

Senator Sam Mézec
Minister for Children and Housing
By email: s.mezec@gov.je

25th March 2020

Dear Minister,

I am writing to you in relation to P.26/2020 Draft Regulation of Care (Standards and Requirements) (Covid-19 – Temporary Amendments) (Jersey) Regulations 202- which were adopted by the States Assembly yesterday.

First and foremost, the Panel does understand that these are exceptional times, and exceptional measures are required to deal with them. We also fully support the staff who have been tasked with bringing forward emergency changes at an incredibly fast pace in an incredibly short time frame. This communication is not intended as a criticism, more so a constructive observation and offer of some form of assistance and guidance in this worrying time. As I am sure you are aware, the Panel has not been involved directly in the scrutiny of P.26/2020 as it falls outside of our remit. There is, however, the caveat that this does relate to the regulation of children's residential homes. We do understand that these measures are temporary, and will be in place until 30th September 2020, subject to review.

The Panel has received representations from Jersey Cares which set out a number of concerns in relation to the legislation and how it will in turn effect children's residential homes. I have attached this for your information and will make reference to it at points during this email. The issue the Panel is specifically concerned about is that there now exists a power for the disapplication of the requirement for a DBS check to be undertaken in respect of staff working in children's residential homes. The changes also, as we understand it, place no requirement on the Care Commission to undertake an inspection of children's residential homes (amongst other providers of social care) on an annual basis. This is especially concerning considering the Children's Service is currently in special measures.

The Panel would like to understand whether these issues have been considered, and, if they have not, would suggest that serious consideration should be given to addressing them within either an amendment to the agreed changes or further changes. It is particularly worrying given the track record of Jersey in this area that there is a possibility that people who are disbarred from working with children (or adults for that matter) could be in a position working with some of the most vulnerable children in our society. Regardless of the current situation this could create irreparable damage to the excellent work done to date in order to address the Island's historic failings.

We are, however, willing to assist you in any way possible to address this issue especially given the extraordinary circumstances we find ourselves in. In order to assist in your deliberations, we would suggest that children's residential homes are not 'disapplied' from the requirements for DBS checks to be carried out. We note that work is ongoing in the UK to create a fast track system for DBS checks and would recommend that this is explored and tapped in to by the Island. Furthermore, we note that the Welsh Parliament are giving consideration whether to permit DBS checks from one organisation to be used by another. This could potentially alleviate some of the issues as we understand that at present, a person must undertake a DBS check for every role they apply for. We would also suggest that, in the event staffing levels in Children's Residential Homes do become problematic, that consideration is given to whether staff already working with children and young people (e.g. teachers, youth workers etc.) are able to be utilised in the first instance.

I would be grateful of any information you are able to share about plans you have to address these issues. We understand that the overall legislation does not come within your remit (as it is under the remit of the Chief Minister) but given the specific nature of what we have discussed above, we felt it best to bring it to your attention in the first instance. We would hope that an amendment could be brought to this effect if possible for debate on Friday, however, a statement of support to address this over the coming weeks (and for debate at the next States sitting), would be a positive way forward.

I trust this has been a helpful communication and the Panel would be more than happy to discuss this further with the relevant parties as soon as it is possible.

Yours Sincerely,

Deputy Rob Ward
Chair
Education and Home Affairs Scrutiny Panel