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I am a family lawyer and a member of the Law Society's Children Panel, so am able to represent children and adults in care proceedings.

My work brings me into contact with many people who have been involved with the Children's Service (and mental health services and other health services and education). Whilst recognising that the Minister and those working in his department undertake the actions that they do in order to safeguard and protect children in Jersey, sometimes the way this is done actually causes more problems for families. Sometimes the actions taken or not taken, if taken or not taken by a parent, would result in a child being removed from the care of the person giving that care. When that is the Minister it is of concern.

Frequently, but by no means always, shortcomings of the Children's Service are highlighted in court judgments. Unfortunately, despite concerns being highlighted in this way, for the most part the comments of the Court go unheeded.

In my experience, when clients, parents or children complain, they are not always treated in a respectful manner. Many people who make complaints are really complaining because they did not get the outcome they wanted or they feel aggrieved about things that have been said or written about them. Many times they have said or done things which have rightly been picked up or have resulted in court proceedings. Many of these people are vulnerable and their failings as parents are down to care they themselves did or did not receive as children, often when they were in the care of the States of Jersey themselves.

No support is given to people to make complaints. There is no legal aid available and although unhappy people are frequently given a form or details of how to complain, many do not have the skills to do so in a succinct and directed way.

When a complaint is made, rather than there being any attempt at restorative measures to resolve issues, face to face discussions or meetings where the underlying issues can be explored, all too often the professionals involved go into defensive mode and either deny any wrong-doing or seek to justify actions or inactions taken. Where complaints are imprecise, rather than trying to find out what the problem really is, narrow responses are provided dealing only with the actual words used (not always everything) and no effort is made to look more broadly at what has caused the upset.

Even where complaints are upheld, the responses are so mealy-mouthed and defensive that it is difficult to really see from the language used that the complaint has actually been upheld. Weasel words like "we are sorry that you feel we did not meet our usual high standards" just do not make people feel that they have been heard and such responses, even if a complaint is upheld, can encourage people to take matters further, until they do feel heard...many don't even then.

When records are requested they are frequently refused or there are delays lasting months if not years before requests are followed up. A complainant needs to be very persistent. Often records or responses are not provided because of spurious data protection reasons or third party interests when the third parties are often the people being complained against, or possibly close family members whom the complainant knows and to whom the information is already known. At other times people are refused access to their records "for their own protection". The records that are provided are so heavily redacted as to be incomprehensible and the decisions about the protection needed are made by people who do not know the complainant, have no qualifications for making determinations about a complainant's psychological welfare and do not provide any face to face assistance.

There is some good practice when the Children's Rights Officer or Jersey Cares are involved but not always even then.

Where complainants are well educated, well organised and persistent, they may be able to obtain sufficient information to obtain closure. But the persistence needed is phenomenal and beyond anyone with a job and a family to deal with on a day to day basis.

In the Children's Service in particular, social workers leave and are never held to account after they have left. If there are court proceedings on-going, other members of staff are provided to give evidence on their behalf, but of course cannot do so about things which they did not see or hear themselves. Thus, the information provided to the court is often inadequate and the true failings of those involved is hidden.

Improvement

It should be possible to improve the whole complaints procedure so that it benefits both complainant and those complained against.

There should be independent people available to assist people to make complaints where they feel aggrieved. These people should listen and try to understand in a non-judgmental way what it is that has caused the problem, the feeling of hurt or injustice. Sometimes this itself will be enough to prevent a complaint. Face to face meetings with the people responsible for decisions or actions or inactions should always be undertaken unless there are very good reasons not to. Such meetings can provide explanations and apologies when appropriate. Such meetings should not have many more people supporting the Children's Service lined up to "defeat" the complainant. There should be a measure of equality of arms. Complainants should be allowed to take someone with them to such meetings. This should be allowed to be a children/family lawyer if requested. The Minister should stop being so scared of lawyers or of being sued. Having a lawyer present can help the complainant by dealing with the relevant matters and not the irrelevant, focussing on what is important and explaining why some things are done the way they are. This again will prevent cases being escalated.

If something has gone wrong, an explanation, an apology, reparation or compensation should be given, depending on the circumstances. This does not need to be expensive. Time and kindness is more important. A bouquet of flowers or a small gift of Jersey produce etc, just something to confirm an apology, to show that there is an acceptance of something having gone wrong.

Just as the complainant needs someone on their side, to listen and support them, so too do people who have complaints made against them. Not all complaints against individuals are justified, not everyone has made a mistake or been rude or broken the rules. Often it is the organisation that is at fault rather than the individual but often the blame is laid on one person, either by the organisation or by the complainant. Because there are many unhappy people who make complaints about Children's Service, in order for complaints to be dealt with properly, openly and transparently everyone the subject of a complaint should have someone to assist them. Preferably not a line manager or someone with a stake in the outcome. An independent person who will be able to honestly and transparently look at what has gone wrong and identify any wider problems or any faults with other people higher up the chain of command. If people know that they will be supported, not in squashing complaints and brushing them under the carpet (which is damaging for complainants) but in a nurturing and non-judgmental way, they will be more open to admitting or accepting that things have gone wrong. That way it will be easier to put things right so they don't happen again to someone else. Unless there are serious allegations of abuse or similar, there should not be a culture of suspending staff or punishing them for mistakes without matters being properly considered. And properly considered does not mean a "full investigation" in every case. Sitting round a table to tease out, with the complainant, what has happened, what has gone wrong or what is perceived to have gone wrong will be much more effective at resolving the majority of disputes without spending hours dealing with minutiae and pointing the finger of blame at all and sundry.

In my experience it is often the most junior staff who get the blame, even for systemic faults and it is they who suffer the consequences of complaints. That helps no-one. People higher up the ladder get away with behaving badly and confidence is lost in the organisation. When things go wrong everyone involved needs to look at why and explore how to prevent it happening again. Above all, there needs to be a lot more kindness, a lot less rudeness from staff and more support for everyone. It is not acceptable for social workers or other staff to be attacked or shouted at or sworn at. But it is absolutely not acceptable for social workers to be rude to parents, to belittle them or disrespect them. And above all, the employees of the Government of Jersey need to remember that they are professionals and their standards should be higher than the standards of vulnerable people who have challenging lives and, in the context of Children's Services, no power.

I would be very happy to speak about any of these matters if it would be useful.