

Recommendations from the Independent Jersey Care Inquiry

The following paper sets out a summary of the Independent Jersey Care Inquiry's recommendations and the actions that the Government Of Jersey committed to bringing forward in order to meet them

RECOMMENDATION 1: A Commissioner for Children.

We recommend that a Commissioner for Children be appointed to ensure independent oversight of the interests of children and young people in Jersey. Such a position should be enshrined in States legislation and should be consistent with what are known as the Paris Principles, as is the case with other Children's Commissioners across the UK and Ireland.

Government response actions:

Action	Key Milestone	Lead Agency
Children's Commissioner and officers in post by January 2018	January 2018	Community and Constitutional Affairs
Children's Commissioner to report back to the States Assembly on the desirability of incorporation of UNCRC into domestic and necessary legislative changes by April 2018	April 2018	Children's Commissioner
Children's Commissioner Regulations lodged by December 2018	December 2018	Community and Constitutional Affairs
Children's Commissioner to identify a plan to ensure every States of Jersey employee receives a copy and is familiar with the UNCRC by December 2018	December 2018	Children's Commissioner
Establish links with the British and Irish Network of Children Commissioners by December 2018	December 2018	Children's Commissioner
Complete dialogue with Guernsey counterparts to explore Inter-Island collaboration by December 2018	December 2018	Children's Commissioner

RECOMMENDATION 2: Giving children and young people a voice.

Alongside the appointment of a Commissioner, we consider that other steps are necessary to ensure that children in Jersey are given a voice. An effective complaints system is one key element in the structures that are necessary to ensure that looked after children are safe, and, to that end, we recommend that the current complaints system is replaced with one that is easily accessed and in which children and young people have confidence.

The outcomes of complaints should be reported regularly to the relevant Minister, who, in turn, should present an annual report to the States. This improved system should include the appointment of a Children's Rights Officer, who will have responsibility for ensuring that children in the care system, irrespective of where they are accommodated, are supported to ensure that their voice is heard and that the matters they raise are addressed. Additionally, Jersey should develop a partnership with an independent, external children's advocacy service such as Become (formerly the Who Cares? Trust). We also suggest that the Chief Minister should consider making a personal commitment to meet annually with care-experienced young people, to hear at first hand of their experiences.

Government response actions:

Action	Key Milestone	Lead Agency
Commence a Young Person Panel to explore approaches to Youth Councils by November 2017	November 2017	Jersey Youth Service
Develop a plan to deliver a school-based participation strategy by January 2018	January 2018	Education Department
Establish a Children's Rights Officer Role by February 2018	February 2018	Health and Social Services
Children's Rights Officer will begin work with children in care to review the complaints system available to looked-after children by March 2018	March 2018	Health and Social Services
Children's Rights Officer will begin work to develop a programme of regular contact between children in care and the Chief Minister by March 2018	March 2018	Health and Social Services
Establish a looked-after children advocacy service by March 2018	March 2018	Health and Social Services

RECOMMENDATION 3: Inspection of services

A further essential element of keeping children safe is having an empowered, professional and truly independent inspectorate. Between 1981 and 2001, there were no independent inspections of services for children, and, since 2001, there have only been occasional ad hoc inspections. We believe that the current plans for an internal inspectorate are encouraging, but we also consider that an external element of scrutiny is required. We recommend that Jersey establish a truly independent inspection arrangement for its children's services, which will have the confidence of children, staff and the wider public.

Government response actions:

Actions	Key Milestone	Lead Agency
Agree terms of reference for an independent review of Children's Services by December 2017	December 2017	Jersey Care Commission
Develop a plan which describes a phasing out of the Independent Visitors for Young People	March 2018	Jersey Care Commission
Commence annual inspection of children's residential services by June 2018	June 2018	Jersey Care Commission

RECOMMENDATION 4: Building a sustainable workforce

Recruiting and retaining suitably qualified staff at all levels is essential if services are to be improved and developed. We recommend that Children's Services be provided with a dedicated specialist HR resource to work alongside managers in building a stable and competent workforce. We set out suggestions for breaking down silo working and developing a culture of corporate working across all public services in Jersey, led by senior politicians and the Chief Executive and his or her senior team. This includes using principles and practices that have seen the London Borough of Hackney in the UK transform their Children's Services and become employer of choice among professionals in this field, suitably adapted for the island context.

Actions	Key Milestone	Lead Agency
Council of Ministers' decision on future use of Jersey Property Holdings existing stock by December 2017	December 2017	Strategic Housing Unit
Policy decision from Minister for Housing regarding future use of existing Andium stock for key worker accommodation and assisted purchase scheme by December 2017	December 2017	Strategic Housing Unit
Commission an independent diagnostic study of the incidence and experience of bullying, harassment and whistleblowing across the States of Jersey workforce. Study will report on findings and make recommendations for improvement by mid-January 2018	January 2018	States Employment Board
Establish a recruitment and retention plan for Children's Social Work by January 2018	January 2018	Health and Social Services
Establish an accredited training programme for frontline social work staff on systemic practice by January 2018	January 2018	Health and Social Services
Deliver increased number of training sessions on specialist safeguarding by January 2018	January 2018	Health and Social Services
Establish a training programme to support delivery of Jersey Practice Model by January 2018	January 2018	Health and Social Services
Actions	Key Milestone	Lead Agency
Commission and publish Strategic Housing Market Assessment Report by December 2018	December 2018	Strategic Housing Unit
Complete Ministerial Decision to transfer JPH housing stock to Andium Homes for key worker accommodation by December 2018	December 2018	Strategic Housing Unit
Publish integration review as part of migration policy exploring impact of public policies on treatment of migrants in Jersey by December 2018	December 2018	Chief Minister's Department
Complete refurbishment of Andium stock for use by key workers completed by December 2019	December 2019	Andium Homes
Commence redevelopment of The Limes site for affordable and key worker accommodation by December 2020	December 2020	Andium Homes

RECOMMENDATION 5: Legislation

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.

Government response actions:

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

RECOMMENDATION 6: Corporate parent

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.

Government response actions:

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 2108	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

RECOMMENDATION 7: The 'Jersey Way'

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.

Government response actions:

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 <i>'Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment'</i>	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

RECOMMENDATION 8: Legacy issues

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.

Government response actions:

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