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Deputy Rob Ward
Chair, Children, Education and Home Affairs Scrutiny Panel

By email only

11 February 2022

Dear Chair,

Thank you for your letter of 4th February with a range of questions following the Quarterly Hearing held the same day. I am pleased to provide written responses below and please do let me know if you require any further information.

Government Plan Response

- 1. The Panel identified that a number of roles would be recruited to in relation to the early help service. You explained in your response that 76% of these roles have now been recruited to. Can you explain which roles are still outstanding?**
 - i. How many applications were received for these roles?**
 - ii. How many Senior Practitioner vacancies exist at present?**

Since providing the update, a further round of recruitment was completed in January which has increased the number of roles that have been recruited to the Service to 38 (90%).

The roles that remain unfilled are:

- Family Partnership Worker (3 vacancies). 10 applications were received in the last round of recruitment which resulted in 5 staff being recruited, leaving 3 vacancies
- Behavioural Advisor (1 vacancy)
- Systemic Family Therapist (1 vacancy)

Recruitment to the last two roles is in the last phase of recruitment and will be advertised this month.

All Senior Practitioner posts have been filled. Currently, there are three Senior Practitioners in post with the additional two new recruits anticipated to join the Service in March and April respectively.

Covid-19 Response Review

- 2. We note funding within the Government Plan for the Education Reform Programme over the next four years. How does this programme link with the COVID-19 recovery work and how will you ensure that the issues arising from the pandemic are addressed within the reform programme?**

The Education Reform Programme (ERP) has oversight of measures such as Jersey Premium, Low Prior Attainment and Special Education Needs and the same team are directly involved in developing the early years action plan with additional governance from the Best Start Partnership Board.

Through the ERP and its governance arrangements I am confident that sufficient oversight and coordination of response to any issues arising from the pandemic is in place.

To provide a practical example - c£92k of COVID Social Recovery funding has been provided for Early Years in 2022. This will enable increased delivery of joint, targeted workforce training and provide an additional 20 families with nursery placement support in partnership with the third sector. These deliverables have been incorporated into the wider Best Start Programme of change in Early Years to facilitate delivery and ensure coherence with other change activity in this sector.

Explicit commitment to Corporate Parenting – UNCRC work

3. Now that the board is meeting again, what discussions, if any, have you had in relation to the response to the pandemic and issues affecting children and young people?

Discussions held at Board meetings I have chaired have focussed on the broader permanent objectives of Corporate Parenting and our aims to continually improve this across Government. As mentioned in the hearing last week we now have a Care Ambassadors group who attend, and their voice is coming across loud and clear on what matters to them.

Waiting lists for therapeutic services

4. Can you provide an overview of the budget that you have allocated to addressing COVID specific issues that have arisen for children and young people?

COVID Children's Mental Health and Wellbeing budget for 2021 £955k. There are no COVID specific funds in 2022 but the initiatives funded from COVID money in 2021 will continue to be funded from Government Plan funds from 2022 £1.75m rising to £2m in 2023 and £2.25m in 2024.

5. In the previous Government Plan, funds were set aside to provide a COVID catch up programme to support children and young people. Please can you provide an update of how these funds have been spent to date and what outcomes/success indicators do you have to show for the funding?

In 2021, a programme of interventions was organised and run from the autumn term of 2020 through to December 2021, funded by the Government of Jersey to the sum of £1.4 million. These included

- Jersey Tutoring Programme
- OLEVI (teacher training programme)
- Reading Recovery
- Mathematics Recovery Programme

[N.B. The 'Covid-19: Jersey Education Recovery Report' produced by the School Improvement and Advisory Service (SIAS) will shortly be presented to the Minister for Children and Education.]

A Schools' 'catch-up' programme will continue in 2022 and 2023

Children and Young People (Jersey) Law 202-

- 6. It is noted that the draft Law is the first step in a phased approach that will continue with the publication of statutory guidance. The Panel notes that this will likely fall in the next Assembly. Are there any aspects of the guidance that are likely to be brought forward prior to the election period?**

The project is likely to include a number of phases which are outlined below. At this point in time it is unlikely that any particular elements of the guidance will be published ahead of the election period.

- Phase 1: Commissioning of an organization/s to scope and draft guidance and training content
- Phase 2: Development of key products requiring input from a local expert practitioner reference group to ensure local context is reflected in the guidance and training material.
- Phase 3: Wider consultation with key groups as required in the draft law
- Phase 4: Complete and finish statutory guidance and training
- Phase 5: Publication and dissemination of guidance and delivery of training
- Phase 6: Establish a schedule for guidance review

- 7. Can you confirm the proposed timetable for the issuance of this statutory guidance?**

To ensure an effective and efficient process is followed during the development of the statutory guidance a dedicated Project Board of key stakeholders has been established. The Board will meet for the first time on 15th February. In due course the Board will confirm a timetable for the development, consultation, and publication of guidance.

- 8. Whilst you cannot commit the next Minister to a particular course of action, would you suggest that the guidance should be shared with the next CEHA Panel in order to undertake scrutiny of it?**

The draft Children and Young People (Jersey) Law enables the Minister to share and consult with a wide range of stakeholders. I note the Children's Education Home Affairs Panel request to be part of this process.

UNCRC Legislation

- 9. Can you please explain why this legislation has seemingly been delayed?**

The Pandemic has severely disrupted the progress of all government legislation. The area of children's policy is no different. The Council of Ministers have considered the draft law carefully to ensure that the law represents a proportionate check and balance on duty-bearers.

Feedback from engagement with the CEHA Scrutiny Panel has also been taken into account in arriving at the final model for the draft law, to ensure that the duties introduced are appropriate and achievable for duty-bearers in the context of the Assembly's work. Consultation has also been undertaken with prospective Public Authority duty-bearers to arrive at the initial group listed in Schedule 2. The names listed - including the 12 parishes and a range of community and voluntary sector organisations - provides an indication of the broad support beyond Government and the Assembly for the duties introduced by the draft law.

The lodging and Assembly debate will be particularly pertinent as this is a reporting year for the UK as a state party – of which Jersey is a part - to update the UN Committee on the progress made to implement the Convention on the Rights of the Child.

We remain on track to lodge the Law in time for debate at the end of March 2022. This proposed law if passed by the Assembly will mark a real milestone in the Assembly's continuing commitment to realising children's rights and put it amongst some of the most progressive jurisdictions nationally and internationally on this important policy issue.

10. Can you provide an outline of the key changes that have been made to the legislation throughout its development?

The draft Children (Convention Rights) (Jersey) Law 202- is an expression of the policy ambition for the approved 'due regard' model of UNCRC indirect incorporation set-out in [MD-H-2020-0015](#). Legislative drafting is an iterative process through which the practical application and proportionality of the initial policy ambition has been tested and refined through consultation with stakeholders, including Ministers and the CEHA Panel. The draft Law differs slightly from the original policy ambition in the following ways:

- Following recent changes to Ministerial portfolios, the draft law places a number of specific responsibilities on the Minister for Children and Education, including:
 - overseeing and co-ordinate the implementation of the Law;
 - promoting the fulfilment of the Island's obligations as a state party to the UNCRC;
 - developing and revise the Children's Rights Scheme as the statutory guidance to support the law and its operation.
- The incoming Minister for Children and Education will also have the power to commence the Law on a date, or dates, of their choosing (other than the Articles which give effect to amendments to the Commissioner for Children and Young People (Jersey) Law 2019). This still allows for the phased approach described in the original policy ambition but does not specify the dates or sequence in which the duties described by the Law must be introduced.
- The draft Law introduces a statutory requirement to complete a Children's Rights Impact Assessment (CRIA), as the means of fulfilling the duty to have due regard to the UNCRC, in relation to the majority of propositions lodged for debate in the States Assembly. To ensure this duty is proportionate and appropriately targeted, the draft Law includes an amendable Schedule of propositions which are exempt from the CRIA duty. Analysis undertaken during the drafting process demonstrated that a universal duty to complete a CRIA for every proposition, including all forms of amendments, would be disproportionate and place an undue burden on the Members and Bodies of the Assembly.
- Three key aspects of the statutory Government Plan have also been identified as requiring the completion of CRIAs (Children's Rights Impact Assessment) by Ministerial duty-bearers each year, thereby establishing a legally robust mechanism to ensure due regard is given when policy proposals with implications for public finances, which require the Assembly's approval, are developed.

Legacy Issues

11. Do you believe there is a conflict between the two portfolios within the Ministerial remit?

No. You previously asked me a similar question soon after my appointment and my view remains the same although now, I can reaffirm that view having been in the role of Minister for Children and Education for the past 7 months. As explained at the hearing last week I am of the firm opinion this combined role provides effective and coordinated political leadership and oversight across CYPES (Children Young People Education and Skills) and all the functions and services it provides.

12. What, if anything, would you have done differently within the portfolio during your time as Minister?

Coming into the role with just under a year left of the term I made a choice to not make any major changes to the direction of travel already in progress. As previously highlighted, I was fortunate that my predecessors in their roles of Minister for Children and Housing and Education had set in train an ambitious programme of reform across the portfolio. As I was and still am supportive of the aims of these programmes, I ensured I gave the department my full support, steer and challenge when required, to continue to deliver our short, medium and longer term objectives.

I had a lot to learn in a short space of time and am grateful to my senior officers and all the teams I have met while out visiting schools and departments for helping to bring me up to speed. It has been a privilege to lead such a large, diverse and dedicated team whose passion for children and education is clear to see.

Accommodation for care leavers

13. Minister, a recent article in the Bailiwick Express explained that the Government has spent more than £46,000 in 2020 and 2021 on hotel or temporary accommodation for care leavers due to a shortage of adequate accommodation available. Please can you explain why this has been the case?

We are committed to supporting care leavers to live in suitable accommodation based on their needs.

We are not currently able to always provide suitable accommodation, which occasionally results in officers organising hotel places and temporary lets. This is not good enough yet, but the spending is part of our commitment to care leavers who should never be left without somewhere to live safely and comfortably.

Since the launch of the Care Leavers Offer, we are working with more and more Care Leavers which is to be celebrated. It does however mean that we have increased demand for services such as accommodation, employment support and adult mental health services which will take us time to meet. We are absolutely committed to this.

14. What plans are you putting in place to address this shortage in adequate accommodation?

The department is currently developing a sufficiency strategy which will be presented to the Council of Ministers.

The sufficiency strategy will set out what Jersey requires to provide for its looked after children and those on the edge of care.

This means assessing current need and projecting future need to determine the kinds of care and support needed and will set out the blueprint for how the minister plans to look after children and the kinds of homes they will live in eg therapeutic children's home, foster placements, intensive fostering placements, close support unit, secure care.

Our strategy will also set out what services are required in the community to support children and young people to stay with their families and avoid coming into the care of the Minister eg Young People's Intensive Support Service.

This strategy will detail the expected number of care leavers in the future, their likely accommodation needs and proposed options to meet their needs including supported accommodation eg shared group living, supported accommodation, shared flats, independent living.

A draft strategy is planned to be available in the next few weeks for consultation. The Care Ambassadors are aware of the strategy from the recent Corporate Parenting Board and will be involved in the consultation.

15. Can you elaborate on the reason why Hope House was not utilised further in this respect?

The Government has never prevented children or young people being referred to Hope House.

All children and young people, under my care, are carefully assessed by their social worker, with input from partners including education and health. A care plan is agreed to best meet a child or young person's individual needs.

Hope House was registered with the Jersey Care Commission to provide very specific care, which the provider had outlined in the home's Statement of Purpose.

The Care Commission advised the Government that Hope House is registered to meet the needs of some children and young people, but not those with the most complex difficulties.

The service offered at Hope House was a 28-day residential treatment programme focused on resilience and preventative wellbeing initiatives such as structure, exercise, coping skills. While it was registered as a Children's Home it was not a therapeutic Children's Home, so did not have the approvals, facilities or staffing to meet the needs of children with the most complex needs.

We could only have used Hope House for what its Statement of Purpose set out and we couldn't place children in a home that didn't meet their needs.

16. It was noted that just over £4,000 has been spent so far this year. What is your estimated total cost for the year at this stage should this trend continue?

At this early stage of the year, we do not expect this to exceed £50,000. We will however spend as much as necessary to ensure our care leavers are never left without somewhere to live safely and comfortably.

17. The Panel has heard evidence from the Children’s Commissioner that Greenfields has gone from relatively empty to consistently full and that this was described as shocking. What is your response to this?

Demand for Greenfields has increased over the last two years to protect and to help stabilise high-risk behaviours, identify and examine reasons for such behaviours and help young people move on safely, to an appropriate care setting, back in the community. For many young people, the origins of their risk-taking behaviour are the deep-rooted consequences of abuse, neglect, and rejection by the very adults that are supposed to protect them.

Greenfields staff endeavour to contain young people to restore some stability in their lives and begin to engage them. Social care staff can develop a clearer picture of the young people’s needs. The hope is that young people move on to a suitable care setting, and with a tailored support package, that will enable them to maintain their progress.

Greenfields has been used more often during the pandemic, but this is not shocking. It is evidence that a very small number of children and young people have been kept safe, and the wider public have been protected from harm, as a very last resort. This has always been in accordance with local legislation and procedures as overseen by the Independent Reviewing Service, the Independent Secure Accommodation Order Panel, the Placements Panel, the Greenfields Management Board, the Independent Visitor, the Royal Court, and the Jersey Care Commission.

18. Given the concerns raised by the Care Commission in relation to the Greenfields unit and the improvement notice served, what are you doing to address them?

On the 8th of November 2022, the Jersey Care Commission (JCC) served an Improvement Notice due to: significant challenges in recruiting a stable staff team; not ensuring that at least 50% of staff on duty at any time have completed a minimum Level 3 Diploma in Children’s Residential Care (or equivalent); and not operating in accordance with the Statement of Purpose.

The Improvement Notice was closed by the Jersey Care Commission on the 27th of January 2022 in official recognition of our progress.

In response we:

Established a Minister chaired multi-agency improvement board

Produced an improvement plan centred on:

1. Operating Model
2. Staff Recruitment & development
3. Environment
4. Governance
5. Communications

Appointed a new Registered Manager.

2 staff were transferred in immediately from other homes. 3 new staff have been recruited and are in post. Total compliment now 12.

Agreed with the JCC to increase the overall staffing compliment from 13 to 15, an additional 2 FTE (Full Time Equivalent), to ensure safe running of the home.

A new rota has been put in place to support this which commenced 24th January this year.

- Negotiated with Highlands to deliver the Level 3 Diploma to enable staff to achieve the award to ensure compliance, beginning in March.
- The Statement of Purpose has been refreshed through the Improvement Board and has been signed-off by the JCC.
- An operating model has been identified, SECURE STAIRS, and we are developing an implementation plan to launch when the staff group has been established and stabilised. A broader training plan is being developed, including MAYBO (90%) and trauma-informed practice.
- Building works commenced at the start of February to significantly improve the environment for young people and staff.

I am pleased to advise that the Improvement Notice was closed by the Jersey Care Commission on the 27th of January 2022 in official recognition of our progress.

Yours sincerely,



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