

States of Jersey
States Assembly



États de Jersey
Assemblée des États

Care of Children in Jersey Review Panel



Legacy Report

Presented to the States on 23rd April 2018

S.R.11/2018

Care of Children in Jersey Review Panel

Legacy Report for session 2014 to 2018

Overview and Timeline

1. The Care of Children in Jersey Review Panel was formally constituted at its first meeting on 5th September 2017. The Review Panel was established to ensure that the recommendations that were put forward by the Independent Jersey Care Inquiry (IJCI) were implemented correctly. The IJCI was published on 3rd July 2017 and identified individual and systemic failings and made 8 core recommendations for the future management and operation of Jersey's residential and foster homes to ensure the island provides a safe and secure environment for the children in its care. Furthermore it relayed (and backed) 659 recommendations put forward by individuals or stakeholder organisations in Jersey, which it grouped into 11 themed categories.
2. The Panel is chaired by Deputy S.Y. Mézec, with Deputy T.A. Vallois as Vice Chairman. Senator S.C. Ferguson has also been a member of the Panel since its formation, with Deputy M.R. Higgins joining the Panel in November 2017. Deputy J.A. Hilton was also a member of the Review Panel from its formation until her resignation in January 2018. The Review Panel has met 23 times since its formation. Details of the meetings held by the Panel can be accessed on the scrutiny website [here](#).
3. It was agreed by the Chairmen's Committee that the terms of reference for the Care of Children in Jersey Review Panel were:
 - To examine the policy of the Council of Ministers in relation to the eight core recommendations made by the Independent Jersey Care Inquiry Panel (IJCI).
 - To consider the recommendations contributed to the IJCI by members of the public and stakeholder organisations in Jersey (659 individual recommendations grouped into 11 categories by the IJCI Panel) and examine the policy of the Council of Ministers to those matters
 - To scrutinise all legislation arising from the recommendations made by the Independent Jersey Care Inquiry.
4. The Council of Ministers published a response to the recommendations made in the IJCI on 31st October 2017(P.108/2017 Independent Jersey Care Inquiry report: implementation of recommendations). The report laid out the headline actions that would be undertaken by various departments in order to achieve the recommendations in the IJCI. As such, the Panel reviewed the headline actions and sought [submissions](#) from local organisations and stakeholders to help inform its review. Correspondence with Ministers and other organisations has also been undertaken and can be viewed [here](#).

Public Hearings

5. The Review Panel has held four public hearings with the Chief Minister since its formation, the transcripts can be found on the scrutiny website [here](#). The main focus of the public hearings was on the progress made in implementing the

recommendations and any associated issues that had arisen in relation to the implementation.

Meetings and Briefings

6. The Review Panel has also held the following meetings and briefings with relevant officers and stakeholders:
 - Managing Director of Community and Social Services: 18th October 2017
 - Care Commissioner: 21st November 2017
 - Principal Youth Officer: 22nd November 2017
 - Chief Minister: 29th November 2017
 - States of Jersey Police: 11th January 2018
 - Chief Executive of the States of Jersey: 11th January 2018
 - Children's Commissioner: 19th January 2018
 - Jersey Association of Family Therapy: 24th January 2018
 - Victim Support Jersey: 24th January 2018
 - Independent Visitors for Young People: 26th January 2018
 - Children's Commissioner: 7th February 2018

Reporting

7. On 31st January 2018, the States Assembly held an in-committee debate to discuss P.108/2017. Initially the proposition was due to be voted on, however, after productive discussions with the Chief Minister, the Review Panel persuaded him to bring forward the proposition in-committee. In preparation for this debate, the Review Panel produced comments on the work it had undertaken, and outlined its conclusions based on the evidence it had received. The Panel's comments can be accessed [here](#).

Future work and Legacy Issues

8. Given the scale of the recommendations put forward by the IJCI and the subsequent response, the Chairmen's Committee **should reconstitute the Review Panel as a matter of the highest priority after the election**. The importance of implementing the IJCI recommendations correctly is paramount to the welfare and safety of children and young people in the Island, and the role of scrutiny in this process cannot be understated. Where other Panels are unable to undertake reviews on issues pertaining to the Care Inquiry, the Review Panel acts as a safety net, essentially taking on this work to ensure adequate scrutiny is conducted.
9. Numerous reviews will no doubt emerge as work continues on the implementation of the headline actions in P.108/2017, and further actions may well emerge as the recommendations are implemented. The Panel therefore recommends that the following areas within the 8 core recommendations are examined further by the new Review Panel.

Recommendation One: A Commissioner for Children

10. The appointment of the Children's Commissioner in January 2018 has been one of the early successes for the implementation of the IJCI recommendations. The legislation to underpin the role of the Commissioner is due to be brought forward by the end of

2018. The Review Panel believes that this legislation is key to establishing a truly independent role that is able to act without fear or favour and hold Ministers and Civil Servants to account. It is therefore recommended that a full review of the legislation is undertaken by the next Review Panel. Likewise, further examination of any potential pan-island role for the Commissioner should be undertaken as well as the planned incorporation of the 'United Nations Convention on the Rights of the Child' into Jersey legislation.

Recommendation Two: Giving Children and Young People a Voice

11. There has been considerable work undertaken in implementing this recommendation, and the Review Panel has seen evidence to suggest that the voice of the child is being listened to in the process. However, the Panel is concerned about the amount of responsibility that is being placed on the Jersey Youth Service to implement parts of the recommendation. The Youth Service is not a statutory service and given the level of responsibility in relation to the Care Inquiry it is the opinion of the Panel that consideration should be given to the certainty of its funding. A review of this issue could be undertaken by the next Panel.
12. The Panel has received submissions in relation to the role of the Children's Rights Officer with concerns being raised about the direct reporting line to the Managing Director of Community and Social Services. At the time of writing, the officer has not been recruited and further examination of the impact of the role should be considered once it is operational.

Recommendation Three: Inspection of Services

13. The Care Commission under delegated responsibility to arrange an inspection of Children's Services has appointed OFSTED and the terms of reference for the inspection have been agreed. It is intended that the inspection will take place during the summer of 2018, with the report being published in September 2018. It is likely that a number of recommendations will be put forward in this report, and therefore adequate scrutiny should be undertaken to make sure that the recommendations are implemented correctly. The arrangements for annual inspections should also be scrutinised.
14. The Panel had concerns raised by the Independent Visitors for Young People about the proposed phasing out of the support they offer to young people in care homes. It became clear to the Panel that this decision was not communicated clearly to the IVYP by the relevant Departments, and no discussion had taken place as to the role the IVYP would play. The Review Panel raised this issue with the Chief Minister and the IVYP were subsequently asked to continue in their role, whilst discussions took place about their future. During a public hearing the Chief Minister explained that further discussions with the IVYP had taken place and they would be continuing to offer support to young people in care homes. However, further information presented to the Panel directly from the IVYP has shown that the organisation will be disbanded completely by September 2018. Concerns still exist that plans for regular inspections will not be in place by September 2018 and therefore, the next Panel should monitor this situation closely.

Recommendation Four: Building a Sustainable Workforce

15. This particular recommendation has been closely examined by the Panel, with emphasis being placed on the importance that it plays in meeting the requirements of the other recommendations. Further examination should be undertaken on the progress in implementing the Jersey Practice Model, as well as ongoing assessment of the recruitment and retention plans for social workers and other health staff working with children and young people. The results of the Bullying and Harassment review should also be examined and followed up where appropriate.
16. It is the opinion of the Panel that the changes put forward in P.108/2017 are too narrow in scope to tackle some of the major challenges that Jersey faces in the recruitment and retention of staff. The Review Panel has advocated for a review of the whole States of Jersey Human Resource function on numerous occasions, and would strongly recommend that the next Review Panel pursues this line of questioning further.

Recommendation Five: Legislation

17. The Review Panel has not been able to undertake much work in relation to this recommendation, based solely on the fact that many of the actions are due to be completed post-election. The schedule for children's policy and the legislative programme to support the revised Children's Plan should be examined further when available.
18. The revised Children's Plan is due to be presented to the next Council of Ministers in June 2018, and a full review of this plan must be a top priority.

Recommendation Six: Corporate Parent

19. The Privileges and Procedures Committee (PPC) has brought forward legislation to clarify the roles and responsibilities of States Members, and it is intended that this will be debated in the Assembly on 26th June 2018. The Review Panel has considered the proposition and is of the opinion that it adequately defines the roles of a States Member. It is also important to note that the roles do expressly state the responsibility of States Members to safeguard children, young people and other vulnerable groups in the Island.

Recommendation Seven: The Jersey Way

20. As with Recommendation Five many of the actions that have been put forward to deal with this recommendation are not due to be completed until after the election. The Review Panel would recommend that any plans brought forward to increase accountability or transparency are thoroughly examined.
21. The Review Panel has noted the Law Commission's report on administrative redress, and that the recommendation to appointment a Public Services Ombudsman has been adopted in principle by the States following a proposition brought by Senator P.F.C. Ozouf. As work is undertaken to develop this role, further examination should be undertaken by the next Panel. Likewise, any implementation of other Law Commission's recommendations should be scrutinised.

Recommendation Eight: Legacy Issues

22. The Community and Constitutional Affairs Department is undertaking a public consultation on the future of Haut de la Garenne, and the Review Panel has addressed this in public hearings with the Chief Minister. Prior to a decision being made as a result of the consultation, the next Panel should ensure that adequate weight has been given to the views of former residents.