

# STATES OF JERSEY

## Care of Children in Jersey Scrutiny Review Panel

**MONDAY, 9th OCTOBER 2017**

**Panel:**

Deputy S.Y. Mézec of St. Saviour (Chairman)  
Deputy T.A. Vallois of St. John (Vice-Chairman)  
Deputy J.A. Hilton of St. Helier  
Senator S.C. Ferguson

**Witnesses:**

The Chief Minister  
Assistant Chief Minister  
The Minister for Health and Social Services  
Chief Officer, Community and Constitutional Affairs  
Director, Children's Policy

[17:02]

**Deputy S.Y. Mézec of St. Saviour (Chairman):**

Thank you to members of the public and media for being here. Just the usual notices at the start to say make sure your mobile phones are turned off. The exits are where you can see the exits are, but bear in mind that because we are technically after usual office hours now, if you need to leave for any reason, you will have to be shown out by our officer here. Can I thank you all for being available to us at this time? We obviously felt it was important to get some sort of public hearing like this at relatively short order to get things sort of out there in the open, given how important this is. There is usually a notice in front of people for Scrutiny, but for some reason we do not have one, but I know that you will have read it. You will have read it previously for previous hearings, but yes, just to confirm that obviously the usual rules apply. For the benefit of the tape we will just go around

introducing ourselves and saying what role we have. I am Deputy Sam Mézec, Chairman of this review panel.

**Deputy T.A. Vallois of St. John (Vice-Chairman):**

Tracey Vallois, Deputy of St. John, Vice-Chair of the panel.

**Senator S.C. Ferguson:**

Senator Sarah Ferguson, member of the panel.

**Deputy J.A. Hilton of St. Helier:**

Deputy Jackie Hilton, St. Helier, member of the panel.

**Scrutiny Officer:**

Andy Harris, Scrutiny Officer.

**The Chief Minister:**

Ian Gorst, Chief Minister.

**The Minister for Health and Social Security:**

Senator Andrew Green, the Minister for Health and Social Services.

**Assistant Chief Minister:**

Senator Paul Routier, Assistant Chief Minister.

**Chief Officer, Community and Constitutional Affairs:**

Tom Walker, Chief Officer for Community and Constitutional Affairs.

**Director, Children's Policy:**

Andrew Heaven, Director of Children's Policy.

**Deputy S.Y. Mézec:**

Excellent, okay. Thank you very much. We have before us a list of questions, most of which feature under broad headlines you should be aware of. Just in order that we make the best use of the time that we have available, some of these questions are pretty direct on a specific point, so when we have those questions to have as direct answers as possible would be helpful. At the end of each section we will say to you if you feel that there is a point that you have not been able to make under a previous question or that you think is helpful to us and the public to have public, then we will give you the opportunity of course to add those extra points if they do not feature under questions. To

kick off, I would like to ask generally why we have the people in front of us that we do have, what is your responsibility under this operation now to get the recommendations of the Care Inquiry implemented and what the focus will be from the civil service side, who will have responsibility for what areas there and how will that be dealt with with the political oversight and political responsibility? Why do we have the particular politicians and civil servants here? What is your responsibility?

**The Chief Minister:**

I think you have got me because you invited me, but I think for me it is a really important role that I need to fulfil, which is co-ordinating and ensuring that the recommendations of the inquiry are delivered on. I am not doing the day-to-day work, although I am involved today. Part of my day has been taken up with inquiry issues and delivering them. I have made it quite clear that I am committing myself over the next number of months to the election to deliver on the inquiry. That is a top priority for me, so I think it is only right that I am here this afternoon. Andrew of course is the Minister for Health, but he has also been involved in chairing the separation of powers sub-group for me as well. He obviously has the corporate parenting remit and is responsible for Social Services, the frontline department in that regard. Paul is chairing the implementation advisory group, but is also responsible for social policy in the Chief Minister's Department and initiatives right across the social policy agenda which the inquiry talks about. Tom is the Chief Officer of the department, which is the area that is officially, from an officer level, co-ordinating the response to the inquiry and overseeing the officer implementation and inquiry response group. Andrew is the new post that has been created to ensure, at an officer level, the inquiry is delivered upon.

**Deputy S.Y. Mézec:**

Thank you. Unless other members of the panel would like to ask anything on that specific area ...

**Deputy J.A. Hilton:**

Yes, just one question. Senator Routier chairs the implementation of the advisory group. Can you just very briefly ...

**Assistant Chief Minister:**

Yes. The others are Constable Le Troquer and ...

**Deputy J.A. Hilton:**

Yes, the implementation group. Explain the group, if you could, please?

**Assistant Chief Minister:**

I am joined by Constable Le Troquer, Deputy Maçon and Deputy Martin, and with the help of Andrew alongside of me, we are going through each of the recommendations. We have been meeting on a regular basis, looking at 2 of the recommendations at a time to make our views known to advise the Chief Minister on what we consider to be an appropriate response.

**Deputy J.A. Hilton:**

Just briefly, the 2 recommendations you are looking at at the current time?

**Assistant Chief Minister:**

We have done them in order of the recommendations in the report.

**Deputy J.A. Hilton:**

So it is 1 and 2?

**Assistant Chief Minister:**

No, we have 2 to do.

**The Chief Minister:**

Which is important because they will be doing those ... I think we are meeting again, is it later this week or next week? So we will doing those and looking at the response that will be lodged later this month before it goes to Council of Ministers.

**Deputy S.Y. Mézec:**

Thank you. One area that the wheels are already in motion for is the Children's Commissioner. The first question we would like to ask on that is what is the timetable for appointing a Children's Commissioner and getting them in place and at what stage are we at now?

**The Chief Minister:**

The interviews ... I am just looking at the timetable now. There is a long list of candidates. I think it is shortlisting this week in my absence, and then interviews throughout the course of this week and next week - I think they are going to be next week - and we expect to narrow those down for a final interview panel, if necessary, by the end of October. So then that individual, if there is a successful individual, they will be offered the position so they can start work as soon as they can start work.

**Deputy S.Y. Mézec:**

What role do you see the Children's Commissioner having in bringing forward the legislation that will confirm the functions and the powers of the Children's Commissioner?

**The Chief Minister:**

It is going to be really critical. I discussed with Andrew ... we discussed this morning about when we expect those regulations to be brought forward and we are working on a timetable of them being lodged by December of this year. So it is going to be a fairly tough job for the new person that is appointed that they get on and work to ensure there is an appropriate legislative framework in place. There is a strong argument that said we should have waited for the legislation to be in place prior to the appointment. I felt that I did not want to wait for the legislation to be in place because I felt that there was a potential that we would then just put off the recruitment because we could argue about the legislation. We could think about: "Do we want them to do this? Do we want them to do the other?" and that would just delay it. Let us get somebody appointed and they can help deliver the legislative basis for it. So there was a risk. So far, I think that risk is going to have been one that was worth taking, but we will only know when we bring forward the legislation in December.

**Deputy S.Y. Mézec:**

Given what you have just said, how did you compile the job description to do this, given that the legislation is not in place and there may well be some aspects of the job that were not initially anticipated? How did you put that job description together and did you look at any other examples either in or outside of the Island to give the inspiration for putting that together?

**The Chief Minister:**

Yes, we did. We did that. Andrew and another policy person from C.C.A. (Community and Constitutional Affairs) was involved in that, so they reviewed the roles across the United Kingdom largely, where there are different approaches and different Commissioners and we did have some discussion about what should or should not be included. One of the areas where we did not agree on was whether the Commissioner should have an Ombudsman-like function included in the legislative base as well. That I think is something that we will look for the new Commissioner to resolve. I am absolutely clear, they have got the job description, which has looked at how a Commissioner would work elsewhere, and they will have the flexibility to be able to make suggestions. I will take those suggestions and put them in legislation if they think that there is in some way lacking in what is currently within their job description, because they will in effect be the Commissioner and then we will work together to deliver the legislation if the legislation asks the Commissioner to do something else, because that is what the Commissioner thinks should be done. That will give us that flexibility.

**The Deputy of St. John:**

So will it be a standalone piece of legislation?

**The Chief Minister:**

That is the proposal, yes.

**The Deputy of St. John:**

So it will not be coming forward in the children's law or any other piece of legislation?

**The Chief Minister:**

No. I think it will be a standalone legislation and we will be working, as you will see from the document on a children's plan, throughout the course of ... well, they have already started work on it, but it will be throughout the course of the remainder of this year. I think it needs to be standalone because it shows the seriousness with which we are taking that position.

**Deputy S.Y. Mézec:**

I think it follows from what you have just said to ask the question, given how this job has being created, how is it during this process that you will ensure that the Children's Commissioner retains or has the independence, the level of independence, that they need to be able to do the job properly?

**The Chief Minister:**

It is clear from the job spec that that is what they will be expected to maintain. That will be a balance of who they report to and how they can or cannot be instructed, like we have with other independent bodies, so it is a model that we have elsewhere. But I would expect them to be in agreement and be in a position to publicly confirm that they agree that the legislative base that we bring forward is an appropriate one.

[17:15]

**Deputy S.Y. Mézec:**

Does that run any risk of the new Children's Commissioner coming up with some proposals for what should be in the law that are not necessarily politically acceptable to the Council of Ministers and how would you overcome that risk if it presented itself?

**The Chief Minister:**

Of course it runs that risk. It will be, as far as I am aware, sitting under the Office of Chief Minister and therefore it will be the Chief Minister that lodges the law and that is how we would overcome such an eventuality.

**Deputy J.A. Hilton:**

Just going back to the interviews that are taking place next week, can you tell us who is going to be sitting on the interview panel?

**The Chief Minister:**

That is a good question, because I know that I am not because I have got other commitments, having wanted to be, so they are now putting me on the final panel process, should that be needed. Tom, you are sitting on them, so hopefully you can just confirm that.

**Chief Officer, Community and Constitutional Affairs:**

Yes, I am the member of the senior civil service who will be participating in that. There will also be the Chair of the Jersey Appointments Commission, Dame Janet, so she will be on the interview panel. We are also having a Children's Commissioner from elsewhere in the British Isles join the panel and we are also trying to get the services of a well-regarded former Head of Children's Services who can also join that panel to bring a bit more expertise. The panel will also be preceded by meetings with young people themselves, so we are structuring a process whereby the day before the interviews the candidates have a day where they are interacting with a group of young people and then the young people will feed back to us, as the interview panel. Then we will be conducting interviews in the usual ...

**Deputy J.A. Hilton:**

Yes, because I think one of the recommendations of the Care Inquiry was that young people were involved in the appointment process so that is again ... there was one other question as well. One of the other recommendations for the Commissioner of Children was that the post of Commissioner for Children in Jersey be established and enshrined in States legislation in a manner consistent with the U.N. (United Nations) principles relating to the status of national institutions, the Paris principles. Is that going to happen as well?

**Chief Officer, Community and Constitutional Affairs:**

Yes.

**Deputy J.A. Hilton:**

Right, thank you.

**Deputy S.Y. Mézec:**

Anything else while we are on this area?

**The Chief Minister:**

I just wanted to check whether there was not another person, but that is fine.

**Deputy S.Y. Mézec:**

Where is the budget going to come from for the continuous spending that this role will require?

**The Chief Minister:**

It is currently covered by the contingency approvals which are in place and then it will need to go in the bottom line for the next M.T.F.P. (Medium Term Financial Plan).

**Deputy S.Y. Mézec:**

How does the salary for this particular role compare to other independent functions like, for example, the C. & A.G. (Comptroller and Auditor General)?

**The Chief Minister:**

Do you want to cover that? I think it is greater. We looked and compared what other Children's Commissioners were being paid. If memory serves, I think we thought about £100,000 was what would be allocated and we should be able to get somebody suitably senior for that role. Andrew, I do not know if you have got anything else to ...

**Director, Children's Policy:**

No. The assumption is that it would be a fulltime position and that is upon which the negotiations and the recruitment would be based.

**Chief Officer, Community and Constitutional Affairs:**

But obviously our focus is getting the very best person, so our assumption is a fulltime position at around that salary, but if the very best person wishes to work differently, that we should have a different working pattern or the remuneration needed to be slightly different, then obviously we would flex that because getting the right person is by far the most important thing.

**Deputy S.Y. Mézec:**

The concern that has previously been expressed, that a Children's Commissioner would not be cost effective, why is that no longer a concern?

**Chief Officer, Community and Constitutional Affairs:**

A concern expressed by who?

**The Deputy of St. John:**

That was a report to the U.K. (United Kingdom) by the Government in September 2013 stating that it would not be cost effective.

**Chief Officer, Community and Constitutional Affairs:**

A report?

**The Deputy of St. John:**

To sign off for the United Nations Convention for the Rights of the Child there was a Ministerial Decision signed for the report that went to the U.K. stating that a Children's Commissioner would not be cost effective.

**Chief Officer, Community and Constitutional Affairs:**

Was that the response to the U.N. Convention on the Rights of the Child when we were seeking the Convention compliance?

**The Deputy of St. John:**

Yes.

**The Chief Minister:**

I could spend this entire hearing saying we were wrong, but in this instance we were wrong and we just have to stand up and admit that and say we are going to put these things right.

**Deputy S.Y. Mézec:**

Anything else under that question? Right, then I will ask one I was going to ask later on. What conversations have you had with other small jurisdictions about the idea of sharing a Children's Commissioner with the other Channel Islands or the Isle of Man, for example?

**The Chief Minister:**

Yes, officials have had those conversations with their counterparts. Tom, I do not know if you want to say more about them.

**Chief Officer, Community and Constitutional Affairs:**

Yes. So we have had discussions with counterparts from Guernsey, who have expressed a strong interest in going down that path and having a shared Children's Commissioner. That expression of interest has come from the relevant committee and Chief Officer and Andrew and I have met with the Chief Officer to have those discussions further when he visited Jersey. At this stage we have left the door very widely open to that, so it was part of the recruitment pack that that was a possibility and that people who put themselves forward for the role will know that is a possibility. The next few months will be the opportunity for Guernsey colleagues to explore that through their own formal decision-making processes as to whether they wish to formally make that decision and go down the path of a joint commissioner. So at this stage it is very positive and we are just keeping that door widely open.

**Deputy S.Y. Mézec:**

With it being at the moment a possibility rather than a certainty, does that run the risk then of Jersey perhaps getting ahead of itself and pursuing a particular model for what a Children's Commissioner should be doing that might not necessarily be acceptable to the other islands if they were to then decide they did want to share services?

**Chief Officer, Community and Constitutional Affairs:**

Our discussion with Guernsey counterparts has been very much just around a regular Children's Commissioner model, so the model is quite firmly established elsewhere in the British Isles. That is what we want; that is what they are interested in. They are also aware that there was some additional areas that we may wish to look at later around, as the Chief Minister said, things like an Ombudsman function and whether that should form part of the Children's Commission's remit, but Guernsey are aware of that. If they do take the decision that they want to work jointly with them, then we will have those discussions together in order to make sure that there is a consensus around what the model should be.

**Deputy S.Y. Mézec:**

Does the prospect of the other islands not wanting to get involved in this affect the viability of this as a project at all?

**The Chief Minister:**

No, not at all. We were quite clear that we needed to go ahead as quickly as we possibly could. As Tom said ... I do not know what he quite said, but the chairman or the president of the relevant committee contacted me, I do not think it was the day of the announcement, or somebody said that they were really keen to be involved and we responded saying: "Absolutely" and the officials have their conversation, but it would not stop us from moving ahead.

**Deputy S.Y. Mézec:**

Okay. Anything else on this area so far?

**Deputy J.A. Hilton:**

Just one question, sorry, going back to the appointing a Commissioner for Children. The Care Inquiry report says that: "In the interests of independence, any such appointment in Jersey should be made by the States Assembly rather than by Ministers." Can you just explain how you think you will be fulfilling that recommendation?

**The Chief Minister:**

It works - as we do with lots of others - that the department, with a senior position like this, as well political involvement, go through the recruitment process overseen by the Appointments Commission and then it comes to the States for approval.

**Deputy J.A. Hilton:**

Okay, thank you.

**Deputy S.Y. Mézec:**

Moving on, are there functions that are currently exercised by other bodies or officers that you anticipate being taken away from those bodies to be given to the Children's Commissioner? If so, what would you think they would be?

**The Chief Minister:**

It is a difficult question, because there might be. I was thinking this morning about what is the overarching point? It might be a too direct word for a Children's Commissioner and it is advocating and it is all of those things that we know about, but is it not about helping us to ensure that we care for, that we consider and that we provide for children in whatever forum right across our Island? So it goes from that really broad perspective and therefore there might be functions that are currently undertaken elsewhere in departments that the Commissioner would think that they would better perform. I cannot just think of any quite now, other than this idea of them having an Ombudsman role, which I think would be extremely useful and worthwhile, but you need to work through how that work would work to all of the other functions that we would expect them to undertake. So it is a maybe, but until they have stopped to look at our legislation, our children's plan, all of those things, we cannot say for certain.

**Deputy S.Y. Mézec:**

How do you anticipate the relationship will work between the Commissioner and the Chair of the Safeguarding Partnership Board?

**The Chief Minister:**

All of these relationships, they will need to work together. One would hope that they would be good positive relationships, but I do not think that we should be under any ... what we want is there to be constructive dialogue, which might sometimes look like a bit of friction and a bit of challenge, but both of those roles should be challenging. Sometimes I think they will probably challenge each other, because a Commissioner will want to look at serious case reviews that come out of the Safeguarding Board and we want the Commissioner to look objectively at that and perhaps challenge back. It might not be comfortable, but that is what we will be asking for and sometimes

the Safeguarding Board might be challenging towards what the Commissioner is saying as well about what the best approach is.

**Assistant Chief Minister:**

Sorry, can we just add, there is also the Care Commissioner as well, who is ...

**Deputy S.Y. Mézec:**

Just about to ask about that. Please carry on.

**Assistant Chief Minister:**

The reason I mention that is because we met with him only last week to find out if there was any cross-referencing of how they would operate and also asking for his advice about things like visiting and inspections. So we had quite a very useful discussion with him and how he saw we could make recommendations to the Chief Minister about how those inspections should take place. Obviously the Safeguarding Chairman, the Care Commissioner and the Children's Commissioner will all probably be interlinked and work together, but as the Chief Minister said, there will be times when there will be friction between them because they will be looking at it from different angles.

**Chief Officer, Community and Constitutional Affairs:**

I think the important point is that the Children's Commissioner is the over-arching function. It is there to make sure that the safeguarding function was working, that the Care Commission's function is working, the services are working, so it is the broader umbrella ...

**The Deputy of St. John:**

What teeth will they have though? I mean, it is okay saying they will co-ordinate in making sure other people are doing their jobs and that is just a basic governance model, is it not, but what teeth will they have to make sure that they are doing these things?

[17:30]

One of the points in the Care Inquiry was that the corporate parent system largely failed because no one person or department wanted to take responsibility for anything; that was stated by Deputy Pryke.

**Chief Officer, Community and Constitutional Affairs:**

I think that the legislation will decide what functions and powers they have. Ultimately the power that they have will be the power that the Assembly gives them through the legislation.

**Deputy S.Y. Mézec:**

I think this flows into some of the questions that we were going to ask next about what role you anticipate the Children's Commissioner having in implementing a children's plan and for the policies that will inevitably end up coming up over the next few years with regards to children. What role would you see the Children's Commissioner having in that?

**The Chief Minister:**

Firstly, one in assessing that plan and being involved in it and the giving of almost quality assurance to the Assembly and to the public that the plan will work, as to what the right resource is to put to it, financial and people. So quality assurance as we are going and bringing forward different bits of legislation, different policies and the children's plan, but also retrospectively going back and saying: "Yes, it did" or: "No, it did not." So it will be throughout the process, but I expect that retrospectivity to not just be a tick box but also speaking to children, to the services and finding out how they are being delivered and the effect that they are having on real people's lives.

**The Deputy of St. John:**

Can I ask, I know that we have got some form of children and young people's plan in place or we have one, what assessment is being done of that before the appointment of a Commissioner, if any?

**The Chief Minister:**

Andrew will tell you that - and everybody that tells me - was a really good plan, but it was just that. It did not ...

**The Deputy of St. John:**

Was it another document on the shelf?

**The Chief Minister:**

It was just another document. It may or may not have been put on the shelf. It was not properly resourced from a people point of view. It was properly resourced from a finance point of view and it did not have the appropriate buy-in right across the departments. I think that is fair. Even if it had had those, it did not have any appropriate over-arching function that was ensuring that people were doing what they were supposed to be doing.

**The Deputy of St. John:**

That is what really concerns me though, is that how can you give confidence to us that the budget you are proposing for the Children's Commissioner and the staff you are proposing for the Children's Commissioner is sufficient to meet the requirement of a Children's Commissioner?

**The Chief Minister:**

I cannot. It is our best ... what we do with policy is we look to see what other people have done elsewhere. We look to see what it is costing them and we make our best estimate to translate that to Jersey and say: "We think to get this quality of person it is going to cost us this." We have been quite clear that it is going to take an office of 3 people, they are going to cost this, but I have no doubt that they are going to be very clear with us if they think that that is not enough. In a way, they will not know whether it is enough until they start their work. But they have to have the authority in statute to be able to say whether it is enough or not and they probably need to be treated in a similar way to the States Assembly, where they can put their required budget to the States without any reduction changing from the Council of Ministers and the States approve it or not. They have to have that autonomy to be able to do that, otherwise your concern about them not being properly resourced will have appropriate foundation. But I think if we take the approach we have taken, they have the legislative base to be able to present their budget and it gets presented to the States without being interfered with, then that is going to start to give us confidence that they are properly resourced and they are acting independently.

**The Deputy of St. John:**

But it is not just the Children's Commissioner resources and budget, but surely the departments that need to deliver for the children as well. That does come under the States Assembly in terms of being able to reduce or increase.

**The Chief Minister:**

It does. That is more challenging because we all know that everybody has different political priorities for policy and for spending. Politicians are going to have to stand up and be counted for whether they support a particular spending proposal around children and improving services for children and increased resources and changes to the way that we deliver government in order to deliver that or not. This is why I have been saying quite clearly that when you start to scratch beneath the surface of the inquiry, it is not just about Children's Services and how children are cared for and provided for and protected, it is about how we do government. They are really big difficult challenges and that is why we will be coming forward with some changes to how we do government. I have got a note: "From reading the inquiry, I have no choice but to do that."

**Deputy S.Y. Mézec:**

How do you foresee the relationship between the Children's Commissioner and the States Assembly being? In particular, what lines of accountability will exist and what opportunities will the Children's Commissioner have to make the case for their proposals straight to ordinary States Members who are not part of the Council of Ministers?

**The Chief Minister:**

That will be fundamental in the legislative basis that we bring forward to set them up. They have to report to the States Assembly and it has to be done transparently and publicly because it goes again to the Deputy of St. John's point about giving confidence. Unless we have those safeguards in place, people will not be confident and they will fear, because of history, that it will just be another ... it is not a quango, but that sort of thing, that is not accountable to anybody and that cannot be allowed to happen.

**Deputy S.Y. Mézec:**

Does anyone else have anything on that just while we are on that point? What powers do you then anticipate the Commissioner having when it comes to dealing or at least hearing complaints and concerns from members of the public or perhaps from States Members on behalf of constituents? How far do you think their powers will need to go in terms of how they will interact with other States services providers and with politicians?

**The Chief Minister:**

I should have said in answer to your earlier question that I think in the early stages the relationship between the new Commissioner and the States and departments will be uncomfortable and potentially difficult, but I think that is why we need a Commissioner. Your question really gets to the heart about is the Commissioner going to also have an Ombudsman function, because people will of course be able to write and speak to the Commissioner about the experience that they have had and that will inform policy. It will inform reviews of services and all of those good things. But when we had our initial discussions about this, as Tom said, I was quite keen for us to ask the Commissioner to also have an Ombudsman function so that they cannot just deal with the questions from a policy perspective, but they also have some power to look at individual cases and complaints and concerns that are brought to the Commissioner, and like an Ombudsman, will not have some direction to change that service or improve that service. But it is quite a difficult area and other than keeping the question open, we have not done any more work on it.

**Deputy S.Y. Mézec:**

So in terms of the responsibility the Commissioner will have for monitoring and regulating the way services for children will be undertaken, how do you foresee that working and how they will act with existing bodies like Regulation of Care Commission and others? How do you see that operating?

**The Chief Minister:**

I suppose in a way we sort of touched on that already. They will have this over-arching view. They have to work together, but it will potentially be difficult and challenging for them. Andrew, I do not know if you want to add anything in that regard.

**Director, Children's Policy:**

Just generally, when you asked a similar question before I would just want to underline the fact that the focus of the Children's Commissioner would be predominantly on the U.N.C.R.C. (United Nations Convention on the Rights of the Child) and the commitments that have been made to fulfilling those rights of the child and that they would be facing the child and listening to children and young people and therefore that is an extremely important role. That is an undiluted discussion, ongoing exploration of understanding on what it means to be a child in Jersey or a young person in Jersey. I think that is a very privileged role and I would expect the Children's Commissioner to have comment upon a children's plan. I would expect or look for the Commissioner to have a comment on inspection and a comment upon other commitments that we would give within a children's plan. You said earlier about the Children's Commissioner being another part of the wider system check and balance and I think that is exactly what it is. That is how it is framed in the Care Inquiry, is it not? I think there will be a period of settling and an understanding of how the different roles interrelate to each other. But I remain convinced that the merit and the difference that this role will take is the absolute vision and laser-like vision around children's experience and that lens is the one of the U.N.C.R.C. That is not one we have had as strong as before.

**The Chief Minister:**

That is why we asked Deputy Doublet to put the amendment in her proposal about U.N.8 and children. I get confused with my U.N. letters. That is why we asked her to ... yes, it was the right thing to do because that is what we fundamentally see the Commissioner doing, but they need to be involved in how we do it.

**Deputy S.Y. Mézec:**

The Care Inquiry report spoke about what they called "the Jersey way" and the perception which exists among areas of our community where there are people who have no faith in any of our Island's institutions and who perceive them as not working in their interests and they do not trust them and therefore choose not to engage with them. The report spoke about the importance of moving away from this and having institutions that the public can be confident will do their job and will work on behalf of them. Historically politicians have not been good at recognising when there are elements of the government process that the public do not have faith in. What would you see as the role of the Chief Minister and the Government more widely to recognise if that becomes something that the new Children's Commissioner suffers from? If at some point in this process people begin to lose faith in the process, what would you see the role of the Government to make sure that that does not happen and that the role is one that is trusted by vulnerable members of the public who would need to benefit from what the Children's Commissioner will be able to do?

**The Chief Minister:**

I think Andrew, yes, touched on it. If you are just talking about in regard to the Commissioner, because the other is far broader issues than that, of course.

**Deputy S.Y. Mézec:**

We will come on to the other one, but specifically this one.

**The Chief Minister:**

Yes, and I think Andrew touched on it, that it is that representing the children's voice through the lens of the U.N. - I am going to keep doing this - C.R.C.

[17:45]

I keep thinking of U.N.8 there, U.N.C.R.C. and them being able to see that this was their voice, this is what they said, this is what they felt about the service and this is why they felt it was failing and for the Commissioner then to, in their public pronouncements and reports, articulate that and make recommendations for change around service provision. They will have to see that link going through it.

**Deputy S.Y. Mézec:**

Does anyone else have any questions on this point? At what point did you begin to believe that creating a Children's Commissioner was going to be necessary and at what point did you start having discussions within the Government, working towards that aim?

**The Chief Minister:**

I think it became apparent that a number of people who had appeared before the inquiry were suggesting that a Children's Commissioner might help us moving forward and so we asked officials to consider that. What would it look like in our context or what do people do elsewhere? What is it going to cost? Which is why we were in a position very early to say: "Okay, we are going to do it because we have done some of this work because of what people were saying to the inquiry." It was a few months before the actual publication.

**Deputy S.Y. Mézec:**

You are saying that the seeds were planted by the submissions that people were making to it and would that therefore have not happened without the Care Inquiry report?

**The Chief Minister:**

I think we have to be honest and say I do not think it would. We know that there was a previous vote in the Assembly that did not support it. We know, as the Deputy of St. John has just said, when we were trying to get the U.N.C.R.C. extended to us, we had to make a case why we had not done various things and in this regard we made the case that it was not cost effective. So I think we have to acknowledge that it probably would not have happened without the inquiry.

**The Deputy of St. John:**

Is it not really sad that you have to spend £23 million on a report to get States Members to wake up to say: "This is needed"? I mean, this is something that has been recommended time and time again. Sorry, I am just getting really frustrated. This particular area is the ... why? I mean, why were the arguments not made? Surely there were enough cases. There are some harrowing stories in this Care Inquiry and I just ... why do you think, Minister?

**The Chief Minister:**

I do not think people have fully woken up yet and that is ...

**The Deputy of St. John:**

Why do you think that though?

**The Chief Minister:**

Because I think it is hard for a lot of people to accept that things that happened did happen and it is hard ... when we had the in-committee debate, it was difficult for a lot of Members to accept when we had the state of services that the 4 audits said. To some extent, with the decades-long abuse, some younger members of our community think: "Well, I was not around. I was not here." But if we bring it closer to home with those 4 audits and how the service was, it is difficult for any of us then to say: "You know what, we all should hold our hands up here. We all need to wake up and dedicate ourselves to doing better in the future." I cannot answer why did we not do it earlier; why did votes not go the other way; why was there not funding for Children's Services; why were they not prioritised? I do not think we know the answer to that. We can have some ideas, but they were not.

**The Deputy of St. John:**

I know many times in the States where we have been told about the corporate parents, the Minister for Health, that is the Minister for Health Minister's responsibility. There has never been training for States Members. There has never been support with regards to States Members to understand these types of cases, so how do you envisage that changing moving forward? Is it something that the Commissioner would consider in terms of our responsibilities as States Members to plans?

**The Chief Minister:**

There has been some safeguarding training for States Members, but again we have got to be honest, are States Members supported enough in the work that they do generally? The answer is no, they are not, and this is just another area where it has been too difficult for people to do, to stand up and tell the public, the voting public, who States Members rely on to vote for them for their jobs: “Do you know what, you might vote for some good people to become States Members. We might always have a little debate about that, but if you really want them to do a good job for you, they need proper training, they need better training, they need proper resource, they need better resource” and we have not been prepared to stand up and make that case. Just another issue that is flowing out of this inquiry, that we cannot do that anymore. States Members need training about where is the responsibility of the corporate parent; what are their responsibilities towards young people in our care; how do we deal with safeguarding; what do we say to a constituent who comes to them with this particular issue, how is it handled and what is the first point of contact?

**Senator S.C. Ferguson:**

You say that we still have people within ... I do not know, you just said people who will not admit or cannot understand that it has happened. Are you talking about within the civil service or within the general public?

**The Chief Minister:**

I am talking about across the Island and I am not sure that I make a differentiation.

**Senator S.C. Ferguson:**

I suppose the public are entitled to think that we pay a lot of money for a lot of very highly-paid civil servants who appear to have missed this all going on. I mean, is it the silos?

**The Chief Minister:**

The silos is, to my mind, part of the issue, yes, and the way that we structure our Government in departmental silos. We have one Chief Officer to one Minister. Serious case review after serious case review has said that we do not talk to each other, that we have somebody called the Chief Executive Officer, without the ability to act as a chief executive officer would act in the private sector, to metaphorically bang heads together and say: “Do not blame each other and say: ‘It is your fault, not my fault. It is your department, not my department.’ Sit down and work through it so that it is in the best interests of children.” It is really a difficult balance to make because we have got lots and lots of really great people working for us, but they are working in a system that, if we have to be honest, I think works against them doing their best possible job and that has got to change.

**Deputy J.A. Hilton:**

The report made criticism of new States Members after the 2014 election, who had been invited to a briefing about their responsibilities as corporate parent, but it was very poorly attended. Are you going to follow up that recommendation that attendance to those briefings are made mandatory for all States Members?

**The Chief Minister:**

Yes, in short, but I think perhaps it was some of that and some of these issues about people's eyes being opened that led them to make the recommendation that perhaps some have questioned already. I heard it being questioned in the in-committee debate, about changing the oath, that if States Members are in their oath saying that they will take these issues seriously, then when training is offered and provided then they are going to take it seriously. I think those are connected.

**Senator S.C. Ferguson:**

Do you think we ought to perhaps have the oath for civil servants as well? There are still cases going on and yet one is not getting the response from within the service.

**The Chief Minister:**

I have heard politicians blame civil servants for what went wrong and what goes wrong. I have heard civil servants blame politicians for what went wrong and do you know what, I am sick and fed up of it, of just: "I am blaming you. It was your department. Politicians would have made the difficult decisions if you had asked them to." The structure of Government needs to change, in my view, not just on the governmental political side, it does need to, but it needs to change on the service side as well. We have got to stop blaming each other.

**Senator S.C. Ferguson:**

I am not blaming. I am just saying ...

**The Chief Minister:**

No, but Sarah, we are. You did. You just tried to do exactly that. If you wanted me to go away and get a long list of people I could blame, I could easily do that.

**Senator S.C. Ferguson:**

Unfortunately, like President Truman, you are in a position where the buck stops here, surely.

**The Chief Minister:**

Yes.

**Senator S.C. Ferguson:**

Good.

**The Chief Minister:**

That is why I am doing what I am doing and that is why I am absolutely committed to delivering on the recommendations of the inquiry. What we have allowed to happen in our community is an absolute scandal and we all have to put our hands up to it. You can say: "The buck stops with you, Chief Minister, you go and sort it out." That will not solve it.

**Senator S.C. Ferguson:**

I am not saying it will.

**The Chief Minister:**

That will not solve it. That will not move us forward. It is uncomfortable. It is really difficult, but if we just keep blaming each other I might as well go home and do something else.

**Deputy J.A. Hilton:**

Were you surprised to hear in evidence - you may not have heard it in evidence, but it was given in evidence - that the Chief Executive had not visited the Children's Service? Does that surprise you?

**The Chief Minister:**

There was a lot that I was surprised about.

**Deputy J.A. Hilton:**

The point was about all departments, all States departments, working together. If the Chief Executive, in all his decades in the States, had never visited the Children's Service that is pretty poor, would you not agree?

**The Chief Minister:**

It shows how, up until I think very recently, the Children's Services was viewed by the whole of the States edifice. I have said it before and I will say it again, I felt that when Jo Olsen came, she was the interim ...

**The Minister for Health and Social Security:**

Interim Director of Children's Services.

**The Chief Minister:**

Yes, which the then Minister for Health requested they brought in. I, for one, felt that was the first time people were starting to be honest with us about the state of the service and the 4 audits that

Mary Varley did, because Jo asked for them to be done. That is a terrible indictment of the service and of Government and how we treated children.

**Deputy J.A. Hilton:**

Yes, but one of the observations made by the Care Inquiry was that Jo Olsen, who was brought in as Interim Director - I think she left in 2015 - she did not have any agenda except to come in and try and address some of the issues of the failures within the Children's Service. One of the comments made by the Care Inquiry was that Jersey for too long, decades, promoted from within, promoted to positions of seniority. People were not experienced or capable of doing the job that they were supposed to be doing. She was coming in for a year. She did what she had to do. She was very good for Jersey because I think she opened the lid on what was happening, but even when she left in 2015 she had concerns about the safety of children in the Island and it is an uphill battle, is it not?

[18:00]

But I think until the Chief Executive and the Chief Officers of all departments identify that and start working together and take in joint responsibility with politicians for the Children's Service we are just going to continue, I think, as we are or have been in the past.

**The Chief Minister:**

I agree with you.

**Deputy S.Y. Mézec:**

I think we might have an opportunity ...

**The Chief Minister:**

That is why you are going to see some quite radical changes that we are going to be proposing. We have got a new Chief Executive starting and I think we have an opportunity to almost reset the dial about how we do government and how we think about children and how we work together in a collegiate fashion, because it is not just about Children's Services. It is about all of our services that touch children and they are 2 very different things.

**Deputy S.Y. Mézec:**

We might have an opportunity to return to some of these things, but before moving on to some other areas I just want to get a final few points about the Children's Commissioner and inspection of the Children's Service. Next week the Children's Commissioner for England and Wales is visiting the Island to attend a conference. Do you have any plans to meet with the Commissioner and if so, what will you be discussing? He searches for his diary.

**The Chief Minister:**

No, I am just going to say something. I have, which is extremely unusual for me, a blocked-out half day for that conference. Never does anybody get half a day in my diary, Tom, do they?

**Chief Officer, Community and Constitutional Affairs:**

No.

**The Chief Minister:**

It is unheard of, because Suzanne will not let them. Yes, I think it is going to be really important and it is going to be a really important learning opportunity for us from their experience, so I am looking forward to it.

**Deputy S.Y. Mézec:**

Do you have further plans to keep in communication with the Children's Commissioner for England and Wales and to potentially other Commissioners as well, do you have those plans to stay in communication after that?

**The Chief Minister:**

Yes, we do. It is already in train and it is already happening, and building those relationships and the new Commissioner into those networks is really important.

**Deputy S.Y. Mézec:**

Deputy Hilton, did you want to ask about number 27?

**Deputy J.A. Hilton:**

Yes. What is your anticipated timescale for the inspection of the Children's Services under the recommendation in the Independent Care Inquiry?

**The Chief Minister:**

I am going to look to Paul, because he obviously met the Care Commissioner more recently than I did, but I have asked them to come forward with a plan by the end of the year, in effect. That will be who they think the external body is that can do the work and how they should start it, because let us be honest, if they did a total review of everything in the first quarter of next year, which is the timetable we are looking for them to do it, it is not going to say much different to what we said have been in the improvements since the audit, but also what the inquiry says. So they need to rightly make those decisions, because it is important that they make the decisions and not us, but they are on track to by the end of this year.

**Director, Children's Policy:**

The draft terms of reference for that and inspection by the end of this year and then look to identify an appropriate set of people to come, depending on the terms of reference.

**Deputy J.A. Hilton:**

The report was published in July 2017. There have been very, very few external independent inspections of the Children's Service. I think the Mary Varley report was probably the last one, in 2015. Why is it taking so long? This is absolutely crucial, to have a baseline.

**The Chief Minister:**

Yes, it is. This is the over-arching piece of work. This is the body that is going to be doing it independently. On the Children's Improvement Panel, we have the Chair of the Safeguarding Panel, an independent person, and we also have an independent professional. We discussed this last week, was it not, about providing you with copies of ... they have been doing some independent reports as well about elements of the service and it might be helpful for you in your deliberations to have access to those and sight of those as well. So it is ongoing, but it is not the big framework that we will deliver through the Care Commission.

**Deputy J.A. Hilton:**

I do not understand what is so difficult about auditing the Children's Services and the cases that it is looking at, basically the bottom line.

**The Chief Minister:**

It is quite difficult. If you look at the Mary Varley audits, they took quite a long time to do a proper piece of work. I am trying to think off the top of my head. It was a number of months to do those 4 different audits; I do not know if it was not getting on towards 6 months. They, I think, operate as the baseline and everybody will go back to those audits to see what improvements have been made from those audits. That is what I would expect the independent inspection to do.

**Deputy J.A. Hilton:**

So you are going to use the Mary Varley report as the baseline for when you get a body to come in and carry out that independent audit, is that what you are saying?

**Director, Children's Policy:**

I think it is the Care Commission are going to draft the terms of reference, and then as part of those terms of reference, I would expect them to look at the work that has gone on before and they would reference the Care Inquiry and its reference to the Mary Varley work. That is the first thing I wanted

to say. The second thing I wanted to say was just minding our vocabulary, in terms of an inspection is different from an audit, because technically it is different. An inspection is one method of improving your service, just as audit is, just as Lean and just as training and development and redesigning services. So I just wanted to say that as a context. I think that where inspection is done well, it is done in full sight and understanding of the context for that service and therefore the point that the Chief Minister makes about the effort that has been going on in terms of the Service Improvement Board, that will be important for the Care Commission to understand in constructing their terms of reference and where they end up.

**Deputy J.A. Hilton:**

So basically what you are confirming to us, a statutory basis for the inspection of Children's Services will be established by the end of 2017?

**Director, Children's Policy:**

There are 2 bits going on here in terms of inspection of the Children's Services. There is the inspection of children's residential homes and we hope to have those regulations in place by the end of the year and then the inspection against those regulations will happen in 2018. That is one tranche. Then the additional inspection that the Chief Minister requested of the Care Commission, which is what you are talking about just now, will look at an aspect of Children's Services. The Care Commission are currently developing the terms of reference for that and we expect those terms of reference to be identified between now and December. I just wanted to ...

**The Chief Minister:**

Yes, and that is important, because again, we could have waited. There was the ability to use the Care Commission and its legislation to do that second piece that Andrew has talked about and for them to come forward independently. Because that was a really important point that the inquiry made, that I could say to Andrew: "Speak to Social Services and just could you do an inspection?" and they would go away and decide: "Well, it is going to be this, that or the other" and all of those things, but the inquiry is very clear it has to be independent. The Care Commission is set up in such a way - first of all it has got an independent chairman - that they can develop their terms of reference, then get an independent person to come in, maybe N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) or somebody like that, and do an inspection, but we ultimately - and they are doing this as well - have to have a legislative base for that going forward in the future. But I did not want to just wait again until we had that legislative base in place, I wanted to get on, because it comes back to the Deputy of St. John's point about public confidence in the service and that it is changing.

**Deputy J.A. Hilton:**

You see, one of the recommendations under recommendation 3 in the report says: “We recommend therefore that the States commits to introducing an independent inspection regime for its Children’s Services. It must give urgent consideration as to how it can establish an arrangement that will have the confidence of Islanders and especially looked-after children. Options for doing this could including commissioning from off-Island agencies such as Ofsted (Office for Standards in Education, Children's Services and Skills).”

**The Chief Minister:**

Yes, that is what the Care Commission is doing. They are coming forward with their terms of reference to do just that, but it will not, at that point, have the legislative base that we need to deliver to put it on a permanent legislative footing. It is really important.

**Deputy J.A. Hilton:**

Are you aware that your new Chief Executive Officer ... I am told he came from Westminster.

**The Chief Minister:**

Currently, yes. He has not just been in Westminster though.

**Deputy J.A. Hilton:**

Okay, but currently, his last post. Are you aware that Westminster was held up to be outstanding in the 2016 Ofsted report?

**The Chief Minister:**

Yes.

**Deputy J.A. Hilton:**

So obviously this is a really important development for Jersey, to have somebody who led an authority that was ranked as outstanding. How much are you going to use his abilities and experience to improve Children’s Services in Jersey? What discussions have you had with him to date about our Children’s Services? Have you discussed it?

**Deputy S.Y. Mézec:**

That is the better question.

**The Chief Minister:**

What discussions? I have had discussions with him. Yes, of course I have. It came up at the interview and subsequently in my discussions with him and he has got some ideas about what we can do and what he will want to do, which he will be only too happy to talk about more when he gets

here. It is really important. Again, that is a thing that has not been picked up. People have picked up that he has turned failing authorities around in the past, but this particular issue of the Children's Services and where Westminster stands, that is an issue which is part of an important consideration in bringing him in, but nobody has really picked up on it, other than obviously you.

**Deputy J.A. Hilton:**

It was the best piece of news I received last week when I realised how instrumental he will be in delivering some of the recommendations in this report, the best piece of news I have received in a long time.

**The Deputy of St. John:**

Can I just ask, you stated, I think, it is the Care Commission that are doing the terms of reference for the Children's Service review, is that correct?

**The Chief Minister:**

Yes.

**The Deputy of St. John:**

Deputy Hilton just mentioned Westminster and Ofsted being the ones that review their areas. Can I ask what the difference is between what we are doing and what Ofsted do, if there is any difference?

**The Chief Minister:**

You have just spoken to Glenn recently, but my understanding is, which may need to be updated ...

**Assistant Chief Minister:**

You answered in the last question, but keep going.

**The Chief Minister:**

I cannot help it, can I? I need to get a life, do I not? We have asked them to develop the terms of reference and to find an appropriate body. Now, that appropriate body might be Ofsted and it might be terms of reference identical to what an Ofsted report would do, but it is for them to make that decision.

**Deputy S.Y. Mézec:**

I am just slightly getting conscious of time now. In a previous answer, you mentioned the possibility of sharing documents with us as and when it is appropriate, so just to reiterate, that is obviously very helpful and helps us get on with our work. Speaking now more broadly about the recommendations, as we have focused so far on the Children's Commissioner and inspection of Children's Services.

What added pressure do you think there is now going to be on departments, and in particular the law draftsmen, for dealing with the work that is going to come about as a result of these recommendations? In terms of the budget, what is going to have to be done to ensure that all of this action is properly resourced?

[18:15]

**The Chief Minister:**

Law draftsmen are aware of the legislation that is going to be needed for those 2 items that we have really focused on so far, so the Children's Commissioner and the Care Commission changes. They confirmed that last week again at the Council of Ministers. But there is a need for more money on legal advisers for children and family work, which we have allocated again from contingencies - that was in a decision in July - just shy of £1 million. We, at the Children's Improvement Board ... you know I lose track of time ... last week had a report from the Law Officers about their work with regard to children and family issues and thinking about what changes might be needed there and resource-wise as well. But I think currently the advice is that this extra money will be what they currently think they need.

**Chief Officer, Community and Constitutional Affairs:**

Yes, the Care Inquiry highlighted not just law drafting as a technical function in Government, but the whole policy development in this area, so the report was quite strong in highlighting the need to strengthen policy-making ability, whether that is turning policy into strategy, into legislation, to develop, formulate and implement policies and that whole area needing to be strengthened. We are expecting to be discussing that with the Council of Ministers as an area that we need to take a good look at and just make sure that whether the additional investment which the Chief Minister outlined has already been made is going to be sufficient to deliver what needs to be done or whether that whole policy hub needs to be brought together, organised and resourced in a slightly different way in order to deliver what needs doing quicker.

**Deputy S.Y. Mézec:**

Chief Minister, you mentioned previously what work is being done to bring forward a full response to the recommendations on behalf of the Council of Ministers. Can you just remind us what the timescale for that is?

**The Chief Minister:**

I saw a draft this morning. It is going to the group that Senator Routier chairs later this week and it is going to Council of Ministers on Wednesday. Obviously you will then see a copy of it.

**Deputy S.Y. Mézec:**

In days afterwards or ...

**The Chief Minister:**

You have the right to see it on request. I was not thinking that you would request it. I was thinking that we would just send it over to you post that Council meeting.

**Deputy S.Y. Mézec:**

As far as you know, do all Members of the Council of Ministers support implementing the recommendations made by the Care Inquiry?

**The Chief Minister:**

Oh, and it was going so well.

**Deputy S.Y. Mézec:**

We know some of the answer to this already, but if you could go into it in more detail.

**The Chief Minister:**

Ministers have not seen the work that Andrew has been doing in bringing that together in the report that we will be asking the States to approve, but from what I have seen this morning, particularly around the actions that will be taken, I do not think there will be any problems with that.

**Deputy S.Y. Mézec:**

I was going to ask where you think it would be most difficult to get agreement from the Council of Ministers on particular recommendations.

**The Chief Minister:**

Everyone knows that I take a different view to Senator Bailhache about the separation of powers, but that is a separate proposition that I brought forward. I hope I am successful, but we will leave it there.

**Assistant Chief Minister:**

The purpose of the work that we have been doing is we have been looking at all of the recommendations, but with the one you are focusing in on, it is probably outside of the work that we have been doing.

**Deputy S.Y. Mézec:**

My question was not specifically focusing on that.

**Assistant Chief Minister:**

Oh, you are not? I am sorry, I do apologise.

**Deputy S.Y. Mézec:**

No, that is obviously an example where it is publicly known there is a difference of opinion. I am trying to find out if there are any other differences of opinion that we should know about.

**The Chief Minister:**

No. It might be the detail that comes after to deliver the action plan, so we have taken the recommendations, put some narrative around them and then said: “We will take these actions in this timescale under those recommendations” but do not forget, that will then lead to the much more detailed work of bringing forward a children’s plan. That will have to have responsibility across departments; it will have to have money attached to it. We then have to do the mapping exercise of the 600 recommendations that came from the public and where do they fit into the children’s plan, and if they do not, what are we going to do about them. It is fair to say that one of the difficult areas of the inquiry has been the phrase “the Jersey way”, what does that mean and how do we address it? I think as much in public as anywhere else, there has been some disquiet about what that means and why it was included and those sorts of areas, which I think might be difficult in due course.

**Deputy S.Y. Mézec:**

Not just that recommendation, but there were recommendations to do with the building at Haut de la Garenne itself, which there has been public debate about that recommendation. Again, is that an area that the Council of Ministers are united on?

**The Chief Minister:**

The recommendation is that we should consult about it, so I do not think there is any disagreement on the consultation. I think it will be difficult when a decision has to be made one way or the other. Then I think that will cause a problem.

**The Deputy of St. John:**

Can I just ask, how do you change a mindset of focusing on what we can afford rather than what is right for the child in terms of policy, strategy and legislation requirements?

**The Chief Minister:**

That is a really good question. Normally we say: “That is a really good question” to play for time in politics, do we not?

**The Deputy of St. John:**

You have got 10 minutes.

**Deputy S.Y. Mézec:**

Well, he is not getting 10 minutes.

**The Chief Minister:**

But it is a really hard question to answer. It comes back to, for my part, this idea that people's eyes are being opened and my answer to you earlier that I do not think everybody's eyes have been opened. I think until their eyes are opened they are not going to focus on: "It is the right thing to do and therefore we will find a way to provide that service or provide that change."

**The Minister for Health and Social Services:**

But it is a culture change as well, is it not?

**The Chief Minister:**

It is. One of the things I found most difficult is - and I think I have said it before - those people who have had the courage, who have suffered abuse, to come and see me. Paul has been sat in on some of those meetings. We have find a way of everybody, and certainly all States Members, hearing the voice of those people who have been abused by our system. I use that in the widest possible term, not just sexual or physical abuse, but have been abused by our system. We have to find a way of those voices being heard, because I think it is that voice, once you have heard it, that it is difficult for you to move on from and to not do anything other than want to correct it and want to change the system so that it does not happen to other people again. Again, in the in-committee debate after the inquiry, I think we acknowledged that there are a number of areas where we are putting the system first and not Islanders and that has to change. But we have got to be prepared to listen to those people's voices and open our eyes. That is an individual decision that has to be made.

**Deputy S.Y. Mézec:**

Do you want to say something?

**Senator S.C. Ferguson:**

I think a lot more people's eyes have been opened by this than you are acknowledging, Chief Minister. I think you are not exaggerating it, we are hearing a lot of words, but the real test will be the actions.

**The Chief Minister:**

They will, and I hope I am wrong, Sarah.

**Deputy S.Y. Mézec:**

Have all of the Chief Officers read the entirety of the report and how are they disseminating the information that they have got from the report to their staff?

**The Chief Minister:**

I cannot answer that question. I know that the 2 officers in the room have.

**Deputy S.Y. Mézec:**

Can you ask the officers and then forward their answers to us?

**The Chief Minister:**

Yes, I can.

**Deputy S.Y. Mézec:**

How would you expect them to be disseminating the information to their staff? This is in the context of this change of culture that has been spoken about and ensuring that everybody within the States is aware of the seriousness of what has occurred and what has been recommended and making sure that it is not being brushed off, it is being dealt with. How would you expect them to be dealing with this?

**The Chief Minister:**

I would expect them to be leading it and to be asking themselves what does it mean for their department; what does it mean for how they run their department; what does it mean for how they work together across Government and what does it mean for how they deliver their service to the public, on behalf of the public.

**The Deputy of St. John:**

If we were to call in every Minister, every Chief Officer, in the expectation of them understanding this and ask those questions, how would you expect them to work with you to deliver this on the basis of reading this and moving forward?

**The Chief Minister:**

I think it comes back to what Senator Ferguson said, she thinks I am overplaying the point - and I hope I am - that I would expect people to be reading it and asking themselves those questions. You could say I ought to have asked them and I have not, so I will go away and do that, but I hope that even if they have not, that would stimulate them into doing it. It will not just be enough, we will need

to change the way that we work together and how we do government both sides of the fence in order to ensure that change is made.

**Deputy S.Y. Mézec:**

What work do you expect will have been achieved or completed by the end of this Assembly with regards to the recommendations from the report?

**The Chief Minister:**

You will see when we publish the report or when you see it next week the action plan and the timelines that we have put in place. Changes to the machinery of government in there are not quite so clear, but we will come forward with that as well. We will not deliver it on our own, it will require for a number of those action plans agreement from the States, a number of those actions, but I expect that we will have made good progress.

**Deputy S.Y. Mézec:**

Will you commit therefore to produce a thorough legacy report for the next Council of Ministers so that they can hit the ground running in following through these recommendations?

**The Chief Minister:**

I have to be careful how I answer that, do I not? I will write myself a note.

**Deputy S.Y. Mézec:**

Or somebody else, you never know.

**The Chief Minister:**

No, we will. It is really important that the work that has been completed is co-ordinated and brought together and again is in the public domain, done transparently, so that whoever is elected and forms the Government will know where they are starting from.

**Deputy S.Y. Mézec:**

Do other Members have anything they want to ask at this point before we close up?

[18:30]

**Deputy J.A. Hilton:**

One of the recommendations was that a thorough review of fostering is undertaken as a matter of urgency and that external expertise is engaged to assist with this. We know that a not inconsiderable number of children are being looked after off-Island at the present time because of a lack of

professional foster parents. In 2007, Bridget Shaw, Magistrate, sent a letter of concern about Children's Services to the Attorney General. She suggested that decisions about risk were being made on the basis of whether Children's Services had suitable accommodation for the child rather than on whether the child was at risk of harm at home. What can you tell us today that can convince me that children are safe in the family home?

**The Chief Minister:**

Andrew will come on to the fostering thing, because he feels extremely strongly about it, but the sheer number of cases that Social Services and Children's Services are bringing before the court service shows that they are making a really good effort to intervene earlier than they have ever done before and intervene appropriately. I think the Magistrate was right - I would not expect the Magistrate to be anything other than right - when she made that observation, but I think the evidence, and this is some of the things we looked at last week, is that Children's Services are intervening more appropriately now than they were in the past.

**The Minister for Health and Social Services:**

There is to be a full review of fostering services and particularly taking on board the recommendation that there should be professional foster carers. That is not something that is done quickly and easily, but it will be done as quickly as we can once that review has taken place, because I would like to see not only the review of where we have put vulnerable children or a place of safety for children when there is an issue, but I would also like to see far less use by the courts of remand into custody and more remand into a professional foster carer's care. That is something we will be looking at.

**Deputy J.A. Hilton:**

So is the review being undertaken at the current time?

**The Minister for Health and Social Services:**

It is not being undertaken at the moment. We are working towards getting into a position where we can carry out that review. We have got to commission someone to do it. That has not been done.

**Deputy J.A. Hilton:**

So what is the timetable for the commencement of that review?

**The Minister for Health and Social Services:**

I do not have a direct timetable, but it will be soon, when officers have had a chance to come back to me and tell me who they are likely to commission to do this report.

**Deputy J.A. Hilton:**

As part of that review, will you be considering the question of housing and for those potential foster parents who maybe do not have access to suitable housing?

**The Minister for Health and Social Services:**

Yes, that needs to be done, but my discussions with Andium tell me that that will not be a problem.

**Senator S.C. Ferguson:**

Yes, because you did a lot of work on fostering, did you not, Andrew, and trying to get more foster parents?

**Director, Children's Policy:**

Yes, we did quite a lot of work with the foster carers as part of the White Paper money. I spent a lot of time and money training up the foster care workforce, which has enabled us to get thus far. What Andrew is talking about is about kind of the top bit of the triangle of your foster care workforce, who work and pick up those children and young people who have a specific set of complex needs, if you like. We did not ever get there and that is the bit now that we are looking at. In terms of the Care Inquiry response, I would say that the timescale will be within there.

**The Minister for Health and Social Services:**

A combination of things will be going on here, in so much as earlier intervention means certainly less damage, therefore less intensive therapies required in the U.K., but more support required here. That needs to be done, there is no doubt about that, and it will be done.

**Deputy S.Y. Mézec:**

Anything else?

**The Chief Minister:**

We need more foster carers and we need people to understand that it is not necessarily as onerous and can fit into their lifestyle. We should not be looking for the perfect perception of perfection. People who have got a loving home to offer with appropriate accommodation ...

**Senator S.C. Ferguson:**

Yes, but I do know people who have been stopped being foster parents because they were told they were too old.

**The Chief Minister:**

That has happened in the past. That is right, Sarah, and it cannot be right.

**Senator S.C. Ferguson:**

No, I know it is not. That is why I am saying it. It was quite wrong.

**The Chief Minister:**

We have found something we agree on, so ...

**Deputy S.Y. Mézec:**

At this point, I will say that there are obviously going to be more opportunities to have public hearings as and when it becomes appropriate. Is there anything that we have not covered in our questions so far that you would think is essential to tell us right now in this public forum that cannot be dealt with via email? That is fine.

**The Chief Minister:**

No, not that I can think of.

**Deputy S.Y. Mézec:**

If there is not, can I thank you again for making this time available and speaking to us? It will not be the last you will have heard from us and we look forward to receiving the documents that you have mentioned in terms of the Council of Ministers response and potential terms of reference and we will be scrutinising those. Can I thank the members of the public and the media for coming to view this? Thank you to our officers for providing support and we will see you tomorrow morning bright and early. Thank you.

[18:36]