

# Care of Children in Jersey Scrutiny Review Panel

## Witness: The Chief Minister

### **Panel:**

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

### **Witnesses:**

The Chief Minister  
Chief Officer, Community and Constitutional Affairs  
Director, Children's Policy  
Managing Director of Community and Social Services

[10:01]

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

Thank you everybody for being here. Can I just remind people in the public gallery just to make sure that your phones are on silent and also, those of us around this table as well. For the benefit of the tape can we just go round and say our names and title? I am Sam Mézec, Chairman of the Care of Children in Jersey Scrutiny Panel.

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

Tracey Vallois, Deputy of St. John, Vice Chair of the Care of Children Department.

### **Deputy M.R. Higgins of St. Helier:**

Deputy Mike Higgins, St. Helier, 3 and 4.

### **Senator S. C. Ferguson:**

Senator Sarah Ferguson, Panel Member.

**Scrutiny Officer:**

Andy Harris, Scrutiny Officer.

**The Chief Minister:**

Ian Gorst, 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.

**Managing Director of Community and Social Services:**

Susan Devlin, Managing Director with responsibility for Children's Services.

**Deputy S.Y. Mézec:**

Thank you for being here for this public hearing with The Chief Minister for the Care of Children in Jersey Review Panel. Chief Minister, can I just get you to confirm that you have read the statement in front of you and you understand its contents?

**The Chief Minister:**

I have not read it this morning, I have read it previously and I understand its contents.

**Deputy S.Y. Mézec:**

Indeed. Thank you very much. Let us crack on then. Our questions are based on the recommendations from the care inquiry panel. We are going to start on Recommendation 2, giving children and young people a voice, and can we start by asking if you can update the panel on the progress made in developing a schools based participation strategy?

**The Chief Minister:**

Yes, I can. I understand that the Education Department have been holding workshops throughout this month and next month and the idea is that they will establish leads in schools which will develop guidance and support for school councils. Not every school currently has a school council unfortunately but they will come together as a school council to share ideas and to learn from each other. I was privileged to meet at least one, if not 2 or 3 school councils at the open day and they were extremely impressive.

**Deputy S.Y. Mézec:**

Where do you see this going in the immediate future, and what benefit do you think it will provide the government, to be able to hear from young people through that forum?

**The Chief Minister:**

It will integrate into the education system and with the new structure there for Children's Services and Skills as well integrated into the heart of schools, the voice of children ... so you are probably aware of how some schools structure their council. They have a treasurer, they have a chairperson and they are asked about various issues within the school but they also feed up any concerns or issues that they have to the school management team but interestingly, they also feed issues across the school into various classes and so they are almost acting as a little bit of a conduit between children and the school management but also the other way around as well so they will take up issues of individual children in their classes or they will push issues to classes to consider so I see it as integrating children's voice, in this instance of participation in what is happening, right across every school.

**Deputy S.Y. Mézec:**

More broadly then, can you update on the advocacy service for young people and how that is developing?

**The Chief Minister:**

Of course Barnardo's are currently doing some advocacy work. The focus of that service is on children living in residential homes. They have started to think about how that can be offered more widely to those in foster care. Children's Services are continuing a conversation with Barnardo's but Chairman, you will be aware of the work that we heard that Who Cares? Scotland was doing in Scotland and I certainly left last week thinking that we need to have a greater ambition for advocacy services and for the voice of those with lived experience and I started a conversation, and that is all it is at this point, about how we could replicate that here. Now, I am not saying there that the work that Barnardo's is doing is not good work because it is and I am not sure that we would replicate exactly what is happening in Who Cares? Scotland. It might be, for us, more of a coordination to make sure that advocacy was happening right across everybody who has experienced care and so, for my fault, I have started talking to Andrew about where we can find some budget. Somebody needs to be employed to coordinate this work more formally going forward and I am not sure exactly how it would work, I am just convinced that this is a really, really important area for us because it is an area which has been missing and that is the experience of those who have been in care previously.

**Deputy S.Y. Mézec:**

Can I just follow through on the councils? Many years ago when I lived in Canada I was representing students in high school and we were elected to this position. You are talking about people being appointed to go on the council or you can have elections, which obviously helps with the democratic process.

**The Chief Minister:**

They are currently elected so their classmates elect them. It seems to work well. The members of council that I spoke to were young but articulate, very articulate. They knew what they wanted, they knew what the issues were and they were not afraid of telling me in front of their teacher and they certainly were not afraid of telling their teacher either what their issues were and what they thought 10:09:11 (several inaudible words).

**Deputy S.Y. Mézec:**

I think I was on a school council and elected unopposed, so how times have changed.

**The Chief Minister:**

You should go for Constable.

**Deputy S.Y. Mézec:**

No comment.

**[Laughter]**

What sort of status have you got from this project so far in terms of the confidence of those young people that this is a meaningful exercise and they are being listened to?

**The Chief Minister:**

Do you just want to explain if you are talking about young people generally, are you talking about young people in the school council, are you talking about young people who have care experience?

**Deputy S.Y. Mézec:**

I suppose all of them but if you want to answer them separately, that is fine.

**The Chief Minister:**

I do not, particularly. The reality is that some young people I have spoken to feel that for the first time they are more hopeful that we are going to listen but it is such early days. The youth panel that were involved in supporting the recruitment of the children's commissioner did a first class

fantastic job and when we fed back to them they were mature, they were reasonable, they were absolutely understanding of the result of the recruitment process and they said to me that they felt optimistic about the future but I cannot say any more than that because that is just one step. You are not on a journey but each journey starts with one step but you are never sure you are really going to meet your destination until you have certainly made more than one step so I am hopeful from what I have heard, young people are hopeful but there is a lot of work still to be done before that hope is turned into luck. "We were involved in this, they listened to us about this, this changed because of what we said" so we are a long, long way off getting that but I think the structures that we are going to put in place and these mechanisms are going to lead us to that point.

**Deputy S.Y. Mézec:**

How do you think this is going to help reach some of the young people who, for whatever reason, just would not normally be inclined to want to engage with something like this in the first place, because not just young people but everybody, some people when they see an opportunity like this are just more eager to get involved and some people just have no interest. How do you go to those people who are not coming forward by themselves?

**The Chief Minister:**

There is the old saying that a willing volunteer is worth tens of those who have been pressed into it and so there are currently lots of willing volunteers to be involved in this. Over time, others will only get involved and will only want to give their voice if they see it making a difference and if they do not see it making a difference they will carry on not being involved so the responsibility is upon us not to press people into it, but to make a difference for those who are involved and those who are speaking.

**Deputy S.Y. Mézec:**

You mentioned the work of Barnardo's. Has there been any involvement with the independent visitors for young people in any of this?

**The Chief Minister:**

Not directly. I think we discussed it last time we met, that they had written to me, I have met with them and we have asked them to continue doing their work until such time as a different structure and process is in place. One of the things in that regard that I am learning is ... I think we probably asked The Independent Visitors for Young People to be too many different things so if we go back to what we heard about some of the work of Who Cares? Scotland, they are there very much for children who find themselves in care. It is non-confrontational. They are there to act as advocates, to speak only the voice of those children, not to put their own spin on it or their own opinion on it and when I met with the Independent Visitors for Young People I very much got the

sense that the thing not only that they enjoyed doing but the thing that they thought really added value was being there as friends, as supporters and so I think that role is going to continue to be necessary and perhaps enhanced but that is not an inspection role and so I think as we go through this, they were very keen that we did not lose their experience and I think that was a point that they made well so I think that the role that they are currently doing may change, if we think about the roles that we need doing in the future, to more of that working with advocacy, working in a befriending role and very much not an inspection role because an inspection role has to be done by professionals and we are starting to think about that of course with our first Ofsted inspection.

[10:15]

**Deputy S.Y. Mézec:**

Yes, we are going to ask about inspection shortly. Can I ask, at the last hearing it was mentioned that the appointment process for the children's rights officer would start in March, could you update us on the progress of that?

**The Chief Minister:**

Yes, those posts are now being ... sometimes I read this stuff and I get so frustrated by it but we are a big organisation and we have to follow process so the rules are currently being evaluated for grading. You know what that means, it means that they will have to fit somewhere in our structure and we have to think pay scale and how they fit in with everybody else. No matter how long I have been in this job, I still find that process frustrating but there we are, and then they are going to go out to recruitment. I think you have had sight of the draft job description. That was drawn up following reference to good practice elsewhere so that is where we are.

**Deputy S.Y. Mézec:**

When do you anticipate that will be completed? When will you be putting out the adverts?

**Managing Director of Community and Social Services:**

The advert is ready to go with a gap for salary and grading so it will go out as soon as we have got the evaluation back and I am hopeful that will be in the next couple of weeks or so and then we will put out in the advert a date for selection and recruitment to try and compress that process as much as possible and we will look to recruit on and potentially off Island as well.

**Deputy S.Y. Mézec:**

Okay, thank you. Tracey, do you want to ...

**The Chief Minister:**

Sorry, just to say we have also drafted job descriptions for Children's Rights Assistant as well so I assume that you want to see that as well.

**Deputy S.Y. Mézec:**

Okay, thank you.

**The Deputy of St. John:**

Okay, on to the youth service who have been doing a fantastic job in terms of facilitating working with groups of young people. In terms of the funds available to the youth service and their ability to continue developing the things like the youth council and the core group developing with those areas, do you think we should be speeding up the funding?

**The Chief Minister:**

If there is an issue, if they require more funding, then I am prepared to listen and consider that. My experience post the publication of the care inquiry is that Mark is not slow in coming forward. If he thinks something is getting stuck in the system he will approach me directly so if there are issues that he is making you aware of then we will certainly try and unblock them because I agree with you that they are doing a fantastic job.

**The Deputy of St. John:**

I think the case is that in terms of the youth voice project and the recruitment of skilled staff to support that, I think that is where the issues lie.

**The Chief Minister:**

Okay.

**The Deputy of St. John:**

I think there is a concern about the momentum stopping because of elections and things happening and the fear that the funding will somehow just cease to exist until the next Council of Ministers appear so I just want to understand what the position is or whether that is the case.

**The Chief Minister:**

Yes, I understand that Mark and the Children's Commissioner have been talking about how to keep that momentum going and I think some of those discussions have been very fruitful this week so I am confident that we can lift the young people's voice project and move it forward and I do not think that in the short term the funding is the issue.

**The Deputy of St. John:**

Okay.

**The Chief Minister:**

Your point about young people's voices is around confidence, one of them, and I know that the Children's Commissioner and Mark have spoken and they have found a way to keep this piece of work going and to enable the momentum to keep the momentum going. I am quite excited about that piece of work. You asked how do you get to young people in terms of those people who are not, like yourself, wanting to come forward and be part of the process. I think sometimes the best people to understand how to engage young people are young people so I think the voice project is going to go forward and I think that some of the concerns that Mark had initially about having the start-up project, so to speak, and what happens next. This week they have resolved that and I think as we begin to learn how to do this and as the ambition gets bigger and as we create a momentum, I am sure that we will be looking at what that looks like in terms or response, in due course.

**The Deputy of St. John:**

Okay.

**The Chief Minister:**

I think in the first instance I am not worried that something is going to stop because I think that the crucial conversation has been had.

**The Deputy of St. John:**

Okay, well in those terms, would it be possible to obtain some form of clarity in writing from yourselves about the position of the funding, the resources and how it is going to work over the next 3, 4 months, just to provide clarity so that we ensure that momentum does not stop?

**The Chief Minister:**

Sure. Yes, no worries, I will email it.

**The Deputy of St. John:**

Okay, thank you, and in terms of the youth service in its current position, I think we have asked this question before, but do you believe it should be made a statutory service?

**The Chief Minister:**

It is tied in with your last question because funding follows statutory service largely and non-statutory services, it does not. It is probably too early in all of this change programme to say what the best approach should be but they absolutely do need the appropriate funding at the

appropriate times and they, I think, have shown themselves to be creative in responding to challenges and they are one of those services who I think are probably largely unsung so I have not personally made up my mind whether it should be on a statutory basis or not but no doubt that is part of what we will need to consider as we go through this process.

**The Deputy of St. John:**

Have you had any conversations with them about if you were to move to a statutory service for them, what that might look like?

**The Chief Minister:**

I have not personally, no.

**The Deputy of St. John:**

Okay.

**Deputy S.Y. Mézec:**

Anything else on this one? Okay, let us move on to Recommendation 3, inspection of services, which Senator Ferguson will start with.

**Senator S.C. Ferguson:**

Yes, now that we have the terms of reference for the inspection of Children's Services and they have been agreed, what is the proposed timescale for the inspection?

**The Chief Minister:**

They have already began their fieldwork and I think they are doing evidence gathering as well. It is scheduled to resume in July and the publication of the report is currently estimated for September.

**Senator S.C. Ferguson:**

Right, so to make sure that they have a proper view, what involvement have The Independent Visitors for Young People had in the formation of the terms of reference, for example?

**The Chief Minister:**

I think I tried to answer that in response to a German's(?) 10:24:23 question. I think historically we have been expecting too much of The Independent Visitors. They are not professionals and when you consider it, this is where I think the inquiry panel were driving at, not that some of what they do is not required in the new service going forward but they are not, it would appear to me, and obviously it did appear to the inquiry panel, the appropriate independent inspector body. I

asked the independent care commission to consider who were the appropriate independent inspection body, so I did not suggest who it should be, nor did I suggest a term of reference and I think it is important that this inspection, which I have said and will continue to is going to be very difficult, it is most unlikely that we will not, in the way that you might expect elsewhere, pass that inspection but it will be an inspection which gives us a learning opportunity so I am not sure that it is appropriate for us for that independent body to be expecting The Independent Visitors to be having input into the terms of reference. There will be work down the line where it will be appropriate for them to be involved and to have input but I am not sure that with this independent Ofsted inspectorate it is.

**Senator S.C. Ferguson:**

Yes, although you would surely expect that the independent visitors would bring a degree of basic common sense which is sometimes missing?

**The Chief Minister:**

In my, not vast, experience of Ofsted, having spoken to Ofsted individuals - you as well might have heard them speaking - whilst they bring professionalism, they also do bring a large dollop of common sense so I still am of the opinion that, yes, The Independent Visitors would also bring a large dollop of common sense. I still, sitting here, do not think it was appropriate that they are the body to have involvement with the terms of reference for this particular piece of work and it is a very particular piece of work.

**Senator S.C. Ferguson:**

Okay, so if you are not involving them in the T.R.O., what learning has been taken from them in relation to developing the inspection process? Sometimes, I gather, Ofsted can be a bit tick box orientated.

**The Chief Minister:**

Any independent inspection, by their very nature, have areas that they need to consider and they give you: "Yes, you have reached a sufficient standard" or: "No, you have not" so by that nature there will of course be a tick box but they very much know and understand the difficult place that we come from in asking them to carry out this inspection and therefore, although the end of the inspection might say 'fail', we are going to get as much value from them not just saying we have failed but in making suggestions and recommendations about where we can improve and what we need to improve so on the one hand there will be an element of tick box to it, because you either pass or fail these things, but they are also aware that in order to help improve our service, they need to be thinking not just tick box but also making good recommendations about how we can improve.

**Deputy S.Y. Mézec:**

Anything else on that?

**The Deputy of St. John:**

From what you have said so far, it sounds as though The Independent Visitors for Young People are backed as the advocacy service or some form of advocacy service.

**The Chief Minister:**

It is too early. I have the experience that I learnt last weekend, I have the ... it was only a brief meeting, maybe an hour or so, with The Independent Visitors and sometimes you have a connection and what we heard in Scotland really relayed back to what the Visitors were telling me when they met with me about where they felt there was value that they could add into the future. It cannot be independent inspectorate but there are other things that they are doing which I think can add value.

[10:30]

**The Deputy of St. John:**

There is a difference between inspections and advocacy though, is there not?

**The Chief Minister:**

There is, absolutely. It is totally different.

**The Deputy of St. John:**

Right, just to clear that up.

**The Chief Minister:**

Yes, totally.

**The Deputy of St. John:**

When we met with the Independent Visitors for young people, they had taken a lot of time to gain trust with looked-after children and I think one of the concerns I have is that it is great that you have somebody there listening to the children but then it comes to the barrier above those, so feeding back some of the concerns or the information, whether there are those barriers still, and if there are then how do those barriers get broken down?

**The Chief Minister:**

Susan is shaking her head. She is shaking and I am nodding.

**[Laughter]**

The problem with all of this is we are on a journey and improvements are being made but we are nowhere near where I want us to be. Somebody on Friday told us about their experience of the Who Cares? Scotland advocate who came into the home where they were and for the first time in I do not know how many months or years, it was a one way relationship. It was the advocate just saying: "I am here, anything you want" and even once they left the home and they were technically out of care, that advocate in Who Cares? Scotland remained in touch with them and they had this possibility of studying in America and they said: "Okay, you want to go and study in America". They were not press-ganged into it, it was non-judgmental and that relationship kept going. Even though it had been pretty much one sided, from the description that was given, ultimately something really positive came out of it because they had not given up, they had kept that relationship going and it is that we are aiming for and that is outside of the structure of the Children's Services or the structure of the care home. Do you want to say something about the current structure and how it might be dealt with?

**Managing Director of Community and Social Services:**

Yes, I just wanted to say that there is a feedback loop with The Independent Visitors to the service lead for residential. I think it would be fair to say that over a period of a few years that has not always been a smooth relationship. I think The Independent Visitors have been happier with that in the last year or so, 18 months. I think they have found the service loop to be very open and quite helpful but does that mean we will always agree? No, we sure will not, and those things need to be flushed up. I think in relation to advocacy in general, we are trying to look at different ways to pick up where children do not necessarily want to join something or do not want to speak and we have mentioned this before. We have brought in a digital app, MOMO, which young people or children can use on their phone, on their tablets that gives feedback and they can decide who that goes to so it could go to the social worker, it could go to the teacher so it is another way and I think we have to have different ways of ... I think it is different strokes for different folks really. Not everybody wants to go and tell any of their friends. If somebody wants to just do something on their phone, they can do that. I wonder if I could just touch very quickly on the terms of reference of the inspection to say that Ofsted are using their validated model for the inspection that they are using with local authorities in England so it is a tested model. The difference in Jersey will be that the focus is on Children's social work and not the whole system, which is how they are now inspecting, so they are using a tested model. I think it is much more than tick box. They will do a lot of case file auditing. They get a lot of information in advance for them to review before they come on site so they obviously get a picture and then they interrogate the bits that they think they

need to do most so just to say that those terms of reference are available online, they are in public domain. They are pretty rigorous and they will speak to stakeholders working with children so it will not only be the social worker, it will be the relevant stakeholders around that to make sure that they get an accurate picture of how things are going.

**Deputy S.Y. Mézec:**

Anything else to add on this one? Shall we move on to Recommendation 4, building a sustainable workforce, which Deputy Higgins will ask the question for?

**Deputy M.R. Higgins:**

Thank you. Will the withdrawal of the workforce modernisation proposals affect the implementation of the headline actions to build a sustainable workforce and equally, how will it be affected by the new political and civil service measure? 10:36:06 (overspeaking).

**The Chief Minister:**

The first answer is no and I am not sure quite sure what you are asking in the second ...

**Deputy M.R. Higgins:**

Okay. The first one is about the workforce modernisation. You have withdrawn ...

**The Chief Minister:**

The answer is no.

**Deputy M.R. Higgins:**

No, okay, and where is building a sustainable workforce? You are in negotiations now, I believe, with unions and staff. You have got this new structure that you are going to do with doing away with departments. How do you see trying to meet this objective of building a sustainable workforce?

**The Chief Minister:**

I see it as fundamental and we are bringing together operations that fit together. If you take the Education, Children and Skills, with the best will in the world, putting Children's Services with medical services, we can understand why that would have happened, because of the heavy need for social workers and the social services side of it but we also know that while Social Services sat with Health, all of the money inevitably went to the hospital and little went to Social Services and probably even less then went to Children's Services so we are saying Education, as an area of service, has contact with every child so it makes much more sense to put Children's Services there because you get away from all sorts of difficulties about when a school is open, when it is

closed, if there a child with difficulty who then becomes responsible at 2.45 pm or whatever, we should be looking at the whole system and everything that we do as a government around children and that is schools, that is the social care provision, that is skills. We are trying to connect things where their current disconnections have been shown to cause problems so a sustainable workforce is about all sorts of things, not least of which is workers being able to move around the organisation so that they understand what is happening in other areas. Having good career paths, having good processes in place for dealing with issues in the workplace that arise, equal pay for work of equal value, all of those things. What was on the table with workforce modernisation of course was stepped back from because the unions did not want to agree it apart from, I think, 4 particular areas that did and we have said: "Okay, we had already found an extra 1 per cent for 2017 so we will offer a pay award of 2 per cent for 2017 and then we will work for a new pay award for 2018 and 2019 and we will work with particular areas of staff to move on to new terms and conditions anyway", because we cannot carry on the way we are with these 24 pay groups and old fashioned terms and conditions.

**Deputy M.R. Higgins:**

Okay. Moving on to the next one, is there update on the appointment of Heads of Service for Community and Social Services that was discussed at the last meeting?

**Managing Director of Community and Social Services:**

Can I take that? We interviewed at the end of February and you remember we have 4 permanent posts of Head of Service for Children's on establishment. We had 2 filled and 2 filled by interim staff. We carried out recruitment at the end of February, I think it was the 23rd and we have been able to appoint to one of the posts on a permanent basis. We did not consider the other applicant to meet the bar that we had.

**Deputy S.Y. Mézec:**

Sorry, can you just tell us again what the different Heads are? The titles of the different Heads and what they do.

**Managing Director of Community and Social Services:**

Sure. Yes, okay, so we have 4 Heads of Service and we have a Head of Service for safeguarding, a Head of Service for Children in Need, who also manages the Complex Needs team. We have a Head of Looked-After Children and we have a head of Quality. The Head of Quality's role is to deal with some performance issues, quality issues and they also line manage the Independent Reviewing officer service and the Independent Safeguarding Standards service. Those are the people who chair looked-after reviews and child protection case conferences so they bring a

degree of independence that is independent to the case management line so that is the 4 Heads of Service.

**Deputy S.Y. Mézec:**

Okay, and again, could you just repeat which of those 4 you have filled and which are outstanding?

**Managing Director of Community and Social Services:**

Yes. Okay, so we have had people permanently in since August 2016 in the Head of Safeguarding and the looked-after post. We did have a third appointment. That did not last and the person left so we have had 2 interim cover in Children in Need and Quality. We have appointed, as of last month - the person is working the notice in their current post - to the Children in Need post so we still have an interim person holding the Quality portfolio.

**Senator S.C. Ferguson:**

Right.

**The Deputy of St. John:**

Can I just follow up? In terms of your processes or your appointment processes, are you still seeing difficulties with employing social workers and keeping them on, on a permanent basis, and is there any new feedback in terms of why that may be or may not be the case?

**Managing Director of Community and Social Services:**

I think at a management and senior practitioner level, so the team manager, the person who manages and the casework, we will have our final permanent team manager coming in on the 30th of April so they will all be permanent. We have 2 vacancies at a senior practitioner level and we are interviewing 4 people in the middle of April so again, nearly everyone is permanent there. The challenge is at the professional qualified social work level. That is not new to the Scrutiny Panel or to other scrutiny panels. We are having success in interviewing people and identifying appointable people. There is a drop-off for some people at that point and some of that is about issues that we have rehearsed before about cost of living, housing, those kind of things. We do have 5 social workers identified to come in over the next few weeks. We have another 11 being interviewed but it is a constant challenge at that level. We are off to another recruitment fair Manchester and the Director was at one a few weeks ago in Birmingham. These are quite good. I think we are doing a lot of work around what is described as 'the offer' and there have clearly been some changes about people coming over with unmarried partners et cetera so we are trying to do that. The other thing that we are doing, which is not about finance but is about professional development, we are commissioning training for our staff around systemic practice to try and make sure that we have a

baseline of training all our staff have gone through that is postgraduate training and we are going to do that with the Centre for Systemic Social Work Practice which is based in London so that is a really significant piece of training and development for staff and for the practitioner's level it will be an accredited course so it is quite a big deal in terms of people's own development but the impact that will have for the service should be quite considerable.

[10:45]

**The Deputy of St. John:**

Okay, sounds promising, thank you.

**The Chief Minister:**

We do need to be careful we are not just taking the dregs from somewhere else just to fill seats.

**Managing Director of Community and Social Services:**

Yes, but we are not doing that Chief Minister.

**The Chief Minister:**

I am just making the point.

**Managing Director of Community and Social Services:**

So am I.

**The Deputy of St. John:**

There is a very interesting dynamic between you 2 today.

[Laughter]

**The Chief Minister:**

This is what it should be like.

**The Deputy of St. John:**

It just makes a change to see it.

**Managing Director of Community and Social Services:**

We had sufficient numbers to appoint to the Heads of Service but I made the point earlier about only one person was sufficiently qualified and experienced that would meet the bar that was what

we required in Jersey and I will sit with an interim in another post on that basis rather than fill something with people who are not sufficient.

**The Deputy of St. John:**

Thank you.

**Senator S.C. Ferguson:**

That fits in quite nicely with my question which is have you given any further consideration to undertaking a full review of the States of Jersey H.R. (Human Resources) function?

**The Chief Minister:**

Part of the remit of the interim team, that is what they have been doing.

**Senator S.C. Ferguson:**

There has been a lot of criticism that performance reviews have not been done seriously, they have not been followed up, in fact some of them have not been done and I think there are probably 2 Comptroller and Auditor Generals who have commented on this so what is happening?

**The Chief Minister:**

It is changing and the change in the structure to the service will give the ability to start doing a lot of these things which previous Comptroller and Auditor Generals have said should be done and have just not been there at all in the past. We have not brought anybody in from the H.R. function but they have done a lot of work about what performance system or management system will work and doing a lot of work around the skills of those in that section, about the training that they will need and also about the centralisation and the continuing need for people in the department to understand H.R. issues and manage H.R. issues, not just from the centre so you will be hearing more and more about that in the future.

**Senator S.C. Ferguson:**

Yes, so you have a program of up-skilling the H.R. staff?

**The Chief Minister:**

Yes, we do but equally, I do not want you to think that there are not some great people in H.R. but they are probably overworked, they have not got the tools around performance management, their processes are quite bureaucratic and that is leading to difficulties between the centre and the departments in supporting their recruitment needs and yet that should be their whole reason for existence.

**Senator S.C. Ferguson:**

And of course we will be touching on later the question of bullying and harassment, that if they stick their heads above the parapet, 9 times out of 10 it gets chopped off.

**The Chief Minister:**

I do not think there was a question there, was there?

**Senator S.C. Ferguson:**

What a horrible pity. Yes, thank you.

**Deputy S.Y. Mézec:**

Okay, moving on, have there been any noticeable changes following the ministerial decision to create exemptions for partners of essential workers? What has happened to recruitment since then, if anything?

**The Chief Minister:**

I suspect it is too early to have seen noticeable changes but Susan?

**Managing Director of Community and Social Services:**

I think we have probably seen some noticeable changes in terms of retaining staff, so staff have come here and found some difficulties and now that is a bit easier. I think it has been helpful in us talking to people about what Jersey is like as part of that recruitment process and we have quite a new pack now, I think, in place. We have had to change it since that ministerial decision but that has been for a good thing and I think it is assisting people that do not necessarily think they are going to be the only person bringing in a wage and that will assist them given the cost of living issues that we know about so I think it is very early days but I think it is a helpful step.

**Deputy S.Y. Mézec:**

Do you think at some point in the future when more time has passed you will be evaluate that and consider what changes need to be made or what other improvements there are?

**Managing Director of Community and Social Services:**

I think there is probably quite a lot of work going on around keyworkers so whether we are able to point to that as a particular specific: "That one made a difference". I think it is one of a few things that will probably make a difference. My sense is it could hardly fail to make a difference.

**The Chief Minister:**

It will be the package that makes a difference.

**Managing Director of Community and Social Services:**

Yes.

**Deputy S.Y. Mézec:**

Okay. Anything else on that one? Okay, moving on, Deputy Higgins?

**Deputy M.R. Higgins:**

The next question again is coming to the bullying and harassment. What were the key findings of the independent bullying and harassment review and have any recommendations been made as a result?

**The Chief Minister:**

Not yet, no. The bullying and harassment report was scheduled to be presented to The States Employment Board in March. Those individuals that were due to attend The States Employment Board in March got slightly slowed and they are now due to consider it on the 6th of April.

**SF Senator S.C. Ferguson:**

Okay, and is it your intention to make it publicly available, the report, afterwards?

**The Chief Minister:**

I have not seen it. I have had a brief oral overview but it was extremely brief so I cannot make a decision. Well, The States Employment Board will make the decision. The level of detail it goes into, I do not know. It might cover specific cases therefore it is difficult to publish it but I think the working assumption when it was started was that it would be published so we will have to see it to see whether it includes that sort of thing.

**Deputy S.Y. Mézec:**

Okay, just following on what Senator Ferguson mentioned about putting your head above the parapet, what about a whistle blowing policy? Do we have a policy? Most of us think we have not. Do we have a whistle blowing policy? What sort of safeguards have been given for people? Things being exposed by them helps us to reform.

**The Chief Minister:**

Of course we have a policy. The question is, does it work, is it not? We are not all long in the tooth around this table but some of us have got a great deal of experience in the States and in Government and we can focus on policy and legislation but the reality on the ground can be different and I think that is where the issue arises. I will be very surprised if the bullying and harassment report does not

cover whistleblowing and how people feel about that, about their experience of whether it works or not, about whether they are fearful and where there are problems in the system. I am not expecting it to be a light-hearted and encouraging read. Like you, I hear the experience that people who are fearful of coming forward and talking about either their experience or even a good idea that they might have to improve the service.

**Deputy M.R. Higgins:**

Would you be prepared to make it on a statutory basis that disciplining is there and people know that they have protection under the law.

**The Chief Minister:**

I have not seen the report yet but it seems to me that we will need to consider something like that if we are going to overcome the fear factor which appears prevalent across the organisation.

**Senator S.C. Ferguson:**

Following on from that, is it not a pity that ... I think some time ago in one of ... I cannot remember if it was a strategic plan or a medium term finance plan or what. There was, and it was accepted by the States I think, to set up a proper recommendation setup where people could put ideas into the system and those ideas that worked were rewarded and the Council of Ministers buried it somewhere. Is it not time to resurrect it?

**The Chief Minister:**

I do not recall the reward bit.

**Deputy M.R. Higgins:**

Might I add, I am long in the tooth as well and I remember the 10.55.41 (inaudible) by Senator Ferguson.

**Senator S.C. Ferguson:**

It is all right.

**The Chief Minister:**

You can ask me to flagellate as much as you like for all of the things that we have not done and all of the things that we have got wrong in the past. You know I am perfectly happy to do that because I ...

**Senator S.C. Ferguson:**

No, I am not, if you will excuse me ...

**The Chief Minister:**

No, listen a minute ...

**Senator S.C. Ferguson:**

No.

**The Chief Minister:**

You are not going to let me answer the question?

**Senator S.C. Ferguson:**

Well you have not answered it.

**The Chief Minister:**

I am starting to answer it.

**Senator S.C. Ferguson:**

Basically, we would get the feedback if we had possibilities. We are setting up a feedback system so that the children can feed back into the system. It provides an alternative for them to feed back

**The Chief Minister:**

No, I am going to answer the question if I may, unless you do not wish it. I, of all people, am only too conscious of everything that has not been done and all of the things that have gone wrong in our service, only too conscious. I can either choose to basically fall over under the weight of all of that or I can, as I have said to you before around this table, commit myself to delivering change and I am not the person that ... if I am knocked down, I get up and carry on because there is no point in staying on the floor being knocked down, it is pointless. It might have been suggested that there should be a better feedback system with benefit. The reality is it has not happened but one thing that has happened is that some of our good, largely young ... have created something called the Ideas Factory. It was them that were responsible for the activism work and other good ideas like that so, for the first time, we are starting to see a little bit of progress in that area but even that is not a happy story. They had ideas, they went to a department, the department told them: "No, you cannot do that, that is my responsibility, take your tanks off my lawn" so they had to come in and see me. It just so happened that some of them I work with fairly closely so they had come in and see me. I then had to drag in the department that said: "No; this is a good idea, these people want to help you, let us sit down and do it" and so the preliminary idea is that we will take that particular model, although these people are cross departmental, and think about gathering likeminded people in each department as well, in the new structure, to have similar bright ideas that can improve the life of

Islanders and improve service of that particular section or department to Islanders as well. They have not had money in return but what they did need was for somebody to tell the department that: "You can have the money to do the particular piece of work" so we were going to pay Apptivism to do that. It was not that they personally wanted some money, it was that the budgets needed to be released for them to trial their ideas.

**Deputy M.R. Higgins:**

Okay, moving on. On the 20th February, it was announced that the Chief Executive of the States was assuming direct responsibility for Children's Services. Could the Chief Minister outline the reasons why this change was brought about?

**The Chief Minister:**

At its heart, it was that although change was happening in Children's Services, it was not happening fast enough so the new Chief Executive has been going around the organisation.

[11:00]

He knew of course that the change required in children's work was really important. Susan had been thinking about the rate of change in the department. I know they had conversations. I know he had been and spoken to people on the ground. The Children's Commissioner had been doing exactly the same, listening to the voice of children, those who came into contact with children's services and those who did not. I returned from my ... where had I been? I had been somewhere. The Chief Executive phoned me on Sunday evening and said that he had had - I do not think it was a 3-way conversation but I think it was certainly a 2-way conversation - and that we needed to consider a change in the responsibility structure for Children's Services and so on Monday morning, we agreed that responsibility should move from Health and Social Services, with the agreement of the Health Minister, to the new Chief Executive.

**Deputy M.R. Higgins:**

Was it just a lack of progress or were there other issues as well?

**The Chief Minister:**

No doubt you are going to have the Children's Commissioner come and speak to you. It was largely about the lack of progress but, of course, in order to show that there was a lack of progress there would have been particular issues that showed the progress was not being made.

**The Deputy of St. John:**

How does moving it from one person to another person make it go any faster? Sorry, you have told us the process, I just want to understand why just because it has been moved to the Chief Executive it means anything is going to go any quicker.

**The Chief Minister:**

The Chief Executive has got experience overseeing improvements in Children's Services in Nottingham and in Westminster, where they were one of the highest rated children's services but also in Oldham and it is about purpose. I think I said earlier, with the best will in the world, the breadth of the work that is undertaken in Health and Social Services means that, by its very nature, you are either dealing with somebody that is coming in the hospital here and needs an operation or you are dealing with what are inevitably really complex, difficult children's issues. The reality is the priority has always been the hospital and always been the health service and it seemed to me that giving that clarity of purpose, making it absolutely clear that in our organisation, for this period of time, whilst we deliver the change that is needed, making the Chief Executive responsible ... yes, there is experience, of course there is and we should not underestimate that but it sends an absolute message to everybody that this is one of the most important jobs he has got to do and that we are going to do about improving the lives of children, of which Children's Services is a really important part and already we are seeing those improvements. Things are not quite ...

**Managing Director of Community and Social Services:**

Yes, I think there has been a course of improvements. I think the pace has not been what we would want and there are some reasons for that, there is no doubt about that. I think as I have also moved completely on to the children's agenda rather than the broader community and social agenda and social services responsibilities that I had, my Director of Operations in C.S.S. (Community and Social Services) has taken on the Health and the adult bit and I am focusing completely on Children's.

**The Deputy of St. John:**

Okay.

**The Chief Minister:**

We should not get into individual cases, should we?

**Deputy M.R. Higgins:**

Sorry, I missed that comment.

**The Chief Minister:**

I am just saying we should not get into individual cases.

**The Deputy of St. John:**

Okay. After the States Assembly approves the changes in the machinery in Government, what is the anticipated timescale for these changes to take effect?

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

The majority of the changes will take effect 7 days after the law has been registered in the Royal Court. Registration in the Royal Court will take place after the Privy Council has given Royal Assent so for the majority of the changes, hopefully Privy Council will consider this in their May meeting and then we will get it back from Privy Council, go to the Royal Court and get registered, so we would hope that that will all happen in May, depending on Privy Council availability. The one piece that does not run to that timetable is the removal of the legal, ministerial silos and that requires implementing regulations and that is because we need to change references to ministers across the entire Jersey Law and make a change to the beginning of nearly every law that mentions a minister. So that requires implementing regulations. Those implementing regulations will be drafted during purdah and then presented to the new Council of Ministers once that has been formed post-election and then hopefully, once Council are content, will be launched for consideration by the Assembly 6 weeks later so that would put us into the July period and then the Assembly may wish to scrutinise those regulations, in which case it will probably be a bit later.

**Deputy M.R. Higgins:**

What effect will that have on the voting process? I think it is normally around September, is it not? If they have not got the structure in place, how is that going to marry into the budget?

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

That is what you call an excellent question, Deputy. At the moment, as you know, we are partway through a medium term financial plan so the medium term financial plan has put the existing departments as the heads of expenditure through until the end of 2019, theoretically, so the Treasury Department are currently working out how best to fill the gap between the new structure and the end of 2019. My assumption is that there will be a need to use the usual annual update process for the M.T.F.P. (Medium Term Financial Plan) in order to restate budgets in their new configuration to reflect the new organisational model and that annual update, which comes to the Assembly in the usual way, will be the vehicle for doing that, but that has not yet been finalised because the Treasury are just working on that at the moment.

**The Chief Minister:**

That is not dissimilar to when we changed the system because of the timing of the M.T.F.P. in the electoral cycle and just in case any members of the panel have read their J.P. (Jersey Post) this morning, contrary to one reader's belief, this model works perfectly well and is working right now in

Scotland, in Wales, in New Zealand, in Australia and other places around the world. In fact, we saw it, did we not, in action in Scotland only a week ago?

**Deputy M.R. Higgins:**

Just one other comment. The idea of changing the laws for all the different bits with 'minister' in and so on, that was done relatively quickly with a word from the committees to ministers. It is basically one piece of legislation which relates to all this. Have you changed the wording?

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

Yes, when we moved from committees to ministers, that was the transfers that created the ministerial silos because what we did is we took the Committee for Home Affairs and said every reference for 'Committee of Home Affairs' is now a reference to a separate legal entity called a Minister for Home Affairs, so it was very quick to do. It was the shortest bit of legislation ever. It is literally one page, it just says: "For Committee, read Minister" and it was possible to do that because the decision had been taken to create all of those separate ministerial and legal silos so that made the transposition really fast but of course it hardwired in the silo system so in order to un-hardwire it, that is why we have got to go back and do the work of looking at each law and un-silo-ing it and making it work in a modern government way. The entire Scottish legal base just refers all the way through to their single legal entity name. It just says 'Scottish ministers' in every law but you have got to do the work and change every law to do that, rather than just doing a transposition table and I think for a lot of laws it would be as simple as a transposition but it is not that simple for all laws so we just need to look at them; start at A, all the way through to Z and look at each one and make sure this time that we do it rigorously.

**Deputy S.Y. Mézec:**

I am just getting slightly conscious of the time now so we can get through these. Moving on to Recommendation 5, legislation, obviously you had the engagement day on 14th of March. Can I ask what you felt you got out of this and what were the key themes that were put forward that you were going to use to inform the children and young people's plan?

**Director, Children's Policy:**

I think we got quite a lot. It is engagement day so it was about bringing work back to a wider audience, which I think we were going in the right direction in terms of the children's plan. We did some joint work during the morning so it was an opportunity for key people from throughout the system and also they were working with young people to identify what those priorities were in the process and writing all that up. We also got from the day quite powerful story from somebody who led a change process around children in Leeds, the city of Leeds, and I think there was some real commonality with where we have found ourselves and where they got to and some of our aspirations

so it was a very interesting, a very relevant story, well-told and a very positive one that we can use as a motivating factor as we go through what is essentially a very challenging 'change journey' - that is a terrible term but that is some of the things. In the afternoon we threw the doors open to schools, parents and we got about 250, 260 people through the doors and we talked to the staff, did the session talking about school councils. I think about 6 schools brought their school councils and we arranged the afternoon session so that there was some age-appropriate material, care inquiry, talked a lot about listening to children's voice. We have managed to capture a lot of that. Again, I am looking at making sure that any document or any proposal around a children's plan captures and listens to that voice so, all-in-all, I think that we got what we needed out of that day, we got motivation and it was quite inspiring, people told me that. Looking at the evaluations, we found that people felt they had a genuine opportunity to contribute. They also found the content, in terms of listening to Nigel Richardson, valuable and motivating. The one thing they said I could have done more about is creating more opportunities to network so I think that is code for coffee and break but it was a very busy day and I think what it allowed us to do is the trampoline effect into writing that children's programme which will become a central plank in delivering on any aspiration that we have. It will be a statement of intent that we then need to implement.

**Deputy S.Y. Mézec:**

What is the timetable for moving forward on that?

**Director, Children's Policy:**

We wrote in the care inquiry response that we will bring a children's plan back to the new Council of Ministers at the end of June.

**Deputy S.Y. Mézec:**

That is still ...

**Director, Children's Policy:**

Yes, we are on course.

**Deputy S.Y. Mézec:**

Excellent.

**The Deputy of St. John:**

Can I just ask how that children and young people's plan will filter into any changes to the children's law or safeguarding laws or a Children's Commissioner law when we get round to it?

**Director, Children's Policy:**

Yes, good question, so what we said was that we would want to write our children's plan in the first instance because then what falls out of that then is your priorities around legislation and policy. What it also gives you is a clarity around your corporate parental responsibilities so it does inform and it is of essential importance to how you complete a response to the other recommendations in the end so yes, definitely and that is quite deliberate, in terms of talking to other jurisdictions as to how they have arranged their various legislation and policy priorities.

[11:15]

**The Deputy of St. John:**

Okay. You mentioned the corporate parent and it was also discussed during that engagement day. Could you update us on the outcome of those particular discussions?

**Director, Children's Policy:**

Yes, so, as I said, the learning from that breakfast ... I did not mention the breakfast workshop, for those people who got up early. What is important about corporate parenting is context. Do you remember he was very clear about: "You cannot just dream up corporate parenting up here as a concept that floats around." It is very connected to some of the work that we have been talking about here about children's voice. It is about how you get that voice in the room, how that voice influences and some of the ideas and thinking around corporate parenting we took to Scotland and heard very clearly about what corporate parenting looks like in practice so that has helped, I think, in terms of understanding how we would construct an approach locally of corporate parenting that is going beyond what we currently have and starts to put in more clarity about how we, all of us around this table and in the balcony, should be thinking about and acting upon corporate parenting. What is interesting, and this is a bit for discussion, not now, but in terms of the legislation in Scotland, they have written it in. They are very clear in Scotland about who has key roles and responsibilities around corporate parenting and also the duty to report back on your corporate parenting activities: 11:17:04 (several inaudible words) and that law is 2014. They are about to report back from how they have been working and we heard from Marie Todd and the Minister for Early Years and Childcare how she is to present some of those to be accountable for some of that activity. It was very interesting and very relevant and timely conversations that we have had, both at that breakfast meeting but also in terms of Scotland and I do not want to jump the gun but I think there is an important discussion to be had around how we revise children's law now in our legislative environment and I would hope to see something much more assertive and much more aspirational in that legislation around corporate parenting.

**The Chief Minister:**

It is very clear; the organisations are named; universities, schools, health authority and voluntary organisations, an equivalent of the Council of Ministers. Everybody is named and the Council of Ministers hold all of those people to account. A report is produced at the end of 3 years of how you have delivered your corporate parenting responsibilities but again, it was interesting, that is the law, written very clearly but historically during this 3 year period that they are having to report on, it is quite clear that in some instances, practice and law were not in the same place. Again, I think it was the U.K. (United Kingdom) and Scotland who had played quite an important role in bringing boards of universities and organisations who are corporate parents together to go through and explain: "What does it mean to you practically on a day-to-day basis and to your organisation?" so we have got to always remember, and it is a conversation I have had a lot with Andrew over these last few months, it is okay at the centre doing all this work but we will not be successful unless it is changing action and activity on the ground.

**Deputy S.Y. Mézec:**

Okay, anything else on this one? Okay, Recommendation 7, The Jersey Way. Last week the States adopted the proposition from Senator Ozouf on introducing a public sector ombudsman, which they did without the benefit of our contributions, which obviously would have enhanced the debate. Now that that proposition has been passed, what is going to be the timetable for implementing that change?

**The Chief Minister:**

Obviously I have not listened back to the debate but I discussed with Senator Ozouf the work that was already undergoing, the legislation advisory panel and the research that they had asked Professor Le Sueur to undertake. That research, I think, is being done at the end of May and that report will come back on 17th of August so I would hope that that will then lead to law drafting but that work needs to continue so the in principal decision that was taken by the States was absolutely the right one to do but there are still people who might have voted for it that still need convincing that it is the right thing to do. What was the vote, do you know? 11:21:17 (overspeaking).

**Deputy M.R. Higgins:**

It was pretty substantial, I cannot remember.

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

It was a strong vote in favour.

**The Chief Minister:**

Okay.

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

In terms of the timetable, as the Chief Minister said, we have a bit more research to come back to us in terms of both complaint volumes and statistics but also in terms of models for public services ombudsman in other jurisdictions, particularly smaller jurisdictions. I do not know whether any of you have had a chance to look at, for example, the Scottish Public Services Ombudsman but it is quite a complicated piece of legislative work to make the ombudsman work successfully with other statutory bodies such as police complaint authorities and other organisations that exist in the statute so it is all perfectly possible and it will all get drafted, it is just that it is a reasonably complex piece of work to do so hopefully the work that Professor Le Sueur will give us a bit more insight into the possible roles that could be adopted. The legislation advisory panel have already started a process of seeking the views of some of the main people in Jersey that would be impacted by the change, so we have started the consultation process through the panel and then I think once we have got Professor Le Sueur's work, there would need to be some consultation about which of those models we think will be the most useful. Hopefully we will be able to publish his work and everyone will be able to see what the different options are or how this could be constructed in Jersey and then if we can get through that broad consultation on which model to follow then we can start law drafting by the end of the year and then I anticipate this will be something that the Assembly will consider during 2019, no doubt Scrutiny will take a very close interest in it, as will others. There will need to be consultation on law drafting itself, on white paper, to do that and then I would anticipate, as we laid out in the original response, that hopefully by the time we got to the end of 2019, we are all sorted.

**Deputy M.R. Higgins:**

Can I just say that, from my own experience of drafting an ombudsman scheme 11:23:49 (several inaudible words) and the consultations I had with people, I do not believe it will take as long as you seem to be indicating and I hope that it will be brought to the States as soon as possible.

**The Chief Minister:**

Between you starting that work and it being brought into statute, just remind me how many years?

**Deputy M.R. Higgins:**

The work that we did, and it was quite a vested interest in the Island, took 2 years to draft and get it ready but then it was sat on by the politicians of the day, which is why it is good for the States.

**The Chief Minister:**

So the timetable we have got is less than 2 years?

**Deputy M.R. Higgins:**

I will be watching that one in or out of the States.

**Deputy S.Y. Mézec:**

The Law Commission made other recommendations. One was about having an administrative appeals tribunal. In consideration with the establishment of an ombudsman is consideration being given to that as a way forward?

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

It is. The legislation advisory panel is seeking views on the Law Commission proposals and in their initial work were seeking views on the whole package. My perception is that the work to replace all of the myriad of existing tribunals in Jersey law with a new integrated tribunal, in the way that a number of jurisdictions have done, is probably the more complex piece of this. I think that the public sector ombudsman should be relatively straightforward. It is a matter of choosing the model, working out how it interplays with the laws and getting that done. I think that doing the work on the tribunals will take longer and will be more complex so work has started but I suspect that when we come to do our work programme with the new Council of Ministers, we will probably prioritise the ombudsman. There seems to be a stronger desire from everyone to progress on that more quickly so we will probably prioritise the ombudsman and then do the tribunal service slightly in parallel but also slightly behind.

**Deputy S.Y. Mézec:**

Thank you. Tracey, you are next, are you not?

**The Deputy of St. John:**

No.

**Deputy S.Y. Mézec:**

No, Mike is next, I apologise.

**Deputy M.R. Higgins:**

Okay. In that case I am going to come on to the Access to Justice proposition that is due to be debated in the next sitting and just questioning whether it is appropriate to debate this particular piece of legislation in only one sitting. It has not been scrutinised by a Scrutiny Panel and members have been overloaded by a lot of legislation in the last few sessions. Should you be bringing it forward at this time or should it be left till the next Assembly?

**The Chief Minister:**

No, we should not and we will not be.

**Deputy M.R. Higgins:**

Right, well in that case, can I move on to another one, because the Jersey Way is one of my favourites? For example, how the Jersey Way deals with corruption in the system and transparency and what I want to raise now is; is it acceptable that departments delay members getting hold of documents and records for the people they are helping. For example, I have been trying to get records for over 2 years for one department and there have been hurdles put in the way. How can we represent people if the departments are not being transparent and are not letting members have the records? They may deny it to the person for concern about their health but there should not be the same concern about the representatives who are trying to help them, so how do you feel about records? It should take, for a Subject Access Request, 40 days and it has taken 13 months for a law firm to get some of the records and I have not got them after 2 years even. Is that acceptable?

**The Chief Minister:**

Well, of course, as a general rule it is not. I do not know the individual case but you mentioned 'health'. If it is a mental health issue, it is sometimes very difficult to find a way through those particular issues about who is given permission about when to provide documents to whom and that is no different for ... the same family members might have the same issue that representatives have as well but, as a general rule, it is not acceptable but, as a general rule, I do not think members are well supported in even seeking that information. Members should have proper support, be that research, be that secretarial and be that liaison with the department. Members should not have to go to each department and try and find somebody that is amenable to get information once they have the authority from the individual constituent. It should be a liaison person that is going to do it and that chases it for them. We have got to start growing up. We are a parliament.

**Deputy M.R. Higgins:**

I accept that but I am just making the comment that even the lawyers are having to take 13 months to get heart records. That is not good enough.

**The Chief Minister:**

At this minute, my experience is as soon as you get a lawyer involved, everybody has to get a lawyer involved and inevitably it slows things down.

**Deputy M.R. Higgins:**

The shutters go down again. Okay.

**Deputy S.Y. Mézec:**

Okay, moving on to Recommendation 8, legacy issues. That is Senator Ferguson.

**Senator S.C. Ferguson:**

Yes, how will the consultation on Haut de la Garenne ensure that the leaders of former residents are given sufficient weight?

**Director, Children's Policy:**

So, as part of the consultation, we have used the usual public media outlets but we have also, where we can and where we have known people who have given evidence, tried to use those networks to encourage people to leave early and engage in the consultation.

[11:30]

Of course we cannot mandate it but we have done our best in terms of reaching out and providing lots of different opportunities so that people who may feel a bit uncomfortable can find a way of getting in touch with us and recording their views.

**Senator S.C. Ferguson:**

Okay, thank you very much.

**Director, Children's Policy:**

We have also done, this week, some focus groups too so this allowed us to go down in terms of depth of understanding of where people are coming from and I think there were some people in those focus groups who were able to speak to that agenda so I cannot pretend that public consultation has managed to catch all the people who gave evidence but I am confident that we will have some 11:31:00 (overspeaking).

**Senator S.C. Ferguson:**

Super.

**Deputy M.R. Higgins:**

Your focus groups, are they representative of examples like this or not?

**Director, Children's Policy:**

They were very much a mixed group. It is a very difficult thing to run a public consultation on this particular subject area and then at the same time trying to engage without doing more with people who have had very negative experiences in terms of previous care so we have taken advice from the Institute of Consultation and in part, the method that we constructed has enabled us to, I think, get a broad church of views.

**Senator S.C. Ferguson:**

Yes, so is it appropriate to allow members of the public to comment on a building that they may never have visited or they may not understand its significance?

**Director, Children's Policy:**

As part of the consultation we had a number of opportunities for people to go up and have a look and go beyond the doors, if you like, so if people had not been up there, had not had an opportunity to have a look round, they were able to, so we tried to provide as much opportunity as possible for those people who want to give a view to come and look at the building itself.

**Senator S.C. Ferguson:**

What is the difference with your consultation between those 2 completed the response online and those who completed it face-to-face?

**Director, Children's Policy:**

I do not know the split but I can get it to you.

**Senator S.C. Ferguson:**

Super, yes.

**The Chief Minister:**

The split in what regard, sorry?

**Director, Children's Policy:**

Those people who come to the parish halls and those people who filled it in online.

**Senator S.C. Ferguson:**

Yes, because obviously there is a generation that has not got a computer, does not want a computer or cannot afford a computer.

**Director, Children's Policy:**

Absolutely, so for that reason we have done a lot of ...

**The Chief Minister:**

You just want the split between people that we spoke to in person and those who have done the online, is that what you want?

**Director, Children's Policy:**

Yes.

**Senator S.C. Ferguson:**

Is it the same consultation?

**Director, Children's Policy:**

Yes, is the answer to the question.

**The Chief Minister:**

Yes, it is.

**Senator S.C. Ferguson:**

Right, okay.

**Director, Children's Policy:**

You do just want that split, yes?

**Senator S.C. Ferguson:**

It would be interesting to see the split in numbers, yes please.

**Director, Children's Policy:**

Yes, of course, okay.

**Senator S.C. Ferguson:**

What about services to help the recovery needs of survivors? Which organisations will deliver these services; voluntary, public, private?

**Director, Children's Policy:**

At the moment NSPCC are focusing on supporting young people and providing therapy to input as part of their Letting the Future In project and that, as far as I can tell, is going well. What I have done this week is to ask the colleagues in Health and Social Services who have got a commissioning role around services for children and what they have agreed to do is to begin to look at where we can use commissioning levers to improve, both in terms of for children and pathway and also for adults to build in opportunities for therapeutic conversations, therapeutic support in existing structures so, for example, Jersey Talking Therapies is just going through review at the moment and one of the things that we want to be asking in there is how does that service, or how could that service, be providing an appropriate opportunity for care leavers who are of an age, adults basically, to have support for that service.

**Senator S.C. Ferguson:**

That was a lovely, tactful way of putting it.

**Director, Children's Policy:**

Yes, so I think that there is a realisation that you do not just want one thing, you need it from a number of different areas and voluntary sector play a really important part in this arena.

**Senator S.C. Ferguson:**

Thank you very much.

**Deputy M.R. Higgins:**

Do you have any idea of numbers going through at this time?

**Director, Children's Policy:**

For Letting the Future In?

**Deputy M.R. Higgins:**

No, the ones who are getting help, whether it be talking therapies or other help. Can you give us some indication or provide to the committee that data?

**Director, Children's Policy:**

Do you want activity data for Jersey Talking Therapies?

**Deputy M.R. Higgins:**

That and any other assistance to be given to those who are suffering from PTSD.

**Director, Children's Policy:**

I am not sure, do you think we can accommodate that?

**Managing Director of Community and Social Services:**

Well, we can. We may not be able to see if that is the exact number receiving the treatment.

**Director, Children's Policy:**

No, but we can provide 11:35:59 (several inaudible words).

**The Deputy of St. John:**

Okay, I know we have mentioned it many times during the hearing but, Chief Minister, what changes are you likely to bring forward as a result of the learning exchange visit to Edinburgh?

**The Chief Minister:**

We have not had a formal, on our side anyway, debriefing or consideration. I have had a number of informal conversations with this official and I think we have hopefully given you a flavour throughout the course of this hearing of what our thinking is and the changes that we think we need to consider. We have the corporate parenting issue, we have got the legislative base issue but fundamental for me was learning from care experience people about their experience and it has got to be about putting that at the heart of the service we provide and we had quite an interesting conversation with the individuals who are running the Scottish review. They are reviewing their service and that was interesting; the tension between the professionals and academics and the experience of individuals and of course we need to listen to the official statistics and the academics because that helps us think about policy in the right areas but it chimes absolutely with what the care inquiry said; we were not listening and even when we did listen we did not do anything and so putting the care experience and their experience at the heart of the changes that we bring has got to be our fundamental objective but you challenged us earlier across the table. That is a little bit at the heart of it. Susan is a professional wanting to do her professional best for all of the children in our Island. I am a politician. Of course I want the professional best for them but I want us to transform our system so that people who have experienced it and their experience is at the heart of the policy and how we serve and care for children into the future. She is now going to say she wants exactly the same.

**Managing Director of Community and Social Services:**

11.39:03 (several inaudible words) Chief Minister.

**The Chief Minister:**

That tension is not unhealthy but we really do need to make sure that they experience winning.

**The Deputy of St. John:**

That is a really positive answer. I know we are running over but just finally, in terms of further learning exchange, will this become a norm in terms of assessing best practice, speaking to those people? Especially the ones who are doing the Scottish review, for example, to engage and ensure that the momentum continues?

**The Chief Minister:**

It will. We offered an invitation for those in Scotland to visit Jersey in Autumn. Perhaps that was a little presumptuous but hopefully that will take place but we should not be narrow-minded in learning from just the British Isles, we need to learn from best practice wherever we find it.

**Deputy S.Y. Mézec:**

I think Deputy Higgins wanted to quickly go back on one thing about the consultation?

**Deputy M.R. Higgins:**

Yes, just very quickly. Basically you mentioned to me about consulting on the internet. How do you know you are not getting multiple responses from the same person? What sort of checks and balances are you doing to make sure it is individuals?

**Director, Children's Policy:**

We have got people to complete their names and addresses to cross check but, ultimately, if there was one person who wanted to sit at home and absolutely 11:40:39 (several inaudible words), it is a risk.

**Deputy M.R. Higgins:**

I might just add, we have got trolls like this, we do.

**The Chief Minister:**

Yes, but it is normally recognisable and it is going to be difficult making sense of this consultation in a positive way because we are going to have to think as politicians, or the politicians who are elected, what weight we give to those who suffered abuse there and how that is weighted against a member of the public who, in Sarah's words, have never even been to the building, so getting to that decision is going to be difficult and that is going to be about analysing and understanding the responses.

**Senator S.C. Ferguson:**

Obviously there are also the people who spent time there and thought it was fabulous.

**The Chief Minister:**

Yes, there are 2 sides to that Sarah. There are those people who spent time there and thought it was fabulous because for them they did not experience any abuse and they felt it was a loving environment for them.

**Senator S.C. Ferguson:**

Well yes, I am just saying.

**The Chief Minister:**

Mike, you are frowning but there for some people, they have told me that is what they experienced but the other side of that coin is, for some others, it was the best experience they had had in their life until that time. It does not say much about the experience that they were having outside of that institution so, understanding those responses and responding to it and getting to a decision point is not going to be easy because of all those things.

**Deputy M.R. Higgins:**

I accept that and I have had one person tell me it was a wonderful experience but many others that it was not, you may be absolutely sure.

**Senator S.C. Ferguson:**

Yes, we all ...

**The Chief Minister:**

Absolutely.

**Deputy S.Y. Mézec:**

Chief Minister, is there anything that we have not asked about that you think it would be important for us to be updated on at this point?

**The Chief Minister:**

I cannot think of anything that anybody wanted to inform you.

**Deputy S.Y. Mézec:**

Okay, in which case, this is the last public hearing of this panel before the election so could I just say on behalf of the panel, thank you to yourself and to your officers for the way that you have engaged with the panel up until now, whether that has been giving us information when we have needed it or listening to our concerns when we have had them. I think I speak for the panel when I say we feel like we have been treated seriously and been able to add value to this process, which is something for which we are very grateful. Can I personally thank the other members of the panel for the way that they have served and been part of this team and of course our officer who has worked incredibly hard supporting us? Just to confirm that it will be one of our recommendations that the next Assembly does reconstitute this review panel in some form or another to continue doing this work because obviously it is a very long-running thing. Thank you very much for your time. Thank you to members of the public and media who have come to observe and I call the hearing to a close.

**The Chief Minister:**

Thank you very much, thank you.

[11.44.03]