



# Care of Children in Jersey Review Panel

## Care of Children in Jersey Review

Witness: Chief Minister

**THURSDAY, 8th FEBRUARY 2018**

**Panel:**

Deputy S.Y. Mézec of St. Helier (Chairman)

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

Senator S.C. Ferguson

Deputy M.R. Higgins of St. Helier

**Witnesses:**

The Chief Minister

The Minister for Health and Social Services

Assistant Chief Minister

Director, Social Policy

Managing Director, Community and Social Services

Director, Children's Policy

[14:02]

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

Thank you for being here. Thank you, those in the public gallery, for joining us. Can I just ask at this point the usual deal: just make sure phones are on silent so there is no risk of anything disturbing us. Just for the benefit of the recording, we have to, as usual, go round and introduce ourselves. So, I am Deputy Sam Mézec, chairman of the Care of Children in Jersey Review Panel.

**Deputy T.A. Vallois of St. John:**

Tracey Vallois, Deputy of St. John, vice-chairman of the Care of Children Review Panel.

**Senator S.C. Ferguson:**

Senator Sarah Ferguson, member of the panel.

**Scrutiny Officer:**

Andy Harris, scrutiny officer.

**Director, Children's Policy:**

Andrew Heaven, Director of Children's Policy.

**The Chief Minister:**

Ian Gorst, Chief Minister.

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

Andrew Green, Deputy Chief Minister and Minister for Health and Social Services.

**Assistant Chief Minister:**

Senator Paul Routier, Assistant Chief Minister.

**Director, Social Policy:**

Ruth Johnson, Director of Social Policy.

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

Susan Devlin, Managing Director of Community and Social Services.

**Deputy S.Y. Mézec:**

Thank you very much. I believe we have an hour and a half booked for this, so our questioning plan is to go through the recommendations and action points as a result of that. Just before we begin, though, could you just confirm that you have read the notice in front of you and understand it? I am sure you have read it about a million times.

**The Chief Minister:**

I do not think there is one, but we have read it ... oh, there is. Yes, I have read it previously.

**Deputy S.Y. Mézec:**

Yes, exactly. Okay. Thank you very much. I believe we are going to start now with questions about the progress that is being made with the Commissioner for Children who, of course, has been in the Island I think for 5 weeks now and seems to be very active. Now that the Children's Commissioner

is in her post, when do you think the legislation to underpin that role is likely to be brought forward and what progress is being made towards that?

**The Chief Minister:**

You will have been at the conference this morning where she said publicly that it was a priority, I think she said over the next 3 months, to ensure and work with us to get that in place. We then, of course, run into the election period and we run into the summer, so I would hope that it is agreed, approved and on the statute book by the end of this year but we will see earlier progress than that when we see it.

**Deputy S.Y. Mézec:**

Do you have any sort of initial views on what format the legislation is likely to take and what it might include?

**The Chief Minister:**

I know we have discussed before about the importance of governance, a governance board type approach, putting in legislation or preserving and ensuring there is independence and that the commissioner is independent. Therefore, we will need to think about reporting lines to the States, to the Executive, and also that internal governance which will be really important as well. I think it will focus on those particular areas, giving the Children's Commissioner an incredibly wide remit because the issues of children cannot just be limited simply to children because they are much broader. Children are part of our community. They live in families. Therefore, the Commissioner has to be able to comment on those broader issues.

**Deputy S.Y. Mézec:**

You will be aware from the in-committee debate in the States recently there was some discussion about whether the Children's Commissioner should be reporting directly to yourself as Chief Minister or whether she should report directly to the States Assembly. Do you have any thoughts on this and what is the rationale behind the idea that she should report directly to the Chief Minister?

**The Chief Minister:**

I think it needs to be both. I think she needs to be able to communicate with the Chief Minister, whose job is to lead the Executive, but equally the Children's Commissioner needs to be able to report to the Assembly. There has to be a process that could be gone through. It might be that there is a statutory requirement for a report to the Assembly every year. It might be also that there is then the ability to report to the States by exception. If I look at the Data Protection Commissioner's statutory functions, they present a report but they also have a reporting line to the Chief Minister. The Chief Minister then has an obligation under that law to present that report to the Assembly within

a set period of time, and we saw that, did we not, through the Care Inquiry handling of evidence where the Data Protection Commissioner had concerns, sent a report to me and I lodged that report with the Assembly and put it into the public domain. So, I do not think there is a problem with either of those. I think both are necessary.

**Deputy S.Y. Mézec:**

Okay. It was spoken of that there was a prospect of this position being pan-Channel Island. Has any discussion taken place so far with your counterparts in Guernsey and the other islands about this and what sort of work is being done?

**The Chief Minister:**

There is a whole piece of work being done between the new Chief Executive and the Guernsey Chief Executive about a framework of co-operation between the 2 islands, which will be published and I hope to lodge for the States to consider. I am envisaging that the work of the Children's Commissioner will be included in that framework of areas where we can work together into the future. Having listened to the Children's Commissioner, I do not think we want to do that quite too early. No doubt what she has said today in her public pronouncements are challenging, and I think we need to make some progress on policies that deal with those challenges before we rush off and dilute that good bit of work that she has already started to do. So, I think we should be doing it. Officials are due to talk further later this month about it, but I think it should be in a proper framework. We should not expect it to happen too quickly.

**Deputy S.Y. Mézec:**

The Council of Ministers' response to the Care Inquiry recommendations came out before the Children's Commissioner was in post. In the period of time she has been in post, has anything happened so far to help you enhance what you believe needs to be done as a result of the Care Inquiry recommendations that she has suggested?

**The Chief Minister:**

She has not made any suggestions directly to me, but I was mindful ... today was the first time I had sat in an open forum and listened to some of the thoughts about the situations that she is encountering. In some ways, the stories that she was telling were not new. In other ways, they just formed part of difficult policy challenges that have been around for decades and we have not been able to deal with. So, it was uncomfortable; I think we would all accept that who was in the audience today. But her view that we need to come together across our community, across the political divide, and start thinking about meeting some of the challenges that she spoke about, which have proved intractable in the past ... so nothing that she has said to me directly or reported formally, but all of

the things that she is saying in the public domain I think present challenges for the next Government and the next States Assembly.

**Deputy S.Y. Mézec:**

Do either of you have anything you want to ask on this subject?

**Senator S.C. Ferguson:**

I still am curious as to why you feel it is better for her to report to you and you report into the States.

**The Chief Minister:**

No, I think it should be dual. I do not think it should be either/or. I think she should have a right to report to the States and an ability to report to the Chief Minister as well. I was simply saying that the Data Protection or Information Commissioner's Office has that sort of ability as well.

**Deputy S.Y. Mézec:**

Okay. Shall we move on to the next recommendation then, which Deputy Vallois will start by asking about?

**The Deputy of St. John:**

Okay. This was recommendation 2, giving children and young people a voice. Can you provide an update on the progress in appointing a children's rights officer?

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

I can pick up certainly on a number of these, but one in particular: the advocacy service for looked-after children. We had been already running a pilot focusing on children on the child protection register, so that is up and running. It is an opt-out service, so unless the young person opts out they will be accompanied by this person to any meeting that they go to to support them. Comments from the young people, children and young people, at the moment and other stakeholders say that there has been a marked difference in the ... and this is just a comment. I do not have anything to evidence what they say. They have said there is a marked difference in their voice being heard, so that is a good start. It does not mean that we have completed it and I am sure Susan can give you more detail on that. That is up and running. On the children's rights officer, we hope to get the advert out in March. I know that we wanted to have the person in place by March but we are not there. We hope that the advert will be out in March and the process under way.

**The Deputy of St. John:**

Okay. That is assuming that you clearly understand and know what you expect from a children's rights officer, so would you be able to explain exactly what it is you are expecting?

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

I will ask Susan to do that, but you have hit right on the nail. That is why we are a little bit further behind than we would have liked to have been because we have to get this right. Susan, I do not know if you want to add anything.

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

Yes, I am happy to. I think I have previously provided the panel with a draft job description at an earlier stage. So, we have looked at practice elsewhere and I think that was clearly directed by the inquiry report. It is a post that is probably quite long established elsewhere, certainly in the U.K. (United Kingdom). It is very much to be an advocate primarily for looked-after children, to give their voice, to support them, to engage them, to help them make comment and complaint should that be necessary, and I suppose to kind of stick with them through any of those processes. So, it is really important that they build relationships, that they are free to go about that role when they may raise issues that might be uncomfortable for us.

[14:15]

**The Deputy of St. John:**

Can I ask then, just understanding what you have just stated there, what is the difference between a children's rights officer and the role of the independent visitors?

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

The role of the independent visitor was originally set up as more of a befriender type role. I think that changed over the piece and it became a kind of ... had a bit of a scrutiny type role. I would not go so far as to say an inspection type role, but there was a part of that. But it was based on the English system where you have adults who are supportive to build relationships with the children, personal relationships, particularly where those children or young people do not have a lot of adults in their life. So, it is different from ... they may well advocate, but it is different from somebody pursuing rights and pursuing agendas about how we deliver care and tackling some of those issues. I guess as we progress what we will have is a much clearer system of scrutiny and inspection as we move forward through the Care Commission, and we will come on to inspection, no doubt, further on in this hearing. But there is quite a difference. So, one is much more about personal relationship; the other one is a very clear professional relationship that is about pursuing and supporting rights of looked-after children.

**The Deputy of St. John:**

Okay. On that basis, though, do you not think there may be difficulty in those children speaking to someone who has that professional ... well, perception of professionalism rather than that personal relationship and the difficulty in then putting across their rights?

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

Having worked with children's rights officers for the best part of 30 years, no, I do not. I have experienced them at different levels of my career where, quite frankly, there will be a tension as we pick officers up on issues and progress that, and I think my experience would suggest that young people do not have a problem. They are wanting somebody to listen and that is what we will be providing. I suppose the role is professional; the importance, though, is also to build a relationship and a rapport and be seen as a consistent, trusted adult but who has the ear of somebody like me who can actually do something about making changes.

**The Deputy of St. John:**

Just on that basis then, is that the reason why it is seen as appropriate for the children's rights officer to report to yourself?

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

I cannot say what was in the panel chair's mind, but it was a specific recommendation that the children's rights officer report and be directly line managed by the Managing Director of Community and Social Services. I think that is a model that works elsewhere. You go to a senior officer. You do not have somebody being managed by a more junior or middle manager, and that is about ensuring that operational service delivery issues do not become a reason not to do things. So it is about trying to get the ear of somebody senior enough and who has a responsibility within that job description to make some of those changes.

**The Deputy of St. John:**

There is a lot that is going on and in terms of understanding how the governance works around this, there is potential for confusion, understanding children's rights officers, social workers, everything that is involved in this. We have received submissions about it preferably being an independent role, so how can we ensure that what we have going forward is clearly explained and people understand where to go to and who is responsible for what?

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

I think there is an element of us setting out our stall about the role. I think there is a clarity about the job description for that person, and then I think they have a job to do primarily with the children that they are going to support and represent to talk to them about it and to help them understand that it is a different role from a social worker. It is different from a youth worker. It is different from a

Children's Commissioner. It is about I think having that open, clear communication and, as I say, my experience elsewhere is that children get it and quite young children get that and they understand. I think we need to do decent, good communication that is age and stage appropriate, but I think we can do that and we do that with carers as well.

**The Deputy of St. John:**

Has any consideration been given to the current statutory status of the Jersey Youth Service in light of the work that it is being asked to undertake?

**The Chief Minister:**

I am not aware that it has.

**The Deputy of St. John:**

Okay. Do you think ...

**The Chief Minister:**

It might have been. I am not aware of it.

**The Deputy of St. John:**

Because we understand that there may be some tension around this in terms of whether you create a statutory role for the Youth Service or whether it is appropriate where it is, but I think there is concern around guarantee for its funding going forward and ensuring certainty around there. Because I think they are doing a great deal of work and there is a lot of trust in the Youth Service, but it is in terms of their certainty moving forward and that guaranteed funding status. Do you have any views as to whether either way would be better or whether there is something that would help give them some certainty?

**The Chief Minister:**

They are doing fantastic work and they need to have certainty about their funding. Historically, we have always been very cautious about putting things on a statutory footing. I am not sure that that caution is any longer appropriate and it seems to me like a good suggestion. I think we are going to see some changes to the way that children's and young people's services are structured in fairly short order anyway in the coming months, and your suggestion about putting the Youth Service on a statutory footing I think is something that we should consider in that round.

**The Deputy of St. John:**

I will just say it is not my suggestion; it is just a conversation that we have been having.

**The Chief Minister:**

Yes, okay.

**The Deputy of St. John:**

I am aware of a previous States Member making that suggestion a long time ago, which fell in the States Assembly, but it is just something that we have come across. Does anybody want to ask any questions? On the Youth Service also, we understand they are currently consulting on a large number of projects as a result of the Care Inquiry. Are there any further resources going to be assigned to allow this to be undertaken properly?

**The Chief Minister:**

I hope that they would, if they were before you, say that my door is open to them and we have found them the money for the services that they want to introduce. I see no reason why that is going to change if they come forward with good service proposals, as I hope they are intending to do. I think it is only right that we find the funding for them.

**The Deputy of St. John:**

On a slightly more, I suppose, higher level, in terms of the parishes' ability to work with the Youth Service going forward as more of a community aspect in assisting in the voice of children and all those types of things, the parishes already provide sums of money for youth workers. Are there any conversations going on with the Committee of Constables about potential interactions?

**The Chief Minister:**

I do not think there is directly in that regard, but there are thoughts and there have been some conversations with some Constables about a wider-ranging co-ordination between the States and the parishes and how services are delivered by the States in parishes and how we can co-operate and co-ordinate in those for delivery, particularly as things are going online. I am thinking about access to services that we provide and some people in the parishes should be benefiting from but are not. It is much more of a cross-service co-ordination of how we are going to work with the parishes. Are we going to put States people in parish halls to support their work and to point them to services? Again, I think that we can talk with the Youth Service about how that might work in that broader piece of work as well.

**The Deputy of St. John:**

Just finally on this area, what progress has been made in establishing a young person panel to explore the approaches to youth councils, if any?

**The Chief Minister:**

Yes, that is being done by ... yes.

**Director, Children's Policy**

That is a piece of work that is continuing - our next meeting is on Saturday afternoon when the rugby is on - and it is going really well. We have about 15 or 16 young people drawn across the Island through Youth Service projects, and we also have an agency group made up of practitioners who are considering various approaches such as youth councils. Our next round of workshops happen next week. I am quite pleased and I think Mark is as well in terms of some of the discussions that are being had. We are talking via Skype to various parts of the U.K. which have different models that are up and running, so I am looking forward to those conversations and seeing what is working in different jurisdictions - that is quite helpful with young people - and testing that in terms of what is good for Jersey, what will fit and what does not really fit. We are on course for having some proposals going into the engagement event on 14th March, so it is going well.

**The Deputy of St. John:**

That is good to hear. Thank you.

**Deputy S.Y. Mézec:**

Anything you want to ask on this one?

**Senator S.C. Ferguson:**

No.

**Deputy S.Y. Mézec:**

Okay, moving on to recommendation 3 on the inspection of services, I wanted to first ask about the independent visitors for young people. Obviously, this was something we raised in the in-committee debate after we had met with them where previously they had been left with quite a degree of uncertainty as a result of knowing that they were to be abolished but not really knowing what was meant to be happening in the interim period. So we wrote to you about that and you did respond very quickly, which we were grateful for. Could you just update us with what is happening now with the independent visitors for young people and what discussions you have been having about arranging for interim arrangements?

**The Chief Minister:**

Yes, you are right, it was somewhat overlooked. I think some assumptions were made that they would be continuing. That had not filtered down to staff so there was a different approach happening on different premises. Some staff were still expecting visits. Some of the visitors were still visiting and others felt that because there had been a recommendation to disband them that they should no

longer visit. I hope that they now feel that that has been clarified that they should continue. It has been cascaded down to staff that they should expect the visitors to continue to visit. That, however, does leave us still with the recommendation that they should be disbanded and for my part I think that we need to consider, perhaps a little bit as Susan suggested, their remit changed over time. I think they would accept that they are not inspectors and cannot be seen as independent inspectors, and if we are saying that they should be disbanded because they are not independent inspectors I think we would all accept that. But the question arises: these are people who have built up trust, offered almost a mentor-like service. They have great experience. How can we use that going forward? It is too early to say. There are a number of issues with them carrying on, but there are also issues about capturing their learning and what we would put in their space that they would vacate, bearing in mind all the time we are trying to create an environment, a home environment, which is as much as possible like a home environment that any other child or young person has in our community. So we just need to work through where they fit in that particular process of creating that environment, recognising that we will not get there absolutely perfectly.

[14:30]

It really depends how we are going to look at it and we will need to have more conversations with them because on the one hand you could say we in our own environment do not have visitors coming in who are there to ask how things are going and all of that sort of thing and to act as a champion. Of course we do not, but those of us with extended families do have aunts and uncles and grandparents and that is an important role in bringing up children. So, I am not saying that is exactly a perfect match but there is something in there that I think we can learn from and benefit from and think about how that works in the future.

**Deputy S.Y. Mézec:**

When do you anticipate then that the next stage of that conversation with them will take place?

**The Chief Minister:**

I do not know.

**Director, Social Policy:**

We have meetings set up for them to meet with the Care Commission and also the Children's Commissioner as well because I think there needs to be a conversation which is not just what is the potential future relationship with the independent visitors directly with our children in care, but also with the other bodies that have a role in looking after the welfare of children and young people who are in care. So those 2 meetings have been set up. Once those meetings have taken place, our plan is to get together with the independent visitors, with a representative of both the Care

Commission and the Children's Commissioner, and determine what the future could look like. We would envisage that those conversations will be concluded by March, by the end of March.

**Deputy S.Y. Mézec:**

Okay. Anything on the independent visitors? One of the areas that we noted under the proposed actions that had not been met was to agree the terms of reference for the independent review of children's services by December at the end of last year. Could you just explain to us why that target was not met and where we are at this point with that?

**The Chief Minister:**

Yes. That was the work that we had asked the Care Commissioner to undertake. They have written to me this week, I think it was, I received a letter from them with the agreed terms of reference for that one-off inspection of children's social work services. I am quite happy to send you, if we have not already, a copy of that correspondence with those terms of reference.

**Deputy S.Y. Mézec:**

How is this impacting on the overall timescale?

**The Chief Minister:**

You would be better placed to ...

**Director, Children's Policy**

The only thing I would say is that further on there is reference to a youth justice review and what we have done is we have been quite hesitant. We have been reluctant - that is the better word - to construct a scope for the youth justice review in the absence of a terms of reference for the one-off inspection. So we have held that back because the reality is that hosting these inspections and reviews is very time consuming in terms of the service. So what we are trying to do is give the service a fighting chance in terms of pursuing improvements while also hosting inspection and reviews. So, that is the only knock-on effect, chair. Having had the terms of reference literally in these last couple of days, what we are now able to do is have a look at those terms of reference in relation to the aspired-for youth justice review and progress that quite quickly.

**Deputy S.Y. Mézec:**

Okay, thank you. Do you have anything to ask on this one?

**The Deputy of St. John:**

No.

**Deputy S.Y. Mézec:**

Okay. Shall we move on then to recommendation 4, building a sustainable workforce, which Senator Ferguson I believe will ask some questions on.

**Senator S.C. Ferguson:**

Yes. Building a sustainable workforce. What is the current status of the Jersey practice model?

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

Again, Susan will give you detail, but the model has been developed. As you know, it is a new way of working across departments but also working to develop a children's plan. For me, it is about one record for one child in one place and everybody contributing to the same - so that is the police, social workers, education, and anybody else that might be involved with young people - but just as importantly using the same language so that it is understood by everybody and nothing slips between the gaps. We have multi-agency sign-up for it, but we have not yet implemented it. Training is taking place. Susan can probably tell you when it is likely to be implemented, which is fairly soon, Susan?

**The Chief Minister:**

May 2018.

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

We have hundreds of staff to train. You will appreciate this will be used by all staff working in any service offering support to children, so it extends beyond the States and States departments into the independent sector. So, in order for us to make sure we have the model working well, we need to train everyone, so that would probably ... we will be able to get implemented and start implementation in May because we will get the kind of priority people through the training first and then work our way out in a kind of ripple effect. We do have the member of staff that we require for the workforce development and training. They have taken up post in January so they are working on the model and will be supported by colleagues from other States departments to supplement that training resource.

**Senator S.C. Ferguson:**

How are you managing to fit in your ordinary work then besides the training?

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

It would be true to say it is pretty busy just now. I think there is absolutely no doubt about that, but I think this is something that we need to make a priority. I think it is a bit like when people say there is no right time to have a child. You just have to sometimes go for something and try and crack on

with it. What has been really encouraging here is that all the services who came together to develop the model have already taken quite an ownership of it and are keen to roll it out, and we did involve a parent in the designing of that, which was really helpful. I think it is a very busy time and Andrew also mentioned an inspection takes a lot of time and resource as well, so it is very busy. It is important that we absolutely also keep an eye on the day to day business of promoting children's welfare and protecting them. So, it is very busy and we continue, as you are aware, to attempt to recruit and retain staff, and that is the same in many other services.

**Senator S.C. Ferguson:**

Yes, because I have had comments that are not really very enthusiastic about the new terms and conditions for the workforce and comments that this will put States reform out of the window. Is this going to affect you at all?

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

I am not sure if that is a question for me or for others on the panel.

**The Chief Minister:**

Well, we know that we have had it reported today. Andrew will know more than me because he chairs S.E.B. (States Employment Board) now, but 2 unions have ...

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

I actually know no more than you, Chief Minister, because nobody has actually communicated anything to us from our colleagues who are doing the ballot. I know what I have read in the *Bailiwick Express*. But let us be clear. The workforce modernisation - if that is what you are asking about - is about ...

**Senator S.C. Ferguson:**

I just wondered if it was ... you know, how any sort of snarl-up with that could affect this particular plan.

**The Chief Minister:**

It is not going to put us off, Sarah. We do not ...

**Senator S.C. Ferguson:**

No, I do not expect it to but your department is juggling a number of balls. What is the ...?

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

There is no silver bullet, if you like, to answering all the problems around the sustainable workforce. It is a number of different things that have to be done and brought together. So, the terms and conditions of employment, how people are paid in relation to the value of their job to other people's jobs elsewhere in the organisation, so similar value for similar responsibility, housing. One of the policy decisions that we have made very clearly, and I actually suggest all States departments should be looking at this, is that we should not attempt to be a landlord providing accommodation for staff. It is right that we have key worker accommodation for staff but it should be done from the experts, i.e. Andium. To that end, we have already started doing that with junior doctors.

**Senator S.C. Ferguson:**

Yes, if you will excuse me, I was just asking if it will be a distraction.

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

No, it is a part of business as usual, I would suggest.

**Senator S.C. Ferguson:**

Right.

**The Chief Minister:**

If all of the unions say no, they do not want workforce modernisation, of course, that will be a difficulty, but we did not ... we have not set off on this journey, as we have said before, because it is going to be straightforward and easy. We are setting off because it is the right thing to do. So, of course, Susan will tell you that she is challenged, she cannot recruit everybody that she needs, but she said clearly that the practice model has to be a priority. We have had some fairly robust discussions about ensuring that everybody is using it in the same way so that it really does give value about providing the right service to children and young people. If the unions say no to workforce modernisation, we will have to sit down and consider how then we take that particular issue forward because reform of the 14 pay spines and the way that we do not manage performance appropriately and the way increments are done has to change.

**Senator S.C. Ferguson:**

Right, thank you, Chief Minister. So, how are you getting on with getting hold of social workers?

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

It remains a challenge. Again, I have said this I think probably to the Scrutiny Panel before and also the Health and Social Security Panel. We are fishing in a relatively small pond. It is difficult for everyone in the U.K. as well as for us. We have additional issues in terms of people have to relocate. They cannot just travel an hour to get here. They have to relocate and they relocate often with

families. We are making some success. We still have a significant percentage of posts that are covered by agency staff, but we have done a number of recruitment and selection processes probably in the last 2 months that we have generated newly appointed folk. So, on Monday we were able to recruit a team manager who comes with very good pedigree, so that is great. It is not somebody who has not done the job before, so we are getting some experience. We were able to recruit another 2 senior practitioners, so that only leaves us I think with one permanent vacancy at that level. This is always supposing these people will then come and take up posts because there is also a drop-off rate. We are involved in interviews in a fortnight for the 2 heads of service posts in children's. We have 2 permanent heads of service just now and we should have 4. We have 2 interims. So we are hopeful we will have a successful day in a fortnight to get heads of service. Frontline social workers remains pretty challenging.

**The Chief Minister:**

Senator Routier might just want to talk about the decisions he has taken.

**Assistant Chief Minister:**

I think one of the issues the department has found about recruiting people is the Control of Housing and Work Law legislation was a bit of a barrier because of the partners who were coming. It is all very well we were giving permissions for the department to employ people, but if they had spouses or children with them, the Control of Housing and Work Law was not making it easy for them to get into work. So I think you may have seen that I signed an order which exempted nurses, midwives and social workers from the Control of Housing and Work Law for employment purposes only so that they can then get into working in our community. So that was something which we felt was necessary to do and that has given a bit of reassurance to those people who come to the Island.

**Senator S.C. Ferguson:**

Right. Going on from that, given that we get a lot of work done by the voluntary organisations, how are they going to be resourced to ensure that the Jersey practice model is consistent across the entire children's workforce?

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

They will get access to the ... the training will be free. As I say, there is a training officer being recruited. We will then support that across States departments. One of the bigger voluntary organisations has said they would quite like to also contribute to that, although we did not make that a proviso because we think in some ways we are better placed to support that. So they will get that training, which will be the biggest commitment, really.

[14:45]

Then it is just about changing the existing systems and changing the templates that people provide reports on and all of that. But they are very much part of that team around the child that we are trying to build and that the practice model aims to put in place for children who have some additional support requirements.

**Senator S.C. Ferguson:**

Thank you. Sorry, did you want to ...?

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

Yes, I have some. Can I just go back? You were saying one record for one child and they are to be kept centrally. What are the data protection implications of this and access to those records?

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

All of that obviously has been looked at, but what you do not want is a concern in education, for example, that the social worker working in health is not aware of. So it has to be one record and for the appropriate officers accessing it. Susan again can tell you ...

**Deputy M.R. Higgins:**

As I say, I have no objection to the one record, I am just wondering how it is managed in terms of data protection.

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

Seeking consent at the outset, and that is very much about a proactive approach to working with families, so moving away from doing things to them to trying to work alongside. Now, that is not pretending people do not have legislative powers, but it is about saying: "Will you give us consent?" If they do not, they do not and it would only be as it met the more significant harm threshold that comes under legislation we would then have to look at a different way. But if people are saying they do not want to share and give informed consent, that is entirely up to them to do.

**Deputy M.R. Higgins:**

Thank you.

**Senator S.C. Ferguson:**

What is the proposed timescale for the independent review on bullying and harassment to report back on its findings?

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

That is really one for me, I think, because the bullying and harassment independent review was commissioned by S.E.B. and I chair S.E.B. At our next meeting, which is in about a week's time, I am expecting to get a full report back from the independent review. I do not know what that is going to tell me. I suspect it will give us some challenges that we will need to sort out, but I have not had that report yet. I have had no sight of it and we will have it in about a week's time.

**Senator S.C. Ferguson:**

Will you compare it with ... I think it was the Chapman report, was it not? The one we have had before, way back when?

**The Chief Minister:**

Remind me what the Chapman report was?

**Senator S.C. Ferguson:**

It was on bullying and harassment.

**The Deputy of St. John:**

I think it was based on ...

**The Chief Minister:**

It was a particular case, was it not?

**The Deputy of St. John:**

Yes.

**Senator S.C. Ferguson:**

All right, okay.

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

If it was appropriate to do so, then we will, but for me what I want to do is to find out whether we have a problem and how difficult it is for staff to raise their issues safely and how they are dealt with or not dealt with in a timely manner, and also I am very unhappy, if I was to be honest, about the current whistle-blowing policy because I do not think it is easy for a junior member of staff to raise a concern. Because at the moment one of the people they can report it to is the Comptroller and Auditor General. Now, I am sure ... it is, that is what is in the policy. You are shaking your head. That is what is in the policy.

**The Deputy of St. John:**

The head of internal audit.

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

Sorry?

**The Deputy of St. John:**

It is the head of internal audit.

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

Yes, it also says the Comptroller and Auditor General, but while I would suggest there is nothing wrong with those people, for an ordinary working person to be able to access that is very difficult.

**The Deputy of St. John:**

You are preaching to the converted.

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

So I have asked for a review of that at the same time.

**Senator S.C. Ferguson:**

Is it envisaged that the central H.R. (human resources) function will have the responsibility of ensuring any recommendations are implemented?

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

I have not seen the report yet and what the recommendations might say about how any changes in policy and new procedures would be implemented. When I have seen that report then we will come up with a plan.

**Senator S.C. Ferguson:**

Well, given that you have had complaints from the unions and so on, what reforms are you planning for H.R.?

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

I will wait until I get the report before I start trying to second guess what might be in there. I think that is what you are talking about, bullying and harassment, or do you mean the whole of the H.R. Department?

**Senator S.C. Ferguson:**

Well, no, bullying and harassment.

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

Yes. Well, then I have commissioned the report. That report I am going to get in the near future. I will be going through it with the people that have carried it out. It would be wrong for me to second guess. I do not know what is going to be in there. I might have some ideas, you may have some ideas, but I am not going to second guess it. When I have that report, when I have spoken to the authors of the report, when I have read their recommendations, then we will decide that we will do things. Clearly, things will have to be different but how they are different I do not know yet.

**The Deputy of St. John:**

Can I ask in terms of the reporting of that independent review, will it be published? Will the States Assembly or States Members be able to access what is in that review?

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

Personally, I do not see why not providing we can ... we might have to redact it if there is particular witness names in there, but I do not see why it should not be a document that we can share and work together on.

**Deputy M.R. Higgins:**

Can I just go back to the workforce? You have vacancies. You said you have a number of agency workers. Can you tell us how many and what they are costing?

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

We have different numbers obviously at different levels. So, we have 2 heads of service. We have one team manager. We have 3 senior practitioners. I think we have 16 social workers. So, that is what we have. There are standard rates that we have with the agencies that we use. We are about to do some work on developing a framework for those agencies using some of the systems that are in place in the U.K. I could not give you the exact figures off the top of my head, but I am happy to do so and send them on to the panel if that would be helpful. I can give you hourly rates for the different levels.

**Deputy M.R. Higgins:**

I think that would be very useful. Can I ask also could you send an organisation chart showing the positions that have been filled, those that are agency and those that have not been filled in terms of how many?

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

Yes.

**Deputy M.R. Higgins:**

Both the current and future strategy for planning and change, that would be very useful.

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

Yes.

**Senator S.C. Ferguson:**

Senator Routier has already covered part of the issue of key workers and how it is being addressed in relation to the population policy. Have you actually made amendments or are you going to bring amendments to the population policy with regard to the issue of key workers and the partners of key workers? In other words, identifying and saying: "Right, we want people with these qualifications", you know, looking at the Australian model or the New Zealand model?

**Assistant Chief Minister:**

The order I signed recently makes it very clear that the cohabiting partners of essentially employed social workers, nurses and midwives will have access into the employment market in the Island. Because currently if they were to come without that exemption or if I had not have made that exemption they would have found it very difficult to get into work. So, that is already done and we recognise it is such an issue to ensure that we can get as many ... for the social workers we need, we need to make that exemption.

**Senator S.C. Ferguson:**

So, effectively, you are going to be giving points to people who are in professions that we need?

**The Chief Minister:**

No. The American system works on ... the Australian system, sorry, works on a 2-pronged track, does it not? Points, but clearly they have a list of people that they want to attract and that list gets changed dependent on the market conditions. So, in effect, what Senator Routier has done is created a Jersey list for those 3 particular types of employees at this stage saying that if you are in that category these exemptions will apply in this regard. So, it could be added to or taken from depending on what the market conditions are. It is that that would mirror it if you wanted to think of it in light of a different system.

**Deputy S.Y. Mézec:**

Okay, shall we move on to recommendation 5, then, which is legislation, which Deputy Vallois will be asking?

**The Deputy of St. John:**

Okay. Can the Chief Minister update the review panel on the work that has been undertaken in respect of establishing a schedule of children's policies?

**The Chief Minister:**

Andrew, you are doing that, are you not, the policy framework?

**Director, Children's Policy**

Yes. So, what we have said in the Care Inquiry response is that we would want to develop a schedule of policy and legislation following the work being completed around the children's plan. We have set out that timeline in the response, which is to have a schedule returned by June. Officers have met previous to that and looked at things that we really need to get on with that cannot wait. So we have a piece of work which is looking at reciprocal care arrangements with the U.K., so children that go off-Island and making sure that they have the best access that they need in terms of health and education support. So that is about children going off-Island. Also, those reciprocal care arrangements need to accommodate children who are coming the other way to Jersey, and that piece of work has just started. I know that they are meeting soon. Then I would point you towards some of the legislation that is connected with the Children's Commissioner. Obviously, that is in the forefront of our minds in relation to that role but also some of the ... I was watching the debate and there was talk about the impact assessment being put into Standing Orders. I know that P.P.C. (Privileges and Procedures Committee) are currently working with the Law Officers Department ...

**The Deputy of St. John:**

That is on the U.N.C.R.C. (United Nations Convention on the Rights of the Child)?

**Director, Children's Policy**

Yes, that is right. So, those are examples of pieces of work that are happening anyway and progressing, but the larger, more considered schedule of policy and legislation will fall out of the children's plan, which makes some logic.

**The Deputy of St. John:**

Okay. On a more strategic level, Chief Minister, there is a risk that ... well, we have kind of seen it happening where policies or propositions or legislation is lodged and has a little quote about the Care Inquiry and pulls out the specific thing, and sometimes it is whether it has been properly considered by that relevant Minister and that relevant department and whether they actually understand the real implications of that. There is a risk of this being hijacked in a way. This sounds awful; I do not mean it in a nasty way, but this is so important. How in terms of a governance

framework can we ensure that the right legislation is appropriately defined with regards to the Care Inquiry and that it is not taking off at a different line of sight?

**The Chief Minister:**

It is a good question. What I think up until now we have focused on is the reverse or the opposite problem of people just not wanting to do anything and not change and not considering it at all. There is the opposite danger that you are highlighting that everything is put as a hook to the Care Inquiry. There will be a change. It will only happen, I think, after the elections in May, and the approach to delivering legislation and what departments are doing will be more centrally co-ordinated and supported in various ways through policy officials thinking about what we would call a hub and spoke model. It is that sort of co-ordination that I think will ultimately help us ensure that people are thinking about implications appropriately and at the right time rather than it just all being backed up and coming to the Council of Ministers and the States Assembly far too late in the day. So, okay, we know we have the issue running up to the election, but the whole way of how we structure legislation, who gets involved when and where, all of that is going to change because that has added to over time some of the difficulties that we have found, that people are not thinking about the strategic when they are implementing legislation, and yet they absolutely should be. They should be thinking about how all of the strategic and operational policies work in light of that. So, we will see that change.

**The Deputy of St. John:**

Yes. Surely it is the starting point in which before you start pushing through things like the training on the United Nations Convention on the Rights of the Child it is that slow drip feed through the higher levels of not just Ministers but senior management understanding how that connects to the next piece and how it ultimately connects to the Care Inquiry?

**The Chief Minister:**

Yes.

[15:00]

**Deputy M.R. Higgins:**

Can I just follow through on the schedule of legislation? You said you are working on it and we have been told there are going to be changes to it. Is there any chance of you giving us a copy of where you are at the moment, what you have in there and the sort of things that you will be looking at and when you will be looking at them?

**Director, Children's Policy**

I could draft something. I think what ... this goes back to Deputy Vallois' point about when we have spoken as officers around this recommendation, the missing word in here is policy. It is not just about legislation. You want your policy to inform your legislative approach, and what we are doing at the moment is, as I have said, we are thinking very hard about what our priorities should be in relation to a children's plan and what is falling out of some of that discussion, conversation, what is coming up from some of the voice work that we talked about earlier are issues that relate to policy development, which inherently then relate to legislation. So, for example, children in need regulation, we do not have a definition locally of children in need. When you talk to practitioners, when you talk to people in the context of a Jersey practice model how you can get alongside people quickly and early enough, people are talking about we need to have some more robust tools around that children in need piece. So that is an example. It is one example of how your planning informs your policy and should inform your legislation. I think that when we originally wrote the response I looked at that and I thought: "Hm, yes, okay, that is quite logical." In a subsequent telephone conference call with colleagues in Guernsey, one of the things they picked out, unprompted by me, was that they felt that we had adopted a very sensible approach in terms of not rushing to a list of legislative things that we could do. They were very keen and very supportive of that deliberative approach. So, I do not want you to be alarmed that I do not have a list, but I think what is important is that the discussions are being had in a planning context so that we can, therefore, go forward coherently and some of the changes that the Chief Minister is talking about, I think will only support that approach.

**The Chief Minister:**

We heard today, I do not think you were there, Mike, but the Children's Commissioner saying what she has seen in 5 weeks is some areas of really good practice that we can be proud of, some areas where it is really not very good, and that might be me toning her words down. But what she has found is that there is a complete lack of co-ordination. It is that that Deputy Valois is referring to. It is some of that co-ordination and overall structure that we are going to have to get to grips with. We may not like it and we might be upset that we reference it to the inquiry, but we have to grasp the nettle.

**Deputy M.R. Higgins:**

I will change that then. On the schedule, can you give us timetable what you think we be done at certain stages. A danger of lots of conversations, although they are necessary, is they can drift and they can take time and nothing can come out of it. So, it is really just having an idea of what you are doing and that can be referred to for future discussions to see how you are getting on.

**The Chief Minister:**

There is a constant tension, rightly, I do not normally admit this to Andrew, between his doing the work that he is doing, which is saying: "We have this framework. We have this children's policy. We have this strategic aim," and doing things that are going to make people's lives better. So, we often have an argument about that, because I want to see things changed and done better for people. Andrew says: "Unless we get this framework right, unless we get this children's policy right, we are not going to ultimately achieve the long-term aims." Truth is both of us are right. We just have a slightly different approach and that is why we are achieving what we have achieved, because there is that tension. I will always want to see, like you, a list of what we are doing and when we are doing it. I have to accept that sometimes Andrew could go away and produce that list for us if we wanted, but what that might mean is that he is not delivering the co-ordination and the co-production as well. So, we, just as politicians, need to keep our officials on their toes. Those sitting around here would say, I think, that we do. They need to push back, rightly, to us that we are not just focussing on a short-term gain that is not going to improve people's lives in the long-term.

**Deputy M.R. Higgins:**

That is the ability of panel's to monitor progress, which is the main concern.

**The Chief Minister:**

You have plenty to be going on with and you are only going to get more and more.

**Deputy S.Y. Mézec:**

We are up for the challenge.

**The Chief Minister:**

I know you are.

**Deputy S.Y. Mézec:**

Senator, do you have anything to ask on this? Anyone else? Can we move on then to recommendation 6, the Corporate Powers? Deputy Higgins?

**Deputy M.R. Higgins:**

Can you tell us with the children's panel, the date of when it is intended to be brought before the States?

**Director, Children's Policy:**

So, the trajectory of that piece of work is that when the Council of Ministers reconfigures, if that is the right word, post-election, that we are able to give that Council of Ministers a costed children's

plan that reflects a shared vision, a shared set of priorities across services, whether they be statutory services, as well as voluntary sector.

**Deputy M.R. Higgins:**

It would be nice to come before the States before the election. It will be after the election, any idea how long after the election?

**Director, Children's Policy:**

When the Council of Ministers start back, so it will be June/July. While there will not be anything written before the election, you will be invited to contribute and be part of the work of constructing that children's plan. I referenced 14 March 2018 before and I hope that you have had your invitations - if not, I will go back and make sure you have them - for you to come and help us with some of our deliberations about what should be in that children's plan. Also on that date we are receiving a presentation from Nigel Richardson, who led transformational change in Leeds, post the Savile Inquiry. I think the Leeds story, the learning from Leeds, is something that we would do well to listen to. In particular, I have organised a breakfast meeting for Ministers and States Members and other officials to listen to how they approach the concept of corporate parent and how they described it and constructed it. I am keen for that conversation, that question and answer session to happen, so that we can then begin to construct our own idea and our own narrative around corporate parenting.

**Deputy M.R. Higgins:**

Once it is finalised, in what form will it be coming to the States in a formal proposition paper.

**Director, Children's Policy:**

Yes. So, again, it is back to your plan, your policy and your regulation. So, I imagine that there will be a policy around corporate parenting and the necessary regulations will be described and therefore come as a proposition, yes.

**Deputy M.R. Higgins:**

Okay.

**The Chief Minister:**

I just want to make sure that you are not misunderstanding that. We will have to decide if the plan itself comes to the Assembly for approval and you will have something to say about that. We are open to discussion about what the best approach is for the plan itself. The underlying regulatory changes, of course, will have to come to the Assembly. Bearing in mind that you felt that the action plan did not need to come to the Assembly, other than an in-committee debate and we agreed that

that was probably, on balance, the best approach. I can only imagine that the Chief Minister will want to have the same conversation that we had prior to the in-committee debate to agree what the best approach was.

**The Deputy of St. John:**

There has to be a better way of doing these things, as States Members. There are some Ministers who decide: "Let us make a policy." Some Ministers will decide in principle debates. Sometimes it is not particularly helpful. There has to be a conversation around that.

**The Chief Minister:**

Absolutely, there is.

**Deputy M.R. Higgins:**

Going back to what you were saying about inviting members of the panel again, what are the consultations you are doing? Who are you reaching out to? What sort of information are you getting?

**Director, Children's Policy:**

As, part of that engagement day we will be reaching out to children and young people. So, I have spoken to primary and secondary heads in the last couple of weeks, inviting them and their school council representatives along to the afternoon, so that they, as a council, can have a comment on and understand and have a view about some of the priorities that have been proposed on that day. We are already working with Jersey Youth Service in relation to some of the priorities that we are talking about. They will be a big part of that day. I am also mindful that children live in families, so I have already sent out an invitation via parent mail, via primary and secondary schools, inviting parents to come along and look at some of the proposed priorities and have their say. Lastly, from practitioners and from various services, whether they be children's social work, practitioners in the hospital, community services, education. So, it is quite a broad net that we are spreading, which is why it is important that we have a steering group around this piece of work, to enable the broadest of voices to be heard and input to be had.

**Deputy M.R. Higgins:**

Okay. Final question. Can the Chief Minister tell us how he expects it to be funded? Are you going to have provisions in place before the election or you are you going to wait until afterwards or what? How is it going to be funded?

**The Chief Minister:**

The plan itself will not cost anything, other than all of the set up work and all of that involves some cost.

**Deputy S.Y. Mézec:**

The trees, to make the paper to put it on.

**The Chief Minister:**

Yes, but we can replant trees.

**Deputy S.Y. Mézec:**

Exactly.

**The Chief Minister:**

There is no money tree, Senator, no. But, there is money set aside to help with the start of the implementation of the recommendations. As I said in answer to a question in the States last week, we still think that that will be sufficient to get us through to the end of this M.T.F.P. (Medium Term Financial Plan). When we get to the next M.T.F.P. extra provision, I have no doubt at all, will need to be made for funding enhanced and some of these programmes going forward.

**Deputy S.Y. Mézec:**

I just want to see if we can get this point to be properly understood out there. We have had it put to us by some who have submitted to us that the previous Children and Young People's Plan was a good plan, but the problem was that things were not carried out and funding was not given to it. So, you are saying that when it comes to that next M.T.F.P. there will be discussions then that will need to be had to ensure that whatever is proposed in that children's plan does have the funding underpinning it. Can you clarify that that is not guaranteed, that is going to be an on-going discussion?

**The Chief Minister:**

I was going to be radical then. While I am sitting in this chair doing what I think Islanders want me to do, there will be money. I will do my darnedest to make sure that the money continues to deliver whatever is in that children's plan, as I have done to put aside contingencies to help implement the recommendations. I am still being advised, as I sit here, that there is money set aside in contingencies to implement the recommendations until the end of the M.T.F.P. If other proposals fall out of the children's plan and its development and they require more money to come from contingencies then I believe that is exactly what will happen and that is what should happen. Then every time you reset an M.T.F.P. you have a choice. You either set aside the contingencies again

for the next M.T.F.P. That is not the right policy approach. The right policy approach is to make your case and put it into the base funding.

[15:15]

Either way that money has to be provided. I think it should be provided through the right policy approach, rather than just rolling it up into contingencies again.

**Deputy M.R. Higgins:**

Just coming to the final question in this section. Can you update us on the progress you have made in developing policy describing the role of the corporate parent?

**The Chief Minister:**

I think Andrew answered that, did he not, when he was saying he was talking to other places and looking at best practice elsewhere. That will then stimulate our discussion about what model we should use. If we were to ask Susan, I think she thinks that the model that they have in Scotland works really well. I have no doubt she would be suggesting that that is a good approach for us to take. P.P.C. are doing a piece of work around States Members of what that means from their oath perspective. It is broadly about the responsibilities of States Members. It is a broad piece of work, because it is the dividing up of who is responsible for what and what that means. Minister for Health and Social Services has statutory responsibility for looking after children. That is not the corporate parent function. We all, as a legislature, have responsibilities, but the wider community has responsibilities as well. It is going to be about clarifying what they are for the different groups of our community and what it means and how we can fulfil those responsibilities.

**Deputy M.R. Higgins:**

So, basically you have not even got to the stage of getting to a definition of what a corporate parent is?

**The Chief Minister:**

It is more about agreeing the approach that we are going to take. If you take a very narrow view, as some are arguing, it is the statutory functions that the Minister has. That does not work. We know it does not work, as we see in the Care Inquiry where it has not worked.

**The Deputy of St. John:**

Can I ask, in terms of your proposition with regards to the machinery government where you are looking to change that position of the Ministers into what is known as Jersey Ministers, whether that

would lead the way in the conversation of understanding what the corporate parent is? Instead of solely one Minister there is a different ...

**The Chief Minister:**

I do not think it will change where the ultimate legal responsibility lies, because I think that will still be delegated to one Minister. I think that is right. In that system you still have to have delegated function. What it will do is raise the issue to a Council of Ministers issue, because that is the collective that has to consider all of these issues. So, it should feed back into your concerns about strategy and policy and people considering the implications of the inquiry and the changes to provision for children right at the very highest level by everybody, rather than just saying: "It does not affect me" or, just as badly saying: "I would like to achieve this. I have found a line in the Care Inquiry, I can hook it on."

**The Deputy of St. John:**

Thank you.

**Deputy S.Y. Mézec:**

Okay. Anything else on this one? Can we then move on to recommendation 7, the Jersey Way? I just want to start by asking when you will be bringing forward a full response to the Law Commission's report on administrative redress? I know there has been an initial response published already. What is the timeline for expanding on that scoping and planning progress?

**The Chief Minister:**

When will the full report be? I am going to say, very unhelpfully, later in 2018. I do not have an exact or more exact timeline, unfortunately.

**The Deputy of St. John:**

Can I ask, more of a case of it is a big piece of work to do, the redress, but in terms of complaints systems across the States and accessibility for the ordinary person on the street, publicly accessible information for them, just to be able to pick up the phone to speak to someone who will listen and deal with the issue, is there going to be some co-ordination around that, specifically with regards to Health and Social Services and Education? I am just thinking of the 2 top priorities, rather than having to go from one person to another one and another one, they can go to one person and then it is dealt with in the appropriate way.

**The Chief Minister:**

You are right to say it is a big, complex, confusing issue, how complaints are dealt with or not dealt with. It is not clear to members of the public how they are dealt with. You are also right to say that

this piece of work is just one element of it. So, you are aware that we are considering the target operating model for the whole of government, in light of the changing C.E.O. (Chief Executive Officer). I have said quite clearly that I do not think that States Members are supported properly. I think that what we will be looking at is some co-ordination and central support. It might not be quite focused on complaints, but it would be focused on case work, round Minister's offices, rather than just getting lost. So, you could have somebody either directly in the Minister's office or a group, again with States Members, that takes responsibility for a problem that a member of the public has and has an oversight for seeing that it is either pushed up to the new ombudsman, pushed to the Commissioner for Standards or there would be a direct answer given. For members of the public, not only is it confusing, but also they are not getting a very good service; not really a service as good as they should. I know that from my own office, where a P.A. (Personal Assistant) is not only having to try and run my life for me, but they are also doing some of this casework and trying to respond to members of the public and chasing it up from 10 or 12 different sites and it takes a long time to get a response. It is not working. The public should expect better. We should sometimes have the courage to stand up and say: "It is going to cost a bit more money, but we want to give you a better service." It is not just about Ministers and departments; it is about all elected members.

**The Deputy of St. John:**

I completely agree with that and understand that. I am talking about immediately, in terms of if there is an issue. I had a mental health issue just last night: a pregnant lady did not know which way to turn, family in crisis. I tried to find a complaints access on the gov.je website to deal with mental health and ...

**The Chief Minister:**

In that instance, without knowing anything about the case, I would say you do not need complaints, what you need is, as an elected representative of that person, a telephone or a bit more modern technology, that connects that person with some help and support right away, last night. Not waiting until this morning or 3 days down the line. Some officers might know where to look or might know what number to pick up or might know which colleague is on call, but it is too hit and miss. We have to do far better at it. I have no doubt there is an on-call social worker. There is an on-call person that can help with mental health issues. But, do you know about it? Do I know about it? Does the public know about it? No. We have to get across this service which is not acceptable and is not delivering for Islanders.

**Deputy M.R. Higgins:**

I can give one example of that. I do not know if it has changed recently, but there was a need for a mental health practitioner to help in a specific circumstance and I phoned the hospital and asked if they would come out. No, they would not. They wanted a G.P. (General Practitioner) to refer it.

There was trauma within the family overnight until that was dealt with. We need to find a much better way.

**The Chief Minister:**

Yes, but they were not wrong to say they would not come out. We do not want our hospital consultant or on-call consultant to be having to go out. We want the right intervention at the right time in the right place.

**Deputy S.Y. Mézec:**

One of the wider action points that is proposed under recommendation 7 is having some sort of public engagement exercise with the public to understand what their perception of the Jersey Way is, why they do not want to engage with this institution or that institution and working out what can be done to get rid of that attitude in society. What work has been done up until now in planning that engagement process and what sort of format can we expect it to look like?

**Director, Children's Policy:**

The milestone on that is September 2018. I know that my colleague, in order to do that, is in the process of drawing money down and recruiting to give him more capacity to do that. That is where we are at the moment. I think that when we last had this scrutiny panel we did not really touch on this. I think it is a really important part of the Care Inquiry response. I think it is only when you do engage people who use services and whose families use services and do that well that you get a better understanding of how well your services are doing, over and above an inspection. I think this is a really important piece of work. It also speaks to the Jersey Way because it is about transparency. I think some of the work that we were planning to do around the memorial, which is a recommendation, will test some of that. We have seen methodology like citizens' panels work in other areas. I think working in that way and sharing the challenge of delivering the services 24/7 is really important and a really important way of developing and improving what we can.

**Deputy S.Y. Mézec:**

There is a danger whenever you hold a public consultation on anything that the people who respond to it are the people who are most inclined to respond to it in the first place and you do not reach the people whose voices you are most eager to hear. Have you thought about who the groups of people are in our society who would be least likely to engage with this process and how can we get them on board to have their say, so we can understand why they think the way they do?

**Director, Children's Policy:**

The vocabulary is important, so consultation versus involvement. This is about involvement. This is about working with and getting members of the public ... around difficult areas, difficult policy

areas and engaging them in ways where we can get to proposed approaches, different approaches, so it is not left to a person in a suit to do some research on a computer and come up with different ways of redesigning a service. It is about a deliberative, involved way of working with those people which is far beyond any remote public consultation. It is much more inclusive of that. The challenge with that is that in order to do that well, in order to do that properly, you have to give up a bit of power. Some of the work that is going on in panels, citizens' panels, in various parts of the U.K. have shown that there can be meaningful and, when done well, very helpful forums that enable policy to be developed that is absolutely embedded in the local community, that is absolutely owned by that jurisdiction.

**Deputy S.Y. Mézec:**

There will be many people in that community who the moment they see a States of Jersey logo on something will automatically want to disengage.

[15:30]

Have you done any preliminary work with third sector organisations that are trusted by different groups in society to ask them how they can help with this process?

**Director, Children's Policy:**

That work is timetabled for September 2018. That work has not been done. All we have at the moment are pieces of work that have happened locally, that have been round where opportunity has happened. This is talking about a planned and deliberate approach to constantly engage and involve key members of the public in difficult policy areas. That, to date, has not happened and is not scheduled to happen.

**Deputy S.Y. Mézec:**

Does anyone want to ask a question? I am conscious of time at this point.

**Deputy M.R. Higgins:**

Chief Minister, we were talking about checks and balances and accountability in confidence of our system of governance. What steps are you taking to make government more accountable and also those people who have confidence in the system?

**The Chief Minister:**

I am looking forward to you voting for the reform of government to give greater accountability to the public from the service, with the creation of one accountable officer, and the change to the structure

of government, so that you do not have silos with individual Ministers in departments. This has never been just about me, Deputy, as you well know.

**Deputy M.R. Higgins:**

I am not criticising you.

**The Chief Minister:**

No, I know you are not. The inference of the question is: what am I doing? Well, I am hopefully playing my part and it is good to require others to play their part as well.

**Deputy S.Y. Mézec:**

Can I ask on this then: there is a proposition coming up on this, what work has been done in writing that proposition to engage with the public? So, forget the States Members who will have to decide how they will vote on it, but engaging with the public to ensure that they feel it is the right way forward and that their concerns about accountability have been taken into account, rather than it being just what States Members assume accountability means.

**The Chief Minister:**

It is a fair challenge. If I am going to be frank with you, not very much, not as much as I would have liked, but time is running out. Whoever gets elected after May, I want to give them a better system than is in place now, with greater accountability. Therefore, I perhaps have not followed what would be a normal process of wider public engagement. The truth of the matter is, States Members are well equipped to know whether they think the current system is functioning. I think there is a universal acceptance among States Members that it is not functioning as well as it should. If I had *Hansard* in front of me, I might even repeat some of your speeches back to you, Chairman.

**Deputy S.Y. Mézec:**

I might have something to say in response.

**The Chief Minister:**

The question is: some Members may have a different thought about what a better proposal might be. They can bring them forward and let us have the debate, so we can make a decision.

**Deputy S.Y. Mézec:**

Can I put it to you then, that as things stand with you admitting that not much public consultation has been taken in the way you would have wanted, there may well be a legitimate perception out there that when it comes to a proposition that is talking about where power lies and the public has not been consulted, for some who are disengaged from the system already they may well want to look

at that and say: “Well, there you are, that is the Jersey Way in action, because we were not consulted on it.” Would you accept a challenge being put to you that perhaps time is not running out as quickly as you might think it and there is still an opportunity to have a public discussion? Whether it is a town hall meeting, whether it is something online or something like that to encourage the public to clearly have their say. It is a subject that if you are not an expert on politics can be quite dry. Is that a challenge you would be prepared to accept?

**The Chief Minister:**

It is a very interesting challenge. I know the Chairman’s Committee have set up a subpanel and they have asked for public evidence. I waiver between thinking: “Okay, what is another couple of months?” But, let us, again, be frank, another couple of months, where we are with the electoral cycle, is not another couple of months, it could end up being another 6 months or another year. It comes back to your point, Mike, sometimes we just have to get on and do a change that we know will improve the accountability and we know will improve the structure. It might not be perfect. There are other elements that we will need to change as well in due course. There are some areas I might be prepared to give ground on and say: “Okay, that can wait for another day,” but the core fundamental change is about making sure that the Chief Executive Officer is accountable and can be held accountable by the Assembly and by the public and that Ministers do not work in silos. These are fairly fundamental issues that are right now hampering the service that we provide ... let us not just say children because that is emotive, the service that we provide to Islanders. We know, right now sitting here, this is the structure we have, this is the system we have, let us do something about it.

**Assistant Chief Minister:**

The feedback I have had on this is that the public think what is being proposed is what exists now. They think that the C.E.O. and the Chief Minister should be able to control things. Our system is not like that. People just think that is what exists and it is not.

**The Chief Minister:**

Other than hiring or firing it does not give the Chief Minister any other increased responsibility. If that is the thing States Members do not like, let us put that to one side and let us deal with the fundamental change that it is proposing.

**Deputy S.Y. Mézec:**

Okay. Thank you. The last recommendation is recommendation 8 on the legacy issues. I am just wondering if we need to ask all of this.

**Senator S.C. Ferguson:**

No, no. I would like to pick up Andrew Heaven's comment on consultation and the shift of power. Would you like to expand on that?

**Director, Children's Policy:**

I think if you are talking about the Jersey Way and their inquiry response, we are talking about how the relationship between government and the Island that it serves and about how it deals with difficult policy issues, how it is transparent about how it makes those difficult policy issues and the links that were giving in the Care Inquiry response. Reference citizens' juries, citizens' panels, references, mini publics and they are all mechanisms which have been used in other jurisdictions where there are difficult policy issues in the community to be resolved. I think the reference to power is about saying in the past for some people there has been an assumption that that will be fixed by somebody else. Working in this way there is an assumption that there is merit in talking with and finding out different perspectives. There is merit in making sure as many of the voices that want to be heard can be heard. That is the context of that.

**Senator S.C. Ferguson:**

Sort of shifting the axis of power further towards the public?

**Director, Children's Policy:**

Yes.

**Senator S.C. Ferguson:**

Okey dokey. The consultation on Haut de la Garenne, what form is it going to take and are you going to take account of the views of those former residents, both those who enjoyed their time there and those who did not enjoy their time there?

**The Chief Minister:**

We are going to encourage as many Islanders as possible to come forward and take part in the consultation. We have paper copies that will be going out to the parish halls. We have online copies. It is really important that any Islander who has an opinion brings it forward. It is particularly important that those who have experienced Haut de la Garenne, for good or for ill, that they come forward and give their opinion as well.

**Deputy S.Y. Mézec:**

Just some general questions to finish on. I suppose bits of this you have already alluded to in some of the answers. Obviously, the election is coming up, what is in place to make sure that behind the scenes the work that is going on is not slowed down by what is going to be happening for all of us during the election?

**The Chief Minister:**

These guys are not going anywhere and nor will I stop being on their case, as they well know, even though they are hoping that I might. They are not going to stop work. It is too important. Some of the information, some of the changes, some of the various decisions will be non-contentious that will be able to be carried on and be made during that period anyway.

**Deputy S.Y. Mézec:**

Andrew, you mentioned that on some of these projects there was going to be a document handed over to the next Council of Ministers. As part of that handover process, what other things like that will be occurring.

**Director, Children's Policy:**

We have tried, in our planning, to make sure that in terms of the writing up on the consultation we can do that while the election is taking place. So, wherever we have had the opportunity we have tried to dial in and anticipate the election wherever we can.

**Deputy S.Y. Mézec:**

Okay. Unless anyone else has any final questions or if there is anything that you feel you ought to let us know at this point that we have not asked about. It is not an opportunity to sound off, it is an opportunity to genuinely tell us something.

**The Chief Minister:**

No, I do not think there is, thank you.

**Deputy S.Y. Mézec:**

Excellent. In which case, can I thank you very much for your time this afternoon. Thank you for your questions, we will obviously have points we want to follow up in the future. Thank you very much. Thank you to the members of the public and the media for attending. Thank you.

[15:42]