

STATES OF JERSEY



RESPONSE TO THE CARE INQUIRY: UPDATE REPORT NOVEMBER 2019 (S.R.12/2019) – RESPONSE OF THE MINISTER FOR CHILDREN AND HOUSING

**Presented to the States on 7th February 2020
by the Minister for Children and Housing**

STATES GREFFE

**RESPONSE TO THE CARE INQUIRY: UPDATE REPORT NOVEMBER 2019
(S.R.12/2019) – RESPONSE OF THE MINISTER FOR CHILDREN
AND HOUSING**

Ministerial Response to:	S.R.12/2019
Ministerial Response required by:	10th January 2020
Review title:	Response to the Care Inquiry: Update Report November 2019
Scrutiny Panel:	Care of Children in Jersey Review Panel

MINISTER FOR CHILDREN AND HOUSING INTRODUCTION

I wish to thank the panel for their hard work and due diligence in formulating this report. I am pleased that the Government Plan pre-empted many of the findings and recommendations and now that has been passed it will enable us to quicken the pace in delivering on many of the improvements which are needed.

FINDINGS

	Findings	Comments
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.	Additional policy capacity has been allocated to this work programme to develop a modern, cohesive and connected criminal justice policy for Jersey, which puts children first. The aim is to create a welfare orientated, multi-agency, youth justice strategy.
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.	The Parishes will be a key stakeholder in reviewing and implementing a welfare-based youth justice system. The Government Pan sets out a commitment to consider the training and awareness of participants, how children might be best prepared for Parish Hall enquiries, and the restorative justice elements of the process, the wider project is scheduled to run until 2022.
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.	Following an Independent review of Greenfields, the Minister and the Council of Ministers supported the current approach to Greenfields which acknowledged that there remains a need for a small number of secure places in Jersey. In future the current unit will be redeveloped with options for future development to be scoped working with the full range of stakeholders. A programme of work will be brought forward during 2020 to redesign

		and redevelop services on the current campus.
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.	A key component of the phase 2 of the Children's Legislative Transformation Programme is the broadening of types of children services that the Jersey Care Commission can inspect. At present law drafting will cover the following services: Fostering and Adoption, Social Work, Children's Contact Centres, Children Adolescent Mental Health, Children's Community Health Care Services.
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.	The Minister is aware that officers are exploring how the removal of the current set time period in respect of crime relating to abuse could be incorporated into law in Jersey.
6	A review of the operation of Greenfields has been conducted, with the findings published in October 2019.	Following an independent review of Greenfields, the Council of Ministers supported the current approach to Greenfields, which acknowledges that there remains a need for secure places in Jersey, albeit a very small number.
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.	A programme of work will be brought forward during 2020 to redesign and redevelop services on the current campus. This will include a significant decrease in the number of secure care places available.
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.	The Minister for Children and Housing supports the continued focus on measuring outcomes as a way of understanding if any difference is being made to children's lives. A government Performance Report will be published in February 2020 which will provide an assessment of progress against key outcomes for children during 2019.
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.	
10	A proposition detailing the roles and responsibilities of States Members was lodged by the previous Privileges and	The Minister for Children and Housing will seek support of the Chair of the Privileges and Procedures Committee to re-examine ways of

	Procedures Committee, however, this was later withdrawn.	recognising the importance of corporate parenting in the duties and conduct of States members.
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.	A legal definition of who and how organisations identified as Corporate Parents will need to do be set out in the forth-coming amendment to the Children's (Jersey) Law 2002 . A Public Consultation on these changes is taking place between December (2019) and February (2020).
12	The Corporate Parenting Board has been established and has published a Corporate Parenting Framework which sets out a preferred policy position.	The Minister for Children and Housing remains committed to chairing the Corporate Parenting Board which provides political oversight and leadership in this important area of Government.
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.	The Minister for Children and Housing remains committed to ending the dual role of the Bailiff
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 center of the negative perception of the Island) further strengthens the negative perception of the 'Jersey Way'.	The Minister for Children and Housing remains committed to ending the dual role of the Bailiff
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.	The Minister notes that establishing new independent entities in law e.g. Care Commission, Children's Commissioner, to examine and challenge Government decisions has been a significant development following the Care Inquiry Review. In addition, the Government Plan includes investment to further enhance the scrutiny functions to strengthen this important part of the policy and legislative process. Proposals will be brought before the Assemble in 2020 that include the requirement for all policy and legislation debated in the Assembly to have 'due regard' of children's rights and will in part form a transparent and deliberate focus on children.

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.	Options for the future of the site and the adjacent Aviemore site have been explored during 2019; Ministers considered a proposal in October and have asked officers to undertake further validation of the preferred option, prior to a final decision being made about how to best redeem the site. Full consultation with the members of the Citizen's Panel has also been undertaken. An announcement will be made in January 2020. The Minister can confirm that as part of this work, consideration is being given to the relation of a legacy fund to benefit care experienced islanders.
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.	Officers have been engaging with stakeholders to explore the Haut de la Garenne site. An important part of this engagement involves the Citizen's Panel.
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.	The Minister agrees that robust and validated safeguarding and safety measures need to be guaranteed at the former Haut de la Garenne site, as with all venues offering activities for children.
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.	The Minister agrees that the work of the Citizen's Panel has been commendable that the commitments which have been made to taking forward their recommendation should be seen through.
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.	The Minister was invited to attend the most recent Citizen's Panel meeting (December 2019) where he was updated on the progress being made on the memorial. It is anticipated that a commissioning process will be launched early in 2020. The Government Plan include new funding to support Health and Community Services to develop and deliver a trauma informed pathway which will enable timely support and guidance for those adults who have experienced abuse in the past.
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.	The development of a trauma informed pathway and network is one of a range of responses designed to meet the mental health needs of complex trauma clients in support of their recover. A business case for an effective and sustainable complex trauma pathway of

		care and network for adults in Jersey has been submitted as part of the government Plan 2020-2023, requesting the necessary resource to increase staffing capacity and capability.
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.	The Minister signed a contract with Jersey Cares to enable them to provide independent advocacy for care leavers on the 7th December. In commissioning this service, the Government of Jersey is delivering on its pledge to children and young people, published in September 2017. The Government Plan contains an allocation of resource towards a trauma informed pathway, elements of which could be considered to develop advocacy support for adults.

RECOMMENDATIONS

	Recommendations	To	Accept/Reject	Comments	Target date of action/ completion
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.	Minister for Children and Housing	Accept	The Minister notes the commitment in the Government Plan to develop new policy that reflects changes in approach to child protection and the development of a welfare-based approach to youth justice. This change in policy will be developed and implemented in partnership with several stakeholders including the Parish Halls.	Commence January 2020
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.	Minister for Children and Housing	Accept	Following an independent review of Greenfields, the Council of Ministers supported the current approach to Greenfields, which acknowledges that there remains a need for secure places in Jersey, albeit a very small number. A project plan will be developed to support future changes to the services delivered at Greenfields. In the	Commence January 2020

				<p>short term, the current unit will be redeveloped with options for future development to be scoped during 2020 with a full range of stakeholders.</p> <p>A wider programme of work will be brought forward during 2020 to redesign and redevelop services on the current site.</p>	
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.	Minister for Children and Housing	Reject	<p>The Government Plan (2020-2023) and its supporting documents sets out the allocation of resource according to the Council of Ministers Priorities including 'Putting Children First'.</p> <p>All allocations to supporting services for children should be considered as contributing to the overall vision of the Children's Plan which is that 'all children should have an equal opportunity to be safe, flourish and fulfil their potential'</p>	—
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.	Minister for Children and Housing	Accept	The Minister for Children and Housing agrees with the importance of corporate parenting and notes that current legislative proposals to amend the Children's (Jersey) Law 2002 are at present out for public consultation.	States Assembly debate December (2020)
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.	Minister for Children and Housing	Accept	The Minister's agree that robust and validated safeguarding and safety measures need to be guaranteed at the former Haut de la Garenne site. A proposed plan for the site is due to be considered by Council of Ministers in January and subsequent planning and capital allocation timelines will be identified.	Council of Ministers Decision January (2020)
6	The Minister for Children and Housing should assume	Minister for	Reject	The Minister and the wider Council of Ministers are	—

	responsibility for the budget to implement the recommendations arising from the Citizens' Panels report.	Children and Housing		committed to continue to provide political support to the Citizen's Panel. The Minister is satisfied that there is clear line of officer responsibility for budget currently allocated to delivering on the Citizen's Panel's recommendations.	
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.	Minister for Children and Housing	Noted	The Minister for Children and Housing agrees in principle with the need to progress the plans for the memorial as quickly as possible. The Minister was invited to attend the most recent Citizen's Panel meeting (December 2019) where he was updated on the progress being made on the memorial. It is anticipated that the memorial commissioning process will be launched early in 2020.	Short list for Memorial Design Competition May (2020)
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.	Chief Minister	Reject	The Minister rejects the panels proposal of attaching support to the Public Service Ombudsman as this role must remain independent in considering complaints and cannot therefore act as an advocate for any group. The Minister agrees with the importance of effectively supporting / signposting vulnerable adults and survivors of abuse to access Government services and proposes a more bespoke offer of assistance delivered through the Customer and Local Services. The Minister also notes the continued excellent work of the Citizen Advice Bureau (funded by the Government) which supports a range of people to access Government Departments.	–

CONCLUSION

I wish to reiterate my thanks to the panel for their report and their wider on-going work in holding myself and the rest of the Government to account on our commitments to respond to the recommendations from the IJCI and on our pledge to put children first. All States Members have their part to play in reaching these aspirations, and I welcome the contributions of this panel and others.

The passing of the Government Plan by the States Assembly last year enables the Government to move forward on our ambitious plans for children and young people in Jersey, in a way which we were not able to under the constraints of the previous Medium-Term Financial Plan. It is vital that as we progress these plans our work continues to be scrutinised. I commit to co-operating with Scrutiny at all stages of this work.