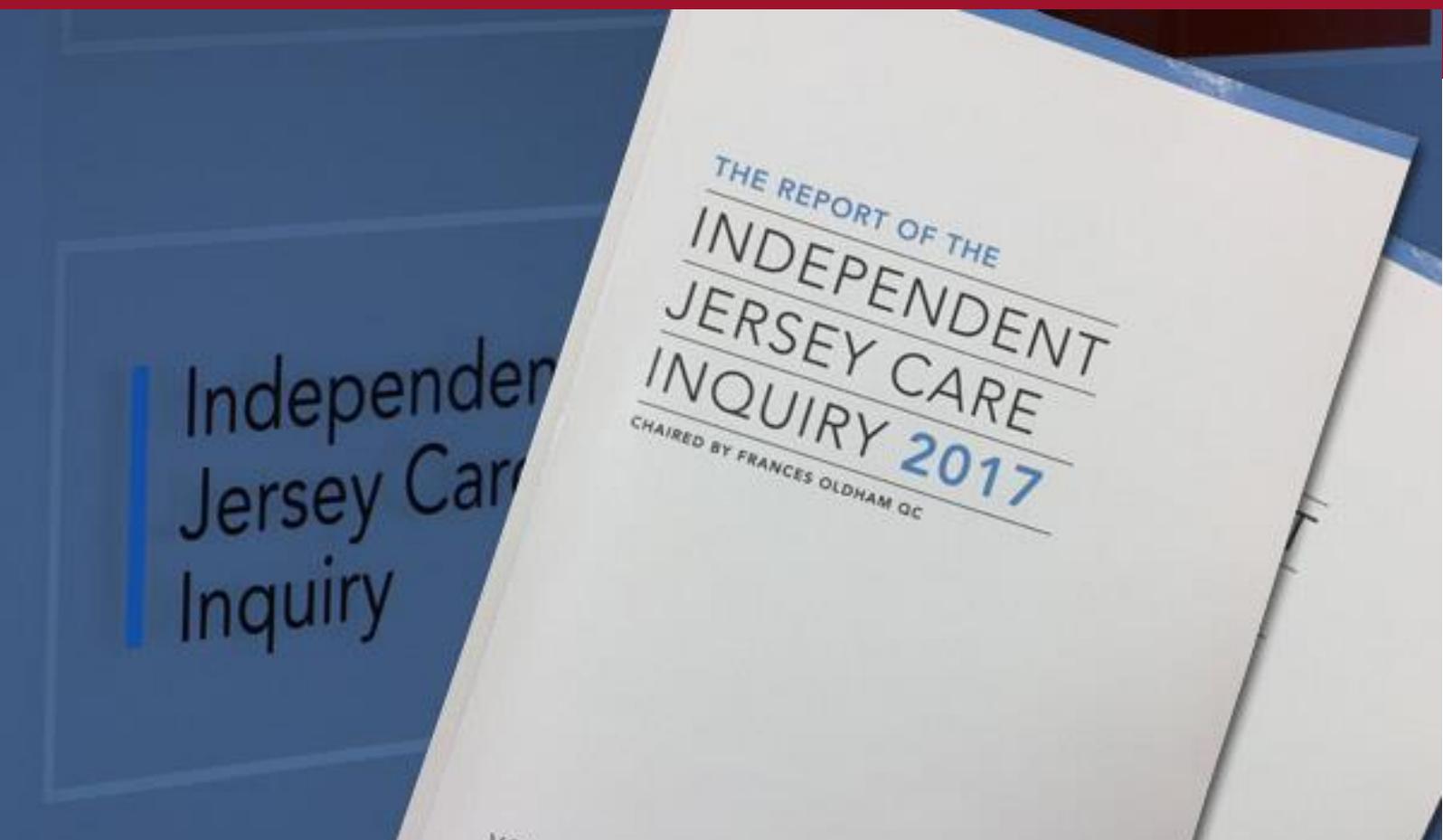


Response to the Care Inquiry: Update Report November 2019

Care of Children in Jersey Review Panel

Presented to the States on 8th November 2019

S.R.12/2019



States of Jersey
States Assembly



États de Jersey
Assemblée des États

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1. Chair's Foreword



This is the second of what will be a series of interim reports that seek to maintain the dialogue around progress from the recommendations made in the Independent Jersey Care Inquiry (IJCI). This report focuses on recommendations 5 to 8.

I would like to thank all who made submissions. They have been invaluable in informing our recommendations and the future work of the Review Panel.

I would like to thank my fellow Panel Members for their commitment to continuing to challenge our need for change. This would be impossible without the dedicated work of Scrutiny Officers.

I feel that it is important that we stay within the parameters of the Panel's terms of reference, in order to focus on practical outcomes from the IJCI recommendations.

We are still part of an ongoing process of much needed change. As such, I must restate that this report is not the final one from the Panel. It must be read in this context. Indeed, we will recommend further, essential work that needs to happen to address legacy issues and the 'Jersey Way'.

A handwritten signature in black ink, appearing to read 'R. Ward', written in a cursive style.

Deputy R. Ward
Chair, Care of Children in Jersey Review Panel

2. Executive Summary

This is the second in a series of interim reports that seeks to examine the progress made in implementing the recommendations arising from the Independent Jersey Care Inquiry (IJCI). To date, the Care of Children in Jersey Review Panel (the “Review Panel”) has presented a report detailing the implementation of Recommendations One to Four of the IJCI. Within this report it has chosen to examine the progress implementing Recommendations Five (Legislation), Six (Corporate Parent), Seven (the ‘Jersey Way’) and Eight (Legacy Issues)

Whilst the Review Panel has found that significant progress has been made in respect of some areas, others have not progressed as far at this stage. The work of the Review Panel has also been informed by the recent two-year follow up report of the IJCI and some of the additional recommendations arising from that.

In respect of the actions set out within Recommendation Five, the Review Panel is pleased to note that all three actions have progressed considerably. A Children’s Legislation Transformation Programme has been established and sets out three extensive and ambitious phases of legislative development over the coming years.

The Youth Justice Review was published in May 2019 and set out proposals for the future operation of the youth justice system in the Island which are due to be taken forward. The Review also highlighted both the Parish Hall Enquiry system and use of Greenfields in a positive light, which was in contrast to the findings of the IJCI Panel in its two-year review. The Review Panel has recommended that a review of the Parish Hall Enquiry system and how it interacts with children and young people should be commenced. A review of the operation of Greenfields has been completed. The IJCI Panel was explicit in its view that Greenfields is unsuitable for young people and urgent consideration should be given to developing alternative models to deal with young offenders. The Review Panel has recommended that the Minister for Children and Housing brings forward an action plan which details the response to the review of Greenfields and view of the IJCI Panel by the end of quarter one 2020.

A Children’s Plan has been established in line with Recommendation Six of the IJCI and an annual report of the Children’s Strategic Partnership Board is due to be published in early 2020 setting out its progress to date. It was identified in the Review Panel’s previous report that there was a lack of clarity over how the plan would be funded, with the Minister for Children and Housing explaining that it would be from within core departmental allocations and not additional funding. The IJCI Panel reported in its two-year review that there was no clarity over how the objectives in the Children’s Plan would be delivered and resourced and in what timescale. The Review Panel has therefore reiterated its original recommendation that a central register setting out the departmental allocations to achieve the plan should be published alongside the next round of the Government Plan (2020).

The Review Panel notes that extensive debate has taken place in the States Assembly over the definition of ‘Corporate Parent’ in the Island. Whilst a proposition setting out the roles and responsibilities of States Members was lodged in the previous Assembly by the Privileges and Procedures Committee (PPC) it was later withdrawn. A Corporate Parenting Board has been established which has brought forward a preferred policy position for Corporate Parenting in Jersey. Legislation covering this role is due to be developed within phase one of the Children’s Legislative Transformation Programme. The Review Panel has therefore recommended that this legislation is progressed as a matter of priority, to be lodged and debated before the end of quarter four 2020.

The Review Panel received extensive submissions from individuals who explained how they had been affected by the perceived ‘Jersey Way’ as highlighted by the IJCI in

Recommendation Seven. Whilst a number of the issues raised fall outside the Terms of Reference for the Review Panel's report, it has highlighted some of the wider structural and cultural issues that allowed the issues addressed by the IJCI to happen. This context is vital for understanding the changes required in both Children's Services and other aspects of Public Services. The Review Panel intends to scope a review that examines the wider implications of the perceived 'Jersey Way' in the coming months.

In terms of the work that has been undertaken to address the 'Jersey Way', the Review Panel has noted some progress in respect of the appointment of the Children's Commissioner, advocacy support for children and young people in care, proposals to improve internal States of Jersey complaints processes, and the introduction of a Public Services Ombudsman. It has, however, found that there appears to be little tangible progress dealing with the implications of the 'Jersey Way' with the wider community.

A number of Legacy Issues as set out within Recommendation Eight of the IJCI have been progressed to date. The archiving is still being undertaken and confidential information is being stored in a secure off-island facility. Furthermore, a Citizen's Panel was convened to consider recommendations for a memorial and to address these legacy issues. The Review Panel had the pleasure of meeting with the Citizen's Panel and found that whilst some of its recommendations had been progressed, others (including the public memorial) had not been brought forward due to various issues. The Panel found that the budget for implementing these recommendations does not sit with the Citizen's Panel but Treasury. It has therefore recommended that the Minister for Children and Housing be given the budget for the completion of this project. It has also recommended that the Council of Minister's fast tracks the plans for a public memorial to survivors of abuse, to be completed prior to the first ever Children's Day in 2020.

The IJCI Panel recommended that the Haut de la Garenne site be demolished. The future of the site was addressed within a public consultation which found heavily in favour of maintaining the building. This view was also supported by the Citizen's Panel and the Council of Ministers subsequently endorsed the findings of the consultation and would explore the future use of the site further. Within its two-year review, the IJCI reiterated its view that Haut de la Garenne should be demolished as the design is not suitable for the supervision and safeguarding of children. The Review Panel has therefore recommended that suitable capital funding is identified within the next Government Plan (for implementation in 2021) to update the building and bring it in line with modern safeguarding requirements.

Concerns were also raised by the Citizen's Panel that not enough had been done to bring forward advocacy and therapeutic services for survivors of abuse. The Review Panel questioned the Minister for Children and Housing on this matter and found that whilst a significant amount of work was ongoing to increase advocacy and therapeutic support for Looked After Children and Care Leavers, there were no plans at present to extend this to adults. The Review Panel has therefore recommended that consideration is given to including an advocacy service for vulnerable adults within the proposed office of the Public Services Ombudsman to assist them when dealing with Government Departments.

3. Findings and Recommendations

NB: Each finding is accompanied by reference to the section where it can be found:

3.1 Key Findings

Finding 1

The Youth Justice Review was scoped and completed, with recommendations for the future direction of the system put forward within the report. This work has now started and is ongoing, however, it is still too early to identify the progress made. **[Section 5.1]**

Finding 2

The Youth Justice Review gave a positive view on the Parish Hall Inquiry system. The Independent Jersey Care Inquiry recommended within its two-year report that this system should be reviewed, especially in relation to how it interacts with children. **[Section 5.1]**

Finding 3

The Youth Justice Review gave a positive view on the operation of Greenfields. The Independent Jersey Care Inquiry recommended in its two-year report that all residential child care should be moved from the site. It also recommended that the building should be demolished and replaced with small homely units within which close support can be provided when necessary. **[Section 5.1]**

Finding 4

The Children's Legislative programme is broken down in to three phases, the first of which has commenced in 2019. The second phase will begin in 2020 and the third 2021. **[Section 5.2]**

Finding 5

It has been suggested that as part of the legislation transformation programme, The Law Reform (Miscellaneous Provisions) (Jersey) Law 1960 should be amended to remove the 3-year limitation period in respect of crime relating to abuse. It is suggested that this would increase the time period in which victims would have to report any abuse and begin legal proceedings. **[Section 5.2]**

Finding 6

A review of the operation of Greenfields has been conducted, with the findings published in October 2019. **[Section 5.3]**

Finding 7

In its two-year review, the Independent Jersey Care Inquiry Panel stated its opinion that Greenfields in its current design was unsuitable for young people and urgent consideration should be given to developing alternative models to deal with young offenders. **[Section 5.3]**

Finding 8

The Children's Plan has been implemented since early 2019 and the Children's Strategic Partnership Board is due to report back on the first year's progress in early 2020. **[Section 6.1]**

Finding 9

In its two-year review, the Independent Jersey Care Inquiry Panel found that there was no clarity as to how the objectives of the Children and Young People's plan would be delivered and resourced, and in what timescale. **[Section 6.1]**

Finding 10

A proposition detailing the roles and responsibilities of States Members was lodged by the previous Privileges and Procedures Committee, however, this was later withdrawn. **[Section 6.2]**

Finding 11

There is no legal definition of Corporate Parent in Jersey Law. This has in turn led to disagreement across the Membership of the States Assembly as to the responsibilities they would hold as corporate parents. It is intended for legislation to be brought forward that clarifies the role of corporate parent in the Jersey context. **[Section 6.2]**

Finding 12

The Corporate Parenting Board has been established and has published a Corporate Parenting Framework which sets out a preferred policy position. **[Section 6.2]**

Finding 13

A proposition to introduce an elected speaker of the States Assembly was lodged during the previous Assembly and in turn amended to require a referendum to take place on the role of the Bailiff as President of the States. The referendum act was subsequently rejected by the current States Assembly. **[Section 7.1]**

Finding 14

The Independent Jersey Care Inquiry commented in its two-year report that the Island's reluctance to progress on the separation of powers issue (a matter it says sits at the centre of the negative perception of the Island) further strengthens the negative perception of the 'Jersey Way'. **[Section 7.1]**

Finding 15

Whilst there have been some positive developments (appointment of a Children's Commissioner and advocacy support) and proposed developments to provide means of redress (including a Public Services Ombudsman) the Review Panel is concerned that there appears to have been little tangible progress made in addressing the wider implications of the perceived 'Jersey Way' at this time. **[Section 7.2]**

Finding 16

A public consultation was undertaken in respect of the future of the Haut de la Garenne site. 87.8% of the respondents strongly disagreed with the Independent Jersey Care Inquiry's recommendation that the building be demolished. **[Section 8.2]**

Finding 17

The Council of Ministers accepted the findings of the consultation and agreed to engage with stakeholders to explore the future use of the site. **[Section 8.2]**

Finding 18

The Independent Jersey Care Inquiry Panel maintained in its two-year review that the Haut de la Garenne building should be demolished as the design of the building is still not suitable for the supervision and safeguarding of children. **[Section 8.2]**

Finding 19

A Citizen's Panel was established in 2018 which brought forward recommendations that were accepted by the Council of Ministers in respect of the legacy issues identified in the Independent Jersey Care Inquiry. **[Section 8.3]**

Finding 20

The Citizen's Panel are of the view that some of its recommendations have been completed, however, there are significant concerns about a lack of movement in implementing the public memorial and therapeutic and advocacy services for survivors of abuse. **[Section 8.3]**

Finding 21

The Citizen's Panel are of the opinion that not enough has been done in order to bring forward advocacy and therapeutic services for survivors of abuse. **[Section 8.4]**

Finding 22

The Government Plan contains significant proposals to increase the advocacy support available to children and young people in the care system. These services, however, are not extended to adults at this time. **[Section 8.4]**

3.2 Recommendations

NB: Each recommendation is accompanied by reference to the section where it can be found:

Recommendation 1

The Minister for Children and Housing should, in consultation with the relevant Ministers and stakeholders, seek to progress a review of the Parish Hall Inquiry system, specifically how it interacts with children and young people. **[Section 5.1]**

Recommendation 2

The Minister for Children and Housing should bring forward an action plan, which details the response to the findings of the review of Greenfields and proposed response to the Independent Jersey Care Inquiry's comments about the operation of the facility, by the end of Q1 2020. **[Section 5.3]**

Recommendation 3

The Minister for Children and Housing should publish alongside the next Government Plan (2020) a central register that sets out the individual departmental allocations for implementing the Children and Young People's plan. **[Section 6.1]**

Recommendation 4

The Minister for Children and Housing should progress the legislation that defines the role of corporate parent in Jersey. This should be a matter of priority within the Children's Legislation Transformation Programme. The legislation should be finalised and lodged for debate in the States Assembly by the end of Q4 2020. **[Section 6.2]**

Recommendation 5

The Council of Ministers should identify and allocate capital funding in order to update the building and bring it into line with modern safeguarding requirements. This should be completed for inclusion within the next Government Plan for 2021. **[Section 8.2]**

Recommendation 6

The Minister for Children and Housing should assume responsibility for the budget to implement the recommendations arising from the Citizens' Panels report. **[Section 8.3]**

Recommendation 7

The Council of Ministers should fast track the plans for the public memorial to survivors of abuse with a view to it being completed and in place prior to the first annual children's day in 2020. **[Section 8.3]**

Recommendation 8

The office of the proposed Public Service Ombudsman should include an advocacy service for vulnerable adults and survivors of abuse to assist them when dealing with Government Departments. **[Section 8.4]**

4. Introduction

1. The Care of Children in Jersey Review Panel (“The Review Panel”) was established by the Chairmen’s Committee in September 2018 in order to examine the policies, legislation and actions of the Council of Ministers in response to the recommendations made by the Independent Jersey Care Inquiry (“IJCI”). This followed a recommendation by the previous Care of Children in Jersey Review Panel that it be reconstituted after the 2018 Elections¹.
2. The report by the IJCI Panel into the abuse of children in the Island’s care system over many years was presented on 3rd July 2018. The final report identified individual and systemic failings and made eight core recommendations for the future management and operation of Jersey’s residential and foster homes to ensure that the Island provides a safe and secure environment for the children in its care.
3. The Review Panel’s Terms of Reference have been agreed as follows:
 - To examine the policy and actions 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 and actions of the Council of Ministers to those matters;
 - To scrutinise all legislation arising from the recommendations made by the Independent Jersey Care Inquiry.
4. In order to ensure that the actions of the Government were continuously examined, it was agreed at the outset of the Panel’s formation that it would seek to regularly report on the progress made implementing the headline actions in *P.108/2017 “Independent Jersey Care Inquiry Report: implementation of recommendations”* (hereafter “P.108/2017”).
5. In December 2018, the Review Panel published its report S.R.17/2018 Response to the Care Inquiry – Update Report Quarter Four 2018². The report focussed on the progress made implementing recommendations One (A Commissioner for Children), Two (Giving Children and Young People a Voice), Three (Inspection of Services) and Four (Building a Sustainable Workforce).
6. The Review Panel concluded that a significant amount of work had been undertaken in order to implement the IJCI response, however, much more work was required in order to fully implement the cultural and structural changes necessary to improve how Jersey cares for and listens to children and young people.³
7. The Review Panel committed to conducting a review of the next four recommendations later in 2019. These include recommendation five (legislation), six (corporate parent), seven (the ‘Jersey Way’) and eight (Legacy Issues). This report will therefore provide a snapshot of the progress made to date in respect of each recommendation and

¹ [Care of Children in Jersey Review Panel: Legacy Report – p.4](#)

² [S.R.17/2018 Response to the Care Inquiry – Update Report Quarter Four 2018](#)

³ [S.R.17/2018 Response to the Care Inquiry – Update Report Quarter Four 2018](#)

associate action. It is not the intention of the report to review each individual action in full detail.

8. In order to inform its review, the Panel issued a call for evidence seeking the views of the general public and wrote to specific stakeholders for their views (a list can be found in the appendix to the report). Given the nature of a number of areas covered in this report (i.e. the Jersey Way), the Panel received several confidential submissions that highlighted people's personal experiences and situations. In order to protect the identity of those people, these submissions have not been published. Reference will, however, be made to the general views presented from the submissions throughout the report where appropriate.
9. The Review Panel would like to thank everyone who has contributed to this review, especially those who submitted their views and personal experiences.

5. Recommendation Five – Legislation

10. Within the IJCI report, the following summary was presented detailing the concerns and recommendations around legislation for children and young people:

Legislation for children in Jersey has lagged behind the developed world. We have set out suggestions for Jersey keeping pace with other jurisdictions, including developing collaborations with English authorities. We heard from witnesses a view that the Criminal Justice (Young Offenders) (Jersey) Law 2014 should have a section inserted into it recognising that the welfare of children should be a primary consideration. We agree with this proposal, but it is our view that this in itself would not be sufficient unless the whole system were amended to centre on the welfare of the child. We recommend therefore that the youth justice system move to a model that always treats young offenders as children first and offenders second. To that end, we recommend that a suitable training programme be put in place for the judiciary, including a requirement for refresher training to ensure that all carrying these onerous responsibilities are kept briefed on the latest thinking and research.⁴

11. It was established that legislation for children had lagged behind the rest of the world and that children and young people within the criminal justice system were seen primarily as criminals first, children second.
12. The Government identified the following three actions in order to respond to the recommendations of the IJCI⁵:

Actions	Key Milestone	Lead Agency
Agree the scope and identify a suitable provider for an independent review of Youth Justice by December 2017	December 2017	Probation and After Care Service
Establish a schedule of children's policy and legislative programme to support the revised Children's Plan by June 2018	June 2018	Community and Constitutional Affairs
Review operating model of Greenfields Secure Residential Service by December 2018	December 2018	Health and Social Services

13. This section of the report will now examine the progress made in relation to each action highlighted within P.108/2017.

5.1 Youth Justice Review

14. The Youth Justice Review was completed in October 2018 and presented its report on 29th May 2019.⁶ The Review identified several recommendations which should be implemented in order to better serve the needs of children and young people within the Criminal Justice System. These are as follows:

⁴ [Independent Jersey Care Inquiry: Executive Summary Volume 1 p.59.](#)

⁵ [P.108/2017: Independent Jersey Care Inquiry Report: Implementation of recommendations p.20](#)

⁶ [Jersey Youth Justice Review](#)

- a. *The Youth Justice system should be compliant with international children's human rights conventions.*
- b. *Welfare should be a primary consideration and young people should always be treated as children first and offenders second.*
- c. *Whenever possible children should be diverted from the criminal justice system with the expectation that their needs will be met.*
- d. *Young people in the youth justice system should have the same access to their rights and entitlements as any other young person.*
- e. *Children in the youth justice system are kept safe at all times.*
- f. *Children in the youth justice system should be seen and heard.*
- g. *Children in the youth justice system should be dealt with in the least restrictive way possible and only deprived of their liberty as a measure of last resort.*
- h. *Victims should be heard, their needs met and, where appropriate, provided with the opportunity to share their views and take part in restorative processes.*
- i. *Services should be held to account for addressing the needs of young people.⁷*

16. It is clear from the review and from the recommendations set out above, that the needs of children and young people have been placed firmly at the centre of the work of the youth justice system. One of the key areas highlighted by the IJCI was that children within the criminal justice system should be seen as children first and offenders second.⁸ The Panel is pleased to see that this has been contained within the proposals going forward.

17. Furthermore, the IJCI Panel broadly agreed with the findings in its two-year follow up report⁹. This was, however, caveated by the recommendation that the Parish Hall inquiry system should be reviewed, and that Greenfields should be demolished and replaced with smaller units of accommodation where close support could be provided. It is noted by the Review Panel that the Youth Justice Review took a positive view of both of these aspects of the current system.¹⁰ An acknowledgement of the need to consider improvements to the Parish Hall system without undermining the community-based informalism was highlighted in the Youth Justice Review.¹¹ Likewise, there was an acknowledgement that options should be explored to make greater and more innovative use of the accommodation.¹² This should be followed up during the implementation of the review's recommendations.

18. The Panel questioned the Minister for Children and Housing on the next steps to implementing the recommendations at a public hearing on 3rd June 2019. During the

⁷ [Jersey Youth Justice Review](#) p.44

⁸ [Independent Jersey Care Inquiry: Executive Summary Volume 1 p.59.](#)

⁹ [Independent Jersey Care Inquiry: Two-Year Review 2019 p.19](#)

¹⁰ [Independent Jersey Care Inquiry: Two-Year Review 2019 p.19](#)

¹¹ [Jersey Youth Justice Review](#) p.47

¹² [Jersey Youth Justice Review](#) p.40

hearing, the Director General for Children, Young People, Education and Skills elaborated on the plans:

Director General, Children, Young People, Education and Skills:

The work needs to start in earnest now, inevitably it is linked into the government planning process because of the resource implications, but nonetheless a joint steering group between Justice and Home Affairs and Children and Young People, Education and Skills will review the recommendations going forward and, as the Minister said, proposals about how to proceed against them. I think that work should be achievable within a relatively short space of time because that is the relatively straightforward bit about responding to a report. I would be expecting that later this year the first set of outcomes around what we need to do next materialise. The trick as I have just said though is linking that to the government plan and the use of the government's resources over the next 3 to 4 years are taken into account in relation to implementation costs of the review.¹³

19. It is clear that the implementation of this review is in its infancy and it is therefore not possible to show any tangible outcomes at this stage. The Review Panel will continue to hold the relevant Ministers to account for the delivery of the recommendations from this review. In the interest of openness, the Minister for Home Affairs and the Minister for Children and Housing should commit to presenting an update of the progress made on an initial six-monthly basis through the steering group. The Review Panel also recommends that consideration of the IJCI Panel's additional recommendations is taken on board by the steering group tasked with implementing the Youth Justice Review.

Finding 1

The Youth Justice Review was scoped and completed, with recommendations for the future direction of the system put forward within the report. This work has now started and is ongoing, however, it is still too early to identify the progress made.

Finding 2

The Youth Justice Review gave a positive view on the Parish Hall Inquiry system. The Independent Jersey Care Inquiry recommended within its two-year report that this system should be reviewed, especially in relation to how it interacts with children.

Finding 3

The Youth Justice Review gave a positive view on the operation of Greenfields. The Independent Jersey Care Inquiry recommended in its two-year report that all residential child care should be moved from the site. It also recommended that the building should be demolished and replaced with small homely units within which close support can be provided when necessary.

Recommendation 1

The Minister for Children and Housing should, in consultation with the relevant Ministers and stakeholders, seek to progress a review of the Parish Hall Inquiry system, specifically how it interacts with children and young people.

¹³ [Public hearing: Minister for Children and Housing 3rd June 2019 p.7](#)

5.2 Schedule of Children's Policy and Legislation

20. Within the IJCI report it was highlighted that legislation and policy for children has lagged behind that in other jurisdictions. Furthermore, it was expected that any legislative developments would need to be in keeping with the United Nations Convention of the Rights of the Child (UNCRC).
21. The Children's Legislation Transformation Programme ("CLTP") was presented on 20th December 2018.¹⁴ It was expected that the CLTP would help support government and practitioners to make Jersey the best place for children to grow up by delivering a legislative framework that:
- *underpins and drives delivery of the Children's and Young People's Plan outcomes*
 - *establishes governance arrangements and strengthens accountability*
 - *defines and makes provision for an integrated services structure that delivers those outcomes for Jersey's children, young people and their families.*¹⁵
22. It is noted that the CLTP is broken down in to three phases during which various pieces of legislation will be developed. It is intended for work on implementing phase one to be started fully during 2019, with phase two commencing in January 2020 and phase three in 2021.¹⁶
23. During the public hearing with the Minister for Children and Housing on 3rd June 2019, he explained that whilst work was ongoing, there was a frustration that work was not proceeding as quickly as he would have liked. This was, however, tempered by the following view point:

Minister for Children and Housing

*I would prefer that that sort of thing got pushed quicker but I have to accept that there is only so much you can do in the time you have got and writing good law is not always simple and often it touches on dozens of other pieces of legislation and you have got to make sure that everything connects properly.*¹⁷

24. The Review Panel received a submission from Alan Collins which highlighted concerns in relation to The Law Reform (Miscellaneous Provisions) (Jersey) Law 1960.¹⁸ This particular law affords in civil proceedings an absolute defence to any claim brought outside the 3-year limitation period laid down in Article 2. In the submission, Mr. Collins explained:

*It is well understood and recognised that victims of childhood abuse do not come forward in a conventional and timely fashion. The limitation clock starts running down on their eighteenth birthday and stops on their twenty-first. The vast majority of victims will come forward many years after the events complained of, and by the very nature of the consequences of the abuse suffered are effectively prohibited from bringing a case before their twenty-first birthday.*¹⁹

¹⁴ [Children's legislation programme published – gov.je](#)

¹⁵ [Children's Legislation Transformation Programme – p.1](#)

¹⁶ [Children's Legislation Transformation Programme – p.6](#)

¹⁷ [Public Hearing with the Minister for Children and Housing 3rd June 2019 p.10](#)

¹⁸ [Submission – Alan Collins](#)

¹⁹ [Submission – Alan Collins](#)

25. Mr. Collins went on further to suggest that this particular Law should be amended in order to remove the 3-year limitation period in cases involving child abuse. It was noted in the submission that the Royal Commission into Institutional Responses to Child Abuse also shared this view.²⁰ It is noted by the Panel that this particular reform does not appear within the Children's Legislative Transformation Programme.

Finding 4

The Children's Legislative programme is broken down in to three phases, the first of which has commenced in 2019. The second phase will begin in 2020 and the third 2021.

Finding 5

It has been suggested that as part of the legislation transformation programme, The Law Reform (Miscellaneous Provisions) (Jersey) Law 1960 should be amended to remove the 3-year limitation period in respect of crime relating to abuse. It is suggested that this would increase the time period in which victims would have to report any abuse and begin legal proceedings.

5.3 Review Operating Model of Greenfields Secure Residential Service

27. The Panel understands that a review has taken place of the operating model of Greenfields during 2019. The findings of this review were published on 11th October 2019.²¹
28. The Panel was able to visit the unit on Monday 15th July 2019²². It received a tour of the facilities and spoke with the registered manager about the work that was undertaken in the facility. At the time of the visit there were no young people present in the facility and it was explained that up until shortly before the visit there had been one young person remanded in the facility. It was the view of the Panel that this could be a very oppressive situation for a young person, especially one going through what would be without doubt a particularly stressful and difficult time in their life.
29. The concern about the oppressive nature of the building was also raised by the IJCI Panel in its two-year review:

"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."²³

30. During a public hearing, the Minister for Children and Housing acknowledged that the views of the IJCI Panel in respect of Greenfields would need to be considered in any future changes to the facility:

The Minister for Children and Housing:

We do have funding allocated elsewhere in the Government Plan to Greenfields, the first part of that being feasibility, which I am grateful that is the point we are at, at this point, because obviously following the Care Inquiry's comments on this we will have to do a bit of thinking that was not necessarily

²⁰ [Submission – Alan Collins](#)

²¹ [Review of Greenfields Secure Care Unit – 11th October 2019](#)

²² [Care of Children in Jersey Review Panel Minutes – 15th July 2019](#)

²³ [Independent Jersey Care Inquiry: Two-Year Review 2019 p.20](#)

*part of the thinking that we were doing previously. So, in terms of funding to do something, it is there, and in that first year it is feasibility, so that means we have the opportunity to revisit some of this if we have to.*²⁴

31. The findings of the review of Greenfields should be examined in line with the feedback of the IJCI Panel, and any recommendations brought forward to update the proposed operating model for the facility. The Independent Review of Greenfields should also be published as soon as practically possible.

Finding 6

A review of the operation of Greenfields has been conducted, with the findings published in October 2019.

Finding 7

In its two-year review, the Independent Jersey Care Inquiry Panel stated its opinion that Greenfields in its current design was unsuitable for young people and urgent consideration should be given to developing alternative models to deal with young offenders.

Recommendation 2

The Minister for Children and Housing should bring forward an action plan, which details the response to the findings of the review of Greenfields and proposed response to the Independent Jersey Care Inquiry's comments about the operation of the facility, by the end of Q1 2020.

²⁴ [Public Hearing – Minister for Children and Housing 3rd June 2019 p.53](#)

6. Recommendation Six – Corporate Parent

32. The IJCI report set out the following summary in relation to recommendation six, and the role of the Corporate Parent in Jersey:

The corporate parent is an important concept in social policy, and it is essential that all those with this responsibility have a common understanding and are equipped to fulfil those responsibilities. We recommend that, following every election, there should be mandatory briefing for all States Members as to their responsibilities as corporate parents for looked after children, and that new States Members would be unable to take their seat until this had been undertaken.²⁵

33. In response to the recommendation, the Government presented the following actions within p.108/2017:²⁶

Actions	Key Milestone	Lead Agency
Develop and consult with children and families on a revised Children's Plan by March 2018	March 2018	Community and Constitutional Affairs
Privileges and Procedures Committee to bring forward proposals in response to Care Inquiry recommendations on roles and responsibilities of States Members in January 2018	January 2018	States Greffe (Privileges and Procedures Committee)
Scope and progress policy development to better describe the role of the Corporate Parent in Jersey by December 2018	December 2018	Community and Constitutional Affairs

6.1 Revised Children's Plan

34. The revised Children and Young people's plan was developed throughout 2018 in collaboration with children, their families and the professionals working with them. The final plan was agreed by the Council of Ministers in November 2018 and formerly presented on 3rd April 2019.²⁷

35. The four-year plan (2019-2023) was built around four key outcomes for children and young people which are as follows:

- Grow up safely
- Live Healthy Lives
- Learn and achieve
- Are valued and involved²⁸

²⁵ [Independent Jersey Care Inquiry: Executive Summary Volume 1 p.60.](#)

²⁶ [P.108/2017: Independent Jersey Care Inquiry Report: Implementation of recommendations p.20](#)

²⁷ [Children and Young People's Plan: 2019 - 2023](#)

²⁸ [Children and Young People's Plan: 2019 - 2023](#)

36. Within the Review Panel's previous report (December 2018) it examined the development of the Children's Plan and recommended that the Minister for Children and Housing publish a central register that set out the departmental allocations to help implement the plan. This recommendation was made on the basis that the plan was due to be funded from the core allocations of the respective departments or commissioned organisations.²⁹
37. This recommendation was rejected by the Minister for Children and Housing on the basis that Government Departments would align their focus to achieve the 16 priorities within the four overarching outcomes within the plan. It was also noted that the Children's Strategic Partnership Board would produce an annual report against the Children's Plan's key priorities, the first of which is due to be published in early 2020.³⁰
38. By the publication of this first annual report, the plan itself will have been 'live' for a year. At this stage it would be appropriate to review the successes and challenges of the plan and identify whether the agreed funding model and priorities have met the outcomes.
39. This recommendation would also link in with the findings of the IJCI Panel which presented the following feedback on the Children and Young People's Plan in its two-year review:
- 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.*³¹
40. The Review Panel will maintain a watching brief on the implementation of this plan and will review its progress as set out above. Given the finding of the IJCI Panel that the resourcing of the Children's Plan is not clear, the Review Panel would reiterate its previous recommendation that the Minister for Children and Housing should publish a central register highlighting the departmental allocations in respect of the Children's Plan. This should be published alongside the Government Plan on a yearly basis.

Finding 8

The Children's Plan has been implemented since early 2019 and the Children's Strategic Partnership Board is due to report back on the first year's progress in early 2020.

Finding 9

In its two-year review, the Independent Jersey Care Inquiry Panel found that there was no clarity as to how the objectives of the Children and Young People's plan would be delivered and resourced, and in what timescale.

²⁹ [S.R.17/2018 Response to the Care Inquiry – Update Report Quarter Four 2018](#)

³⁰ [S.R.17/2018 Response to the Care Inquiry – Update Report Quarter Four 2018 – Ministerial Response](#)

³¹ [Independent Jersey Care Inquiry: Two-Year Review 2019 p.22](#)

Recommendation 3

The Minister for Children and Housing should publish alongside the next Government Plan (2020) a central register that sets out the individual departmental allocations for implementing the Children and Young People's plan.

6.2 Roles and Responsibilities of States Members and Corporate Parent Policy

41. This section will address the second and third actions set out above in tandem given the significant crossover and relevance to each other.
42. A key area highlighted by the IJCI report was the role of Corporate Parent. It was recommended that the Oath of Office for States Members should be amended to make special reference to the responsibility held by Members' as Corporate Parents.³²
43. The previous Privileges and Procedures Committee (PPC) reviewed the roles and responsibilities for States Members and lodged P.71/2018 'States Members' Duties' on 29th March 2018.³³ This was, however, later withdrawn.
44. In a statement to the Assembly on 24th September 2019, the Chair of the current PPC, Deputy Russell Labey, explained that the change to the oath was never a very practical suggestion due to the lack of a proper definition in Jersey Law of a Corporate Parent.³⁴ The Chair also highlighted the fact that there are currently two different oaths sworn by Members', one for Senators and Deputies, the other by Connétables. It was also noted that oaths sworn by Crown or Parish Officers may require reviewing as well.³⁵
45. A further additional concern raised during the statement was as follows:

"The oaths are expressed in general terms, and to include reference to one group – looked-after children – and to leave out other vulnerable groups, could lead to there being a messy and divisive approach to amending the oaths."³⁶
46. Following the statement, a number of States Members raised a similar concern that changing the oath to specifically reference children and young people could give the impression that other vulnerable groups were less important.³⁷
47. A Corporate Parenting Board was established in 2018 which in turn brought forward a Corporate Parenting Framework in October 2018.³⁸ This policy framework defined a 'corporate parent' as:

Corporate Parent – an organisation or person in power who has special responsibilities to carry out the role of parent for children and young people who are looked after by the State.³⁹

³² [Independent Jersey Care Inquiry: Executive Summary Volume 1 p.60](#)

³³ [P.71/2018 States Members' Duties](#)

³⁴ [Statement made by the Chair of the Privileges and Procedures Committee – 24th September 2019](#)

³⁵ [Statement made by the Chair of the Privileges and Procedures Committee – 24th September 2019](#)

³⁶ [Statement made by the Chair of the Privileges and Procedures Committee – 24th September 2019](#)

³⁷ [Hansard – 24th September 2019](#)

³⁸ [Corporate Parenting in Jersey: Children in Care and Care Leavers. A Policy Framework. October 2018](#)

³⁹ [Corporate Parenting in Jersey: Children in Care and Care Leavers. A Policy Framework. October 2018](#) p.14

48. Within the framework, it is proposed that under new legislation, when a child comes into care, the state will become that child's corporate parent. This statutory responsibility would then continue for those who have left care up until their 25th birthday.⁴⁰ Reference is also made within the framework to the different types of roles that would be undertaken by the various public services, the staff working within them and States Members. A list of departments that play a role as Corporate Parents is provided in the appendices.⁴¹
49. It is noted that within phase one of the Children's Legislation Transformation Programme it is planned to bring forward legislation that details the role of the Corporate Parent. This would in turn address one of the issues that led to the withdrawal of P.71/2018.
50. The IJCI Panel reiterated its previous recommendations surrounding corporate parenting within its two-year review⁴² and further emphasised the need for all States Members to take on the role of corporate parent through the oath of office:

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.⁴³

51. It is therefore recommended that the legislation surrounding corporate parenting is progressed as soon as practicable for debate in the States Assembly in order to help remove one of the barriers to amending the oath of office. Should this legislation be approved further work could then be undertaken to bring forward amendments to the various oaths of office.

Finding 10

A proposition detailing the roles and responsibilities of States Members was lodged by the previous Privileges and Procedures Committee, however, this was later withdrawn.

Finding 11

There is no legal definition of Corporate Parent in Jersey Law. This has in turn led to disagreement across the Membership of the States Assembly as to the responsibilities they would hold as corporate parents. It is intended for legislation to be brought forward that clarifies the role of corporate parent in the Jersey context.

Finding 12

The Corporate Parenting Board has been established and has published a Corporate Parenting Framework which sets out a preferred policy position.

⁴⁰ [Corporate Parenting in Jersey: Children in Care and Care Leavers. A Policy Framework. October 2018](#) p.14

⁴¹ [Corporate Parenting in Jersey: Children in Care and Care Leavers. A Policy Framework. October 2018](#) p.14

⁴² [Independent Jersey Care Inquiry: Two-Year Review 2019 p.22](#)

⁴³ [Independent Jersey Care Inquiry: Two-Year Review 2019 p.22](#)

Recommendation 4

The Minister for Children and Housing should progress the legislation that defines the role of corporate parent in Jersey. This should be a matter of priority within the Children's Legislation Transformation Programme. The legislation should be finalised and lodged for debate in the States Assembly by the end of Q4 2020.

7. Recommendation Seven: The ‘Jersey Way’

52. Recommendation Seven of the IJCI report concerns the perception of the ‘Jersey Way’. It was noted in the report that it was seen as both a positive aspect of island life, and to describe a perceived system whereby serious issues were not dealt with appropriately. The report set out the following summary of its recommendation:

Throughout the course of our work we heard the term the ‘Jersey Way’. While this was, on occasions, used with pride, to describe a strong culture of community and voluntary involvement, it was more often used to describe a perceived system whereby serious issues are swept under the carpet and people avoid being held to account for abuses that have been perpetrated. This was well summarised in the contribution of a Phase 3 witness who told us: ‘We (also) have the impossible situation of the non-separation of powers between the judiciary and political and there is a lot of secrecy, non-transparency and a lack of openness. This brings with it the lack of trust, the fear factor that many have spoken about and contributes greatly to the Jersey Way.’ That fear factor and lack of trust must be addressed; therefore, we recommend that open consideration involving the whole community be given to how this negative perception of the ‘Jersey Way’ can be countered on a lasting basis.⁴⁴

53. It was also noted by the IJCI Panel that whilst constitutional matters were outside of its Terms of Reference, it was of the opinion that the negative perception of the Jersey Way could not be addressed without further consideration of the recommendations made in the Clothier and Carswell Reports.⁴⁵ The Government set out the following actions in order to respond to the IJCI recommendations:⁴⁶

Actions	Key Milestone	Lead Agency
Commence Chief Minister Advisory Group on the Separation of Powers by August 2017	August 2017	Community and Constitutional Affairs
States Assembly debate on P.84/2017 ‘Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment’	14th November 2017	Community and Constitutional Affairs
Complete scoping exercise and planning for projects on: (i) public engagement; (ii) openness, transparency, checks and balances, accountability and confidence in our system of governance; (iii) administrative redress and the administrative justice system by September 2018	September 2018	Community and Constitutional Affairs
Initial response to the Jersey Law Commission Report on Improving Administrative Redress in Jersey by December 2017	December 2017	Community and Constitutional Affairs
Obtain Ministerial approval for project implementation by December 2018	December 2018	Community and Constitutional Affairs
Begin phased project implementation by January 2019	January 2019	Community and Constitutional Affairs

⁴⁴ [Independent Jersey Care Inquiry: Executive Summary Volume 1 p.60.](#)

⁴⁵ [Independent Jersey Care Inquiry: Executive Summary Volume 1 p.61.](#)

⁴⁶ [P.108/2017: Independent Jersey Care Inquiry Report: Implementation of recommendations p.20](#)

54. The work that was committed to by the Government in the wake of recommendation seven can be broadly categorised in to two distinct areas. Firstly, the separation of powers, and secondly by providing suitable redress and increasing confidence in the system of Government. For the purposes of this report, the Review Panel will not examine each individual action as set out above but examine the work that has been done within these two themes.

7.1 Separation of Powers

55. Although constitutional matters were not part of the Terms of Reference for the IJCI Panel, it did suggest in its final report that further consideration should be given to the recommendations made in the Clothier and Carswell Reports to address the negative perception of the Jersey Way.⁴⁷

56. Almost immediately after the publication of the Independent Jersey Care Inquiry report, the Chief Minister at the time, Senator Ian Gorst, commenced an advisory group to address the separation of powers. This culminated in the lodging of P.84/2017 'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment' on 26th September 2017. The proposition was debated on 16th November 2017, with several amendments tabled. Ultimately, the proposition was adopted with an amendment requiring a referendum to take place on whether the Bailiff should remain as President of the States.⁴⁸

57. The Draft Referendum (Presidency of States Assembly) (Jersey) Act 201- (the "referendum act") was lodged by the previous Privileges and Procedures Committee on 9th April 2018 in order to give effect to the Assembly's decision.⁴⁹ The referendum act was amended during the debate and ultimately rejected by the Assembly.⁵⁰

58. The IJCI Panel commented on the progress made in this matter within its two-year review and stated:

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.⁵¹

59. The Review Panel questioned the Minister for Children and Housing on whether he felt the actions taken in respect of recommendation seven were enough at this point:

It is one of those things as a Jersey man I know what my understanding of the Jersey way is and I understand what my interpretation of the negative connotations of it are and I have a view on some of the things that will fix that

⁴⁷ [Independent Jersey Care Inquiry: Executive Summary Volume 1 p.61.](#)

⁴⁸ [P.84/2017 vote – 16th November 2017](#)

⁴⁹ [Draft Referendum \(Presidency of States Assembly\) \(Jersey\) Act 201-](#)

[P.76/2018 vote – 10th July 2018](#)

⁵¹ [Independent Jersey Care Inquiry: Two-Year Review p.23](#)

or the things that I resent in our system that I think need changing to address that, some of which I am probably not going to get, some may get annoyed at me for saying this but I think the issue of the dual role of the bailiff has been handled terribly and I think it has been handled terribly because of a minority of people on the Island but many of them politicians who just do not get it, do not get that it is not appropriate to have a link between your legislature and your judiciary and it looks weird and it is great for those people who want to say well, that is just the Jersey way, that is how they deal with things and brush things aside.⁵²

60. Whilst the decision of the Assembly is accepted, the Review Panel feels it is important to reiterate the words of the IJCI Panel from its two-year review. Consideration to this matter should not be closed purely because of the outcome of the debate. In order to address the perception of the Jersey Way it is vital that the whole community gives consideration to this specific matter as recommended initially by the IJCI Panel.

Finding 13

A proposition to introduce an elected speaker of the States Assembly was lodged during the previous Assembly and in turn amended to require a referendum to take place on the role of the Bailiff as President of the States. The referendum act was subsequently rejected by the current States Assembly.

Finding 14

The Independent Jersey Care Inquiry commented in its two-year report that the Island's reluctance to progress on the separation of powers issue (a matter it says sits at the centre of the negative perception of the Island) further strengthens the negative perception of the 'Jersey Way'.

7.2 Redress and Increasing Confidence in the system of Government

61. The Review Panel received numerous private submissions to this review which in many cases highlighted the individuals experience of the perceived 'Jersey Way'. The Review Panel has chosen not to publish these submissions due to their sensitive and personal nature, as well as the implications to data protection regulations. However, it would be remiss of the Review Panel to not refer to the wide-ranging concerns that it has been presented from these submissions.
62. Many of the submissions spoke about inadequate systems for redress and a lack of an effective complaints system within the public sector. One particular theme that also emerged was the fear of repercussions for speaking out on an issue or matter of concern.
63. Two of the actions identified in P.108/2017 were responding to the Law Commissions report on Administrative Redress and bringing forward projects to increase confidence in Government. The Panel questioned the Minister for Children and Housing on the progress made in respect of these actions and received the following answer during a public hearing in June:

⁵² [Public Hearing – Minister for Children and Housing 3rd June 2019 p.20](#)

... there are some things that I think we are doing well on and we will see the proceeds of that I hope sooner rather than later, one important thing is about administrative redress, establishing a public services ombudsman, so that decision was made by the previous assembly, and we are doing the work for that at the moment, I think something will be coming in autumn with options about how we can go about establishing that. That is really important because I think lots of people acknowledge that the complaints board that exists at the moment is not capable of fulfilling that role properly and we need a public services ombudsman. So that is an area that I think we are doing better at, but this is so difficult to get to grips with the Jersey way because it means so many different things to different people and people who are doing the right thing in some areas often have a blind spot to this and this is really difficult.⁵³

64. The Review Panel notes that since this hearing took place, additional revenue requests to develop the office of a Public Services Ombudsman have been included in the Government Plan, although no funding has been attributed to this in 2020.⁵⁴ The Review Panel will be examining this proposal as part of its review of aspects of the Government Plan, however, it would highlight the following feedback from the IJCI Panel in its two-year review:

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."⁵⁵

65. The Review Panel is concerned that little progress has been made to date implementing the actions designed to address the 'Jersey Way' as set out by the IJCI. Whilst the cultural changes required are not possible to be implemented over night, it is concerning that clear actions (such as the appointment of a public services ombudsman or addressing complaints systems) do not appear to have been brought forward at pace.
66. The Review Panel does acknowledge that the appointment of the Children's Commissioner has been a positive step, and one that has been praised by the IJCI Panel in its two-year report.⁵⁶ Furthermore, it is clear that internal systems (such as the Children's Rights Officer and Advocacy Workers) have been progressed.⁵⁷ Whilst this is to be commended, the Review Panel is still concerned that not enough has been done at this stage to address the issue of the 'Jersey Way' with the wider community.
67. The Review Panel questioned the Minister for Children and Housing on his view of the progress made to date:

⁵³ [Public Hearing – Minister for Children and Housing 3rd June 2019 p.20](#)

⁵⁴ [R.91/2019 p.31](#)

⁵⁵ [Independent Jersey Care Inquiry: Two-year review 2019 p.23](#)

⁵⁶ [Independent Jersey Care Inquiry: Two-year review 2019 p.23](#)

⁵⁷ [Public Hearing – Minister for Children and Housing 3rd June 2019 p.25](#)

The Minister for Children and Housing:

I am satisfied that the work that is being done is really good work, which for many people who will choose to engage with those systems will get a much better service and hopefully much better outcomes than they would have had previously. But I do not think it is the only part of this picture. This idea of the Jersey Way is much wider than just what we are able to proceed with and, as I said, I am frustrated that other elements of it are not being pursued.⁵⁸

68. The Minister explained during the hearing that the Government could only respond to certain aspects of the Jersey Way and other areas were not within its gift to solve. The Panel questioned whether the funding identified within the Government Plan would be sufficient to address this issue and received the following response:

Deputy R.J. Ward:

So do you think the funding that you have here is sufficient to deal with the perception of the Jersey Way, notwithstanding the complexities that we are aware of and you are clearly aware of?

The Minister for Children and Housing:

No, not at all, but that is because it is not just down to the Government to deal with this. The Assembly has a role to play. The Assembly, on some issues, frankly needs to wake up. Our other institutions of Government have to start dealing with some of this as well. But from what the Government are able to push on and deliver I see no problem with the figures that we are attributing to be able to get on with the things we can do. But it will be one part of addressing the Jersey Way; it is a lot more than just the Government though that has caused this.⁵⁹

69. It is clear that the perception of the 'Jersey Way' means different things to different people. It is also clear that the responsibility to deal with this perception is not one that is solely placed at the feet of Government. The Review Panel therefore believes that further work is required to identify where additional changes are required outside of the scope of Government in order to combat the negative perception of the 'Jersey Way'. It is the intention of the Review Panel to conduct a wide-ranging review in to this particular area.

Finding 15

Whilst there have been some positive developments (appointment of a Children's Commissioner and advocacy support) and proposed developments to provide means of redress (including a Public Services Ombudsman) the Review Panel is concerned that there appears to have been little tangible progress made in addressing the wider implications of the perceived 'Jersey Way' at this time.

⁵⁸ [Public Hearing – Minister for Children and Housing 3rd October 2019 p.35&36](#)

⁵⁹ [Public Hearing – Minister for Children and Housing 3rd October 2019 p.37](#)

8. Recommendation Eight: Legacy Issues

70. The final recommendation area within the IJCI report focussed on Legacy Issues and ensuring the failings of the past were both addressed but also remembered going forward. The following summary of recommendations was presented in the report:

Finally, a number of legacy issues require to be considered. Our proposals include that all of the Inquiry's vast documentation is preserved in perpetuity, with all public documents being retained in the public domain. Consideration should be given to making that archive accessible and more easily searchable. We also recommend that there is some form of tangible public acknowledgement of those who have been ill served by the care system over many decades. We believe that the buildings at Haut de la Garenne are a reminder of an unhappy past or shameful history for many people. They are also a symbol of the turmoil and trauma of the early stages of Operation Rectangle, the attention it brought to the island and the distress it evoked in many former residents. We recommend that consideration be given as to how the buildings can be demolished and that any youth or outdoor activity or services for children located on the site should be in modern buildings bearing no resemblance to what went before.⁶⁰

71. The Government committed to the following actions in response to the recommendations made by the IJCI Panel:⁶¹

Actions	Key Milestone	Lead Agency
Begin the first phase of the archiving by November 2017	November 2017	Jersey Archive
Commence a public consultation on Haut de la Garenne by February 2018	February 2018	Community and Constitutional Affairs
Convene a Citizens Panel to consider and identify recommendations for a lasting memorial with recommendations presented to Council of Ministers by June 2018	June 2018	Community and Constitutional Affairs
Further develop accessible services that meets the different recovery needs of survivors. Review the service offer on an annual basis with statutory and community voluntary sector service providers	July 2018	Health and Social Services
Establish and improve the range of therapeutic services that work with children who have disclosed experiences of sexual abuse to ensure timely therapeutic support and recovery	July 2018	Health and Social Services

⁶⁰ [Independent Jersey Care Inquiry: Executive Summary Volume 1 p.61.](#)

⁶¹ [P.108/2017: Independent Jersey Care Inquiry Report: Implementation of recommendations p.20](#)

8.1 Archiving

72. Archiving the IJCI Report has been an ongoing task for the past two years. The project was announced in November 2017.⁶² In order to protect the identity of those that submitted information anonymously the IJCI Panel arranged secure off-island archive facilities where the confidential data can be lodged.⁶³

8.2 Haut de la Garenne

73. The future of Haut de la Garenne was discussed at great length within the IJCI report, with special emphasis given to the history of building and media coverage surrounding the early stages of Operation Rectangle. The IJCI Panel made the following recommendation in its report:

*We recommend that consideration be given as to how the buildings can be demolished and that any youth or outdoor activity or services for children located on the site should be in modern buildings bearing no resemblance to what went before.*⁶⁴

74. In response to this recommendation, the Council of Ministers agreed to commence a public consultation to determine the future of the building. This was determined to be the best means to fully understand Islander's views about the proposed demolition of the building.⁶⁵

75. The 10-week consultation was launched on 8th February 2018 and ran until 22nd April. This consultation process included numerous open afternoons, drop-in sessions and focus groups in order to meet the agreed mixed methods approach.⁶⁶ The consultation attracted a total of 842 completed, valid questionnaires, which represented a 0.8% response rate based on the 2017 population estimate.⁶⁷

76. The consultation found that 87.8% of those that responded **strongly disagreed** with the IJCI recommendation that Haut de la Garenne should be demolished. 5.9% disagreed with the recommendation, whereas 0.7% agreed and 4.5% strongly agreed.⁶⁸

77. The Jersey Citizen's Panel was convened in order to develop recommendations for how Jersey could acknowledge the many hundreds of children and young people who had been ill served by the child care system over many decades.⁶⁹ The Citizen's Panel came to the following conclusion about the Haut de la Garenne site:

"The group agreed unanimously that Haut de la Garenne should not be demolished. It wasn't the building that harmed children. The building has a long history dating back to the 19th century. The building should now be a positive

⁶² [Care Inquiry Archiving to begin](#)

⁶³ [Care Inquiry Archiving to begin](#)

⁶⁴ [Independent Jersey Care Inquiry Report: Executive Summary Volume 1 p.61](#)

⁶⁵ [Former Haut de la Garenne site public consultation: consultation findings p.5](#)

⁶⁶ [Former Haute de la Garenne site public consultation: consultation findings p.7](#)

⁶⁷ [Former Haute de la Garenne site public consultation: consultation findings p.11](#)

⁶⁸ [Former Haute de la Garenne site public consultation: consultation findings p.15](#)

⁶⁹ [Former Haute de la Garenne site public consultation: consultation findings p.14](#)

*place for the whole community. Something good can come from something bad.*⁷⁰

78. The findings of the consultation were presented to the Council of Ministers who in turn endorsed the overall finding of the consultation that the site should not be demolished and that further work to establish the long-term use of the site would be undertaken with stakeholders. This was announced on 4th July 2018.⁷¹

79. The matter of the Haut de la Garenne site was revisited by the IJCI Panel in its two-year report. In its report it recognised the findings of the consultation but remained of the view that the building should be demolished, and the site not used for any services for children or victims of abuse.⁷² The key reason given for maintaining this view was that the design of the building continues to be one in which the supervision and protection of children is difficult to manage. It was also noted that should any future incidents of alleged abuse arise then it would be devastating to both the wellbeing and trust of past victims and the Island as a whole.⁷³

80. The IJCI Panel went on to recommend that:

*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.*⁷⁴

81. Whilst the findings of the consultation showed strong support to maintain the building, the issue of supervision and safeguarding is one that must be addressed within the current design. This would act as a suitable compromise between the findings of the consultation and the IJCI Panel. The Review Panel therefore recommends that capital funding is identified and allocated to update the building to bring it in line with modern safeguarding and safety requirements.

Finding 16

A public consultation was undertaken in respect of the future of the Haut de la Garenne site. 87.8% of the respondents strongly disagreed with the Independent Jersey Care Inquiry's recommendation that the building be demolished.

Finding 17

The Council of Ministers accepted the findings of the consultation and agreed to engage with stakeholders to explore the future use of the site.

Finding 18

The Independent Jersey Care Inquiry Panel maintained in its two-year review that the Haut de la Garenne building should be demolished as the design of the building is still not suitable for the supervision and safeguarding of children.

⁷⁰ [The Jersey Citizen's Panel 2018: Report and Recommendations](#)

⁷¹ [News Release – 4th July 2018](#)

⁷² [Independent Jersey Care Inquiry: Two-year review 2019 p.24](#)

⁷³ [Independent Jersey Care Inquiry: Two-year review 2019 p.24](#)

⁷⁴ [Independent Jersey Care Inquiry: Two-year review 2019 p.25](#)

Recommendation 5

The Council of Ministers should identify and allocate capital funding in order to update the building and bring it into line with modern safeguarding requirements. This should be completed for inclusion within the next Government Plan for 2021.

8.3 Jersey Citizen's Panel

82. As discussed in the previous section, a Jersey Citizen's Panel was convened in 2018 in order to bring forward recommendations to meet the legacy issues identified in the IJCI report. The Panel has had two stages to date, the first of which focussed on developing its recommendations and the second which focussed on their implementation.⁷⁵

83. The Panel met for six sessions over the first stage and developed four main recommendations as follows:

1. A **memorial** that is a suitable acknowledgment of what happened in the past and ensures we never forget.
2. An annual **Jersey Children's Day** to provide the opportunity to both remember the survivors and victims and also puts the focus on children and young people living in the Island now
3. **Support services for survivors and their families.** This includes:
 - a) Providing opportunities for survivors and their families to come together to support each other
 - b) Mental health service provision for survivors and their families who continue to be affected by the trauma of their pasts
 - c) The provision of an independent advocacy service that provides support for survivors and their families in any ongoing dealings they might have with Government Departments
4. An **emblem** that becomes the symbol of the legacy project and is consistently used across all the elements⁷⁶

84. The Panel presented its recommendations to the Council of Ministers who agreed in principle to all four on 4th July 2018.⁷⁷

85. The Review Panel met with the Citizen's Panel to discuss its submission about the progress implementing these recommendations in September 2019. Whilst it was felt that some aspects of the recommendations had been implemented and there had been some successes, there was also a strong concern that a number of areas had not been given sufficient priority and had yet to happen. Areas of concern included obstacles to finalising the memorial, and a lack of services to assist survivors and their families.⁷⁸ It

⁷⁵ [The Jersey Citizen's Panel 2018: Report and Recommendations](#)

⁷⁶ [The Jersey Citizen's Panel 2018: Report and Recommendations](#)

⁷⁷ [Submission – Jersey Citizen's Panel](#)

⁷⁸ [Submission – Jersey Citizen's Panel](#)

also highlighted a lack of movement to provide advocacy services for survivors and their families in ongoing dealings with Government Departments.⁷⁹

86. The Review Panel notes that additional revenue funding has been requested within the Government Plan to allow the Citizen's Panel to continue its work in to 2020, although this funding ceases from 2021.⁸⁰ The Review Panel questioned the Minister for Children and Housing as to whether this funding would include the completion of the memorial and children's day recommendations:

Deputy R.J. Ward:

That would include the completion of the memorial and Children's Day and so on?

The Minister for Children and Housing:

No. It may well include some funding for the Citizens Panel to produce ... whether it is their reports or their recommendations on that but funding itself for the memorial will be elsewhere and not included in that £60,000.⁸¹

87. It was also confirmed during the hearing that the budget for the implementation of the Citizen's Panel's recommendations was committed to by Treasury.⁸² Whilst this confirmation is of use, it is not clear where this budget is located and who would have responsibility for it. It has been highlighted by the Citizen's Panels that there has been a lack of clear action and resource to progress each recommendation.⁸³ Given the responsibility of the Minister for Children and Housing in respect of implementing the IJCI recommendations, it is the opinion of the Review Panel that he should also hold responsibility for the budget to implement the Citizen's Panel recommendations. This would create a clear line of accountability.

Finding 19

A Citizen's Panel was established in 2018 which brought forward recommendations that were accepted by the Council of Ministers in respect of the legacy issues identified in the Independent Jersey Care Inquiry.

Finding 20

The Citizen's Panel are of the view that some of its recommendations have been completed, however, there are significant concerns about a lack of movement in implementing the public memorial and therapeutic and advocacy services for survivors of abuse.

Recommendation 6

The Minister for Children and Housing should assume responsibility for the budget to implement the recommendations arising from the Citizens' Panels report.

⁷⁹ [Submission – Jersey Citizen's Panel](#)

⁸⁰ [R.91/2019 – p.18](#)

⁸¹ [Public Hearing – Minister for Children and Housing 3rd October 2019 p.41](#)

⁸² [Public Hearing – Minister for Children and Housing 3rd October 2019 p.41](#)

⁸³ [Submission – Jersey Citizen's Panel](#)

Recommendation 7

The Council of Ministers should fast track the plans for the public memorial to survivors of abuse with a view to it being completed and in place prior to the first annual children's day in 2020.

8.4 Services for Survivors

88. One area highlighted by the Citizen's Panel in which sufficient progress had not been made was in relation to advocacy and support services for survivors of abuse.⁸⁴ It is noted by the Review Panel that there are considerable plans within the Government Plan to increase advocacy support to children and young people in care, specifically through the work of Jersey Cares, the Children's Rights Officer and additional advocacy posts. The Review Panel questioned the Minister for Children and Housing about these plans and were given the following information:

Director General, Children, Young People, Education and Skills:

.. so back to Jersey Cares, the commissioning that we have done through them is to make an advocacy offer for children who are presently looked after by the Government and those children leaving the care of the Government. I am using my language carefully because we are also trying to move on from saying "looked-after children" and "care leavers", so very deliberately saying children who are in the care of the Government and children leaving its care. So that is what that service is for presently and we will continue to discuss with Jersey Cares as to whether it provides an advocacy offer for other children and young people but presently we have some other services. So, for children in need and children who have a child protection plan, we need to make more investment in advocacy for them because presently there is an ad hoc arrangement really with Barnardos that they will do some of that work for us. That needs to be formalised. Equally, we want to sustain and grow, within the Children's Service, the Children's Rights Officer role and make sure that, within the service, there is the challenge to the service on the quality of its practise and that is initially again around children who are being looked after by the Government who are in its care now.⁸⁵

89. There is also reference within the Government Plan to a number of therapeutic services that will be developed, specifically in relation to early intervention and support in the community.⁸⁶
90. The Review Panel is concerned, however, that there does not appear to be any plans to develop advocacy services for adults, specifically survivors of abuse at this time. The Review Panel questioned the Minister on whether the new systems would allow for advocacy for the family as a whole:

Deputy R.J. Ward:

Will this system allow for advocacy for the family as a whole?

⁸⁴ [Submission – Jersey Citizen's Panel](#)

⁸⁵ [Public Hearing – Minister for Children and Housing 3rd October 2019 p.41](#)

⁸⁶ [R.91/2019 p.19&20](#)

Director General, Children, Young People, Education and Skills:

At the moment, because we are working our way towards filling a big gap, we are focused on children and young people. There are other arrangements that parents and carers can fall back on, but over time I would like to think that I give this Minister good advice on how a broader suite of advocacy support is available that you might call a kind of family-focused approach. But right now, the priority is we have children and young people who have not had a good enough offer to them personally. The other bit I would want to say, Chair, and I am mindful of the time, is that often the interests of children and young people are not identical to the interests of their parents and carers. Therefore, you have to think carefully about not conflating an advocacy offer that then compromises what the child is looking for.⁸⁷

91. The Review Panel would therefore recommend that advocacy services are also developed for survivors of abuse and for vulnerable adults to be assisted through the process of dealing with Government Departments. This could form part of the proposed role of the Public Services Ombudsman.

Finding 21

The Citizen's Panel are of the opinion that not enough has been done in order to bring forward advocacy and therapeutic services for survivors of abuse.

Finding 22

The Government Plan contains significant proposals to increase the advocacy support available to children and young people in the care system. These services, however, are not extended to adults at this time.

Recommendation 8

The office of the proposed Public Service Ombudsman should include an advocacy service for vulnerable adults and survivors of abuse to assist them when dealing with Government Departments.

⁸⁷ [Public Hearing – Minister for Children and Housing 3rd October 2019 p.41](#)

9. Conclusion

92. Through the examination of the implementation of recommendations five to eight, the Review Panel has found that (as with its previous report) significant progress has been made in some areas, but not as much in others. The IJCI Panel has now reported back for the final time and Jersey will need to continue the improvements which it has started over the past two years.
93. There is a clear plan to improve legislation relating to children and also a real focus on improving services for children and young people both in need and in the care of the Government. Just over two-years on from the publication of the IJCI report it is clear that progress has been made and that is to be commended.
94. At the same time, there is a need to progress the legislation defining the role of Corporate Parent in Jersey, establish a memorial to the survivors of abuse and also address the findings of the IJCI Panel that have been raised in its two-year report. The Review Panel has made recommendations, which it hopes will assist in dealing with these issues.
95. The main issue arising from the Review Panel's work has, unsurprisingly, been the continued concern about the perceived 'Jersey Way' that has been presented to it through private submissions and in meetings with various groups. This is clearly an issue that means different things to many people across the Island, but there is a clear indication that the negative connotations, as set out by the IJCI, still exist. Whilst not every aspect is within the Government's gift to address, the Review Panel is still concerned that there is little tangible progress to show at this stage. It has therefore agreed that it will seek to scope a wide-ranging review of this area in the coming months.

10. Appendix One

10.1 Panel Membership

The Care of Children in Jersey Review Panel is comprised of the following States Members:



[Deputy Rob Ward, Chair](#)



[Deputy Kevin Pamplin, Vice-Chair](#)



[Deputy Trevor Pointon](#)



[Deputy Mike Higgins](#)



[Senator Kristina Moore](#)

The Senator resigned from the Panel in October 2019 but was involved with the early stages of the review.



[Deputy Louise Doublet](#)

The Deputy joined the Panel during October 2019 and was not involved in the early stages of the review.

10.2 Terms of Reference

The Review Panel's Terms of Reference for the review were as follows:

1. To identify and assess the progress made implementing the actions in relation to recommendations 5 – 8 of the Independent Jersey Care Inquiry as set out within p.108/2017.
2. To examine any additional actions that have arisen in relation to recommendations 5 – 8 since the publication of p.108/2017.

The Review Panel's* Terms of Reference are as follows;

1. To examine the policy and actions of the Council of Ministers in relation to the eight core recommendations made by the Independent Jersey Care Inquiry Panel (IJCI).
2. 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 and actions of the Council of Ministers to those matters.
3. To scrutinise all legislation arising from the recommendations made by the Independent Jersey Care Inquiry.

*These Terms of Reference relate to the overall focus of the Review Panel as established by the Scrutiny Liaison Committee. As this review and report is focussed on the general response to the IJCI (and evidence received), it has not established any specific Terms of Reference. It is intended that further Terms of Reference will be established for any specific reviews the Review Panel may undertake (i.e. legislation relating to the IJCI implementation).

10.3 Public Hearings

Witness	Date
Senator Sam Mézec, Minister for Children and Housing Andrew Heaven, Director Children's Policy Susan Devlin, Group Director Children's Services Mark Rogers, Director General, Children, Young People, Education and Skills	Monday 3 rd June 2019
Senator Sam Mézec, Minister for Children and Housing Mark Rogers, Director General, Children, Young People, Education and Skills Dr. Megan Mathias, Group Director Policy, Strategic Policy, Planning and Performance.	Thursday 3 rd October 2019

10.4 Submissions

[Alan Collins](#)

[Jersey Citizen's Panel](#)

NB: The Panel received numerous submissions detailing in some instances very personal and detailed accounts of issues faced in respect of the 'Jersey Way'. The Panel has reserved the right not to publish these submissions due to the sensitive issues raised. It will, however, seek to examine the issues raised in the submissions further in a subsequent in-depth review.



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