin

7.3 **EXAMPLES OF PROGRESS:**

- a) The impressive changes in the culture and in the quality of care provided in residential settings in Jersey has been achieved by investment in training and through effective leadership. Managers have demonstrated boldness in replacing staff with little aptitude for working with children and being firm in their resolve to recruit and retain only people with the potential to deliver sensitive, nurturing care. This has been both effective and symbolically powerful in demonstrating that the needs of children, rather than the needs of staff, are now the priority of residential care in Jersey.
- b) The recruitment of external, independent individuals to key regulatory roles, such as the Care Commission and Children's Commissioner, has evidenced a commitment to building confidence in the independent operation of these offices.
- c) The willingness of the island to face up to the legacy of poor child care services in the past and how it has impacted on communities. This has resulted in work to identify and resolve legacy issues in a fair, transparent yet sensitive way including the creation of the Citizens' Panel. The Citizens' Panel's detailed and thoughtful work has resulted in legacy plans that will introduce a new ethos and framework to respect and reflect on the past but also shape the commitment to a different future for the island's children.

7.4 **WHERE MORE PROGRESS IS NEEDED:**

- a) In some areas of operations, including some regulatory functions, there is a worrying lack of ability to articulate what true objectivity and independence should look like. People sometimes struggle with the concept that the perception of impartiality in public services is as important for building public confidence as the evidence of actual impartiality. People may argue that a member of staff is honourable and would never be unduly influenced by a subordinate who was their partner or by a service user with whom they had a

strong social connection. They fail to recognise, however, the damage to public confidence from the perception of a potential conflict of interest. More work is needed to help all professionals to recognise and embrace robust standards ethical practice in public service.

- b) We consider that there are opportunities for agencies to capitalise on the positive aspects of small island culture – the familiarity of staff with each other, with the services they deliver and the children with whom they engage – in ways which do not compromise the objectivity of decision-making and resource allocation.
- c) We heard several times that staff felt undervalued. Deputy Rob Ward told us: *“The workforce is not being listened to and respected for knowing how to do the jobs that they do. 'Cause we have incredibly committed people there day in, day out, going above and beyond the call of duty ... they’re simply not being listened to.”* Many staff feel service transformation is something *“being done”* to them, rather than feeling active participants and stakeholders in the process. The forums we held with staff from different services provided helpful insights into how services were being delivered and experienced on the ground, and impressive suggestions for dealing with current challenges. We think consideration should be given to creating more opportunities for staff to contribute to process of change and to provide feedback in such forums.
- d) We heard from families and from professionals that GP services in Jersey are often beset by some of the challenges and features of small island culture. This was seen to be an area of operation where government policies, traditional practices and approaches may have features and unintended consequences detrimental to the safeguarding of children and vulnerable adults. The cost of private GP care is a barrier to young people and to vulnerable adults who do not have access to household funds (or do not qualify for income support) getting health services, advice or GP support because they cannot pay for appointments or treatments. To enhance protections for children and young people we believe new policies are required to allow free or fully-funded access to GP care and advice for vulnerable groups.
- e) Traditionally, GP practices have built a relationship with families that is a professional and business relationship but which often, through time, becomes a friendly and familiar one. There are challenges for GPs in managing the different strands of such relationships. We have heard anecdotal accounts of the interests and wishes of the family head, who pays the medical bills, overruling those of younger and possibly vulnerable family members.
- f) We were interested also in the data provided by the IDVA service on sources of referrals of victims at high risk of domestic violence. Out of over 460 referrals in one year in Jersey, less than 5% came from GPs and the vast majority came from SOJP. This is concerning because in other jurisdictions police forces are usually the least likely source of referral because of the reluctance of victims to approach them. Conversely, elsewhere, GPs are one of the highest sources of

referral to domestic violence support agencies. More study and work is required in Jersey to ensure that patients are sufficiently confident in the sensitivity and confidentiality of their GPs to be able to share concerns about familial violence.

- g) The named GPs are aware of this issue and training has slowly increased the number of referrals from GPs. This is a significant issue, however, that needs a multi-agency-strategic approach involving health services, GPs, Police, IDVA, and others to create easier access to GPs and more effective pathways to safety and support for victims or those at risk of domestic violence and its impact.

8. Failure to make sufficient investment in staff development and training.

8.1 In this area, we have relied on documentation on staff development and training and on reports from staff in private and public sessions and through consultation.

8.2 EXAMPLES OF PROGRESS:

- a) The Jersey Safeguarding Partnership Board (JSPB) has continued to provide significant volumes of safeguarding training at four progressive levels. Between October 2017 and March 2019, there were 2960 attendees at multi-agency safeguarding courses.
- b) There has been a wide range of representation on the JSPB courses from agencies including Housing, Social Security, Honorary Police and Fire and Rescue, alongside workers from Children's Services, Health and Education.
- c) We heard positive feedback on these sessions and on other training sessions, particularly from residential care staff and from school-based staff. The extensive programme of trauma informed practice and ACES (Adverse Childhood Experiences) courses were also particularly valued by staff from schools, who were often keen to undertake more and advanced courses.
- d) Short training sessions on safeguarding for GPs, to fit round the surgery hours, have been set up by the named GPs and have been welcomed by practitioners. There are now also monthly safeguarding lunchtime meetings for GPs, where learning from serious case reviews and other complex cases is discussed.
- e) The Highlands College partnership with Sussex University to develop a Jersey based BA course in social work has recruited its first cohort. We were impressed with the preparatory work and planning for the course and with the aspects of the curriculum which we learned about. It is noteworthy that the selection process for admission to the course involved interviewers who were 'experts by experience' – including care experienced adults and other service users who were provided with training and support to play a key role in the selection of future social workers. We hope there are many more opportunities for experts by experience to participate in the training and development of social work staff in Jersey.

- f) In 2018, around 20 social work staff participated in UK based courses on a model of social work practice. The willingness of staff to participate in such a demanding schedule of training is commendable.
- g) We understand that in recent months a more systematic and targeted approach to training for children's services staff is developing as the staff group starts to stabilise.

8.3 WHERE MORE PROGRESS IS NEEDED:

- a) There has been significantly more investment in training and staff development for staff working with children. What is now required, in our view, are effective monitoring, evaluation and reporting systems to evidence the value (or otherwise) of opportunities, models, courses and course providers. We agree with the Care of Children Review Panel's concern⁴ to see more reporting of the results of the evaluation of training and its impact on practice and outcomes. We endorse their view that quantity is not always a guarantee of quality.
- b) Although we heard positive accounts of training and development opportunities from residential staff and from other social work support staff, we received little feedback from social workers on this topic. We believe it vital that supervision and appraisal sessions are used to collate the continuing professional development needs of social workers, which is then translated into training provision and delivered and evaluated.
- c) We believe the relationship between CYPES and the University of Sussex has the potential to expand to include the design and delivery of additional provision tailored to the specific needs of social work practitioners in Jersey.

9. Failure to adopt policies which would promote the recruitment and retention of staff with essential skills in child welfare and child protection.

- 9.1 The issues arising from the instability of the children's services workforce have been discussed above. The difficulties of attracting staff to Jersey are neither new nor exclusive to Children's Services. A 2016 Health and Social Services Scrutiny Panel Report (SR 1/2016) addressed the challenges of recruitment and retention of Hospital Staff. It noted that: "*The recruitment of health and social care staff remains a challenge for Jersey due to a range of factors including high cost of living, terms and conditions and housing controls.*" That report recognised investment would be required in staff, new ways of working, and organisational change.
- 9.2 We concur with that Panel's insightful findings in respect of the reasons why Jersey is disadvantaged in recruiting staff from the UK. In our view, however, its recommendations did not go far enough in addressing the challenges. The recent 2018

⁴ Care of Children in Jersey Review Panel, 2018. *Response to the Care Inquiry: Update Report Quarter 4 2018*. SR17/2018. Jersey: States Greffe.

Children's Services Recruitment and Retention Strategy, drawn up in response to recommendations of the Inquiry report, in our view, is even less successful in offering realistic solutions.

9.3 EXAMPLES OF PROGRESS:

- a) *"We are not seeing that churn now, so we are seeing a stable agency workforce as well as a stable, permanent workforce. What we have got to do is start to bring in permanent recruitments to then decrease our dependency on agency. Because while we have that, as much as it is stable at the moment, it is costly for one, but also it does not bring about that long-term sustainable change that we want for our families."* -Nancy Meehan
- b) The use of recruitment fairs and the introduction of the 'Let's be honest' recruitment campaign have stimulated interest from workers in the UK who are attracted by the challenge of improving services rather than simply a change of lifestyle. Relocation and retention packages have been made available.
- c) Some housing has been made available through Andium Homes to assist some key health and social work staff in relocating to the island.
- d) A small number of staff recruited as interim, temporary staff have converted to permanent posts.
- e) A longer-term key worker housing strategy is being developed.
- f) The amended Control of Housing and Work Law gives spouses, partners and adult children of key workers access to more employment opportunities in Jersey.

9.4 WHERE MORE PROGRESS IS NEEDED:

- a) The 2018 Children's Services Recruitment and Retention Strategy is a process-oriented document and much of it is devoted to describing the ethos of, and supports within, Children's Services, once workers are in post. It does not tackle some of the fundamental barriers to recruitment from the UK.
- b) Jersey struggles to balance its strict migration controls, seen as essential for maintaining quality of life in the island, with the need to vary those controls in the wider interests of the island attracting key staff. We believe the urgent, essential and continuing requirement for the island to attract social work staff of the highest quality to keep children safe, should prompt the creation of a special category of migration licence for these key workers.
- c) It should be recognised that to secure workers of the highest calibre, even at basic grade level, will sometimes necessitate targeting and recruiting specific individuals who may need strong and individualised inducements to move to Jersey.
- d) In our view, unless the government of Jersey finds ways of mitigating, for incoming workers, the high costs of living in Jersey and addresses the differentials in terms and conditions of employment between Jersey and

European nations, they will fail to recruit and retain sufficient staff to work with vulnerable children and families. It is simply unrealistic to tout 'better quality of life' as a reason to move to Jersey when housing costs and restrictions mean most workers and their families are moving to poorer quality accommodation, often with less security of tenure and less investment potential. Claims about the island's good 'work/life balance' do not address the disadvantages to incoming staff and their families of less annual leave, poorer maternity benefits, fewer employment protections and additional health care costs compared to UK work settings.

- e) It is important that the States Employment Board continues to consider the impact on whole families when key workers relocate to Jersey. We heard from young people who recounted distressing experiences in school and communities after their parents moved to Jersey for employment. The SEB must consider how it can work with partner agencies, such as Education, to provide support for all the family, including children. New approaches are also needed to determining and allocating housing and employment status within families. Traditional approaches to matters such as which spouse or partner holds housing rights, may not be suitable for modern families.

10. Failure of the States of Jersey to understand and fulfil corporate parenting responsibilities, including adequate aftercare of children who have been looked after by the state.

- 10.1 Progress failures in corporate parenting required action on two fronts: first, the States Assembly had to take action to acknowledge, embrace and fulfil its responsibilities and second, the States had to demonstrate more effective parenting and provision for the children in its care.

"The recent Ofsted inspection in June 2018 ... made clear that the continued lack of clarity and focus afforded to our role as corporate parents means we continue to provide a poor service to the most vulnerable in our society." - Jersey Corporate Parenting Framework, Oct 2018

- 10.2 In our view, this is an area where little overall progress has been made and this grave deficiency is compounded by a failure to recognise the potential impact on, and dangers to, looked after children and care-experienced young people and adults of political and policy shortcomings in corporate parenting.

10.3 EXAMPLES OF PROGRESS:

- a) There has been more discussion of corporate parenting since the 2017 Inquiry report and genuine attempts by some States Members to understand and adopt good practice and to acknowledge the current deficiencies. Aside from this, while there has been activity, such as the adoption in late 2018 of the Corporate Parenting Framework, there has been, as noted below, little activity

in this area. Meanwhile some young people for whom the States of Jersey have parental responsibility are not faring well.

10.4 WHERE MORE PROGRESS IS NEEDED:

“I think we’ve got to stop making assumptions that we all know and understand the corporate parenting. I think we should all be trying to use the same language. And it can be difficult because there’s still a mentality that, you know ... everything’s okay.” – Deputy Tracey Vallois

- a) The proposed embedding of corporate parenting responsibilities in the oath of office for new States members was abandoned under the incoming Council of Ministers in favour of a Pledge of Putting Children First, launched in September 2018. At the time of writing this report, six States members had not signed the Pledge.
- b) The proposed mandatory training for new States Members in corporate parenting responsibilities has not materialised. Instead, new members were merely invited by the Bailiff, during their introduction, to attend corporate parenting briefing sessions. The briefing sessions were sparsely attended.
- c) A Corporate Parenting Board has been established. As of the time of writing this report it has met once, in March 2019. The Board has only one ministerial member, 12 senior managers, four voluntary sector members and three observers from regulatory bodies. In our view, the Board should be a small group of politicians with one or two managers present. Where necessary, sub-groups of other managers and representatives of other agencies can work on specific issues. This does not remove the responsibility all members have.
- d) To the best of our knowledge, the Board has not engaged with foster carers, who are said to be ‘the bedrock’ of the island’s care services, nor has it had engagement with the young people for whom it holds parental responsibility. It has not set out, as a priority, what those young people can expect in terms of support and engagement from their corporate parent, how long that support will be there for them and what happens when it ceases.
- e) The 2018 Corporate Parenting Framework acknowledges shortcomings in the fulfilment of corporate parenting obligations and sets out some broad aspirations, but it is not otherwise a particularly useful document. In its process-focused approach and bureaucratic tone, it is neither user-friendly nor accessible for most of the young people for whose ultimate benefit it is designed. When describing options for outsourcing the commissioning of services for looked after children, the document gives the impression that looked after children are simply commodities for which the over-riding concerns are ‘the avoidance of future costs’ and ‘Increasing the positive measurable ‘fiscal’ contribution to society’ (whatever that may mean). It is a damning indictment of the perfunctory lip-service being paid by the States of Jersey to its statutory duties in this area.

f) The States has little cause to be proud of its parenting. Despite planning and assistance from residential care workers and other staff, at the end of last year half of all care leavers in Jersey were not in education or employment, half did not have an adequate care pathway plan and over two-thirds required ongoing support from public services. The numbers of care leavers are not large, and they have a well-resourced corporate parent that could do better for them. Children experiencing the trauma of separation from families and settings deemed unable to adequately care for them should not find themselves in a situation where ultimately, they are no better off in terms of their life chances.

g) In our view, those with corporate parenting responsibilities can learn a great deal from the island's foster carers about supporting and nurturing looked after children.

"The problems with their family do not go away because they are 18, and they do not necessarily have the ability to deal with the complex issues that are going to arise for them as being part of that family. So, I think Social Services needs to stay involved with that child for much longer and the support needs to be there for much longer." – Foster Carer.

"We stay involved with our children. We help them with their education, with making choices, with difficult issues they have got in relationships and we need to do that. So, to us as foster carers those children, you know, they still come back for Sunday lunch and do all of that. But that needs to be built into it, that that is the expectation and the norm." – Foster Carer

h) One of the strategic priorities of the States is to increase the number of foster carers. From both its wider governmental and corporate parenting perspectives, the States can require actions and resolve issues which are affecting the recruitment and retention foster carers. We have every sympathy with foster carers who feel frustrated in dealing with process-driven systems, undervalued for their experience, who struggle with rules and procedures that turn simple requests into bureaucratic nightmares and who feel they have to advocate and battle continuously on behalf of "their" children with the agency that has parental rights, in order to see those rights are upheld. There is much the corporate parent could do to relieve pressures on the people whom they ask to undertake the day to day care of "their" children, from improving housing options, to ensuring fostering allowances do not adversely affect tax liabilities to granting more autonomy in decision making to foster carers.

i) In fulfilment of the Jersey corporate parenting pledge to ensure children its care *"are supported to achieve their potential in education"*, ministers should require that: proposals are swiftly brought forward for resourcing adequately the 'virtual head teacher' initiative; for making available funds for tutoring, mentoring and educational assistance programmes tailored to the needs of individual children; and for working with foster carers to identify medium to long-term funding and support needs to ensure their children can have the best

possible educational experience. Arrangements for funding such inputs should be easily accessible and efficient so that children do not suffer delays or frustrations or miss learning or social opportunities because of unduly bureaucratic processes.

- j) To meet the pledge that *“All children will enjoy the best possible health, including being supported to achieve good physical and mental wellbeing”*, ministers should bring forward proposals for substantive actions to ensure that no child in their care ever again waits four years to see a dentist – a situation no States member would tolerate for their own child. Taking direct action to expedite looked after children’s access to dental treatment is a more tangible expression of effective corporate parenting than the proposal in the draft 2020-23 Government Plan to *“develop a model of dental services for children with a preventative focus”*.⁵
- k) Additionally, the States should prioritise the transformation and upgrading of mental health services in Jersey for both young people and for those former care leavers who still live with the consequences of untreated trauma and abusive experiences they endured in care settings. The Jersey Complex Trauma Network resourcing should be expedited along with additional CAMHS resources and the development of a high-quality small-scale facility for young people needing inpatient care for mental health needs.
- l) As a matter of urgency, ministers should require concrete proposals be brought forward, with timescales, for meeting the needs in Jersey of as many children as possible who are currently in off-island placements. Ministers should also be concerned to establish, as an interim measure, that there are adequate arrangements and resourcing for ensuring children in their care, placed off-island, are in settings providing high standards of care, nurture and education and that they have access to a Children’s Rights Officer, to the Children’s Commissioner and other advocacy and support mechanisms.

11. Failure to tackle a silo mentality amongst public sector agencies.

11.1 Tom Walker, Director General for Strategic Policy and Performance, explained that historically the departmental silos in the public sector flowed from the traditional ministerial and administrative silos *“... culturally it was hard-wired in”*. The structures of government in Jersey traditionally have, in the views of many people we heard from, reinforced cultures of competitiveness and territorialism rather than promoting cooperation and collegiate working. This had, in turn, contributed to a lack of openness and transparency in operations and decision-making which fostered distrust and a

⁵ Government of Jersey. 2019. *Proposed Government Plan 2020-23* [online] Jersey: Government of Jersey Communications Team. Available at: <https://www.gov.je/Government/PlanningPerformance/StrategicPlanning/pages/governmentplan.aspx> [Accessed 12 September 2019]

perception of partiality and abuse of power that people characterised as the “Jersey Way”, discussed above.

11.2 In the past a lack of integrated information systems and ineffectual inter-agency working arrangements had disadvantaged some service users and had left others at risk.

11.3 We heard how the response to the Inquiry Report in 2017 (and preparatory work beforehand) stimulated cross-departmental working and planning arising from a shared determination to ensure the future did not simply avoid the mistakes of the past but delivered robust high-quality children’s services.

11.4 WHERE PROGRESS HAS BEEN MADE:

- a) The States Assembly agreed a major structural change moving away from ministerial silos to a more collegiate form of working. The Chief Executive was established as the principal accountable officer in government accountable for the performance of the civil servants. Instead of ministerial separate legal entities, a single legal entity for government now called the Government of Jersey, was established. *“We have been able to launch a programme of forming ourselves into one government, not a fragmented government.”* – Tom Walker
- b) Starting from the response to the Inquiry and following the development of working groups of ministers across disciplines, there has been a more cross-governmental approach to children’s issues.
- c) The Jersey Safeguarding Partnership has expanded multi-agency training opportunities and provided over 3000 training places for staff from over 200 agencies. These sessions have been valuable for fostering multi-agency relationships and networking.
- d) The Jersey Youth Service has worked across agencies and communities reaching out and engaging with young people across the island and working in creative ways with other agencies to optimise provision and support for young people. A commendable example has been the successful Youth Service partnership with States of Jersey Police to engage and work intensively with young people at risk of becoming involved in the criminal justice system and divert them into productive activities or support systems.
- e) The Council of Ministers has commissioned a review of the governance of regulatory functions within government with the goal of streamlining and promoting cooperative working.
- f) Children’s Services has been integrated into the Children, Young People, Education, People and Skills Department (CYPES).
- g) Initiatives such as the Early Years Partnership has promoted the development of links between agencies and networks.
- h) Approaches are being developed for early integrated services for children with special needs and for managing transitions for these children and young people with multi-agency input up till age 25.

11.5 **WHERE MORE PROGRESS IS NEEDED:**

- a) *“When we talk about early help, early intervention, pathways, transitions, all those types of things, the purpose of the early years policy development board is I recognise that there are a lot of people out there in the island trying to do absolutely the right thing and the best thing for our children and our families. The problem is it’s not always as joined up as it possibly could be, and my concern is that some of the transitions may not be as good as it could be.” – Deputy Tracey Vallois*
- b) Public Sector organisations and their staff still tend to see services from their own perspective as providers and start at that point in designing service delivery rather than considering how organisations and their operations are experienced by service users.
- c) More work is needed on mechanisms to ensure GPs are informed, and take steps to be kept informed, of safeguarding concerns in relation to their patients. A recent audit found GPs were unaware of 50% of children on protection plans and in 20% of cases did not know concerns existed about the child. GPs are also generally unaware of situations where domestic violence concerns exist.

Appendix 2

Learning the Lessons of the Past

APPENDIX 2

Learning the Lessons of the Past Perceptions of Progress

1. Introduction

1.1 In our 2017 Report, we identified eight key lessons that could be drawn from our experiences of maltreatment and abuse endured by children in Jersey's care system over many decades:

- The welfare and interests of children are paramount and trump all other considerations.
- Give children a voice – and then listen to it.
- Be clear about what services are trying to do and the standards which they should attain.
- Independent scrutiny is essential.
- Stay connected.
- Investment is essential.
- Quality of leadership and professionalism are fundamental requirements.
- Openness and transparency must characterise the culture of public services.

1.2 In all our engagement with people in Jersey, we sought to discern whether and how well these lessons were being learned and what impact, if any, that was having in Jersey. In this Appendix, we have summarised contributions and feedback we received in our private, individual and group meetings, from an online survey and from written contributions. These contributions reflect the perceptions of people, living and working in Jersey, on the extent to which the eight key lessons from the Inquiry have been learned and adopted.

1.3 Separately in Appendix 1, we have summarised our review of the extensive documentation provided to us by the Government of Jersey and other agencies and the substance of the four days of public discussion sessions as they relate to the 10 key failings, which we identified in the 2017 Report.

1.4 In this review, we wanted to understand how the changes that have taken place to make Jersey safer for children have affected children and families and how the changes have been perceived in the island. We wanted to learn from young people, from people who experience services, people who deliver them and the wider community. We offered the opportunity to participate in this review through a survey, through writing to us, through meeting with us privately or by joining in a group discussion. All

contributors could participate anonymously, even in group sessions. People who did identify themselves were assured that nothing they said would be attributed directly to them in our report or in further discussions and that their participation would not be disclosed to anyone outside the Independent Jersey Care Inquiry (IJCI) Panel.

1.5 These assurances were needed to encourage some people to participate in the review. Many contributors had strong concerns that any criticism of services or of staff would impact on services they or their families received and on how they were perceived by professionals. Some staff were fearful of being seen to contribute to the review, despite assurances given by managers. Other contributors were unconcerned about being named or cited.

1.6 While we cannot comment on the validity of the fears service users and staff shared, there is no doubting the genuineness of their concerns. Several people mentioned that heightened levels of anxiety were a feature of the seeming interconnectedness of much of Jersey society: on a small island, familial, social and professional links are inevitably intertwined, making some people cautious about openly sharing opinions or criticism of public services.

1.7 We were pleased that several young people readily participated in this review. Some were supported by the Children's Rights Officer or other advocates in individual or group sessions, others participated independently. All the young people we met provided considered, insightful contributions to this review and we were impressed by their thoughtfulness and their commitment to their community.

1.8 **Quantity of Feedback**

- We received **38 completed responses from an online survey**. While the number of responses were small, they included extensive feedback. Most contributors provided detailed examples and additional commentary on the areas we asked about.
- We received **272 emails and letters** from individuals. A number of these specifically covered some or all of the questions set in the online survey. Others addressed one or more issues, recounted experiences as professionals, service users or care experienced people and provided supplementary information.
- We met with **81 people privately** during the review. Most were seen in Jersey but some we met off island or interviewed via Skype sessions.
- We also met with **90 people privately in group sessions** for staff, young people, and voluntary and community agencies. We also briefly attended a training event for staff from a wide range of agencies arranged by the Jersey Safeguarding Children Partnership.
- **53 people participated in public discussion** sessions with the Panel, held at St Paul's Centre, 21-24 May 2019. These people were invited to address specific questions set by the Panel, arising from the private meetings and other work undertaken in the review.

- The Panel also visited **5 establishments** providing care for children and visited the offices of government and voluntary sector agencies where we met **over 30** staff.
- 1.9 Due to the different routes through which people could contribute, some people made multiple contributions (e.g. they sent a letter, met us in private and contributed as part of a staff group). Inevitably we have more understanding of the background and context of some contributions (e.g. from people whom we met) than of others (e.g. from people who responded anonymously through the online survey).
- 1.10 Although our approach to eliciting contributions was by no means a scientific one, certain features of the response we received gave us confidence that we could reasonably draw conclusions from it. It was evident that most of the feedback we received came from people directly involved in the provision of, or with direct experience of, services to children in Jersey. We cannot determine whether contributors to the review are a representative sample of Jersey residents, but we note the volume, consistency and range of contributions we received and have taken this into account in reaching some conclusions.
- 1.11 We are grateful to everyone who contributed to this review. It is not possible to report every contribution we received, and we are mindful of the need to protect the identities and privacy of many contributors. We believe, however, that we have summarised below the main and most frequently recurring themes, issues and observations in what we heard, and those which influenced our judgements on progress achieved and progress still to be made in Jersey.

2. The welfare and interests of children are paramount and trump all other considerations.

- 2.1 Most contributors acknowledged that there had been large-scale investment in services for children in Jersey and a great deal of activity by States Assembly members and civil servants. People recognised the intention of the government as being seen to prioritise Jersey's children. There was a great deal of uncertainty and some scepticism about the extent to which all the effort and activity translated into tangible differences for the most vulnerable children and families in Jersey.
- 2.2 Investment in training for staff working with children, the modernisation of residential care services, a greater acknowledgement of the impact of domestic violence on children, the appointment of the Children's Commissioner and innovative work by the Jersey Youth Service were all strongly welcomed and seen as evidence of an increased emphasis on children by staff and by members of the community.
- 2.3 Two areas where people most closely involved with children and families felt little had changed were: first, social work support and intervention for children with complex needs; and, second, child mental health services - which were described by some professionals and by families as "at breaking point". In the case of the former, many staff from different agencies, families and young people highlighted the problems of

the instability in the workforce charged with delivering social work services to children, and the perception of many was that, in some ways, service response was worse than it had been 2-3 years ago. For these people, the failure to address systemic and resource issues that impacted on the most vulnerable children was evidence that children's needs were still not the highest political priority.

- 2.4 The area on which we received most critical contributions and representations related to the instability of the workforce in children's social services and its perceived detrimental effect on the welfare of some of the island's most vulnerable children and young people; on families with complex needs; and on multi-agency working partnerships. Several families and young people described having five or more social workers in a year; some had that number of changes of social worker in as many months and one person had seen nine social workers in a year. There was frustration also from fellow professionals that significant investment had not paid dividends in terms of staff stability and this had led to loss of trust and to loss of opportunity at critical times in children's lives.

"In my opinion ...high turnover of agency staff in Children's Services impacts directly on children and decisions made about them by social workers who don't know the child, the needs, or even have a relationship with the child yet they initiate decisions that are lifechanging to the child."

"[Delays in allocating staff] will increase stress and pressure on families and send them into crisis increasing chances of children coming into care."

- 2.5 Young people and foster carers expressed frustration over the staffing uncertainties and changes and we heard of young people losing interest and faith in the care management system. Several parents thought the service was worse now than it had been three years ago, because of the seeming constant changes. *"I believe things are much worse. Families are continuing to have constant changes in social workers causing distress"*, was a refrain we heard from many sources. Two parents did mention seeing *"the tiniest of green shoots"* in the Spring of 2019 and more consistency in personnel and keeping appointments.

- 2.6 In relation to child and adolescent mental health services, a former care leaver wrote *"mental health for youngsters is atrocious"*. Care experienced adults who have lived with the consequences of untreated trauma expressed their concerns about perceived inadequacies in a system they see as now failing another generation.

"If change continues at the present pace, which is virtually standing still, all the growing social and mental health problems in Jersey will continue to grow at an alarming rate."

- 2.7 While some people acknowledged initial triage in mental health service was often now happening more quickly, families, schools and professionals supporting children lamented long delays in accessing assessment or therapeutic services and a limited range of options. The argument was made that Jersey seemed to be planning for levels of mental health provision equivalent to the UK and that this was unrealistic, because island living had particular pressures; there was a lack in Jersey of the early intervention facilities and support that would be found in the UK and a large number of Jersey adults

had suffered abusive experiences, all of which created a much higher demand for mental health services in Jersey. Some people argued that truly putting Jersey's children first meant that expertise should be bought and brought in to provide specialist care for children on-island, rather than sending children with complex emotional, mental health, educational or care needs off island.

- 2.8 It was suggested by some Jersey citizens that the pressures on the English health and care systems meant that children sent off island would only rarely have sessions with paediatric or psychiatric experts and would spend nearly all of their time being cared for by basic grade care staff little different to those working in Jersey. Having strategies to ensure all Jersey's children were cared for in Jersey as far as possible with expert input, was something many people felt strongly about.
- 2.9 Several people made the point that the maltreatment and abuse of children occurs in every society throughout the world, that its triggers are not always well understood and that sadly there will always be children in Jersey whose childhoods are marred by abusive experiences. They suggested that, while the elimination of child abuse in Jersey might not be possible, there is now, in the community and amongst professionals, a strong aspiration to ensure the systems and services in Jersey work well together to identify and protect children who might be at risk of harm and to identify and constrain the people who would exploit or harm children.
- 2.10 Many people reported their perception of a much greater awareness of child protection issues in the island as the stories of care experiences over decades had emerged from the investigations of Operation Rectangle and the report of the Inquiry. It was suggested that many more professionals, and many people in the wider public, were better informed about child abuse and about familial violence and its impact, were more confident about reporting concerns and more alert to the risk children faced. Overall, there was more confidence that, in most situations, concerns about the mistreatment of children would not be dismissed as they had been in the past.
- 2.11 Others thought there were some areas of child protection where gaps and deficiencies were perceived. Some professionals, along with some care experienced adults and a few members of the public, consider there is still insufficient awareness in Jersey of the existence and dangers of predatory abusers and of people who exploit young people, including in online settings. Some people perceived a lack of acceptance, in parts of the island, as to how indistinguishable such abusers may be from other members of the community and that such attitudes had the potential to undermine efforts to prioritise the safeguarding of children. Some members of the community, and several professionals, suggested more public information / public health campaigns were needed to make people aware of child exploitation and grooming.
- 2.12 Contributors from within and outside health services highlighted those services as an area where the paramountcy principle was not as well-embedded as in other services, such as education and social services. Specifically, safeguarding practice was an area of weakness in health services - *"I have worked in safeguarding for 5 years and it feels like very little has improved in this time"*. These observations came primarily from health and health-related personnel. There was strong support and commendation for the

appointment and work of the Looked After Children Nurse, Designated Nurse for Safeguarding and recently appointed Named GPs.

- 2.13 Staff who were attuned to the critical importance of good safeguarding practice, expressed concerns that some managers and clinicians still tended to see child protection as a specialism to be dealt with by the designated and named staff and that there were areas of health services where good practice was not widespread or embedded at all levels and where there was more chance children's concerns and needs were not prioritised. Examples were shared which included: medical personnel focusing on parental wishes and needs and potentially overlooking the welfare of a child; and, in some cases, reluctance to consider child maltreatment or outdated knowledge of safeguarding procedures. There was recognition of some very good practice, of pockets of safeguarding expertise and an eagerness amongst many staff for more training and support in this area. The need for strong, well-informed and passionate clinical leadership was stressed along with the need for other agencies working with children to recognise health personnel as full partners in safeguarding.
- 2.14 Some parents, professionals and young people felt that primary care service providers would never prioritise children and their needs over the commercial imperatives of their businesses and that this would only change when the need for a publicly funded health service for children in Jersey was addressed.
- 2.15 Making children and their needs a priority includes giving priority to the children with the most complex needs. Parents of children with disabilities provided harrowing accounts of frustration and of insensitive practice and unresponsive systems. Many families and professionals noted that the size of Jersey should facilitate good connections and transitions between the agencies working with children with complex needs, but often that did not happen. Families commended some areas of the system, such as the quality of respite care, and wondered why such high standards could not be achieved throughout all services. Service deficiencies tended to put additional strain on families already under pressure. The number of children with disabilities was such, people felt, that detailed planning and provision could be built round the needs of individual children in Jersey. Such an approach would make the island a beacon of good practice in the way it responded to the needs of children with disabilities. At present, however, parents often felt they were receiving a standardised response to disability, rather than one tailored to their child's unique needs.
- 2.16 Many families, professionals across several sectors and young people shared concerns that the welfare and needs of children were not prioritised in social policies in Jersey. Many children were said to be disadvantaged, for example, by health and dental care charges. Many people expressed views that suggested political aspirations to make child welfare a priority in Jersey would not be taken seriously in the community until policies were adopted that addressed the current difficulties of many families and professionals accessing medical and dental services for children. Tackling inadequate housing provision and outdated approaches to housing policy, was also highlighted by many respondents as an area to be addressed by politicians, if they were indeed serious about improving the life chances and experiences of many of the island's children.

Recent legislation to regulate the quality of private sector housing provision was welcomed.

- 2.17 The Children's Pledge was welcomed by some contributors who noted that such a declaration about the importance of children in Jersey would have been unimaginable years ago. Many others were sceptical, feeling it was a "watered down" initiative or "window dressing" that was *"easy to say but changes nothing"*. *"Promises. Pledges. Words on Paper... nothing is happening to improve the most basic failings."* *"I think the government is improving the way it spins things [not services] for children and families."*
- 2.18 Following the Inquiry, many professionals and community members welcomed the sense of urgency and large investment in children's services. Several people commended the extensive training programmes available to make staff more attuned to good practice in child welfare and safeguarding services and the work being done in schools to make children aware of how to stay safe. Others stressed the need for all areas of government to be more child centred and have child friendly policies – particularly in respect of housing, social security and immigration.
- 2.19 The justice system in Jersey is perceived by some professionals working in and with it, and by some young people and their families, as fossilised in out-dated practice and resistant to change. There was no confidence amongst those expressing a view on the court system, that the welfare of children was always the paramount consideration. A respondent quoted a recent statement about access to legal aid, in which the president of the Law Society of Jersey said, in relation to that issue: *"Regrettably we have to question whether this government takes Access to Justice seriously"*. People working in, and with experience of the justice system, considered this was also the case in respect of child welfare matters.

3. Give children a voice and listen to it

- 3.1 There was general praise for the steps taken to establish the Office of the Children's Commissioner and the efforts to make it truly independent of government. The appointment of a Children's Rights Officer was also welcomed by many people, although understanding of the role was confused, with several people questioning the "independence" of the post holder. Many respondents were cautiously waiting to see what would be delivered, rather than simply promised, through these initiatives. Some care experienced adults have seen too many promises broken in the past to trust that children will now be truly heard. Others look back at the distance services have come in recent years and are encouraged:

"Never before have I seen the barriers (BEGIN) to break down between the children in care and the seniors that make the decisions. I also think appointing a children's rights officer that works for the children but within the service, has been unbelievably beneficial as the children/young adults have a great relationship with her and feel they are being more heard."

- 3.2 Many frontline staff commended the extensive training programme and the availability of advanced training in safeguarding issues. These programmes had given them confidence and tools for recognising and responding to children who might be at risk and increased their understanding of how children expressed distress through behaviour. Particularly amongst residential staff, teachers and support staff, there was a stronger recognition that *"listening to the voice of the child"* had to be proactive and anticipatory. People were increasingly sensitive to the fact that children find it difficult to express concerns, even to adults with whom they have a positive relationship and that those who work with children have to be alert and responsive, not only to what children say, but also to changes in behaviour, engagement and mood and to information from different sources that might suggest something is wrong in a child's life.
- 3.3 People noted that different children have different needs and different ways of expressing themselves, requiring different mechanisms by which they could make concerns known. The range of initiatives and services being developed in Jersey to support young people and allow them to express their views was welcomed by young people. Initiatives by the Children's Commissioner, the Children's Rights Officer, the Jersey Youth Service, Brightly, and the newly formed 'Jersey Cares', all provide different channels and approaches for young people to express their views. The prospect of 'Jersey Cares' developing advocacy work with children was welcomed. We were also impressed by the work undertaken by the Early Years Partnership to engage even very young children in the design and development of services.
- 3.4 The Director General of CYPES and the Assistant Director have met with some young people who raised issues about their experiences or decision-making in the care system and this has been welcomed, but it was recognised this was not a sustainable way of dealing with complaints in the service. Young people had little awareness of politicians or of their corporate parenting role. Some young people were aware of the Minister for Children and told us they liked the fact he *"looked young"*, but were unsure how his role was relevant to them. People working with young people saw missed opportunities and felt politicians would be better informed in their decision-making if they had more opportunities to engage directly with the children, particularly those for whom they had corporate parenting responsibilities.
- 3.5 Some notes of caution were voiced around current initiatives that were commendably seeking to consult with or engage young people. It was suggested that, currently, many groups were competing for a small pool of young people with which they could engage and that this could be overwhelming for some groups of young people. Some groups suggested that, in a relatively small community, there was a danger of the same small group of contributing young people having a disproportionate influence, because it was assumed that they spoke for all young people, and more consideration had to be given to involving a widening and changing group of young people.
- 3.6 Several families, advocates and professionals made the point that it is all too easy to pay lip-service to the principle of giving children a voice, while inadequately and inaccurately conveying the views of a child. It was suggested that adults, particularly

social workers, guardians ad litem and reviewing officers often think that they are reflecting the view of a child in decision-making processes, such as case conferences or court proceedings, when in reality they are expressing the views they think the child should have or views filtered through adults who are making assumptions on behalf of children. More training for professionals, including the judiciary, in engaging meaningfully with children was suggested, along with the development of more independent advocacy for children and young people.

- 3.7 Young people who have had their trust in adults and adult systems repeatedly damaged, and those caring for them, stressed that children would not be open with professionals with whom they did not have a relationship built on trust and that building trust took time and patience. When workers engaged in 'tick-box' consultation on children's views or did not know the child or have the time to spend with the child, it was more likely the child's actual feelings, concerns and preferences would not be heard, understood or acted upon.
- 3.8 Families, including foster families and parents of children with disabilities or with limited communication skills, described frustration that they were not recognised as having more insight into and understanding of their children's needs, preferences and concerns than professionals who only saw the child for a short period of time at intervals. It was particularly frustrating when such professionals did not stay around to manage the consequences of their recommendations or decisions. Families and foster carers want to be recognised as partners in the process of building a full picture of the child's needs and desires, in order to identify the best options for the child.
- 3.9 Plans were broadly welcomed for developing advocacy services to support children to have their views represented in decision-making forums and to challenge assumptions about them. Professionals and families all stressed the importance of advocacy being delivered to high standards by persons with proper accreditation, who had built up a relationship with the child over time.
- 3.10 One of the areas on which we received many contributions was the area of complaints, including giving feedback and questioning decisions. There was almost universal agreement amongst professionals and service users that the complaints process of the Government of Jersey was difficult to access and the perception of people who had tried to use it was that the mechanics of the process were flawed. A recurring theme we heard was how the defensiveness of the response of staff to questioning or criticism deterred people from making complaints or criticisms. An app-based mechanism for young people to raise issues with social work staff and others had been introduced but had failed to deliver what it promised. The system was perceived as inadequately resourced and managed and young people had often failed to get responses. Some aspects of this system were built around engagement with a specific social worker and this had been unsuccessful for many young people who experienced so many changes of worker.
- 3.11 Young people, care experienced adults and families all stressed how hard it is for a young person to question the actions or decisions of an adult, even when they have a strong support system. Those difficulties become overwhelming when a young person

is trying to challenge actions or decisions or make their views known in a system they barely trust, staffed by unknown adults. One young person expressed their frustration at being told complaints would only be considered if they were made in writing, which was a skill they struggled with; it made them feel the “*system was stacked*” against them. The readiness of the Children’s Commissioner to support young people to raise complaints was welcomed but should be only one of the options for young people to get support to raise concerns and complaints.

3.12 *“The social worker was angry I contacted the Commissioner.”* Two people separately, who had sought the assistance of the Children’s Commissioner in making a complaint about social work services for children, gave us accounts of social workers attempting to dissuade them from, and criticise them for, approaching the Commissioner. One complainant was blamed for creating “*so much paperwork*” for the worker and each of them worried that they would be penalised because they had approached an external agency. Both persons were concerned that such attitudes from social workers would deter people from approaching the Commissioner. We consider such responses to complaints by staff gravely misguided and unprofessional.

3.13 The circumstances and well-being of children placed off-island aroused strong concerns in the community. Several people worried that Jersey children who were placed in other jurisdictions and systems, might be living in unfamiliar or isolated areas and might have “no-one to turn to”. Many people suggested it was imperative that the government work to keep children in Jersey, wherever possible. Others recognised there would always be the need for off-island placements in exceptional circumstances. Everyone agreed that more investment was needed to ensure that children were not being sent into situations with poorer standards than Jersey homes, where they were unsafe or where they had no easy channels of communication back to Jersey or to adults who would protect them.

4. Be clear about what services are trying to do and the standards which they should attain.

4.1 The Inquiry was told, in its latter stages, that systems and practice in child care in Jersey struggled because staff “*did not know what good looked like*”. Social services staff at that time appeared to have few exemplars of good practice, inadequate supervision and support and they worked in an environment where there was little clarity about what the goals should be for individual children or for populations of children.

4.2 The feedback we received suggested that there was now much greater clarity in the service about what children needed and growing aspirations to provide high quality service. This did not always translate into effective service delivery or outcomes for children and families. People were clearer about “*what good looked like*” but struggled to achieve it.

“The changes to Children’s Service ... have been exceptionally slow... the quality of assessment and lack of understanding regarding thresholds by some social workers is less than desirable. Some assessments are produced and presented to families with

grammatical, punctuation and spelling errors as well factual errors, no evidence to support claims and lack the analytical insight required for assessments produced by a statutory body. The standard of social workers is exceptionally variable and this can cause significant complexities.”

“I was one of the people to give evidence at the original inquiry. I have followed progress since then and to be honest I am not impressed.”

- 4.3 Families, young people and the people who support them, indicate they are now much better informed about what their expectations of services should be. As service users become more confident in insisting on good quality services, there will be a period of more critical feedback and more questioning engagement with service providers. Although this may be difficult for staff initially, the heightened expectations of children and families about quality of response and support, should be acknowledged as a positive development. For decades in Jersey, children and families accepted poor treatment, practice and outcomes because they had no awareness or expectations of anything better.
- 4.4 In some areas, professionals and families reported seeing major shifts in the quality of care, most notably in residential care provision and support for young people in Jersey. Staff were proud of what had been accomplished in a relatively short time in Jersey and welcomed particularly the introduction of flexible approaches for young people transitioning from residential and foster care to independent living. Families, young people and outside professionals paid tribute to the dedication of residential staff and the support they provided. A common refrain was the need to improve the quality of care experience for young people placed off island and to find equally determined and resourceful staff to provide care solutions for them in Jersey.
- 4.5 Observations about Greenfields were provided by several professionals and others with knowledge of the facility. While there was commendation for the standard of work undertaken by staff in Greenfields, there was universal criticism that the policies around secure accommodation were still being dictated by the availability and design of the existing facility rather than the anticipated needs of young people.
- 4.6 Many staff commented on the strong safeguarding culture that had developed, particularly in schools and other educational establishments, in Jersey. There was now a genuine commitment in education services to raise standards of practice in this area across all establishments. Safeguarding issues in schools were raised with us several times in discussions with staff or parents. In each case, the concerns stemmed from a perception that safeguarding practice in a particular area was not as robust or consistent as it should be. There was evidence of a growing body of well-informed champions of good safeguarding practice standards in and around Jersey schools who were willing to challenge the status quo to ensure children were kept safe.
- 4.7 *“As a foster carer I have seen little change on the ground. There is a lot of talk of signing pledges and putting children first, but I would like to know what actual steps and actions have been put in place.”*

Foster Carers were one group whose experience seemed to have changed little since the inquiry. Many attributed difficulties to frequent changes of social worker and the impact that had on the lives of the children they looked after. Foster carers felt that what was said by managers and politicians gave the impression that they were valued partners, but their day to day experience was still that their views counted for little. Many foster carer respondents felt that children were receiving a poor-quality service. Lack of in-depth understanding of the children was seen to be yet another consequence of heavy staff turnover.

4.8 A range of examples were offered by parents, young people, carers and other professionals of situations where decisions had been taken, or views adopted about, an aspect of a case by a social worker or a reviewing officer or a guardian ad litem, which did not embrace all available viewpoints. In these circumstances, the worker was described as impervious to all other possibilities, information or views raised by stakeholders or professionals and seemed only interested in information which appeared to confirm their own view. Some families, and even some professionals, perceived some case meetings / conferences as pointless, as it seemed to them one agency had *“made the decision beforehand and just stuck to it”*.

4.9 Some families and professionals thought the standards of social work practice of children suffered heavily because of the pressures from staff turnover, leading some workers to adopt a ‘tick box’ rather than relationship-based approach.

“I think the focus on compliance in social work is culturally unhelpful. A balanced approach to compliance and doing the basics well would be helpful along with a clear set of guidance, procedures and induction, in particular because of the churn of staff.”

4.10 Some respondents highlighted good frontline staff practice and made pleas for the experience and knowledge of frontline staff to be given more weight.

“If only the government of Jersey could invest money in frontline services rather than reports, we might be in a better position. I think often those on the frontline have the best ideas of how to fix things but often change comes from the top rather from the bottom.”

5. Independent Scrutiny is Essential

5.1 Many contributors welcomed the development of independent regulators, such as the Care Commission, Children’s Commissioner and the proposed Public Service Ombudsman. A strongly recurring theme was *‘concern about independence’*. Many respondents were worried about direct interference from politicians, civil servants or law officers in the operation of these institutions and many were convinced that truly independent scrutiny was not yet possible in Jersey.

5.2 Often the concerns could be paraphrased as worries about *agencies “not knowing what independence looks like”*. We heard examples of agencies or individual managers taking or supporting actions which they believed to be promoting independent scrutiny, but which other professionals saw as compromised by conflicts of interest. One senior

manager who questioned *“the friendships that existed within management of an organisation”*, where one member was asked to review a decision of a colleague and close friend, was given the response that *“it is normal for close friendships to form on a small island”* and failed to convince colleagues of the need to avoid even the perception of a conflict of interest.

- 5.3 Overall, there was strong support for the practice of appointing external experts to key roles responsible for improving standards and carrying out scrutiny such as the Designated Nurse for Safeguarding, Care Commissioners, Early Years Partnership Chair and Children’s Commissioner. Several people stressed, however, that it was important that external experts were knowledgeable about Jersey laws and culture and did not impose solutions or recommendations that were incompatible with the island’s systems. Many people highlighted how easy it was, even for external appointees, including those based outside the island, to be drawn into social life and friendships in Jersey, giving rise to a perception of compromise or bias. Safeguards such as external reviews and appraisals of external appointees and of regulators were suggested.
- 5.4 Many contributors observed that this IJCI Panel review had been a catalyst for change and for increasing the pace of the implementation of the Inquiry’s recommendations. For this reason, contributors from all backgrounds suggested such a mechanism was required in the foreseeable future to ensure momentum and standards were maintained.
- 5.5 The point was made by some contributors that regulators and others were constrained by the legal framework within which they operated and by the guidance or procedures against which they had to measure compliance. A public service ombudsman, for example, could make a finding that a service had followed the law or followed procedures but could not change an unfair law or replace inadequate guidance. The importance of independent input to, and scrutiny of, legal advice for lawmakers and regulators was emphasised.

6. Stay Connected

- 6.1 The Inquiry had found that some service areas were still operating under outdated policies and using models of service that were inconsistent with current research and evidence-based practice for child health, safeguarding and welfare. In some areas there had been few opportunities for staff to keep their skills and learning updated and inadequate and unchallenging supervision of workers. Areas of professional practice relating to children - social work, education, health, policy services and legal services - had become disconnected from international networks, training opportunities, research groups and professional associations and in those instances, professional standards and practice had fallen behind other jurisdictions and international communities.
- 6.2 In this review, many professionals reported increased emphasis on, and opportunities for, continuing professional development and for networking outside Jersey. The Office of the Children’s Commissioner, from its inception, had been encouraged to integrate

with the UK and Irish network of commissioners and to identify and adopt good practice from European and other commissioners.

- 6.3 In the past, children in the care system who suffered mistreatment, abuse, neglect and inadequate care were unaware that such practices were unacceptable or that the nature and quality of care could be different. Many professionals and young people commented on the successful initiatives involving the embryonic 'Jersey Cares' group and from the Children's Rights Officer to connect young care experienced people in Jersey with UK networks for looked after children. This had resulted in visits to see best practice examples in other jurisdictions and to participate in international conferences for looked after young people. These events not only strengthened young people's expectations of how they should be looked after, but also provided opportunities for Jersey's young people to talk about aspects of care in Jersey they felt were as good as or better than provision in other places.
- 6.4 We did hear criticisms from some members of the community about the costs of politicians and professionals' travel, interactions with professional networks, conferences and training outside Jersey. Others were more pragmatic and recognised that such investment was essential for an island community to ensure that the island's policies and the practice of its professionals was up to date. Some also saw benefits in 'not reinventing the wheel' and adopting or adapting systems used elsewhere for Jersey's needs whenever possible.

7. Investment is Essential

- 7.1 There was widespread acknowledgement that the States of Jersey had made available considerable resources to address the deficiencies in services for children and to improve the quality of outcomes and opportunities for disadvantaged. Investment in areas such as SARC, domestic violence provision and community development work by Jersey Youth Service was strongly welcomed.
- 7.2 Investment in some areas was seen as still insufficient, most notably in the area of mental health services for children and around the need to address the problems of recruiting and retaining social workers for children.

"I was expecting a bigger commitment from the States to employ more staff, improve training and provide better support. From the last report, it was damning to hear how behind Jersey is with its childcare systems. Lots of people at the top nodded their heads and made the right noises but at ground level, I see or hear very little in the way of improvements."

- 7.3 A few professionals expressed confusion over how funding priorities were decided for the money made available following the Inquiry report. Some argued that the lack of transparency in the process reinforced perceptions of a lack of impartiality and objectivity in decision-making. Others wondered why initiatives they saw as crucial to keeping children safe and improving outcomes had apparently missed out and were running on inadequate and minimal funding. Examples included the Early Years

Partnership, the 'Virtual Head Teacher' initiative, the Jersey Safeguarding Partnership Board and safeguarding development in health services.

- 7.4 Several respondents emphasised the need to ensure investment was tied to sound planning and to securing specific outcomes. A lot of people worried that despite massive spending, few benefits or productive outcomes were discernible. Many accepted the need for extensive investment in services for children but worried that there was a lack of clarity about what needed to be achieved, insufficiently robust mechanisms for monitoring and evaluating progress and poor lines of accountability. People described a plethora of processes – workgroups, boards, meetings – that consumed much time and energy discussing plans and strategies, but had delivered few tangible outcomes. Some professionals still had concerns about the absence of sound management and performance data that would allow problem areas to be identified or anticipated. There were few systems to ensure the impact of spending or of actions was monitored and evaluated. The audit work undertaken by the new named GPs safeguarding was highlighted as an example of good practice that should be commonplace across health and children's services; research was undertaken to identify the extent to which GPs were made aware of safeguarding concerns or protection plans for children in their practices. The audit is leading to work addressing these issues.
- 7.5 People who had an interest in, or had been involved in looking at, legacy issues from the Inquiry generally welcomed the approach taken by the States on these matters. Work was early set in hand to identify short-term goals and strategies that would allow an acknowledgement of Jersey's past and emblemise a commitment to sound child care policies and practice in the future. While the Citizens' Panel group had reached careful consensus on the way ahead, there was a wider range of views amongst respondents to this review. A recurring theme was the need for long-term commitment to supporting people who had been failed by the care system in Jersey. While some people who had experienced the care system in Jersey had found the 2017 Inquiry report cathartic and helpful, they explained they still lived with the daily impact of abusive and neglectful childhood experiences. Others described PTSD-type reactions to news items, places and people. The message was: "*It is not over for us*". Members of the community also recognised the need for long term support for care-experienced adults in Jersey. The argument was made by several people that, just as a parent would be on hand to support a child with lifelong health issues, so the States of Jersey, as a corporate parent, should anticipate and provide lifelong support for those who had been traumatised and abused in their care. As one person pointed out, it would ultimately be more prudent to invest in long term support now rather than wait to react each time a crisis arose.
- 7.6 Many who contributed to this review stressed the need for investment in government staff, including health, social work and education professionals who often felt undervalued and who were demoralised by repeated criticism and by a prolonged period of change and uncertainty. Many contributors described the difficulties of working to high professional standards when they were plagued by uncertainties about their employment and harried by changes and criticisms.

“We have had interim managers in post, and I know of several excellent staff who are considering leaving the island due to a lack of information about whether how the changes will impact on them. This uncertainty has been going on far too long. Staff are feeling frustrated and undervalued.”

- 7.7 Modernisation of government working practices was generally recognised as necessary, but many staff were strongly critical of the pace and management of the process. Most people’s experience was that information about the changes and their consequences was sparse and poorly communicated. People complained of external interim advisors with little understanding of Jersey context being brought in at great expense, while little was invested in supporting existing staff, communicating effectively with them or tapping into their experience. Staff felt that their local knowledge and connections, which they believed were vital for working in an island community, were regarded with suspicion or not valued. Several people pointed out that all that had been achieved since the 2017 report was evidence of the dedication of staff who were working in a highly pressurised and uncertain environment.

“The considerable investment in Children’s Social Work services has not resulted in consistent improvement in my view. There seems to be a lack of focus on the workforce. Systemic leadership suggests a clear need to focus on making children’s social work services a “healthy organisation” - training and development pathways, career pathways, supervision and support, tools to do the job. All of which should be planned or in place by now.”

8. Quality of leadership and professionalism are fundamental requirements

- 8.1 Many professionals, families and young people expressed confidence in the recently appointed Director General of CYPES, Mark Rogers and the approach to change and improvement which he had adopted. Even service users critical of CYPES often said they respected his approach – they just wanted to experience the same kind of professionalism and attitude consistently from the whole workforce.
- 8.2 What some people had found refreshing about Mr Rogers’ leadership was a readiness to listen to their concerns and a lack of defensiveness about criticism. Some young people described the Director General meeting personally with them and trying to find solutions for challenges they were facing. Staff valued the fact that he was “*staying to see it through*” in Jersey after finding hopes had been raised and dashed previously as interim managers with different priorities came and left. Several professionals expressed frustration with other tiers of management:

“Every working day I work with other agencies and services for better outcomes for children and families. I am consistently struck in the main by the willingness to work together with families to achieve solutions. Trying to do the right thing. Strategically it seems more confused with an unhelpful jostling for position at very senior levels.”

- 8.3 Many people recognised that changes to government systems and structures were long overdue and had hopes that *“once the dust settled”* the changes would bring about a more streamlined, integrated and accountable civil service. The process and pace of the change was a concern for many staff. Some had concerns that there would be vast expenditure, great turmoil and the quality of outputs and outcomes would not change. For some, at this stage in the transformation process, it was difficult to see what, if anything, was better. Others noted that *“for the first-time staff are being held accountable”* and welcomed this development while recognising that change was difficult for many staff.

“Individuals within [Children’s Services] are attempting to make changes with Jersey’s approach to social care, unfortunately this is dampened by some long-standing managers that are set in their ‘Jersey’ ways reducing the impact these experienced and capable professionals are having.”

- 8.4 For families and young people, they wanted the change to deliver services that were consistent and professional at all levels of the organisation, where appointments, commitments, agreements and promises were kept. Young people described feeling *“fobbed off”* by professionals and that they were never *“as important”* as the people or matters adults gave time to instead of keeping arrangements with them. They told us appointments were often switched *“for something more important”* which made them feel their concerns and needs were insignificant. People wanted to be kept updated but not *“talked at in jargon”*. They wanted to be able to raise disagreements and concerns without staff *“going all defensive”* and feeling the whole weight of the organisation was ranged against them. Foster carers wanted to be treated professionally, as knowledgeable partners in the decision-making process for children, rather than *“minions”*.

- 8.5 Several people recognised that to attract the right calibre of leadership to Jersey *“who would set the tone”*, exceptional arrangements would have to be made to recruit and retain such people but that it was important they demonstrated a long-term commitment to the island.

“There are a few really good social workers who have made their home in Jersey and are doing good work.”

9. Openness and transparency must characterise the culture of public services

- 9.1 We received many contributions on this issue which was seen to go to the heart of the challenges facing services in Jersey.

“Defensiveness seems to pervade the services and there is little transparency.”

- 9.2 Many people are still highly distrustful of how decisions are made in Jersey. Often it appears to be the absence of clarity and openness which gives rise to distrust and suspicion, leading to sinister motives being attributed to decision-making processes that lack transparency.

“Still there is a lack of transparency when decisions are made. GDPR is used as a reason not to provide information.”

“... some progress has been made but the “Jersey way” that is detailed within the IJCI report is observed to be still firmly in place within service.”

- 9.3 Poor and insensitive handling of complaints or representations and organisational defensiveness are sometimes perceived as attempts to cover up mistakes and protect staff.

“Inaccurate information is provided, and true records are not supplied when requested. Obstacles are put in the way of anyone who complains. Only the persistent get responses to complaints or concerns.”

“... there seems to be even more secrecy than before and a great reluctance to release information. There is a great tendency to deny any faults or inadequacies and to blame the complainants. I have known of professionals defaming complainants and reports being made to the police against people who complain when they have been badly treated by the professionals who should be there to help. There is still a culture of covering up mistakes and poor decision making rather than accepting mistakes and apologising.”

- 9.4 While some respondents saw poor responses to complaints as simply further evidence of what they perceived as incompetence or ineptitude, others considered they were experiencing deliberate attempts to mislead them and deter complaints, referencing *“an ever-growing list of lies the service tell us”*.

- 9.5 Staff who had contemplated using whistleblowing procedures suggested that they had little confidence in the objectivity and transparency of the processes. Some staff highlighted weaknesses in a system where perceived conflicts of interest were either not recognised or were simply tolerated.

“There is still a culture of fear in the workplace about reporting any concerns and I have spoken to several colleagues that have had to move on and just accept that they did not receive a fair, independent response.”

“I’m still afraid to even be writing ... this ... as I don’t want to be identified as I fear my job would be on the line for speaking out. So, the “Jersey Way” is still very much in place.”

“People are still in fear of speaking out.”

- 9.6 Some professionals and families mentioned concerns about situations where government staff were in close friendships or relationships with members of staff whom they line-managed. Their perception was that these situations were not well-managed and that they resulted in decisions being influenced or changed to favour the partner. A small number of people suggested that workplace relationships might be inevitable in a place the size of Jersey and that was all the more reason that there should be clear procedures and more transparency about how decisions were made, alongside robust processes to eliminate even perceived conflicts of interest.

- 9.7 This is an area which evoked strong feelings and responses. Many people expressed frustration that politicians and senior managers had not learned lessons from decades of obfuscation and secrecy which had contributed to abusive practices and systems being tolerated, damaging generations of the island's children. Many people suggested that Jersey had to adopt robustly transparent approaches to managing complaints, queries, disciplinary processes, appraisals and decision-making that would help dispel the suspicion and frustration many people held about matters "*decided behind closed doors*" and by "*people in power looking out for their friends*".
- 9.8 It was argued that the interconnectedness of island life and the history of compromised and flawed decision-making in Jersey's children's services should prompt the island's public services to embrace the highest standards of transparency and accountability, in order to be seen to eliminate even the perception of conflict of interest in decision-making processes.
- 9.9 Many people recognised that it is always going to be harder to give and receive frank feedback in an island community than in the large metropolitan areas in other jurisdictions. Many people in Jersey told us they were fearful still of criticising public services in case services they or their family received was affected. Others were sceptical that appraisal and inspection systems in Jersey would be effective in the current climate, as people were reluctant to deal with poor performance when the consequences could jeopardise a colleague's livelihood.
- 9.10 "*... An unrelenting focus on transparency and integrity needs to be front and centre.*" It was suggested that a priority for Jersey is to express its commitment to transparency in decision-making. Others argued for innovative approaches to ensure there is a range of readily accessible, independent and confidential mechanisms for staff and service users to provide feedback to public sector agencies, so they understand whether and how policy objectives are translating into positive outcomes.
- "I hope [my child] grows up on the island where [my child] can talk about systems that are failing and challenge people in safe forums without the worry of being blacklisted."*

Appendix 3

Post Inquiry Review July 2017

APPENDIX 3

Post Inquiry Review July 2017

Having set out recommendations in our report we would expect to see the following progress in place when a review is undertaken in three years time.

1.Children's Commissioner

A Commissioner will be in post having been appointed by the States Assembly in a process involving young people.

The Commissioner will have legislation in place supporting his or her function.

The Commissioner will have presented at least one Annual report to the States Assembly and the Council of Ministers will have published their response.

There will be evidence of active engagement with children and young people and evidence that looked after children know how to access the Commissioner.

The Commissioner will be a member of the British and Irish Network of Child Commissioners (BINOCC)

2. Giving Children and Young People a Voice

The complaints system for children and young people will have been reviewed in a process which has taken into account the views of care experienced young people.

A Children's Rights Officer(s) will have been appointed with direct access to the Managing Director for Children's Services.

An arrangement will have been entered into with an independent agency with experience of providing advocacy for young people and promoting children's rights to ensure that there is an independent means of supporting young people to express their views.

Young people will be able to evidence that they consider their views are routinely taken into account.

3. Inspection of Services

An arrangement will have been made for the routine independent inspection of services using an agreed set of quality standards.

The powers and duties of the inspection service will have been set out in law.

The model of inspection will be one which supports a culture of learning.

Inspection teams will in addition to appropriate professionals lay people such as those previously involved in IVYP and also young people.

Reports of inspections will be made public, as will responses from inspected services.

Looked after young people will be able to evidence that they understand how the services they use are inspected and that they understand how to express their views to the inspectorate.

Young people will be able to evidence that the findings of inspections reflect their experiences and that services have taken these into account.

4. Building a Sustainable Workforce

A recruitment and retention strategy will have been agreed and the necessary resources applied to it.

A dedicated specialist HR resource will be in place to facilitate the delivery of the strategy

A programme of transformational change for social work and social care practice will be in place and a Jersey model of service will be in development.

A programme for monitoring progress on a regular basis by the Council of Ministers will be in place with regular reports being presented to the States Assembly.

People who work in services and who make use of services will be able to evidence that they are adequately staffed and that there is a consistency of staffing on which they can rely at all levels.

5. Legislation

There will be a plan in place as to how Jersey can keep pace in legislation and policy guidance with current thinking on meeting the needs of children and young people.

A review of the Jersey youth justice system will be well underway if not complete. This will focus on putting the child first and the offender second and as such will be based on the needs of young people whose adversities in life manifest themselves in offending behaviour.

6. Corporate Parent

It will have been mandatory that all members of the States will attend a training and briefing session on their responsibilities as corporate parents following each occasion of their election to the States Assembly. There will also be a mandatory annual refresher training session for all members.

There will be evidence that a culture of corporate working is being developed and that senior officers are able to demonstrate how they are leading this culture.

A first Jersey Children's Plan will have been published setting out SMART objectives.

People who work in services and who make use of services will be able to evidence that they are adequately staffed and that there is a consistency of staffing on which they can rely at all levels.

7. "The Jersey Way"

There will be tangible evidence that there is a commitment by all in positions of power and influence to dispel the perception of the negative influence which is referred to as "the Jersey Way"

Steps will have been taken to implement the recommendations of the Clothier and Carsewell inquiries in respect of the role of the Bailiff.

Consideration will have been given as to the role of the Advocate General in regard to prosecutions with a view to removing any potential perception that such decisions are not properly independent of the judiciary and government.

All communities in Jersey will be able to evidence that their confidence in services and systems is no longer undermined by a suspicion or belief that there is a negative influence known as the Jersey Way at work.

8. Legacy Issues

Suitable arrangements will be in place for the preservation of the archives of the Independent Jersey Care Inquiry in perpetuity.

The most sensitive of material will have been secured in a suitable off island repository with clear rules set out as to how and by whom it may be accessed.

A suitable means of sensitively memorialising the children who were the victims of failures in the Jersey child care system over the decades will have been agreed in consultation with survivors.

Agreement will have been reached as to the clearance of the Haut de la Garenne site.

The people of Jersey will be able to evidence that they have had a full opportunity to have their views taken into account in dealing with the legacy issues such that they perceive that the island has moved forward from the failings of the past in the most positive way possible.

Appendix 4

Extract from:

States of Jersey

Children's Legislative Programme
(2019 – 2023)

Children’s Legislation Transformation Programme

[Extract]

Schedule

Determining the Contents of the Schedule of legislation

Research commenced with an analysis of the key legislative provisions relating to and impacting upon children in England, Scotland and Jersey. This provided a map of the gaps in Jersey’s legislation upon comparison with England and Scotland. Items have been added to the schedule of legislation where there is understanding that there is a deficiency in the island’s law.

In addition, significant work has taken place since the report of the IJCI in July 2017, including the Jersey Youth Justice Review and the development of the Children and Young People’s Plan 2019 – 2023, which have turned up aspects of Jersey legislation that require change. Items have been included in the schedule of legislation where issues have been raised by practitioners who have been consulted in the course of this work.

The decision to further implement the UNCRC does not necessarily require Jersey to bring forward legislative changes that go beyond current provisions in England and Scotland. However, some measures, such as raising the legal age of marriage and prohibiting the employment of under 16s, have been added to the schedule of legislation as these provisions will ensure that Jersey implements the convention more effectively than the UK.

Commencement Phase 1

- “Child in Need” Statutory Provisions
- Youth Justice
- Reciprocal Care Orders
- Parental Responsibility Orders
- Care Leavers
- Regulation and Inspection of Children’s Social Work Services & Social Services
- Corporate Parenting
- Public Law Outline
- Discrimination Against Children by Landlords
- Duty on Relevant Bodies to Cooperate to Safeguard Children and to promote the welfare of Vulnerable Adults

- United Nations Convention on the Rights of the Child
- Family Law Matters
- Commissioner for Children and Young People
- Sexual Offences
- Criminal Procedures in relation to children and young people
- Early Years Education and Childcare
- Education Law
- Provisions for those Not in Education Employment or Training
- Corporal Punishment

Commencement Phase 2

- Regulation and Inspection of Further Children's Services
- Special Guardianship Orders
- The Safeguarding Partnership Board
- Independent Reviewing Officers
- Role of the Chief Social Worker
- Safeguarding and the Welfare of Children in Hospitals

Commencement Phase 3

- Harbours of Children
- Duty to Publish a Children's Plan
- Secure Care Law
- Adoption Law
- Parental Leave
- Domestic Abuse Law
- Automatic Appointment of Lawyers in Children's Public Law Cases
- Criminal Background Checks
- Employment of Children
- Youth Service
- Causing or Allowing the Death of a Child
- Child Restraints in Vehicles
- Jersey Family Court Advisory Service
- Lead Worker
- Tenancy Laws

It is envisaged that policy development including research and investigation will commence on all Phase 1 items (not already in progress) in January 2019, with work beginning on Phase 2 in January 2020.