

# STATES OF JERSEY

## OFFICIAL REPORT

WEDNESDAY, 31st JANUARY 2018

<b>PUBLIC BUSINESS – resumption .....</b>	<b>3</b>
<b>1. Independent Jersey Care Inquiry Report: implementation of recommendations (P.108/2017) .....</b>	<b>3</b>
1.1 Senator I.J. Gorst: .....	4
1.1.1 Deputy S.Y. Mézec: .....	10
1.1.2 Deputy T.A. Vallois of St. John: .....	15
1.1.3 Connétable M.P.S. Le Troquer of St. Martin:.....	16
1.1.4 Connétable C.H. Taylor of St. John:.....	18
1.1.5 Deputy S.M. Brée of St. Clement: .....	19
1.1.6 Deputy J.A. Martin of St. Helier:.....	19
1.1.7 Deputy J.M. Maçon: .....	21
1.1.8 Deputy M. Tadier of St. Brelade:.....	22
1.1.9 Senator S.C. Ferguson: .....	25
1.1.10 Deputy J.A. Hilton of St. Helier:.....	26
1.1.11 Deputy R. Labey of St. Helier:.....	28
1.1.12 Deputy L.M.C. Doublet of St. Saviour: .....	29
Mr. R.J. MacRae, H.M. Attorney General: .....	31
1.1.13 The Connétable of St. Martin:.....	31
1.1.14 Connétable S.A. Le Sueur-Rennard of St. Saviour:.....	33
<b>LUNCHEON ADJOURNMENT PROPOSED .....</b>	<b>35</b>
<b>LUNCHEON ADJOURNMENT.....</b>	<b>36</b>
1.1.15 Senator A.K.F. Green: .....	37
1.1.16 Deputy A.E. Pryke of Trinity: .....	39
1.1.17 The Deputy of St. John:.....	40
1.1.18 Connétable P.B. Le Sueur of Trinity:.....	43
1.1.19 Deputy K.L. Moore of St. Peter: .....	44
1.1.20 Deputy R.J. Renouf of St. Ouen:.....	45
1.1.21 Deputy M. Tadier: .....	46
1.1.22 Deputy J.A. Martin:.....	47
1.1.23 Deputy M.R. Higgins: .....	49
1.1.24 The Deputy of St. Mary: .....	58
1.1.25 Deputy S.Y. Mézec: .....	58
1.1.26 Deputy G.P. Southern of St. Helier:.....	60
1.1.27 The Attorney General:.....	60

1.1.28 Senator I.J. Gorst:..... 61

**ADJOURNMENT..... 65**

[9:31]

**The Roll was called and the Dean led the Assembly in Prayer.**

**PUBLIC BUSINESS – resumption**

**1. Independent Jersey Care Inquiry Report: implementation of recommendations (P.108/2017)**

**The Deputy Bailiff:**

The next item of Public Business is the in committee debate on the Independent Jersey Care Inquiry Report: implementation of recommendations, P.108/2017. Although Members will, I am sure, be entirely familiar with how an in committee debate works, naturally there is to be no vote on any particular ...

**Senator A.J.H. Maclean:**

Sir, if I may before we get on to the in committee debate, I just wanted to say something to Members, which I think is important, in relation to correcting something that I said yesterday in the debate from Deputy Carolyn Labey or the Deputy of Grouville ...

**The Deputy Bailiff:**

Traditionally we have always afforded people the opportunity to correct at the earliest opportunity any misinformation provided, so, yes, what would you wish to say?

**Senator A.J.H. Maclean:**

Yes. What I wanted to correct was in relation to comments I made. I was supplied with information relating to the valuation of the J.E.C. (Jersey Electricity Company), which I gave during the debate. Members will be aware, of course, it had no material effect on the debate but, nevertheless, in my judgment it, nevertheless, inadvertently meant that I misled the States and I would like to apologise for that and explain that the information I was given was relating to the nominal share quantum of the J.E.C. share value, which is substantially less than what third-party value may be in real terms. It is quite complicated from a valuation point of view because the calculations were contained within the 1937 law as to how that valuation would work. But, in effect, to put the record straight, the valuation of those third-party shares is going to be at least £58 million and probably well in excess of £60 million. I, therefore, wish to put the record straight in that regard.

**The Deputy Bailiff:**

Very well, thank you very much, Senator. As I said, we now return to start the in committee debate relating to the Independent Jersey Care Inquiry Report: implementation of recommendations. An in committee debate does not result in a vote on any proposition and it is different from a normal debate inasmuch as Members are able to speak on more than one occasion. There is no limit on the amount of the time that a Member can speak. The policy that the Chair has put in place in the past is to call Members in order in which the Chair notes their intention to speak, with the exception that priority will be given to those who have not already spoken, so everyone will have the opportunity to speak to the extent it is possible. The States has already agreed to allocate the full day for this debate but, of course, whether it takes that long is a matter entirely for Members and their desire to speak and that is a matter for themselves. The debate will start with a speech to the Assembly by the Chief Minister, following which the debate will be formally opened and the Chief Minister will also have the opportunity of speaking last. When I judge there is no one else who wishes to speak, I will at that point call on the Chief Minister and at that point the in committee debate will be closed. Very well, Chief Minister.

**Senator I.J. Gorst:**

Sir, just as a matter of housekeeping, I wonder if after I have spoken you might be able to give way to the chairman of the sub-panel to speak, just so that Members have both of those almost official responses.

**The Deputy Bailiff:**

Then shall I make the assumption that the chairman of the sub-panel has already indicated a desire immediately to speak after you, Chief Minister?

**1.1 Senator I.J. Gorst:**

Thank you very much indeed. The Independent Jersey Care Inquiry was a defining moment, not only of last year but for the last several decades. It led to much soul-searching and personal reflection, not only by Members and past Members of this Assembly, those who have responsibility today for service provision but also those in the past who have held such positions of responsibility and those who have lived through the period under review. In the week after the Care Inquiry publication, I gave a commitment to the Island and to this Assembly to bring a comprehensive response back to this Assembly and that is the response that we are considering today in our in committee debate. It is a response of actions. But I want to say right at the start that in the past we, as a service, have sadly measured and thought more about outputs than we have about outcomes and we have been wrong. They have been easy to measure but they have not always led to better outcomes for children. Throughout this debate and throughout the delivery of this action plan, we must focus always on outcomes for children and not outputs of any particular decision of this Assembly, policy of the service. It must be now all about outcomes. During that week I also reiterated an apology that the previous Chief Minister had given. But, Sir, you, like me, have a family, perhaps my children are a little younger than yours but teaching children to say sorry is an important part of their growing up and developing. But do we teach them to say sorry and carry on then doing exactly what it was that they have just said sorry for? We do not. They soon learn that they can say sorry and move on to the next thing and forget what it was that was got wrong. Sorry is only legitimate, is only heart-felt, will only be, I believe, accepted by those to whom we ought to be sorry if we change. It will have meant very little if we had wrung our hands, if we said the words that if we do not change, that is why this action plan is so important because it will show to those who suffered that we were and that we are sorry for what they suffered.

[9:45]

We will show it, ultimately, and only by delivering the change that is necessary to ensure that outcomes for children in our community are transformed, so that never again do we have to face such an inquiry, do we have to read such a report. We must focus on outcomes and our apology must lead to tangible actions that improve people's lives, so that we can say out of the pain, out of the devastation, out of people's lives being ripped away from them, sometimes at the very earliest stages, somehow, some way something good can come. This report, this response, provides a detailed and, I hope Members think, clear description of the actions that will be taken and of which Ministers will lead those actions. It is genuinely a cross-governmental response. I want to start also by thanking the Care Inquiry Advisory Group; the Connétable of St. Martin, Deputy Martin, Deputy Maçon and my good friend, Senator Routier, who chaired that group. I thank them for their effort in supporting me and other Ministers in constructing a coherent and comprehensive set of actions that we can all get behind. Since the inquiry publication in July of last year, I am pleased to say that some of the actions described in the report have already begun; 32 of the 43 actions have now been started or, in some cases, completed but I will use the word "completed" advisedly because the completion of one stage of an action will, in my view, simply lead to a whole host of more work that needs to be undertaken but I will come to that. I know that I can rely on my colleagues in the Care Inquiry Scrutiny Panel - Deputy Mézec will talk about their work shortly - to help, to encourage but also to

be critical where necessary to ensure that we continue the momentum that was begun last year into 2018 and beyond. As I have alluded to, the authors of the Care Inquiry Report were clear that they wanted to avoid a checklist mentality when they set out their recommendations. For them it was important that we should find our own paths to improvement and transformation in the area of services for children. The 8 headline recommendations, therefore, represent the key building blocks to improving the lives of children in our care. I know, from the number of years that I have sat in this Assembly, that the cultural change required to deliver the recommendations identified in the response to the Care Inquiry will require resolve, thinking differently and full commitment. No less in some quarters than blood, sweat and tears if we are really to transform our culture. We have started on that journey but, as we all know, the start of a journey is far easier than bringing it to completion. I believe an essential building block that we now have in place is the successful recruitment of a Children's Commissioner and I am absolutely delighted that she is in the gallery this morning listening to this debate. **[Approbation]** Perhaps I should say, for my part I believe it has been a successful recruitment. For her part I have no doubt whatsoever that seeing the state of the service, seeing the conditions today of some children in our community, will have been an eye-opener, something that you cannot get from reading the paperwork, from looking on the internet, that you only get from being here in our community and seeing people face to face. The Care Inquiry was clear that this was a critical appointment in a children's system that had previously done too little in the way of listening to and understanding children's voices and their experience of being in care. We now have that and it will indeed be a fast-paced first year for the Children's Commissioner and her team to help us establish the necessary legislation to ensure the role has an unfettered access to the Assembly in order to become their champion, as originally intended in the report. That is a recommendation that could be marked as complete; the Commissioner has been recruited. But in the completion of that recruitment process starts a long road to challenge, rightly, to looking at best practice, to setting up the appropriate legislative framework and to asking us in this Assembly how we deal with some of those social issues in our community that have been so difficult to address but address them we must and find creative ways of addressing them we must. Two families with children, each sharing one flat, working opposite end of the day shifts; historically our view has been, I am sad to say, that they have chosen to come here to better themselves economically. There may be some truth in that but as we sit here today, is it acceptable or should we be considering how we can support such families and such children to a better life in our community? I think the answer has to be the latter, the answer has to be the latter; that is just one illustration. The Children's Commissioner, she has already made progress to becoming a member of the British and Irish Network of Child Commissioners and I should thank the Northern Ireland Children's Commissioner who supported us during that recruitment process. I note the Scrutiny Panel's comments regarding the reporting lines for the Children's Commissioner and I want to reassure Members that the new law will support the independence of the Children's Commissioner and it will be developed and lodged during 2018. I am committed to ensuring this role is independent and will support the most appropriate legislative arrangements that will enable this. As you will know from the media involved in that appointment process, I am pleased to say again how important the children and young people's voice was right at the centre of that appointment process. A group of 12 representatives had a genuine involvement and a genuine influence on that process. It demonstrates the child-focused way of working and it also demonstrates a model for how we need to work into the future. It is not a veto of any particular member of our community but it is a term that I am hearing more and more about and that is co-production, working together to find a solution, to find an answer, not being delivered, talked down from an office somewhere in Cyril Le Marquand House and then the community being told why it is the best thing for them. But co-production, working with the community to find solutions for the community. I know the Commissioner has already started to progress the commitments given by this Assembly with regard to P.63 and child impact statements. I am also aware that the Commissioner is ready to lead the debate and approach that incorporation of children's

rights, as set out in the U.N.C.R.C. (United Nations Convention on the Rights of the Child) into our legislation and how that might best be delivered. The Care Inquiry was absolutely clear, that the paramountcy of the child is vital to progressing improvements in children's lives in our community. Another service that has shown itself to be at the forefront of change is the Jersey Youth Service, they have identified a better approach. **[Approbation]** I would stomp but then I would look to be hopping up and down at my seat and it would not be very becoming but it is right that they are congratulated in that manner. They have started to identify a better approach on how to listen and include children's experiences as part of policy development and service improvement. Their project will involve a review of other places' successful approaches to engagement, as well as listening to local champions before proposing the Jersey approach - co-production, co-creation. This work will be folded into the revised Children's Plan, which will be consulted on in March of this year. Again, I note the Scrutiny Panel's comments and would agree with them that the role of Jersey Youth Service is central to improving the understanding and influence of children and young people. Investment into the Youth Service ahead of the Care Inquiry Report, part of the £5 million set aside, is a tangible commitment to this important service. This investment has allowed more capacity at the Youth Inquiry Service and Members will have seen the opening of a new centre for that service a number of weeks ago; an approach that supports young people and an approach that is non-judgmental, an approach that has the best interest and outcomes of children at heart and is, therefore, a safe environment for them to be supported and advised. A second and equally important building block for our children's services: the establishment of independent inspection. Annual inspection of children's residential homes will be made possible when the 2014 Regulation of Care Law comes into force in the middle of this year. A full-time Children's Inspection Officer will be recruited this year and lead the annual inspection of children's residential homes. This will give us, for the first time, a clear and independent understanding of the quality of each provision and enable our service managers to focus better on key areas of improvement. I recently met with the Independent Visitors for Young People, together they have previous experience in visiting children's residential homes. In light of the Care Inquiry recommendations there was some confusion about their continued role and I am sorry to say that was not addressed in a timely manner. I hope now that the letters that have been written at the start of this week will have clarified that position, that in the interim they should continue their work and they have our support to continue their work, until decisions are made on the future scope of those requirements.

[10:00]

It was clear from the Care Inquiry Report that its authors were of the view that children may still be at risk in Jersey. I think that for many Members of this Assembly and our community that was one of the most difficult findings to accept. In response to that concern, I requested, as Members will know, the Chair of the Jersey Care Commission to complete an additional inspection of children's services and he has agreed to do so. That independent inspection will be completed by Ofsted and provide a baseline assessment of the quality of the different aspects of children's service inspected. The exact timing has not yet been finalised but I look forward to hearing from the Chair when that will be. Members who attended a presentation at the Hotel de France will be aware of the excellent work of Ofsted inspectors in the United Kingdom and of how we can benefit from their experience in the inspection of our children's services. I believe that routine independent inspection represents one way to improve the quality of services that deliver such a vital support to vulnerable children and young people. While, of course, children's services are only one part of a wider service offered, it is often these services that work with the most challenging and complex children and families; it is vital that this service performs well if we are going to realise the Care Inquiry's aspirations for excellence. Again, I note the concern expressed by Barnardo's to the Scrutiny Panel but I remind myself and Members that the Care Inquiry was quite specific in its report that a Children's Rights Officer role should report directly to the Managing Director; that model has worked well in other places. The

direct reporting line enables the role to have an immediate access to the most senior position within community services, who has an ability to act promptly and unilaterally. Of course, an ability to act does not mean that one will always or necessarily act but, equally, I recognise the evidence that Barnardo's provided to the Scrutiny Panel and if that approach is to change, then I think we should give that consideration together. The Care Inquiry challenged us to rethink the current approach to recruiting and maintaining a robust and fit-for-purpose workforce. If we are going to deliver on this recommendation we are, as I have said right at the start, going to have to address some historic practices and thinking, which have collectively led us to continuing to lose out in a very competitive recruitment marketplace. Members will be aware that shortly after the publication of the Inquiry Report we interviewed for a new Chief Executive Officer and, as the only Member of this Assembly on that panel, delivering the change in the way we do government was at the forefront of my mind. I should thank other Members of this Assembly who were involved in supporting that panel through conversations with the candidates, through challenge around the candidates and their abilities. But it was in the forefront of my mind that we faced an uphill struggle to change the culture, to change the way that we delivered services in our community and that we had no time to waste because it was affecting people's lives every day. That is one, if not the main reason, why we, as a panel, unanimously chose the person who is now the chief executive officer. I was very clear in those conversations around that table, as well as since then, that the priority of the incoming chief executive has to be about creating the appropriate accountability structures and creating one government free from silo mentality and free from interests that are not in the interests of the majority of Islanders; a government that is more efficient, a government that is more effective, a government that works together and a government that, ultimately, puts Islanders at the heart of everything that it does and in this context puts children at the heart of everything it does. That is why work has already started on thinking about a new optimal-operating model, that is why I have already lodged changes to the machinery of government to deliver a Principal Accounting Officer to ensure that the new chief executive and any future chief executive is properly accountable to the Council of Ministers, answerable to this Assembly and that officials right through the organisation are accountable to the C.E.O. (Chief Executive Officer), so that where change is necessary, where things are going wrong, decisions can be made and improvements can be made. Because at the heart we are talking about a dysfunctional governmental model that, as I said some moments ago, is affecting people's lives, is affecting people's life chances and is, ultimately, storing up problems for the future. One government, one Scrutiny function, I know that P.P.C. (Privileges and Procedures Committee) is doing work on thinking about how Scrutiny should fit in the one-government model. We know that the Corporate Services Scrutiny Panel, even in their review of the equal marriage legislation, have found the time and the technicality and the detail difficult to deal with within our current processes; it has to change. It cannot be right in a mature democracy that we have the First, Second and Third Reading all at the same sitting without appropriate legislative scrutiny, without appropriate timeframes and without appropriate support to those Members undertaking that work. All of this has to be part of the new operating model. I have said it before and I will say it again, and it is not popular, Ministers and Members should have appropriate support. They should have appropriate casework support. They should have appropriate research support. We have to improve our game if we are really going to deliver what our Island deserves of us; that is the job in its totality that needs to be changed. I hope some of those Members who are thinking of retiring at the next election, with the changes that we are going to put in place, they might just think twice because it is going to be a very ... some of them are shaking their heads, I am trying. This Assembly, the way we support and deliver services to our Island has to change. We are doing Islanders a disservice if we do not change; that is the big picture. In the shorter term some changes are already in place this month around recruitment and retention strategies, particularly for social workers and social care staff. Senator Routier has recently signed, I think it is an order, for the creation of a new exemption under the Control of Housing and Work Law for co-habiting partners of nurses, midwives and social workers

to be granted exempt status for employment purposes only, encouraging those who might have a reason not to either stay or take up a post. Also, an amendment to the existing exemption under the Control of Housing and Work Law to raise the age of children exempt for work purposes from 16 to 18. Again, to support those who have families that want to come and move and work in our Health and Social Services Department and also an amendment to the Health and Social Services Department's residents and non-residents charging policy, so that co-habiting partners and key workers will be eligible for treatment. They are difficult areas, they are controversial areas but if we are serious about having full-time children's workers, about having full-time social workers who are committed to the well-being of Islanders and Islanders' children, then we will have to make these and more radical changes. Throughout the few months since the report was published, I - as often the case I could see it as a chore but I see it as a privilege - have been contacted by a number of individuals who wanted to share their story. I share this one to absolutely dedicated foster carers who came to see me 2 or 3 weeks ago talking about their concerns about the current way that foster carers are supported and the current situation that we find ourselves in in Children's Services around improvement of social workers. Two people who have been caring for children in our community, I think, for about 20 years, who could point to young people who I also have met now during the course of this particular work, who have thrived in that family, whose lives have been transformed in a way that is unimaginable, almost textbook. But they have also seen children come through their home where the challenges have been equally great and equally difficult and yet they recognise, because of the lack of support, that both they, as foster carers, and those children have had, the life chances of those young people have been reduced, have been curtailed, have been made so much more difficult. I asked him, what should we do? He said: "First of all, we should double the pay for children's social workers." I look forward to Members supporting that proposition, I can also already see some frowns across the Assembly: "We need to deal with key-worker housing and provide more of it of a decent standard and we need to improve the processes around recruitment." I am never one that likes to throw money at a problem but there are some times if we want to be an Island of excellence in how it looks after its children and young people and supports its most vulnerable children, then those suggestions are suggestions that we have to consider incredibly seriously.

[10:15]

I think he also suggested a golden handcuff. Why is the work of foster carers so important? It is because it is about building relationships and attachment. It is about safe environments where young people can learn and grow, where there is routine, where there is certainty. We say that young people that leave the care of the States are leaving care; I think I said this before in another conversation that we had with this family. Can that be true? Do Members of the Assembly who have got children, either young or grown up, have a concept that their children have left their care? No, it should be a virtual circle. We continue to care for each other in a family. Adults, be they parents or aunts or uncles or grandparents, care for children and in due time they care for the adults; that is how it is supposed to be. How can we think that at 18 children will leave our care? They cannot. Stories of children who have left foster carers' families at that age and had to go into shelter and the accommodation that shelter trusts provide, which parent would want that for their child? They had to leave the family home. If I came here and introduced a law that said all children had to leave their family at the age of 18, I hope people would give me the resounding boot that I would deserve. Only for those children to have to go then into shelter accommodation, it is not right. We would not do it for our own children, we should not do it for those children and young people in our care. I could speak all morning and I really ought not to. The Care Inquiry found that our legislation was almost invariably lagging behind positive developments in the U.K. (United Kingdom) and beyond. Some people may say something about that in our debate later but I will leave that to that debate. It is important that effective legislation is underpinned by a coherent and consistent policy framework that reflects the publicly stated strategic direction. In this area it is the new Children's Plan that will



fulfil the purpose of an agreed public statement of intent. It is important that this plan informs the subsequent policy and legislative priorities. In so doing, the policy and legislative developments will be better aligned with our collective endeavours to achieve the best for children. The Care Inquiry says that we should and need to increase and deliver additional capacity in this area to deliver on this priority. But, again, it is important that that Children's Plan is not just a tick-box exercise; that it is really focusing on outcomes for children. We should not be disillusioned and think that strategies and policies do not work, for only last week we all know the difficulty of getting the mental health legislation on to the statute book and the mental health strategy and the co-creation of that piece of work. Last week I went to the first anniversary of Jersey Recovery College, a piece of work that arose from that strategy, a piece of work that is supported financially by, I think, Health and Social Services Department, transforming people's lives in a non-judgmental supportive way. Any Member that has not seen the work of the Jersey Recovery College, I commend it to them but it has got to be focused on outcomes and not on outputs. There are 2 specific areas of legislation that will be progressed as a priority during 2018; the first instance is the legislation required to support the independence of the Children's Commissioner, as I have already spoken about. There will also be legislation drafted to formally describe reciprocal arrangements for children placed off-Island in order that they can easily access appropriate education and primary care during their placement in the United Kingdom and assist their transition back to Island; that is really important work. But, again, the priority must be to encourage more Islanders to come forward to be foster carers, not to think what cannot be done, nor to think that it is not for me, but to ask ourselves. We are a community, which I think can be incredibly proud of its voluntary service. The Honorary Police is at the heart of each Parish. Honorary and voluntary service is one of the things we are most proud of that makes our community special. We need to look at that honorary spirit, that voluntary involvement, in new and creative ways. One of those ways I think individuals in our community can play their part in enhancing children's lives is putting themselves forward and considering fostering. It is not easy; some children in our community are incredibly damaged. What does it really require? It requires a loving home. Of course it requires a room, which is not always available to some, but there again we need to look at the support that we give to those families, some perhaps who are on benefit, therefore cannot have a second spare room that might be available for a foster child. Already right now today social services is providing that additional funding for that rent so that they can have those rooms but we need to think creatively about it; a loving home, room and resource. If there is not resource I know that the current Minister for Health and Social Services and the previous Minister for Health and Social Services in their work of fostering wanted to give more financial reward to foster carers; then surrounded by the official support of the state, of social workers, of psychologists, all of that additional support that is required. I believe that we can do that. I believe that we can reduce the need to send so many children out of our community but it needs us to think about these issues creatively. I could talk now about the corporate parent, I could talk about the Children's Plan, no doubt other Members will do so, but we need clarity on what are the legal obligations of any incoming Minister for Health and Social Services and what does the term "corporate parent" mean in this Assembly and what does it mean for our Island community as well. I am grateful to the work again that P.P.C. (Privileges and Procedures Committee) are doing around training for incoming Members to understand what their obligations are, which arise from their oath, and that is not just around the care and protection for children, it is in so many other ways as well. I could talk also about the report's recommendation of the "Jersey Way". Again, this is one of those recommendations that some have said they had no right to say this, they had no right to mention it, they have misunderstood it. But they did say it, they did present us with this challenge, and therefore we have an obligation to consider it. As I have just said, for many in our community the "Jersey Way" term is a positive phrase. They feel proud of the Jersey that they live in; they feel proud of its history, of its culture, of its voluntarism. People who come to our community who get on our buses and cannot believe the: "Good morning, good morning, good morning" and there is a proper conversation with

people that one might meet on the bus or in the street. It is a close-knit community that has much to be proud of. But there is also for some the negative connotation that we must endeavour to consider and seek to address. It was those individuals that appeared before the Inquiry who had suffered abuse who felt the need to use that term the most. The action plan sets out some actions in that regard. We have the Law Commission's report around administrative justice and trust and confidence in public administration and the Legislation Advisory Panel is starting a piece of work to consider how best to move those concerns and those suggestions forward. There are also legacy issues under recommendation 8 and they present their own set of complexities and sensitivities and Members like myself will be aware from the conversations and messages that we have received that there is no clear consensus within our community about the proposed actions under those recommendations. Therefore, we must progress with care and sensitivity, being clear about decisions and actions. We have spoken previously about the work of the Archive and all of the materials there that need to be archived digitally, the work that they and the M.O.U. (Memorandum of Understanding) that they have signed with the National Archive at Kew for particularly sensitive materials arising from the Inquiry. We have spoken about Haut de la Garenne. We have spoken about a lasting memorial, which for my part should be something living, something that will benefit future children and Islanders, not just a stone that marks a point in history. I think we are seeing consensus around that last particular point of memorial. But we must continue, as we seek to deliver on those recommendations, to listen to those who suffered, who want to tell their story, and again I know that others in their speeches will be talking about personal experiences that they have had; that they have received from individuals who have very different, much more positive stories to tell about their experience at certain institutions and places. But we must listen to all of the stories. We must also listen to the stories of those individuals who have suffered abuse in our community who are not recorded in this Inquiry, whose cases never led to a reporting to the police, never led to a police investigation, never led to a prosecution, because they did not feel strong enough to do so. They did not feel empowered enough to even tell a friend or a family member about what happened to them. All of these people we must listen to when we are delivering an action plan, which is focused on outcomes and not on outputs.

[10:30]

I thank Members for agreeing to hold this in committee debate today and I thank the Scrutiny Panel for their involvement in suggesting that this was a good approach to take, because I think that it will lead us, I hope, to a non-confrontational but creative debate about where we need to go, about what we need to do, to improve the lives of Islanders in our community. **[Approbation]**

### **1.1.1 Deputy S.Y. Mézec:**

I just want to start; that follows on from the very last point that the Chief Minister made, it is just to thank him for agreeing to hold this as an in committee debate rather than the debate that was initially on the Order Paper that would have had a vote at the end and it was after discussions between us with the Chief Minister that we decided that it would be better to hold it in this way because it will, I hope, offer Members an opportunity to speak in that non-partisan way and feel like they can be constructively critical if they need to be about elements of the plan where there could be room for improvement, which hopefully means we will get more out of it at the end. That is so important and fundamental because of what this is all about at the end of the day, this is about making sure the Island does learn the lessons from the Care Inquiry report and that we do everything that we need to do to improve the services that are on offer in the Island, change our way of doing things and make this a place where we look after every vulnerable young child to the absolute best of our abilities. I know that Members of this Assembly will not lose sight of that and the more constructive a debate we can have the better. So just by way of background, we set up the review panel to look into this in September last year, which is made up of myself as chair, Deputy of St. John as vice-chair, Senator

Ferguson, initially Deputy Hilton was a member of the panel, she has since left, but we also have Deputy Higgins who joined the panel later. We have been working to examine the actions of the Council of Ministers as a result of the recommendations of the Care Inquiry. We have held 2 public hearings with the Chief Minister so far, the first of which was very well attended and covered by the media, the second was not, but we have a third one coming up soon and hopefully that will be covered, because I think it is important that this remains something with public focus, not just the focus of the Assembly and the Government. We have received a huge amount of submissions from representatives from various organisations who are involved in supporting young people and I want to put on record our thanks on behalf of the panel and our appreciation to all of those who have taken their time to help us with our work, it has been absolutely invaluable. Personally, it has made me quite proud to be an Islander, to be honest, when I have had the opportunity to meet so many of these people who have done absolutely amazing things and it is so important that we do what we can to help them and have good communications with them to know when they encounter problems and what we can do. So I think it is fair to say that good things have been achieved so far, but, as Members know, I do not believe in complacency, I do not believe in sitting down with a smile on your face just because you have achieved a couple of good things. There is a huge amount that is left to be done and some of it does have significant risks associated with it that must be treated seriously to make sure that we get the best outcomes. I want to speak to each of the recommendations. I will not go through every action point. If Members look at the appendix to the review panel's comments we have a list of all of the proposed actions from the Council of Ministers, which are marked as being either pending, started or completed. But further to that some of these action points have been completed so far and there are some, which we have marked as being behind target date, and when I get to those I will raise that and hopefully later on in this debate the Chief Minister can update us on those ones that may be behind their target date to either explain why or even if the situation has changed since these comments were published. The most prominent action that has been undertaken so far that all of us will know about is the appointment of the Children's Commissioner, which was recommendation 1 from the Care Inquiry report, and funding has been allocated to that. This is absolutely undeniably an important piece of progress, not only is the Children's Commissioner already in post, but I think she has demonstrably been proactive. The Chief Minister mentioned her establishing a panel of young people to act as her advisers, which we think is incredibly positive, especially given recommendation 2 about giving young people a voice, which I will talk about in just a moment. The panel has met with the commissioner once already and we are due to meet her again next week and I think she comes across as very impressive and passionate and it is going to be interesting seeing how this role develops. The work will need to be done and I know this is something that the Commissioner will be looking to establish the framework under which this office works, how it operates and who it reports to. I know there is an action point that is about exploring potential inter-Island collaboration with Guernsey. That is something that could be looked at in the future. But Members will remember the emphasis that was placed in the Care Inquiry report that the commissioner must be independent and to ensure that independence we will have to make sure that we have the right framework and the right legislation underpinning it and that will mean looking line by line at that legislation when it comes forward to ensure that it does do what it is meant to do. I will say, and this is referenced in our comments, that the panel believes that consideration should be given to making the commissioner report back, not just to the Chief Minister, but to the States Assembly as a whole, and that is a debate to be had over the coming months, something to be looked into. The Chief Minister has said that he is committed to making sure this post is independent so there is some constructive work that the Assembly can do on making sure that happens. Recommendation 2 was about giving children and young people a voice and we have already heard about the absolutely amazing role that the Youth Service plays in Jersey and from our discussions with representatives from the Youth Service we have been very impressed at how they are already moving on this and doing what they can; yes, absolutely. Not just the Youth Service, but the States

Grefe we believe is looking at creating a Youth Parliament, which is something that could be a really exciting and good way for young people to get their voices across to us as States Members. There tangibly has been a real emphasis on this, treating young people's views seriously, which I know is something that young people do value when they are given that opportunity and something that, if you are not young yourself, you do not necessarily understand how young people view things and how they think of things. So to be able to give them the voice and listen to them will be really positive. While we have been impressed by the Youth Service, it is worth saying that the Youth Service is not a statutory service, it does not get all of its funding by the States, and so a slight concern we have is, when we are so reliant on this incredible service, when we know the amazing support it provides to young people, and what a different Island this would be if we did not have that Youth Service, we think it is worth having that discussion about what we can do to give them certainty into the future to make sure that they are able to continue doing what they do. The Chief Minister mentioned this point that I was about to make that there is going to be a Children's Rights Officer established and all of the submissions that we have received are supportive of this as an ambition but it does have to be said that Barnardo's have raised the concern that this will be in-house rather than being independent, which they have said they feel will make it less robust. I know the Chief Minister has addressed that point in his opening remarks, but we just want to relay that concern because it is worth having the discussion and making sure that whatever format is agreed on is appropriate and we will be asking questions about this at the next hearing with the Chief Minister. Recommendation 3 about the independent inspection of services, so we have a target date set for these inspections to take place. In our appendix we have the first action point about agreeing terms of reference for an independent review of children's services to be done by December 2017. We have that marked as behind schedule. It would be good if later on in the debate the Chief Minister or another Minister is able to clarify that. The Chief Minister has given us details about working with Ofsted to make that happen. He also spoke about the concerns that there are over the future of the future of the independent visitors for young people. When the review panel published our comments on this, we had not yet had the opportunity to meet with the independent visitors, which we did do on Friday last week and heard about the situation that they find themselves in. It is fair to say that it is concerning. They came to us and very passionately made the case for what they provide as a service and what they do in our community and explained to us how they are disheartened by the fact that it has been recommended that they be abolished. But they are now in this very unhelpful purgatory situation where the intention is to have them abolished at some point, but what happens in the meantime, because the independent inspections have not been set up yet, it has not occurred, so what is to happen in the meantime? They have felt that they did not get the clarity that they needed on that. They want to continue doing their job, they want to continue visiting young people and taking up issues on their behalf, and they are open to having some sort of role in the future, whether it is combined with the independent inspections or whatever arrangement is seen as being most appropriate. But they have had lack of clarity up until now and it has affected their ability to do what they have been doing. We wrote to the Chief Minister on Friday afternoon to urge him to try to resolve the situation and we received a response very quickly on that, it clearly was treated seriously, the Chief Minister has mentioned it in his speech earlier today. So it is incredibly important and I would say as a matter of urgency that this group is given clarity about what they can and cannot do at the moment and are kept in the loop about what progress is going to be made in future so that they know where they stand and so that those young people who they meet and take issues up on behalf of are not left without anybody to speak to who they have confidence in, like they do the independent visitors currently. Recommendation 4, building a sustainable workforce, it is fair to say that this is a pretty tricky one and one that the panel does have serious concerns about. Yes, we know that obviously the most important people in all of this are the children and everything should be focused at providing the best for them. Yes, we know that families should ideally be providing the ultimate support and we should support the family to be able to do much of that. But the people who are employed to provide the

public services that many of these children will rely on have to be well-trained, they have to be motivated and they have to feel content in their jobs to be able to provide the best level of service. It is fair to say that Jersey does have a long way to go to achieve this and there are problems to overcome. This will be down to a whole host of issues that the Chief Minister did touch upon; accommodation for people if they are coming to Jersey to work, it can be quite surprising, particularly if you are coming from the U.K. to Jersey, to realise just how different many of our rules are on working and renting accommodation and to not be as prepared for that as you could be, to struggle to find accommodation, that will put people off and we do not want to put people off, we want the brightest and the best and the most hardworking coming here to work in our Children's Services and doing an excellent job for those children. So that career option has to be made attractive and there is a lot more that needs to be done. We have met with the new C.E.O. of the States and we have spoken about some of these concerns. In our comments we have said that, as a review panel, we have come to the conclusion that the current proposed steps looking into sustainable workforce do not go far enough and we have suggested that there be a full in-depth review of States H.R. (Human Resources) and we stand by that but we are looking at what the States C.E.O. is currently doing and we will be keeping a close eye on that and commenting if necessary.

[10:45]

Another action point, which we have down as being behind schedule, is 4.2, which speaks about a policy decision from the Minister for Housing on future use of existing Andium stock for key-worker accommodation and an assisted purchase scheme by December last year. Again, if there is any update that can be given on that we would appreciate that and that would be helpful for the debate. Recommendation 5, legislation. I do not think there is a huge amount to add to what we have in our comments in the comments paper. We all accept that there are many areas in Jersey where our legislation is out of date and does need updating. A revised Children's Plan is one area and, as a panel, we will be monitoring that as we go along. Again, we have one action point, which is marked as being behind target, which is to agree the scope and identify a suitable provider for an independent review of Youth Justice by December 2017. Again, any update we can get on that will be helpful. Recommendation 6, there is an element of this, which is a little bit strange and difficult to deal with. The review panel has contacted P.P.C. to find out what the plans are post-election to provide the newly-elected States Members with an induction, which includes information about the corporate parent role. It is slightly tricky, as the Attorney General confirmed in questions recently, that individual States Members are technically not the legal corporate parent and the person who is, is the Minister for Health and Social Services. So I think there is going to have to be some thinking around this and some of what was proposed in the early stages about States Members. I think there was even one proposal about States Members not being able to take their seats as States Members until they had taken part in the induction on the corporate parenting role, which is something that certainly it is not practical, at least at this stage, so there is going to need to be more thinking as a result of this and more of this might arise with the new Children's Plan. Recommendation 7, the "Jersey Way", the controversial one, we know that there are wildly different views about what the "Jersey Way" means to many people and I have had lots of discussions since the report came out about the negative interpretation of the "Jersey Way" and I do sometimes get disappointed when some want to focus on the positive things about the "Jersey Way". Yes, we know there are all sorts of wonderful things about our Island, whether it is the voluntary service that is a real staple part of Jersey identity, and everything that goes along with that. But you do not improve things if you do not talk about the negative side of it and it is simply a fact that there are a lot of people in Jersey who do not like the States of Jersey, they do not trust States Members, they do not trust the courts, they do not trust the Honorary Police - some people do not - and we might disagree with those people, but that does not mean they do not exist and it does not mean that work does not need to be done to work with those, to find out what it is that makes them feel this way towards our institutions and changing the culture

so people do feel like they are able to engage with the system and seek positive outcomes from it. This could be really exciting. A lot of work under recommendation 7 has not been undertaken yet simply because it is due to be taken later and there are going to be projects and public engagement exercises to work on this and find out what can be done. So there is nothing to criticise there in the sense that this is stuff that is meant to be going on later. That could be really exciting. When we engage with the public we are probably going to learn lots of things that living in this Royal Square bubble we might not have known otherwise and it may inspire us to make changes to how we do things, how we engage with the public and that could make things better for everyone and that is something I welcome. There has obviously been the report from the Law Commission on improving administrative redress and that has made a whole host of recommendations that are certainly worth considering and work will need to be done to implementing those if that is what the Assembly decides and we will have to keep a watching brief over that. I do think it is fair to say, and some may not like me saying this, but the Chief Minister did achieve the action points that he has completed about having an advisory group on the separation of powers, about lodging P.84, but that debate did end up being a shambles. I think it is right to say so and that we have not ended up with the optimum solution there. But there are things to be done over the next few months and hopefully that is something that can be salvaged because that was something that the Care Inquiry report considered important. The final recommendation, recommendation 8, about the legacy, again I do not think there is a huge amount to be said on this other than to simply monitor the archiving that is going on and make sure that is done properly. The consultation on what is going to happen to Haut de la Garenne: I believe there have been discussions taking place already, States Members have been invited up to the site to see it and there will be a consultation going on as a result of that. So that is again something simply to keep a watching brief on and make sure that whatever solution is proposed meets everybody's desires for there. So there are some overarching concerns and the big one is the money. It does have to be said that, with the best will in the world, we may want to see our services improve; we may want to get more people working in these positions, providing services to children. A lot of this will cost money and that has to come from somewhere and that is going to be an important discussion that we have, not just immediately, but over the coming years. There was a perception that we encountered when we spoke to people who had come in to present their submissions to us that the previous Children and Young People's Framework was never given the appropriate funding that it needed. That cannot be repeated and it is as simple as that and if it is the one thing that we take from the Care Inquiry report; that words are not good enough, action is what matters, then the whole Island will benefit from that change in attitude. So I really think that point is worth emphasising, some of this is going to have to be funded and we are going to have to have a serious discussion about that. We have raised a point in here, which I think was picked up by the media and I think probably emphasised more than it needed to be, which is about the fact that there is an election coming up and there are going to need to be workstreams that continue while the election is going on and for whoever takes up positions afterwards. As a panel, we believe that, even though the panel will technically fall when the election occurs, we think the next Assembly should set up this review panel again, have people put in place so that they can continue the work that we have done so far at the end of this term and continue to hold the Council of Ministers to account from that in the future. Just the last thing I want to say is to thank my colleagues on the review panel, the Deputy of St. John, Deputy Higgins, Senator Ferguson, and also Deputy Hilton for the work that she put into the panel while she was a member, absolutely, and thank our officer who I have absolutely no idea how he does it, to be perfectly honest, he works unbelievably hard and has been incredibly helpful in facilitating the discussions that we have had with external bodies, with charities, with volunteers, and I for one am optimistic that, as long as all States Members are prepared to play their part, whether it is in a ministerial capacity, whether it is in scrutiny or as a Back-Bencher voicing their concerns in this Assembly, as long as we do not lose sight of what this is all about, we remember the spirit that we all felt in the aftermath of the Care Inquiry report coming out, we do not let things fall by the wayside

just because something more fashionable turns up that we want to be considering instead, then this Island ought to be a real beacon around the world for a place that is great for young people to be brought up to have all the opportunities so that they can thrive and know that the most vulnerable will be taken care of and will not be let down in the way that historically they have been in the Island. As long as our minds are all set to achieving that aim, there is no real reason why we cannot do it, we just have to work hard to make it happen. **[Approbation]**

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

I just wanted to speak following the chairman of the Care of Children Review and also give my thanks to him for his work and the chairing of the review panel. But most importantly thanking all the officers that have been involved in this huge piece of work, there is no way that we could possibly say, as a panel, that nothing is being done or that there are severe problems, because it is constantly a moving feast. There are a lot of people involved, but I want to focus on specifically the particular area that our chairman mentioned was about our meeting with the independent visitors for young people on Friday. I would like to focus on that part because we have not obviously put the information in our comments. But I want to, as a Member, apologise from the panel for us not actively seeking their engagement in the review. But, more importantly, I would like to give a great deal of thanks for the work that they have been doing because I do not think we realise how much effort, time and support, they put in to doing the work that they have done as independent visitors for our young people, for our looked-after children. It takes a lot of time and effort to gain trust with a younger person in society who feels like they are not wanted, they have been let down time and time again, and that no one cares. They have honestly been a great credit to the Independent Visitor Board. I am disappointed. What I am disappointed in is our inability to communicate effectively with them in a way that gives them some certainty. I say “we” because we are the States Assembly, they are independent and unfortunately we never put an appropriate framework around them to ensure that their independence, their feedback, was appropriately dealt with and I think that was a big error and we need to recognise, after speaking to them on Friday, all I can say is a huge thank you for all they have done and I am so sorry that they have been I suppose in a way forgotten unfortunately during this process. It is a huge process and there is a lot going on all at one time, but that does not negate the fact that we have not had that communication with them. So it leads me on to say that, although in the Care Inquiry it is suggested by the Care Inquiry that they should be terminated following the Care Commission developing a plan of inspection, I think, and I would ask, I would sincerely ask, the Care Commission have a proper conversation with the independent visitors because they have some really, really crucial insight into how looked-after children have been looked after in our system over the last few years. They have been right at the front of it, they have seen every nook and cranny with regards to our looked-after children and I think, if we are going to act upon the listening to the children, the voice of the child, it is through these types of people that have gained the trust of these children that are able to pass on those issues when those children cannot feel like they can speak to people or authority in any way. It should be considered and a proper developed plan should be considered alongside those independent visitors and considering everything that they have seen and they have taken into account, they have put their heart and soul into what they have done. So I just wanted to make that point because I think it is absolutely crucial. It just does not mean that we sit down with the Youth Service, even though the Youth Service do an absolutely fantastic job – an absolutely fantastic job - and I do not want to take that away from them, but there are so many different elements to these issues and the independent visitors are one of those crucial elements, they sit right alongside, as far as I am concerned, the Youth Service. I do not think these particular bodies are given the recognition and the support that I think they deserve and we should invest in them, not just money, but in terms of support, how we can work together better as a States Assembly, as a department, to make sure that we have the right processes... not necessarily processes, but the right communication in place.

[11:00]

Because, if there is one thing that I have learned, it is that people do not feel like they are being listened to a lot of the time and there are various ways that children do communicate and it is not just directly through children. I think there is one in particular charity that we have seen when we have been doing this work is Brighter Futures, they have been an absolutely amazing charity and support for people in this Island who have had nowhere to go or also have the same issue of speaking with authority and speaking with departments and feeling like nobody is listening. They have been that safety net for those people and they have helped them come on leaps and bounds. These families have grown and developed in a way that I think we should all be proud of that we have had that support mechanism in place with Brighter Futures. So I would like to say it is a really crucial area here where scrutiny, the Care of Children Review, and the ministerial side of things, is a perfect example of how there is a very good ongoing working relationship with regards to these recommendations because it is recognised that it is not just a case of, right, we are doing one thing, that is it, done, move on to the next, it is constantly ongoing and there is a huge piece of work to be done. On that basis, I stood up purely for this independent visitors' part, but I would just like to thank the Chief Minister and all the officers that have been involved. I would like to particularly thank all the front line staff that have been involved, all the social workers, all the teachers, and everybody who, day in/day out, has influenced or made a difference to young people in our community's life, just by inspiration or just by sitting there and listening and understanding what they mean and why they are saying it. **[Approbation]**

### **1.1.3 Connétable M.P.S. Le Troquer of St. Martin:**

I thank the Chief Minister and Deputy Mézec for their opening speeches and it is great to see such good work being done already. I think there is a very exciting future ahead. Sadly I will not be there in the next Assembly. I was looking at the Chief Minister's eyes when he was looking around, he was trying to change their mind, but I think he was looking on that side. I hope Members will forgive me. I do hope to speak again in this debate later this afternoon, with your leave, Sir. I do hope to speak twice because I want to separate the 2 areas for reasons that will become obvious. Both are legacy issues and both I believe fall under recommendation 8. I speak partly at this time representing a parishioner of course, a business in St. Martin, the Parish I serve in this Assembly, that business being the Jersey Accommodation and Activity Centre, formerly Haut de la Garenne. A parishioner who is facing the possibility of losing that business because the premises in which he successfully operates may face demolition from the recommendation contained in recommendation 8. But I speak too for all those other parishioners and many other people who have contacted me with their various concerns that the Council of Ministers are even considering demolishing the Haut de la Garenne building. The proposition we are being asked today is really just that, as we know, of endorsing the Council of Ministers' response to the final report of the Care Inquiry and to request the Chief Minister to ensure that the actions in relation to each of the main recommendations are implemented as proposed in the response. Members will recall that I spoke during the first in committee debate back in July 2017 after the release of the report. One of the 3 issues I spoke on that day related to the concerns of the future of that building on the successful business that is now operating. I said that day was not to make decisions and that is exactly right and today is not about making that decision, all the decision today really is, and it is happening, is the consultation. We are being asked to endorse that. As I said, as the proposition reads, I have no doubts that the public consultation will take place. The Chief Minister has kept to his word and made up his mind and said that he would bring forward all the recommendations and that is what he is doing. Public consultation, I accept that will happen. As to what to do with the building, we are not going to be voting today. We have no idea what the consultation will raise and how views will be expressed and that does worry me, we have no control once the consultation takes place really because if the consultation is to demolish it the Chief Minister is in a really difficult position. The recommendation in the Care Inquiry report, in my opinion,



demolition of Haut de la Garenne falls way outside of the 15 specific terms contained in the terms of reference. This is an add-on by the Care Inquiry team that will appeal to some - and I can understand the feelings of those people. In saying that, I probably cannot understand what some of those people have gone through, but I think Members will understand what I mean when I am saying this. I can recall every scene of a fatal accident or suicide I have attended in my police career and every time I pass those I recall those areas. I am sure the people, if they are going to pass Haut de la Garenne, will have those same feelings. Nevertheless, the building has been used for so many purposes since that period subject to the Inquiry: the Bergerac filming took place up there for many years, States Police training for specialist teams, the firearms team, accommodation for all the military visiting bands that came to the Island and stayed there, the road car track for building outside for Aviemore and people using that as a sporting facility, now the Activity Centre and Accommodation Centre, as I have said, and many more - dog training. If I can quickly just remind Members what I did say back in July, in 2016 there were 7,500 bed nights equating to 3,500 visitors, many school trips from the U.K., Guernsey and France, totalling 50 schools - 50. Visiting sport teams giving local sports groups additional competition; host to team Menorca in the Island Games; teams from France and Italy in touch rugby; 7 local schools on adventure activities, I will not name them now; Brownies, Cubs, Beavers and Rangers groups using the building; host to the European dog championships. The centre has 9 staff, 3 living on site. Business for Jersey Heritage and entrance fees and packages for school groups; business for a coach company and transfers, cleaning contracts for local firms, laundry arrangements for local firms, and bookings coming in for 2019, not 2018, 2019 already. I, with sadly few other Members, took up the option to visit the property, maybe a year ago, a bit longer than that, to view what had been achieved up there. Exciting project. Just a week ago - last week - I took up the offer again that Members would know about and returned and spoke to the person leasing that property. I do not think many Members were able to take up that offer and it is very difficult at this time; I know the second date was this afternoon. But the tenant himself is beside himself, where does he go now? How does he plan his future? How does he plan for 2019 onwards? The leaseholder had several years ago the vision of creating something special on that site and I believe he and his team have successfully achieved that vision, for which we should be grateful. He speaks about the poor publicity that he gets from people, taxi drivers telling clients about the history, difficulties obtaining bank loans because of the reputation, banks do not want to know. There is nothing I can say today that will alter the decision to hold public consultation, the arrangements are already in hand, and I am sure the consultation will be done fairly by those already engaged in the process. There is no vote to be taken. I would like to thank the Chief Minister for alerting Deputy Luce and myself to the proposed public consultation and arranging for one of his officers to meet with us a couple of months ago to explain how he intended to proceed. But I do raise the concerns, in as strong a voice as I can today, that in the event of a public opinion, replies, if you like, that could be quite small. If they support the demolition of the building, a listed building demolished and replaced with what? The cost of the demolition; Deputy Mézec has spoken about the cost of things this morning and, if demolished, then what about St. Saviour's Hospital and the original General Hospital building? Both have a history that we would shudder to think of in today's world. Statistics provided monthly of the number of people that went into hospital and the number that did not come out, the number transported, the number who died while in the General Hospital, in St. Saviour's Hospital, the number transferred from the hospital to St. Saviour's Mental Hospital and the asylum. I am sorry to use those words in this Assembly but that was then and that was printed in the local newspapers and many will remember those even today. I still recall my parents talking about the poor hall at the back of the hospital where people were sent to live because they had nowhere else to live. What memories do we have for those buildings even to this day? So we look at 3 different buildings, we cannot demolish St. Saviour's Hospital because it is a listed building. We cannot demolish the old hospital because it is a listed building. If the public decide in the public consultation that Haut de la Garenne needs to be demolished, what goes in its place, what cost, and that too is a listed building.

While I accept the General Hospital and St. Saviour's Hospital are listed grade 1 and Haut de la Garenne is grade 4 - I stand to be corrected, but I think it relates to what can be done to the interiors - the buildings have to remain protected. I could bring some hope to the Minister for Health and Social Services and I am not trying to be flippant, if we can demolish Haut de la Garenne then what about the old part of the General Hospital? The Minister will have to continue spending millions on that old building in that part of the site to keep it useful. Demolish the old part of the building and it will allow him to lower the height of the proposed new hospital complex. A new hospital provides everything on site that he needs with a building that fills the needs of all our plans and far more in keeping with the surrounding buildings than what is on offer at the moment. As I say, I do not want to be flippant on that and everybody has different ideas but that is an option. I do not want to go off track, on a tangent, but demolishing one listed building is okay, then we should consider others. In conclusion, I am aware of the correspondence sent to the Chief Minister and indeed later to all States Members from someone concerned about the Inquiry having exceeded their terms of reference regarding this matter and I believe he is clearly right. I know the Inquiry report leaves this area a little open and that the Chief Minister has taken on what he said he would do and taken on every recommendation. I know the Council of Ministers have brought the proposition and therefore are bound by collective responsibility. It makes it difficult for them and the Assistant Ministers of the Chief Minister to express their doubts about the recommendations contained in this proposition, even if they are outside the Care Inquiry remit. It seems that it will be the public and not Members that will have the say on the building and I would urge the public to make their feelings known in the strongest possible way during that consultation period. We have arranged for the Chief Minister's Department, for use of the Public Hall to meet with the public, and I am sure there will be many other venues that will be set up during the consultation. It will be thoroughly undertaken and there will be many questions asked. Will the adjoining Aviemore be subject to the review? Could that be demolished? Jimmy Savile went there. Is there a covenant on the old building and at what cost to the public and what happens to the site? I believe, and I hope there will be a large response showing that we have been able to make a success story from a disaster and not hide something by demolishing it. I ask the Chief Minister if he would work quickly for everyone's sake, not rushed, but quickly on this matter. The tenant is still trying to run his business for next year and the future and what business wants a short lease from Property Holdings, or from any landlord? None. I ask those who would like to see this building demolished, I ask them, I say to them, let us now celebrate its successful transition from those dark days referred to in the Care Inquiry report to what can and has been achieved since its closure as a children's home and where young people are now enjoying themselves, laughing and enjoying holidays with their family and friends.

#### **1.1.4 Connétable C.H. Taylor of St. John:**

I would like to start by congratulating the Chief Minister on the progress so far. It is an enormous task to tackle and, while it is being treated with haste, it is not being rushed and the due consultation, from what I see, is taking place and progress is therefore good. I would also like to thank the Scrutiny Panel. The work they are doing is excellent and it has brought forward a few issues that I think it is important that we should all have a debate about and should all be involved in the decision making of.

[11:15]

I am delighted to follow the Constable of St. Martin because the building of Haut de la Garenne, my personal belief is that it should remain and I take on board the point he made that as a police officer, where he had been to certain deaths, casualties, *et cetera*, in his life, and when he drives past he remembers them. It is very often the site and the area that people remember rather than the detail of the building. I am a believer that if you want to change you need to show you have changed and not to bury the past. By turning that building into the J.A.A.C. (Jersey Activity and Accommodation

Centre) is showing that we have moved on and we are making something very positive and very creative from the past. That I think is very important. The second issue, which is highlighted and spoken by Deputy Vallois, the independent visitors for young people - I confess I had not heard of them but from what I have since heard of them have found to be an extraordinary group of people and we should be embracing them and supporting them, giving them the framework to work with and giving them the access they need to the Children's Commissioner so that their work can be enhanced and made better use of. Finally, the third issue was one the Minister mentioned and that was a memorial. I agree entirely that it should be something to be used rather than I think you said a stone. What would be nice would be a wood or some area that all Islanders can enjoy, visit and be part of, rather than, as the Chief Minister said, a stone or something that is looked at rather than being involved with and enjoyed.

#### **1.1.5 Deputy S.M. Brée of St. Clement:**

First of all I think we all should commend the hard work that the Chief Minister and his department has done in reaching this point in time. I would also like to personally thank members of the review panel for all the work they have done. I think they have done an absolutely excellent job on providing meaningful comments. Deputy Mézec, as chairman of the review panel, made a very poignant speech, but I was left with one question in my mind about something he said, and that was one of the concerns that the review panel have and that is about funding. Now, I am sure that possibly the Chief Minister or indeed Deputy Mézec, as chairman of the review panel, can allay my fears, but I did pick up on that concern that the review panel had. Are we really saying that we have not agreed to commit money, funding to this? Are we really saying that is still a question mark? If that is the case, then I am concerned moving forward, how are we going to put in place children's services, youth services, facilities, structures, and everything that is needed to ensure that this never happens again if we have not committed money now and the adequate amount of funding that is required in the right areas? It is all very well coming up with a plan, coming up with: "We are going to do this, we are going to do that", but, unless you have the funding already committed behind it, it is never going to work properly. Surely we need to invest now for the future. It was a concern raised by Deputy Mézec that really struck a chord in me. Have we not committed funding already? I do hope that the Chief Minister in his reply at the end of this debate will be able to allay my fears or at least set my mind at ease that he and the Council of Ministers understand that what is needed to support every programme and project that is going to come forward is adequate committed funding. If it is not there now, then we, all of us, Members of this Assembly, should be pressurising the Chief Minister and the Council of Ministers to make sure that it is there now, not some promise in the future, but it is there now to make sure that we can get things right.

#### **1.1.6 Deputy J.A. Martin of St. Helier:**

I will be brief because we have had some excellent speeches from the Chief Minister and from Deputy Mézec and others. I was on the advisory panel and I flagged 2 things around that table and they are still in here, and I feel that I should say them and obviously it was an advisory panel and this advice... it might have only been me around that table who had these concerns and I agreed with the final report so I absolutely say that. I took much comfort from what the Chief Minister said about another look at the independent fostering in-Island from an external review. For many years we had different external reviews and again we basically know what looks good and what should be done and what is good and the earlier that you can get to a child, so with good fostering and support, that child will have less damage. It was Brighter Futures that took me as an Assistant Minister for Health, and it was then the Deputy of St. Peter was the chairman of the Health Scrutiny Panel, to a conference in Northampton about how the quicker and earlier you can get into a child, the less damage, the less money, it will take you to repair - and the word is "repair" - the damage. So I was comforted by what the Chief Minister said about he knows, do you say to somebody who has lived with a family that

you must leave at a certain age, it is very blunt to all, and again it does come down to the worry of the money. Again, we will help that child live independently where we can keep him in the foster home. What I am saying, and I did say it around the table - and I said it around the big table - please, if you do want to look at this again, go to the places they are doing it really well, because we do know the answers, we just need to get there and we need to get that legislation, we need to look after these children and we need to look after them from birth to when they feel, as the Chief Minister rightly said, they are independent enough, be it at 21, 25, or whatever age you are... because none of us say to our children: "Off you go, you are out." There is nowhere for them to go. So that was comforting. My other issue, and we did have this discussion, and I was there and it is about throwing the baby out with the bathwater, the recommendation for an Independent Visitor Board came from another and it was the Williamson Report. It was followed on by a Scrutiny report, I think it was then Deputy Breckon - I do not think he was a Senator then - who chaired. It was brought in, tried to be brought in by a few Ministers for Health and Social Services prior to the Deputy of Trinity, but when the Deputy of Trinity got there... and I did, we advertised it, we put resources behind it, we had about 60 people wanted to do the work and they were trained and we put an officer in charge of that. It started really, really well. The recommendation about phasing it out when we get an inspection of Children's Services annually, well you can bring whoever you like in, inspecting, and they will be fantastic; what these people do freely and give their time and they get trained, they get checked, they get everything, children who are vulnerable can never have enough stable constant adults in their life who will listen to them. I think me and the Minister at the time, one afternoon, we were called in and we agreed we could only do a Sunday afternoon to one of the homes, and it was when one was closing down, and they knew, the children or young people were not silly, they knew, there were only 6 bedrooms in this new home and there were 7 of them. They were concerned, completely. They had the courage to tell the staff, who were saying: "You will be okay", but the independent visitors called me and the Minister in to sit and speak to the children to say: "We will work this out, we will not be separating you." It was that confidence, sitting there around on a Sunday afternoon, having a cup of tea and a cake with the Independent Visitors Board, who these are the things, it says that they have a Children's Plan, that they have good contact with social workers, these are not things social workers should be doing. So it is something I have discussed, it is still in here, I know, and now more people are meeting. We have heard from the Constable of St. John, the Deputy of St. John, Deputy Mézec - they have met these people, they have changed probably since I was there, it is 4 years ago, but they are doing the same job and it is probably the same people, I just have not had contact as I would have done. Maybe this is it, and people have different focuses and the focus then was, yes, there was an Assistant Minister, myself, and the focus for me was Children's Services. When you only have one Assistant Minister you make it a different focus and then things maybe do not work the same. That should not happen again. I agree with Deputy Mézec, if we all have the will, and we will find the way, it will not happen again. So it is just those 2 things. Other than that, as I say, do not wait too long, I think everyone - even the new Director of Children's Services - knows where we should be going with fostering and we should also look at this fantastic body of people that perhaps lost their focus, the reporting lines were wrong, but please do not ever think bringing in independent inspections yearly or 6-monthly will replace these. They turn up, they can go there, they will have dinner with the children, it is about what the Deputy of St. John said, the rapport and the one-to-one trust - absolute trust. They may want to tell the person working in the home but they know they are working in the home. It might not be a massive, massive issue, it might be something quite small, but then they have this friend who comes in and sees them and that is how it works. To me, it was a surprise and it must be to the people who have been doing this job to see they are going. When I spoke to the Senator we did have this discussion, Senator Routier was the liaison and there was upset and there was anger, of course, and he knew that. When you read something that cold you want to say: "I have been giving all this time and I am doing what I can", and some of them obviously did want to walk away. So if we take a relook at that and maybe we need to build some bridges and

please see if there is a way to, as I say, you will speak to any charity or anybody who works with children who are vulnerable, a good stable person in their life that they can rely on, you can never have enough of. I will leave it there.

### **1.1.7 Deputy J.M. Maçon:**

As Members will know, I assisted the Chief Minister to put together the original report to respond to the Care Inquiry. Some of those discussions around the table were very positive and very helpful.

[11:30]

There are some other issues, which we did come across, which I just want to highlight for Members to consider. So, for example, Deputy Martin raised a very good point, when we were looking at the directors of Child Services, we have been told we were bringing in these high-flying people who are really going to change the system, are really going to improve the system; then 6 months later they were gone. Then we went to the Human Resources Department and we asked them: "Right, have you done an exit interview with these people so we can properly understand why that might be happening?" The response was that the Human Resources Department had not done that particular piece of work. So what I just want to put on the record is, behind this there are some other issues, some greater issues around the Human Resources Department of the States, how that is going to work and how that is going to be improved, which is not necessarily addressed within the report, but of course as an organisation all these matters are interlinked and of course within the report it does talk about what we are going to do to retain staff, to improve staff. But again sorting out our human resources function of course is important as well and that needs to be looked at. Again, there are other things within the report and we know that, for example, the issues around the corporate parent and how that is going to be tackled within the future is an interesting one. Again, discussing this model, it started to get a little bit difficult with individuals about saying: "Well, whose responsibility should it be?" It was not until a very good officer popped up and said: "Well you could look at the Scottish model", and the Scottish model has a very good way of informing how the corporate parent could be restructured, because, as you know, one of the recommendations from the Care Inquiry was talking about how all States Members were to become the corporate parent as part of our terms of office and, while appreciating that P.P.C. is working on that particular piece of work, I think all Members might find a difficulty in having a responsibility but then not having any powers to be able to do anything about it because obviously not having that type of powers within the law to be able to influence things. So again that is an issue, which P.P.C. will need to mull through, but there are models out there, which can be used and incorporated in order to change the system. How far we go of course will come back to the States Assembly for debate. I do want to say again, on the legacy issues, we did consider that and it was in the report. What was quite welcome was of course the way in which the Jersey Archive managed to accept the recommendation about how the information was going to be stored, some of it will be kept on the Island, but some of the more sensitive material is going to go off-Island and be kept there for 100 years and then returned to the Island. Again I think we should just thank the way that the Archive Service is working in order to facilitate that particular piece of work, which should be welcomed. The importance of today's debate is just to demonstrate that we as States Members have taken this £23 million report incredibly seriously; that we have not forgotten the victims or the children in our care and that we do still remember them, we do believe in the responsibilities that we have towards these individuals going forward, and how the public need to make election issues more important about what we do about the child in our care so it does not lose from the consciousness of this Assembly. There is a lot to be commended within this report and I would also like to thank the officer - you will know who he is - he worked with the group who worked tirelessly and incredibly hard, into the evenings and through the weekends, in order to prepare the response as quickly as possible. There was a lot of pressure to do that, so while there are some strategic matters, which went outside the scope of this particular review... so for example in the

report it talks about the issue of housing. Now of course we did not have the time to come up with a formula about how we could source that housing in order to address all the social issues that come with more housing, and that is the biggest strategic issue that we as the States Assembly need to do more work on. But within the scope of what could be touched on of course the recommendations are there to be considered and it is to be welcomed that key workers and how we are supporting them in order to do their work; that change coming forward is definitely an improvement, it is something to be welcomed going forward, and how we treat their families when they arrive on the Island. I will leave it there but I just wanted to put them on the record.

### **1.1.8 Deputy M. Tadier of St. Brelade:**

When I look back to the initial report and what we are trying to do in Jersey, I guess there are 2 ways to compartmentalise. The first is that we need to understand abuse, how it happened, and to try to mitigate against it ever happening again. Then there is what the Chief Minister spoke again, and what I particularly appreciated, is the talk of outcomes, and they can be seen as 2 separate things. So the first question that I would always ask, in looking at these recommendations and their implementation: is can we ensure that abuse never happens again or at the very least is minimised? The reason for that is, when abuse takes place in the care of the States in particular or to those to whom we maybe outsource care. That is clearly the most obvious and egregious breach of the duty of care that we have as a States and questions that need to be asked. Is it possible, for example, if somebody like Jimmy Savile were to come to Jersey today and ingratiate himself and visit different institutions, that that abuse would likely take place? I hope the answer is no and I obviously qualify that by saying we do not know what he got up to in Jersey but it is likely, of course, that those kind of individuals will carry on abusing if left unchecked. I think that ties-in with the point about what kind of culture we want to build. Let me just finish my other point before I move on. It is to do with outcomes, and irrespective of whether or not abuse continues, and we hope that we have certainly learnt lessons. It was indeed evidenced in the report that practices had changed even over the course of decades and are still being improved today. But depending on how we treat the vulnerable in our society, not just children but also their families, then you can still get a bad outcome. You do not need to have been in receipt of abuse during your time in care to end up with a bad outcome, I think is the message, and that is part of what the recommendations are also trying to deal with. So I was particularly pleased to see that the considerations in recommendation 4 about building a sustainable workforce and how we need to change our culture in Jersey, particularly with respect to people who are employed in the health and social services; social workers, *et cetera*, who are dealing with these very critical problems at the coal face are treated. I heard a story once in a social context and then later on during my Scrutiny work only on Monday. I apologise if anyone has heard this story already but when you hear 2 stories which are virtually the same, the first one you say: "Okay, yes, that is an anecdote which I think we all knew." But then I heard it from a senior member of the Civil Service. I will just use it by way of illustration; I hope it does not upset anyone but I hope people take it in the spirit of openness that we are talking about. The first one over the dinner table was somebody saying the first time they came to Jersey they were working in a teaching profession they were a key worker. The first interaction they had with Jersey's police system and the criminal justice - although it was not at that level - was when they got pulled over after about 3 or 4 months because they had a U.K. registration on their car. This person had said: "Well, look, I know the law." I am not sure what it is now but certainly at that time you were allowed to drive around with a foreign registration for 12 months. She had not been doing anything else wrong, she got stopped and asked to attend the Parish Hall Inquiry and got the date. She was a bit perplexed because first of all she had not committed any offence; it was not in the law that she needed to change the number plate. She got there and the system obviously worked quite well because they said: "Well, clearly with such a nice smile as you have you cannot have done anything wrong so you can go now." That was her first introduction to the Honorary Police system, to the "Jersey Way", if you like, and thinking: "Well, that is a bit weird"

especially that she should not have been there in the first place. So, a couple of days later I heard from this civil servant saying, in the context of the way we do things in the States, we need to change. We need to make sure that when we bring in our key workers they are valued. He used exactly the same example of a different person saying that you get these people who are driving around in their car and they are stopped. Then they are told that they have committed some kind of offence and they are treated perhaps abruptly. What kind of message does that send to someone who has perhaps been brought over to do this critical work that we cannot recruit people to do locally, maybe as a social worker? I think it was a social worker in this case. I would like to see all of those people treated in the same way that we would treat a 1(1)(e) when they come to the Island. We say: "You are valued" and I am not getting into the whole debate about the economic arguments of 1(1)(e)s but we know that there is a great recruitment process which says: "We want you in Jersey because we think you are great for the Island and in order to get you here we will do this, this and this for you." I am sure 1(1)(e)s do not get stopped driving around the Island: 2(1)(c)s - okay, the nomenclature seems to change almost on a monthly basis. I am still a 1(1)(k) man, I deal in shillings and pence and they deal in millions of shillings and pence, no doubt. They will not get stopped and they will have provisions put in place for them. I would like to see exactly the same for these key workers, these workers of critical importance.

**The Deputy Bailiff:**

Deputy, if you could pause I am afraid we have gone inquorate. We are still inquorate with 24. Could Members be invited, please, to come back into the Assembly?

**Deputy C.F. Labey of Grouville:**

Can we have the roll call, please, Sir?

**The Deputy Bailiff:**

I think Deputy Martin has called that. Right, we are now quorate again. Thank you, Deputy, if you would like to continue.

**Deputy M. Tadier:**

I will not take that personally. I think I have made that point and I do not think I need to labour it because I think the Chief Minister and other people are on board with that. But perhaps I can use this time to just emphasise a different point, now I am reminded by the inquorateness, is that we need to listen to inconvenient voices in our society. You can spend as much money as you like and put in all these principles but any system is only as good as its weakest link. I think it is important that in the past we have not necessarily listened to the inconvenient voices. We do not need to name them but we know that there are people out there who have campaigned, for example, on human rights grounds against the divisiveness of our housing regime, about our work regime. I think this is a critical test when it comes to how we apply recommendation 4, about building a sustainable workforce is that, okay, many of us in here want to limit the population in some meaningful way at the same time as getting the skills in that we need. It is a problem if we have a society in which certain people feel that they do not have the voice or they do not have the equivalent value of others in our society in order to be able to speak up. It is essentially the power structures that we need to look at and how one speaks the truth to those power structures, whether it be in a managerial sense or in the wider sense, when there are issues. The Chief Minister himself spoke about the fact that there had been a tendency to say, in the past, that these people come here to better themselves economically and if they do not like it - and please can we ban this expression - there is a boat in the morning. I do not want to hear that expression being used in its true sense, apart from perhaps by way of illustration as I am doing, because I think that is completely outrageous. The people who do come to work here, whether it is in our education service or in the health service, often, again, doing jobs that either the locals may not want to do or may not be qualified to do, they are not just coming

here to better themselves. They ultimately better the Island and we are much better for them being here. So we need to make sure that they are all valued. But similarly we need to make sure that people who work in each of the industries where some forms of abuse or safeguarding can occur, whether it be in hospitality, out in the fields or in the main industries that we have, all feel free that when they speak they will be believed. We hear this idea that children need to be believed when they speak and listened to. That is absolutely correct, that is always paramount. But we need to build the kind of society in which everybody can feel that they are listened to and when they raise concerns and issues they will be heard.

[11:45]

Not the kind of society, incidentally ... it is a slight tangent but I think it underlies the cultural change that needs to happen. I received an email today saying that the posters in one of the departments to do with the pay disputes and the ballot for Members, there are posters up saying: "Yes, please vote for the ballot" and the posters that say "no" are being taken down. This person has raised that, so clearly we do not have that kind of culture where differing views can necessarily be put forward; we need to change that kind of culture. There is a risk that we can focus on the bricks and mortar when it comes to the recommendation 8 of legacy issues. I do not want to undermine that recommendation in any way whatsoever but it is perhaps the least consequential of any of them. The important thing is that whatever happens to that site that it is done with the consent and the engagement of the abuse survivors and those who have a direct interest in that, of course in conjunction with those who are currently the tenants of the site. Fundamentally we need to look at how we remember and that we change our behaviour. I would like to see 3rd July every year being remembered somehow. We could rip down a building and that is fine, then ironically you might forget about it more because the building is no longer there, so we need to make sure there is something there. But why not have 3rd July as some kind of formal or informal children's day in the Island? Of course 3rd July was when the report was published. We have a Father's Day, we have a Mother's Day. Essentially, of course, they are commercial days, nonetheless we still remember the family and it could well be, and I would not have a problem with it, we have a Bank Holiday on that day which promotes children. But if that is not the desired way forward, and of course people say: "Why do we have a Bank Holiday today? Nowhere else has a Bank Holiday." We will say: "Well, that is the day when the Independent Care Inquiry came out." That is when we will remind children and civil society about the recommendations and what we promised we would change. But of course it does not have to be a Bank Holiday, it is not just about giving people an extra day off work but it could be marked in some particular way as we do with other events. We have these events where we lay wreaths for the Holocaust Memorial, just recently, and it remains a very poignant day even some 70 years after the end of the occupation. We have Slave Workers memorial and we have all sorts of other events. I think it is important that what we do have to do is remember and constantly challenge ourselves and our processes in the Island. It goes beyond just looking after children, of course we need to look after the vulnerable generally. I have said in the past that we are all potentially vulnerable. I have just been reminded of a post today, on Facebook, of somebody saying that there is an issue with drug addiction in the Island. There are some groups which we will instinctively tend to have sympathy for and with and there are other groups who it is perhaps more difficult to put ourselves in their shoes but we know that the whole of these issues are interlinked. So if we are not looking after a certain group because drug addicts, for whatever reason, often are self-medicating to deal with some kind of hidden hurt and it may well be that they themselves, including care leavers in the past, will themselves go on to have families. I have had a personal experience on several occasions where people want to access social housing, for example, and the default answer they are given is: "Sorry, you do not fit the criteria because you are in that bracket, you are 40, 35, whatever, you are a single male, often, and you do not qualify." But we know that they qualify because you can be referred by any of these agencies if you are accessing drug and alcohol, if you are accessing mental health or whatever, you



can be referred to them. So you have to go back and say: "Let me talk to them. Make sure you are referred by these people and then they will put you on the list because you can access that." But they are being buffered away. It is probably not the first interaction they have had but it always feels like they have to jump over hurdles. By all means it is great that we need to look at how key staff access social housing and affordable housing, *et cetera*, but we need to make sure that other groups can access it in a joined-up way. So I do not think there are any additional points I want to make. We have spoken about much of this in the past but I do think it is important that we remain open to changing our institutions and perhaps I will make that my last point. It is okay for us to stand up and say that we all agree and we are all behind and we are moving in the right direction but what seems to be perhaps the biggest stumbling block is that we, as a States, cannot bring forward the necessary reforms. I know in the near future the Chief Minister will be making exactly those arguments when he comes to talking about the restructuring of government to be able to deliver services in a joined-up way and I, for one, will be listening to those in an open-minded way. But we really need to make the difficult decisions in our structures, in our institutions, to make sure they are fully democratised because the whole thing links into, not just perception, but how the public can interact with our Assembly. If we have power structures there which cannot justify their authority - sorry if this is slightly scattergun - I would contextualise it by saying certain people in society are more likely to be believed than others, I think I have said that already. But also there are 2 types of people - going back to the abuse thing - that are most likely to be believed; it is those who consistently tell the truth and it is those who are very good liars and who can cover up their lies very well. Those 2 types of people are most likely to be believed. We need to make sure, therefore, because we know that the most insidious type of person, when it comes to perpetrating abuse, is the person who can ingratiate themselves into those positions of authority and power, act very slyly, irrespective of the fact that the majority of people working in these institutions are good people. That is one of the things that we, of course, always have to guard against. So when we hear cries for change, the reaction should not be of head shaking, of resistance, it should be saying what is the change for? What is the outcome that we are seeking to institute? Does it work and, if so, then we should be open to changing. Certainly when the same types of recommendations come back time and time again that say: "Look, you should change this, not just for theoretical and ideological reasons but because there are very good practical reasons why your institutions need to change." At some point we really have to bite the bullet and do things properly because ultimately the period of change that we might go through may be painful but ultimately we will be better off in the long run, not just as an Assembly and Government but as a community in general.

### **The Deputy Bailiff:**

Senator Ferguson, you have indicated you wish to speak but you are currently *en défaut*.

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

I am glad you saw me even if I was not here. It took a moment, did it not? At the moment we have an excellent atmosphere of all working together, as my colleagues on the Review Scrutiny Panel have already said, and we need to make sure that this will continue. Deputy Tadier has already talked about the sort of workings and the culture of the organisations in the Island. I think one of the underlying tenets that we have got to stick to is more openness and no non-disclosure clauses in the agreements that are signed when somebody ceases employment with the States. I know that in Wales they have already taken out non-disclosure clauses and said: "No, this is not a way to govern." I do wonder, if people are insisting on a non-disclosure clause, what are they frightened of. We have, as I have said, excellent front line staff and we need to encourage feedback from them. But we will need to have a careful review of H.R. and the procedures of H.R. and also the States Employment Board because if you stick your head above the parapet and make a criticism it gets chopped off and it is not good enough. I think part of it is the fact that we have this old-fashioned structure which is

like the army, you know, you have got about 7, 8, 9 layers between the front line and the top. That was all right in the army, you need that sort of structure but not if you are running a modern organisation. I think IBM run on about 4 levels of management and no doubt Microsoft run on even less. So we need to flatten the structure. I agree with Deputy Brée about the resources, this is a problem. We are having trouble apparently finding the resources for the student grants after 2019. We need to make sure that we have the resources to do the work that we should on the Children's Services and, again, Deputy Tadier mentioned a number of vulnerable people. Well, looking at all the grey-haired people round in the States, with respect, great respect, [Laughter] perhaps they would like to think about vulnerable old people. Thank you.

**The Deputy Bailiff:**

Thank you very much, Senator. [Laughter] I will try not to take that too personally.

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

We have listened this morning to people talking about various aspects of the Care Inquiry and the plans put in place to address the issues that the Care Inquiry raised. I am not going to repeat those because they have been spoken to before and I am going to come from a completely different angle. One of the reasons I came into the States 16 years ago was because through my work as a Centenier I became very aware that there were issues around Child Protection Services. It has been really difficult, in a sense, that 16 years has passed and I find myself in a position today having to say that I do not think anything really changed in that 16 years. The reason I say that is because last night there was an article in the *Jersey Evening Post*. I do not know how many of you saw the article but the headline of the article was: "Toddler should be taken from his mother courts decide." Thankfully, the court agreed that the toddler should be removed and is now subject to an adoption order. Lots of good work has happened in the time that the Care Inquiry report has been published, I cannot deny that; lots of very good work. There has been lots of money thrown at different aspects of that. I have not got a problem with that. My problem has always been, and continues to be, on the basis of that article, that mistakes are still being made. I am not talking about mistakes in States-run homes or institutions now because I think those have been addressed. I think all the safeguards are in place and I am confident about what is going to happen in the future; I am confident about that. What I am not confident about is the thresholds that are being applied to children who are in their own family homes and the risks that those children face on a daily basis. I am going to outline that; for me, this perfectly sums up my concerns around the Children's Service. This case involved a mother, who was known to the services, who fell pregnant at the age of 15; the father of the child was 17. They decided they were going to have the child, so they were known to the services.

[12:00]

An initial assessment was undertaken by the Children's Service which highlighted that the mother was an emotionally vulnerable and uncontained young person who had previously self-harmed and had accessed support from the C.A.M.H.S. (Child and Adolescent Mental Health Service). The father had a diagnosis of conditions and also had complex needs. The child was not yet born but was made the subject of a Child Protection Plan in May 2016. So the child was not yet born, the Children's Service has acknowledged that there are significant concerns around this individual. The concerns of the Minister related to the mental well-being of the mother and, to a lesser extent, the father, the parents' capacity to regulate and contain their emotions, domestic violence and conflict in the parents' relationship and the absence of suitable extended family support. On 24th November 2016 concerns were raised about the child's weight and the position of the child's neck by a health visitor. On 1st December 2016 the child was admitted into hospital where it was revealed that the baby had a urinary tract infection and an e-coli infection. One of the witnesses to the Royal Court judgment earlier said that she had never seen an e-coli infection in a child before, ever. So, there was plenty

of evidence there that there was neglect going on here. The child was diagnosed on 13th December with a condition - I am not going to try and say the medical name - basically with a stiff and tilted neck. Statistically, there is a 91.15 per cent chance of full recovery but the recovery rate in Jersey was 100 per cent. The window of opportunity for this condition was between 3 and 6 months old and this baby was within that window of opportunity. The child was diagnosed at 91 days old. On 20th February an interim care order was made by the court after an application was made by the Minister for Health and Social Services, and that basically happened because the parents had been instructed to carry out exercises for the baby, which they had to carry out between 5 and 7 times a day. Sadly, that did not happen and as a result of that not happening the baby now has a permanent disability. During the stay on the Robin Ward the parents failed to prioritise the child's needs, argued on the ward, and in his presence engaged in inappropriate behaviour including, allegedly, having sexual intercourse on the ward. That is only an allegation but that gives you some indication of what the parents were basically like. So the interim care order was made on 20th February and as I said before the Royal Court made a judgment that the child should be released for adoption. So, it comes back to my concern about what is happening within families. Now, the physiotherapist who was dealing with the child, just going to that section, raised concerns in her address to the court. Her notes read on 13th December that she saw the child with the mother, the maternal grandmother and the maternal great-grandmother and explained to them the importance of early treatment and the possible long-term consequences if the exercise regime was not adhered to. The parents were shown how to do the exercises repeatedly and agreed to perform them. The long-term effect of not doing the exercise was permanent distortion of the child's neck and face; treatable in later life by surgery which is only 45 per cent effective. Then it goes on to say all the other different physical disabilities as a result of not doing these exercises correctly. When attending the physiotherapy sessions there was arguing between the mother and father and inappropriate behaviour and the physiotherapist was concerned that the exercises were not being done. She expressed that concern to the social workers. She tried to encourage the maternal grandmother, who was in full-time work, to come in and see her but without success. She was told that the maternal grandmother would not come in as she had been told it was the mother's responsibility to do the exercises. As we all know, that did not happen. So, the question I am going to ask is: during that period when the physiotherapist was reporting to the social workers that she was concerned that the parents did not have the ability to carry out these exercises 5 to 7 times a day, what happened? What went wrong? How did we get into the situation where this helpless baby was left with a totally dysfunctional family resulting in being permanently disfigured? That is what concerns me so much about what is going on today. I mean are similar scenarios being repeated across the Island in other families that currently we do not know about? This is what concerns me most. I think we have dotted all the I's and crossed all the T's of a lot of the recommendations in the Care Inquiry report. But if we cannot address what is going on in the family home and at the correct time take the appropriate action to safeguard children we are going to carry on failing them. This is the thing that really bothers me the most. I do not know what the answer is. I have been told latterly that in the past maybe thresholds were set too high, that children remained in families that they should not have remained in, they should have been removed. We have all seen the outcome of that because some of us go along to the safeguarding reports and we hear the same old story time after time after time. I do not know whether there will be a safeguarding report into this particular case. Why was appropriate action not taken at the time when it presented itself? I do not know. So I just wanted to bring that to Members' attention because I think it sums up perfectly my fears about the service going forward. I do not profess to know what the answer is, I am not a professional, but it is something that has always concerned me. On the back of that the lack of social workers has got to be of massive concern to this Island. It really has; I cannot state that strongly enough. I do not know how many children we have got currently off-Island and I know some of those children require highly specialist care which they can only get in the U.K., but I know there must be children off-Island at the moment who would be here if the foster carers were available

but they are not. I attended 4 of 6 sessions provided by the Fostering Service just prior to Christmas. It was a very enlightening experience for me, it taught me a lot about some of the challenges that foster carers face. So it was very informative and I am so glad that I attended those sessions. I think one of the issues is about money because at the end of the day unless you are a couple and one half of the couple is prepared maybe to only work full-time, if they are taking teenagers, it is very difficult, with our high cost of living, the cost of mortgages and everything else, for somebody to give up work full-time to care for a child. In fact, it is nigh on impossible. On the course I was on there were 2 single women there and I did not ask them afterwards how were they going to manage financially. In fact, it turned out, towards the latter part of the course, that they were interested in taking teenagers. So basically if you take teenagers you do not have to be home during the day or you do not have to be there at 3.00 p.m. so you can work as well. But for the younger ones, in my opinion, the children who are coming from difficult backgrounds you need to be there 100 per cent for them. So it would be almost impossible to carry out full-time employment and be - in my eyes - an effective foster parent. That is a really big issue and I think the idea of professional foster parents has to be addressed and has to be addressed very quickly. Briefly, I will mention what I brought up yesterday. I spoke to a foster family who had provided funding for their foster child out of their own pocket; extra lessons because the child was behind. They funded it themselves and the child went on and did amazing things, which is great. I am speaking to the Minister for Education about that and I have been assured previously that funding will be found. I would like to see every single looked-after child undergoing an assessment when coming into care and a personalised education plan attached to that child and the funding being made available to get those children up to the level that they should be at. That is what I would really like to see; ultimately that would be my aim. I am not going to be here after May but I shall be watching quite closely, very closely, in fact, everything that is going on in this place. So, whoever the Minister for Health and Social Services may be and the Chief Minister, I am sure I will be in touch. Thank you for your time. **[Approbation]**

#### **1.1.11 Deputy R. Labey of St. Helier:**

I wonder if the Chief Minister could address a few specifics in his summing up. Can he give us confidence that there is, ongoing, a culture change because one cannot - and I have read the report from cover to cover, as many Members will have done - help but see from that the massive breakdown in appropriate culture in some of our services that led to not so historic disasters and tragedies. So, I have missed a memo, I think, but I heard something on the radio about - and I am not casting any aspersions here - staff that perhaps were subject to disciplinary action who are now all back in post. That is potentially an extremely positive thing but I think the public and this House would like to know and have confidence that a proper process is gone through. So far as he is able, would the Chief Minister perhaps expand on what the process has been and what the outcome of all that is and give us confidence that it is an appropriate outcome? We know that part of that breakdown in the culture was bullying and intimidation; can he give us confidence that a culture or a climate of bullying and intimidation from front line staff to clients; from management to staff; from us to the management because we have got a privileged position in this Assembly and we must be very careful with our words not to intimidate people. I do know that there are initiatives afoot and if the Chief Minister is able to expand on those in relation to the issue of the bullying and intimidation culture in our public services, I would invite him to do so. When one hears of high turnover of staff in various departments - the Social Services has just been alluded to by Deputy Hilton and we know of some instances in Education - that has got to set alarm bells ringing and it is usually a sign that there is a problem. Is that being identified and is that being addressed? I wonder if the Chief Minister could address us on that. Just finally, in a similar way to Deputy Tadier earlier, the bricks and mortar of the Haut de la Garenne building, whether it is listed or not, is really a very minor issue as regards the whole report. I would like to say that I think of course one understands exactly what the Constable

of St. Martin was saying but the greatest weight in the consultation has to be given to the views of those who have survived Haut de la Garenne.

[12:15]

It is perfectly possible that these people can be engaged with and maybe they can be persuaded that a more fitting memorial is for the building to remain and for great work to be done with young people in it, maybe that is a positive thing. But they have to be persuaded of that and I think in any consultation, no matter how many parishioners fill the Public Hall in St. Martin, what is very important is the views of the survivors of Haut de la Garenne are paramount in any consideration of whether the building stays or goes.

#### **1.1.12 Deputy L.M.C. Doublet of St. Saviour:**

I want to briefly echo what other Members have said about the Chief Minister and the Minister's approach to this. I think that dignified leadership is being shown and I do appreciate the approach that has been taken. Also the Scrutiny Panel, the comments were really useful. I had a question for the chairman of the panel. We trialled having the hearings filmed, the Education and Home Affairs Scrutiny Panel trialled that approach, I think we did one and it was quite successful. It was not taken forward. I cannot recall why it was not taken forward but I think that these hearings are of such importance that they should be filmed and they should be made available on the States Assembly website for those perhaps with families who cannot attend or for those victims who perhaps do not want to go in person but would like to watch after the fact. I just briefly want to touch on some of the recommendations. The Commissioner for Children, I am looking forward to meeting her next week to discuss the implementation of P.63, the U.N.C.R.C., incorporating that into our legislation. I believe she has just sent a press release outlining some of the work she has been doing. I did have a question also for the Attorney General. Now, when I drafted the proposition I was advised that perhaps it was slightly the wrong way around and that we should be incorporating the U.N.C.R.C. fully first and then we should be putting on our legislation whether or not we are complying with it; but we have extended the Convention to Jersey, we do take heed of it at the moment. I was also given advice that there was not really any reason why we cannot have that consideration on our legislation coming through of whether it does comply with the convention and, as part of the proposition, we voted to have that on our legislation. The Scrutiny Panel also pointed out that that has not been taking place yet so I was wondering why and when we will start seeing that on new legislation coming to the Assembly because the first lesson learned here in the report was that the welfare of children trumps all other considerations. So, even if workload and staff capacity is an issue I think that this has to come first. I want to briefly touch on giving children a voice. I think the Minister for Education is managing something within the schools and I wanted to just emphasise again that it is not just going to be older children; younger children have a voice too and I hope that we can give them full access to this process as well. I would really like to know some further details either from the Minister today or separately. The Brighter Futures charity, the Deputy of St. John mentioned, and I echo everything she said about that charity, they do some fantastic work, really fantastic. They have a conference next Thursday, I think, and I would urge Members to go along to that conference. I think it is called "Just about managing" and it is about the effects of poverty on children. I am going to attend that conference and I urge Members to attend that as well so we can further some of these discussions and learn about the work that they do and how we can help that charity. Another charity doing work in this area is the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) and at my request the Chief Minister approved some funding for a new campaign from the N.S.P.C.C. to help families talk to children about how to prevent abuse. I am really pleased to say that all the agencies involved have approved that campaign and the N.S.P.C.C. are working really hard to bring that to Jersey. We are very lucky to have N.S.P.C.C. Jersey; I have just started to learn about the work that they do and they do some phenomenal work.

I think they are going to be doing some really important work in the Islands and, again, I hope that States Members can fully support that charity. I did have a question about the Children's Rights Officer; concerns were raised in the Scrutiny comments. I would like the Chief Minister to comment on, or perhaps the Minister for Education might know more about this, how will this officer co-ordinate with the work that is already taking place around the Island with the Rights Respecting Schools initiative, which is based upon the U.N.C.R.C.? I would not like to see that pushed to the side, I would hope that there could be some co-ordination there; also the Children's Plan. Now, the one that came in 2011, that there was not enough funding and support behind, can we take the work that was done with that and feed it in so it is not wasted? Because I had a look back at that, the 2011 document, and it is very good. There is a lot of work in there that would feed in so let us not waste that, and hopefully that is being fed into what we are doing now. I just want to ask about consultations. I have raised this before. I think I raised it with the hospital sites issue and the Minister took up some of my suggestions to go to slightly different places to consult with the public and make an effort to go to them rather than just providing a survey for them to fill in, which people do not always have time to do but to go to where the public are. I think the Minister sent his staff to car boot sales and things. Can we please make sure that we are taking that approach when we are consulting around this, that we are going to the ordinary people and thinking about where they are going to be and how we can fit in and make it easy for them rather than just expecting people to spend time filling in online surveys? Okay, sustainable workforce: that has been touched upon by other Members and I want to echo that we must start thinking about the well-being of our staff; teachers, carers, *et cetera*, social workers. What I am hearing is that morale is at rock bottom at the moment among States of Jersey workers. I think we need to address that and start listening to the employees and taking their concerns more seriously. Things like allegations of bullying and mismanagement of complaints, we have to start thinking about those things, thinking about how that is impacting on the well-being of the children because the well-being of the staff does have a direct impact on the well-being of the children. Staff members who are feeling the effects of stress and overburdened by excessive workload and, to use the Director of Education's phrase, experiencing robust management procedures, for whatever reasons, we cannot dismiss the concerns and the worries of the staff because it is impacting on the children. I would like the Chief Minister to address that issue, please, when he speaks because I think it is time to start taking that seriously. Deputy Hilton spoke about foster carers and I was going to say some of the things that she said; I really agree we need to professionalise that role. I looked at some of the scales for how much foster carers are paid. I do not know if you touched on that in your speech but if you have 3 children it is £200 a week. Now, I can imagine the foster carers that are doing this, they are doing it out of the goodness of their hearts and I think we are taking advantage of that goodwill at the moment. The people who are giving their lives and giving their time to look after children, we should be paying them a fair wage. We should be giving them respect and support, helping them with qualifications. The outcomes, I think, from foster care at the moment are good and we have excellent foster carers but just imagine what we could do for those children if we had the absolute gold standard in support for our foster carers. I would like the Chief Minister to address that as well. I think I will leave it there. My thanks, again, to the Ministers and the Scrutiny Panel, I think this is an example of where States Members are working together in a consensus way and that is a model that we should use going forward because it seems to me very constructive.

**The Deputy Bailiff:**

Deputy, could I just ask, do you have a question for the Attorney General? You mentioned that in your speech.

**Deputy L.M.C. Doublet:**

Yes. I wanted to know about the proposition that was passed about the U.N.C.R.C. One section of that was to have a statement on any new legislation coming to the Assembly and the statement should

say whether the U.N.C.R.C. has been considered to be compatible with the new legislation and detail as to why it is or is not. The advice that I had was that we did not need to wait until we had incorporated the U.N.C.R.C. into our domestic legislation, that we could take this step before we had fully done the other step.

**The Deputy Bailiff:**

So is that the question for the learned Attorney: do we need to incorporate before we can have a statement of that nature?

**Deputy L.M.C. Doublet:**

Well, if he wants to reiterate the advice I was given about that. I was advised that we did not need to but I would like to know why it has not been done yet and when it will begin.

**The Deputy Bailiff:**

Are you able to assist, Mr. Attorney General?

**Mr. R.J. MacRae, H.M. Attorney General:**

Yes, that is right. There is no need to wait for the incorporation or otherwise of the convention into domestic law, if that is the wish of the States, for there to be an equivalent to a child welfare impact statement, or similar, in relation to legislation. I understand that is still being looked into. I may be able to give a further update later on today but I do not have that to my hands at the moment. The position is there is no difficulty of principle with such a declaration being made and the matter, as I understand, is still being looked at at the moment.

**The Deputy Bailiff:**

Thank you.

**Deputy L.M.C. Doublet:**

Could I respond?

**The Deputy Bailiff:**

Yes.

**Deputy L.M.C. Doublet:**

Would the Attorney General copy in all States Members to that response about how it is being looked into and when it will be in place, please?

**The Attorney General:**

Yes.

**1.1.13 The Connétable of St. Martin:**

I am not sure if there were going to be other Members first but I thank you for the chance to speak again. I know the debate so far has been very important about the future of children's care on the Island. If I can just speak, at this point, a little bit on the past. In honour of the Sisters of la Sainte-Famille d'Amiens in the Sacré Coeur Orphanage for the unconditional love, kindness and service to generations of children in need between 1901 and 1996. *Quoi que tu fasses en mon nom pour ces petits, fais pour moi.* Whatever you do in my name for these little ones do for me. Why I have started like this: these are not my words, these are the words that can be found on a plaque in Rouge Bouillon leading up to the Sacré Coeur Orphanage, the final sentence from Matthew chapter 25 verse 40. May I ask Members, next time they walk along Rouge Bouillon, to look at this little reminder on a little plaque on the wall, where the building site is now for homes, to the care given to many children over

such a long period; 95 years of devotion to children dating back to a period when Queen Victoria was on the throne. Did the Sisters themselves place this dedication plaque on the entrance to the former orphanage to let the Island know what they did? No, the plaque was funded by one of the children, now a man of my age who lives in America, who I had not spoken to since 1966 when I left school and who was beside himself when he read the media reports of the allegations made to the Care Inquiry from some of those who had resided at the Sacré Coeur Orphanage as children. He was beside himself, and why? Because he had been a child at the orphanage and had had absolutely no recollections of happenings reported to the Independent Care Inquiry. He is not alone, of course, there are others too who just cannot believe some of the reports received relating to the same home, the orphanage that they lived in as children. I will try to keep my words to the Assembly focused and I hope I am allowed a little licence for my comments because they are not fully related to the issue under discussion other than I think they are related to recommendation 8, and I will come back to that as I close my comments. Members will be aware that I have spoken on the Care Inquiry on a number of times. I can remember suggesting to the Chief Minister that the Care Inquiry might cost £10 million before it started, then supporting the continuation when funds were becoming short, then immediately accepting to go on the Chief Minister's Advisory Panel. I do not want to go off on a tangent today but I am just looking at recommendation 8 again. As I have said before in this Assembly, I lived, not as an orphan, but in accommodation in the Sacré Coeur Orphanage complex from the age of one until I married and when I left home. We were very happy. We did not have a bathroom, we had a gas boiler, heated water which was scooped into a bath in the kitchen where we bathed as children. We were happy, that was not abuse. As a child I played with the children from the Sacré Coeur Orphanage every day when I was young.

[12:30]

I played with the boys, we played football, cricket, marbles, anything that young boys would do and the boys were supervised by 2 nuns. Is that abuse? Around the corner in a different part of the orphanage the girls played. They were separated, that is how it was, playing in a different area. They were supervised too by 2 different nuns, and around the corner inside a room there was the nursery, the babies and the little toddlers with Sisters looking after them. If it was today they would all have TVs and iPads and mobile phones but that was the 1950s and 1960s, things were different. While accepting I did not sleep at the orphanage itself, never once did I hear any one of those children claim the things that have happened. Some of the recollections I have read did not take place. Some of those that have been reported did not take place and an example was the plough, I have mentioned it before. Children were not pulling a plough in the field at the orphanage. It was a harrow and I pulled it as well with those children. The plough came in with a tractor. While, as I say, that is not under discussion today, I hope it gives you some background and knowledge of the Sacré Coeur. I am not alone with my knowledge of the place, my grandfather and my grandmother were orphans at the orphanage and he went away to the First World War and came back and returned as a chauffeur, for the priest, and then head gardener. He was still working and going up to the orphanage every day when he was 90, the day he died. My father worked at the Summerland Factory which made knitwear. The children were making the knitwear when they left school, that was their job. The Independent Care Inquiry thought fit to hold the inquiry in the manner they did. I do not wish to criticise the panel in this debate, it is an in committee debate this is all we are doing today. They listened to the evidence and reported what was reported to them during the course of the inquiry. They did what was asked of them and indeed they identified in the report that maybe more support should have been given to the nuns at the Sacré Coeur. I would also like to say that I am not saying those that made some of the allegations against the nuns were making up those stories. I cannot change anything that they said if those things happened to them or if they believe those things happened to them. It is over a period of 40, 50, 60 years; things may have become somewhat exaggerated or confused. Only they know what happened to them and that is not the reason I am



speaking on the debate. So why am I speaking? Because today is the day when at least someone can try to put another side to the contribution that the nuns of the Sacré Coeur Orphanage gave to children when they most needed it and for over 90 years. Did this Island not see what they did for young children? Not all orphans; some with parents that had to work on the farms, and they used it as a day nursery. That it has been a former child of the orphanage who has paid and sent from America the only recognition that there is regarding the work undertaken by those nuns. Have we, as a Government, ill-served those nuns, those Sisters of their order, who have not been able to respond to the allegations? Are they now not victims too? That is where the recommendation 8, I believe, comes in. Later today Members will find in their pigeonholes an affidavit from the last remaining nun. She wrote it in France before she died with her answers to the allegations made against those Sisters. That Sister died in November 2017. My request and plea to the Chief Minister today is that he consider writing to the Mother Order in d'Amien acknowledging that this Government of Jersey may have been able to do more to assist them, to thank them for what they did over 95 years for vulnerable children on this Island, to thank them formally. Were all those nuns cruel? Was the whole orphanage awful for people? Were the nuns conspiring against young people, against children? Of course they were not. They were not operating a commercial business enterprise or business, they gave away more than they received. They provided service continually for 50, 60, 70 children at a time. People would give them lino and carpet remnants that would be fitted into rooms, that is what they had. The children would go to church every Sunday and march down to church and be marched back, boys and girls side by side. Their headmaster, every morning at 7.00 a.m., at the orphanage chapel but they were always smartly dressed. Yes, the Sisters did go out with the children to collect food from people but so did the Sisters from the Little Sisters of the Poor, that was how it was. Yes, they worked in the gardens and they worked in the factory making garments and today we call that vocational training. Who has questioned the nuns, the Sisters about the allegations made against them? No one. The last very elderly Sister, as I said, died just 2 months ago; the last remaining Sister, they are all gone. The Mother General and the Order in France and the Sisters of the Order are now dismayed at the allegations that have been made against those Sisters that gave their entire lives, not only showing kindness to generations of children but bringing them up outside the normal family environment that we probably expect and are trying to achieve, to every child they assisted. It is easy to make allegations against somebody; I know only too well how unfounded and untrue allegations can hurt and harm a person. However, I still have that ability to rebut the allegations and prove they are untrue and to explain why things happened or why they have to happen. So I would like to thank the Chief Minister then for taking time out of his busy diary, just 3 weeks ago, when he met with a lady who had, like me, but even more so, spent her entire life working, playing, helping, supporting the Sisters at the orphanage until it closed in 1996 and even then, continued to assist the Sisters that remained on the Island until their deaths. The Chief Minister was able to hear from someone else, not just me, some of the stories of the love and care and kindness the Sisters of Sacré Coeur gave and many examples of events that remained in the memory of that lady for over 50 years. One of a whole family of children arriving at the orphanage, being brought up there for the first time and the Sister, who was a Guernsey girl, a nun, she was later to become the Mother Superior, kneeling down and opening her arms to welcome those children to their new home, opening arms, like the statue of the Sacred Heart - the Sacré Coeur - that stands to this day above the building welcoming those entries. In concluding, the order has not asked me to speak on their behalf, but I am fortunate enough to be in a position to be able to do so today. I remind Members of my opening words from the plaque from that former resident of the Sacré Coeur, not from the Sisters, not from me, not from government: "In honour of the Sisters of La Sainte-Famille d'Amiens and the Sacré Coeur Orphanage for their unconditional love, kindness and service to generations of children in need between 1901 and 1996. Whatever you do in my name for these little ones, you do for me." Thank you.

**[Approbation]**

**1.1.14 Connétable S.A. Le Sueur-Rennard of St. Saviour:**

It is just a kind of follow-on as to what the Constable of St. Martin has said. During the Occupation, the Sacré Coeur used to come to the farm and there were 2 lorry-loads full of children who would glean and take the corn back to the orphanage and get it organised. They kept my family in biscuits during the Occupation and *la cuisinière* always used to have biscuits ready for my mum and dad when they went. They came to us on a regular basis, and even when I was older, after the war, they still came, and I do not remember any one of them ever saying anything unkind about the orphanage. They did not like the regime sometimes, but then people do not like to be told what to do, and it is the same in any generation. Even now as grown-ups, people do not like to be told what to do. Going back to the Haut de la Garenne, I have had a lot of people who have contacted me and said: "We were happy there, that was our only home." So although a lot of people want to have it demolished, it was a happy home to a lot of people. I used to belong to the Girls' Life Brigade in St. Martin, it is a Methodist organisation, and we had a lot of young people from Haut de la Garenne there and I do not remember any of them ever saying anything unkind of how they were being treated. So I think there are 2 sides to every coin, that someone's cup is half empty and someone's cup is half full, but there were good things at Haut de la Garenne. As I said, it was home to many, many and that was the only home they had known. I was disappointed that the independent visitors are going to be stopped. I think that is a very, very bad thing. I think children like to talk to a grown-up and somebody that they trust and somebody who, according to them, is not in the circle, and I think that is a very, very sad thing. Going back to the funding, I have a youth club at Grand Vaux in my Parish and the Parish supports them with a large donation. St. Martin, I know, do give a large donation to the Maufant Youth Club because we used to split it between us. Now they look after Maufant to a certain degree and we look after Grand Vaux. There is an under-funding of youth in this Island, sadly. I know that when we give them a bit more money, they always get excited and say: "Oh, good, we can get another social worker, or we can get somebody half-time." Talking about social workers, we are not the only place in this grand scheme of things that cannot find social workers. They cannot find social workers in the United Kingdom. Although we do not have, people do not seem to think, adequate housing and something to go towards that, we are sadly not the only ones who cannot find social workers. It is not only because of housing, it is because of the stress that goes with the position and I think that also has to be a thing. There are a lot of things. This Island is not quite as bad as we are being made out to be. We have had faults, but there are faults in Rotherham, there are faults in different parts of the United Kingdom. We are addressing our problems. We are addressing them in public where a lot of other places in the United Kingdom are not addressing them in public. They are either not addressing them at all or they are sweeping them under the door. We are not the only place that has had problems, but from what I can see we are the only place that seems to be addressing them in public. But I think people need to remember that the cup is half-full and not half-empty. This place is not quite as bad as we are being made out to be. The Sacré Coeur was a wonderful place. They kept my family alive during the Occupation and we kept a lot of their children going as well with the gleaning. If you wonder what gleaning is, it is when you cut the corn, or you cut the straw, everything that is left on the ground after the straw has been baled was picked up and all the heads of the corn were crushed to make flour and they made subsequently biscuits for my family. So, as I say, Haut de la Garenne did have some bad things. A lot of homes over here have bad... we do not demolish everything. But one must remember that Haut de la Garenne was also a wonderful home to a lot of children for all their lifetime. That was the only home they have ever known. Deputy Labey from St. Helier, he is going to say that people need to think about what happens to it and it is the people who are in that home that need to think. I think the people who were also very happy there, they need to be thought about as well. That is it, I think. Brighter futures. In fact, when we are looking at these places a lot of the Parishes support; they are given donations by the Parish. We supply Brighter Futures, because it is just down St. Saviour's Hill. But we look after Brighter Futures and I know a lot of Parishes do. You might knock the Parish system, but the Parishes do come up

and support a lot - a lot - of charities and look after the people. So you need to think, as I say, half full and not half empty.

## **LUNCHEON ADJOURNMENT PROPOSED**

**Senator P.F. Routier:**

May I test the mood and propose the adjournment?

**The Deputy Bailiff:**

Well we have the rest of the afternoon set aside for this, so the adjournment is proposed. Yes?

**Senator I.J. Gorst:**

Before we do, could I just ask, I see the chairman is not here, but maybe the vice-chairman of P.P.C. It may be that we carry on all afternoon. I think that is absolutely appropriate considering the subject matter, but it may be that we do not. I wonder if P.P.C. could give consideration to whether we start the next piece of business or we just adjourn for the day once this debate is completed and come back and start the next debate at 9.30 a.m. in the morning.

**The Deputy Bailiff:**

That is a matter that presumably can be dealt with after lunch, Chief Minister.

**Senator I.J. Gorst:**

It can, but I just wanted to ask P.P.C. just to give it consideration to advise the Assembly when we return.

**The Deputy Bailiff:**

Well I wonder if it would assist if Members are intending to speak either for the first time or again, if they could indicate now. I will not write it down and hold you to the list; just so that we can get an idea that people will speak.

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

It is good to see other Members are planning on speaking because I do intend speaking.

[12:45]

I am going to go on about a number of things for a bit of time. At 2.30 p.m. I have to leave the Chamber and go to Morier House for a meeting with the Viscount and a Jurat over a pressing matter and I may be out of the Assembly for half an hour, but I do not want to miss my opportunity to speak and raise some of the issues I have. The last time we had a debate, I was cut off by an early motion.

**The Deputy Bailiff:**

Well, Deputy, we have at least 6 Members indicating to speak, and I cannot believe that that will be done within a half-an-hour period or for three-quarters of an hour, so I do not think there is any difficulty with that. Members will have heard you and they will know that you wish to speak. But the fact is that if we run out of time, other than the Assembly agreeing to adjourn until you get back, we have to push on with the business. If the time comes for the Chief Minister to speak, well then that has to happen, but it does not seem likely.

**Deputy M.R. Higgins:**

Yes. Well just in case, could I ask some Member to filibuster until I get back? **[Laughter]**

**The Deputy Bailiff:**

Well, I am sure that it is not a legitimate question, but you have asked it. Chief Minister, you have raised the question of proceeding with business straight after the conclusion of this debate. Presumably that is a matter that can be dealt with once consideration is given?

**Senator I.J. Gorst:**

No, I wanted P.P.C. to consider it so that the Assembly and those interested Members of the public had some advance warning.

**The Deputy Bailiff:**

Very well, thank you very much.

**Deputy J.A.N. Le Fondré of St. Lawrence:**

If the Chief Minister is alluding to the P.91 debate, can I just make the point that the Assembly has previously decided to start that at 9.30 a.m. tomorrow.

**The Deputy Bailiff:**

Yes.

**Deputy J.A.N. Le Fondré:**

I am assuming that members of the public are very interested in the debate and probably would be wanting it to start on ... I suspect there will be some people wanting to make their views known. Therefore, to me it would be not a good move to suddenly change and decide to start at 4.00 p.m. this afternoon or something.

**The Deputy Bailiff:**

Well, I understand, but that is a matter for the Assembly. The Assembly has resolved to start at 9.30 a.m., but the Chief Minister is merely asking whether the Assembly wishes to consider, having heard from P.P.C., whether a different view is taken. You can make that argument then, Deputy.

**Senator I.J. Gorst:**

The point I was making was exactly that point, that we do not want to find ourselves at 3.00 p.m. having to make that decision. We want P.P.C. to give it due consideration over lunchtime so we can ensure that an appropriate decision is made after lunch.

**The Deputy Bailiff:**

Yes. The Assembly after lunch will have to decide whether to stay with the arrangements as they presently exist, which is to start at 9.30 a.m. in the morning or to change that, and that is a matter for the Assembly. You can make your argument, whether or not it is a good idea, at that point, Deputy.

**Deputy J.A.N. Le Fondré:**

Thank you. That will be at 2.15 p.m., will it?

**The Deputy Bailiff:**

It would be at 2.15 p.m., but before we adjourn just a notification of a lodged proposition. The Draft Stamp Duties and Fees (Amendment) (Jersey) Law has been lodged by the Minister for Treasury and Resources. Very well, the States stands adjourned until 2.15 p.m.

[12:48]

**LUNCHEON ADJOURNMENT**

[14:18]

**The Greffier of the States (in the Chair):**

We return to the in committee debate on the response to the report of the Care Inquiry. I was hoping to find a list of Members who put their lights on.

**Deputy J.A.N. Le Fondré:**

Sorry, I apologise, just before we start, we were meant to confirm that we were starting at 9.30 a.m. tomorrow morning for the marriage debate and that was set for 2.15 p.m.

**The Greffier of the States (in the Chair):**

Well, we definitely start at 9.30 a.m. tomorrow morning. **[Laughter]** I cannot confirm anything because it is all in the hands of the Assembly. We are in the middle of a different debate. When that debate finishes ...

**Deputy J.A.N. Le Fondré:**

No, the point that we agreed before lunch was that we would agree at 2.15 p.m. the timing for the rest of the day as to whether at the end of this debate we agree to adjourn and start P.91 at 9.30 a.m. tomorrow morning or whether we go straight into P.91 immediately after this debate if we were to finish at, say, 4.00 p.m.

**The Greffier of the States (in the Chair):**

Well I have thought about it and I think we are going to carry on with this debate because it is not clear what time this debate will finish. I think once it is clearer what time the debate will finish the Assembly will be able to make an informed decision about whether it wishes to carry on with the next item of business or whether it wishes to stick to the original plan. I cannot see how an informed decision can be taken when there are several Members still wishing to speak in this debate and it is not clear how long that will take.

**Deputy J.A.N. Le Fondré:**

Can I make a proposal?

**The Greffier of the States (in the Chair):**

It depends on the nature of it, Deputy.

**Deputy J.A.N. Le Fondré:**

Well the proposal was ... **[Laughter]** well, sorry, my understanding was from the Chair before lunch was that at 2.15 p.m. we would agree what time we were finishing and what the situation was. The idea was to give members of the public an idea as to what was happening on that particular debate, as I have understood it. Therefore, can I propose that P.91 starts at 9.30 a.m. tomorrow morning and we agree that now?

**The Greffier of the States (in the Chair):**

Well that has already been agreed. That is the established position of the Assembly. So there is no need to agree it again, it has already been agreed. So if someone wants to propose something different they can do, but I think it is not possible to frame a sensible question about when to start the debate today because we do not know when this debate is going to finish. So, the established position that was agreed at the last sitting was that 9.30 a.m. tomorrow the Marriage Law debate will begin. For all I know, this debate may finish in 40 minutes in which case Members at that point might want to take a different position. That is the point I was trying to make. If this debate, however, goes on until 4.00 p.m. or 5.00 p.m., Members might not want to proceed with the Marriage Law, and that is why I do not think it is sensible at this point to reach what is effectively a hypothetical decision. Senator Green.

**1.1.15 Senator A.K.F. Green:**

I am not going to repeat a lot of what other people have said. I find for the very first time that we are completely aligned in many of our aims, but particularly the aim to improve services for all children, not just looked-after children but all children in the Island, including their well-being and safety. But I do want to talk about a couple of things. There have been a lot of comments about retention of staff and it has been a problem, there is no denying that. But the retention of staff is something that we have taken on board and we are taking it seriously. I think it was the Constable of St. Saviour who said we are not the only ones; it does not make it right, we have got to do something different. The changes in the Orders and the Regulations around spouses and children being able to work in the Island and the work that the Minister for Housing is doing on key workers will all help. We also need to ensure that we train our own staff, that we do not rely on importing people all of the time. I am pleased to say, I have said it before, that working with Probation - and that is because they have done this work before in training their probation officers and working with Education, Highlands College - that from October we will be offering a social work degree and training our own people locally. **[Approbation]** But that does not mean we will not depend on people coming in from the U.K. In fact, I would argue that people coming in from other jurisdictions, not just the U.K., bring a wealth of experience and a different way sometimes of doing things, so that is important. I do not want this to be a defensive session, but I did want to just pick up on one comment about the - I think it was Deputy Maçon - stability of directors. I think it was a little unfair because the Director of Children's Services that the Minister before me appointed was an outstanding member of staff, but she clearly came on the understanding that she would work hard, do what she could for us and leave after a year. Then there were some difficulties in appointing a new director, but we have had one now in post for over a year and again she is making big differences. With that and the Director of Social Services, things are definitely moving in the right direction, but we must not be complacent because complacency is what resulted in the problems of the past. Greater stability, greater training, greater improved conditions to attract staff, I believe that we are on the right track, we have got a lot to do. I do want also to talk about foster carers because I cannot remember, I think it was Deputy Hilton that raised the question of professional foster carers, and I absolutely agree that that is the route we have to go down. I have already commissioned a complete review of foster caring, both to look at how we support the current ones, and I particularly want to see how we would introduce the role of the professional foster carer. I do that for 2 reasons: one, I think it is the right thing to do. I think other Members have said that it is about valuing the staff because they have one of the most important jobs in Jersey looking after our vulnerable and developing children. But also, I would like to see it as a direct alternative with the appropriately-trained foster carers. If unfortunately the court needs to remand someone to custody, I would like to see the remand being to the home of a professional foster carer, rather than in custody. That is a personal belief that that is the better way to treat young offenders. Of course, if we can prevent that from happening in the first place by putting the right support in at the right time, that is even better. But if we do need to intervene, I think it is much better to be in the folds of a loving family, albeit with some fairly strict rules, than being in custody. The Voice of the Child was another thing, but I will come back to that in a moment. I want to talk about the problem we have with working in silos in the past and we still have got a lot of work to do with that. It starts from the top that Ministers work together, that the chief officers all work together, but I have to say that I have been very impressed with the work that the officers have done in developing the Jersey development model. This is a model that has agreed processes, assessments and plans that always starts and ends with the child's needs and sets very clear outcomes. Not boxes to be ticked, outcomes for that child, moving away from the plethora of paperwork where each service has its own assessment in its own file in its own environment, where there is one agreed assessment plan for all the services in one place for that child. That is well on the way. The training has started and, in the spirit of openness, after today I was thinking, maybe we should have a care leaver there as well. But in the spirit of openness, the group consists not only of officers, but for the first time a parent who has used the services. In listening today, I am beginning to wonder if we should not have

a care leaver there as well. So that is ongoing work. I would also like to talk about the Voice of the Child. We are making progress in this regard and I do take on board that children sometimes have great difficulty in talking to people in authority and that is where the independent visitors and others have a role. But we also know that children like to use modern technology. I have got a fair amount around me today, modern technology. We have purchased recently an app which will allow the young people to make comments with regard to their care or suggestions to improving their care. We know they like to use smartphones, we know they like to use tablets, and they would be able to tell us what is important to them via their mobiles if they choose to do so, because none of that replaces the face to face of independent people. I think we need to learn to listen to their friends as well because one of the things that came across to me in the Care Report is, I have articulated this as saying, I would argue that people were hearing but they were not listening and that we need to not only hear, we need to listen, and people need to note their value. Because it seems to me that most of the complaints often do not come from the child that has been wronged or feels that things could be better for them, they tell a friend. So their friends have to be encouraged to be able to safely make representation on behalf of the staff. I particularly like the comment that the chairman of the review panel made because I agree with him. If we get this right, keep working together, driving forward, striving for the best outcomes for our children, what we will achieve is that Jersey is the best place; the best place in the world for children to grow up and have services of which we can be rightly proud. To me, there is no greater tribute to those people that were abused in the past, that we do that for our young children in their name. Thank you.

#### **1.1.16 Deputy A.E. Pryke of Trinity:**

I think this is a good debate. The speeches that we have had so far have all been very positive, very measured and right. Because at the end of it we have all got the same common aim, is that children do matter, that they are entitled to be safe, secure, in good housing, have good education, I think but above all they need to be loved. We know that this Island over the last couple of years and more undertook this Care Inquiry, honest and often harrowing to listen and understand what the survivors went through.

[14:30]

I think today we still need to thank them for being open, honest and strong. **[Approbation]** Strong to tell their story, but also strong to want the best for children today and into the future and that is going to be their legacy. All the actions and recommendations that have come from the Care Inquiry will go a long way to ensuring that change will happen in caring for children, as I said, not only for the children in the next couple of months or so, but years ahead and ensure really that real change will happen and, importantly, is sustained going forward in years. It is a result also of working as a government, all areas, all agencies, all really working together to change our culture to ensure that children are put at the heart of it all and that they importantly come first. I thank the review panel for their very thorough report, being very measured, being very honest and being very much part of this debate. I would just like to make a couple of comments, if I may. Regarding key workers' housing, in response, officer meetings have taken place to consider the transfer of appropriate Health and Social Services and Jersey Property Holdings residential units to Andium and that will probably happen within the next couple of months. The intention is for Andium to provide and allocate key worker housing from 2019 onwards. The policy to develop a comprehensive policy towards key workers will happen. There are a number of short-term measures that are being implemented to assist with the recruitment of key workers, and I think a couple that the Chief Minister mentioned this morning, and of a new exemption under the Control of Housing and Work Law, the cohabiting partners of nurses, midwives and social workers to be granted exempt status for employment purposes only. This came in force this month. Also to raise the age of children exempt for work purposes from 16 to 18, and that will happen in March hopefully. Another couple of issues: I was

sorry to hear that the Independent Board of Visitors felt that they have not been included. Having set them up back in 2010, 2011 at that time as a response to the Williamson Report, the number of potential visitors that came forward was amazing. I think we, at the time, only perhaps expected 7, 8, 9, 10 people to show an interest. I can tell you that the Department of Education's main room was full of people who were interested in being part of that board. Their dedication and commitment was very poignant at that time. Over the years they have done a good job. They have been there listening to the voice of the child, but not only just listening, putting action in place, action in place when they spoke to me then as Minister and Deputy Martin, as Assistant Minister, saying: "Come on, you need to go and speak to them, the young people in the care homes." So their input has been invaluable, and I hope that there will be a role for them in the future. Another couple of points, and a lot has been mentioned about Haut de la Garenne. As a previous trustee of Haut de la Garenne, I am left in a difficult position because I was appointed by this Assembly back - for those who were here - in 1999 as a body then to come up with thoughts on what to do with the building. That is when, after I think Bergerac had been there, it was still left empty. We were under Jersey Property Holdings at that time and this group, we were all volunteers, all very keen to see something done with that building, and our remit at the time was to have some youth activities. We had to wade through piles and piles of reports, plans, what that site should be, what that site should not be, and in the end this Assembly then decided that it should be some sort of youth facility. That is where we, as a group, got it off its feet and at that time the Youth Hostel Association got involved and the rest, as they say, is unfortunately history. But now, as the Constable of St. Martin did say - and I congratulate the officers working as an activity centre there - they took it on at a time when it did not have a good name. They worked hard, and they worked just quietly, building that up to a very good activity centre. I know that we are going out to consultation very shortly, but I would like to see that perhaps still used in that vein, very much so. So one of our, I think, important bits that we did at the time, one of the old residents, or previous residents, I should say, came to the board of trustees and said: "There was a war memorial here at Haut de la Garenne, where is it?" Eventually we found it and it was in the Education Department, sitting out in pride of place in front of the Education Department's offices. How it got there, I have not got a clue. But anyhow we managed with Property Holdings to get it back to where it should be in front of Haut de la Garenne and there it stands today, and I hope it never moves again. People still, old boys, come up each Remembrance Day to put a wreath, to remember the old boys who served in the 2 world wars. I know the Constable of St. Martin still continues today and I thank him for that. I wanted to mention too about the Youth Service. Being involved in youth clubs, which are now known as youth projects, and especially as trustee of the Y.E.S. (Youth Enquiry Service) Project, I have been fortunate to see first-hand how quickly the Youth Service can respond. That was particularly poignant when we had the unfortunate suicide quite a few years ago, how they responded so quickly and so effectively, knowing exactly what the young people really wanted and how to help them is a credit to this Island. They were there spending many a night in the top of some sort of car parks talking to young people, supporting them and just listening to them. They are a great credit, as well as all the staff in the Y.E.S. Project. Now with a new centre at the bottom of Colomberie being much more open, much more visible is a step forward, but they need to continue that funding as they passionately care for all our young people. Just one thing about the Children's Plan, I am pleased now that there is funding in place to get that up and running. There was one in place quite a few years ago, but there it sat - I am sorry to say - perhaps gathering a bit of dust because there was no funding attached to it and it was done on the side of the desk, which was not acceptable. But having this now, this renewed emphasis on the importance of the Children's Plan is really a step forward and the right way to go. This is a start of a journey and there is so much work to be done into the future, but we should never forget the past, we should learn from it. Thank you.

#### **1.1.17 The Deputy of St. John:**



I am talking now purely in my own capacity as a Deputy; before I was grateful to speak because of the great work of the panel working with the Ministers. But I wanted to speak after listening to so many Members' views and what they have said. What particularly hit home for me I think was Deputy Hilton talking about the issues within the homes that you cannot see and what is happening behind closed doors. My background before I came into the States, I have lived on a social housing estate, a working-class background, and living hand to mouth with my family but living in what I perceived as a wider family, as a community that looked after each other. There were issues, all families had different issues, but we were all there to support each other. I can only be for ever grateful for that, and also having a loving and supporting family. But my experience of that, and this is where I want to throw caution to the wind when people talk about the "Jersey Way", because I feel it becomes a divisive mechanism. I think there is an issue in Jersey where class status creates more problems than I think we realised, and we really do underestimate the issues that have happened historically in Jersey, and that still do continue today. It is one of stigmatisation. It is the stigma that is applied to people because they live in social housing. It is the stigma that is applied to people because they do not go to a good enough school as emphasised by some people. It is the stigmatisation because your parents do not work in a certain job, that you are not good enough. We need to move away from that. The thing that rings true in my head time and time again is when the Chief Minister has repeatedly said since the production of this report last year, is the care of children is everybody's responsibility. Everybody's responsibility. Every single person that lives in this Island has a responsibility to the children in this Island. So when I talk about stigmatisation, some people grow from that stigmatisation and they become stronger and they fight against it day in, day out. I was lucky enough to be one of those people, but I had a family supporting me. I had a very good family supporting me, and still do. But there are a lot of children out there that do not, and this is where we all have a responsibility. So, although we have the recommendations here and we have a plan of action, and there is a lot to do, I think what we are forgetting is the bigger picture and what our long-term aims are to achieve for the Island and for people. My experience of the past tells me it is no good anymore to window dress the issues. Living in social housing, in my experience, was, yes, Housing are investing because they are putting some fancy stuff outside the house and they are making sure their tenants are cleaning up the gardens, but they are not dealing with the real issue of the house crumbling, the damp and the problems that come from the structure of the house that you are living in, and that can have an effect on the children and the family that are living within that house. And now; the social housing side of things, it has moved on. It has moved on greatly from what I have seen, but there are still things to do. But I think what we need to be careful of is when we are saying we are doing things that it is not just window dressing. It comes back to the point I think that the Minister for Health and Social Services made about listening. This is really important because I think Deputy Tadier has mentioned it as well, is the, what he would class as, "inconvenient" voices. Everybody has a voice, and everyone has an opinion, and everyone will say it the way that they feel it sometimes and it may not necessarily be the most diplomatic way of putting those feelings forward or their experiences forward. Nonetheless, there is a truth within that voice and there is an issue within that voice. I think the one thing that we do forget when we are talking about the children is the parents and the family that is around them. So when you are looking at the longer-term picture, you have got to ask what exactly is it that you really want to see in the future. You think to yourself: "Is carrying on following certain best practices of some jurisdictions going to achieve what our long-term expectations are for the Island?" If we want to be the best place for children, the best place to bring up a family, I look to the U.K. and I think: "It is not much better." We are small.

[14:45]

We should be nimble, we should be able to deal with these issues in the right way and we should be listening to our public. I really ask, not just the Ministers, I would implore officers who are working

on this and will be working on this for many years to come: think outside the box. Think outside the box and look at some of the models they have got around the world of how families are cared for and recognised. I think one of the biggest problems in the western world that we live in is that we do not value care. We do not value care at all in terms of what it means, not only to be a carer, but to be a parent. In my time in the States, the monetary policy of the States has always been so focused on economics. The pound going here and the pound going there, but not necessarily focusing on what are we expecting from that pound. Therefore, we are not discussing what the value for money of it is. A lot of other jurisdictions determine what is the economic value of a parent staying at home. I have got some figures just briefly here, but for 2016 in America they have stated that a stay-at-home mum's base salary was roughly U.S. (United States) dollars 48,500 plus 52 hours of overtime at U.S. dollars 94,600 for a total of U.S. dollars 143,100 per year. You determine that care into actual numbers ... I am glad the Minister for Treasury and Resources is here so hopefully he is listening to this. **[Interruption]** **[Laughter]** So it has got to be recognised the importance of that parent that stays at home and the value they give to the children growing up. This is where I focus my attention on the Minister for Social Security because there are recommendations here, but I think the income support, the Social Security Department is missing in this in where we can support properly and ensure our policies, filter through to actions and we are supporting those people in the right way. Yes, it is important that people go out and work and it is good for people to be able to work, but there are incidences where people are being forced out of maybe part-time roles into full-time roles because their child has hit a certain age. But there is a category of reasons around why that child may need that extra care for the next 3 years with their parent only doing maybe 20 hours that week. We have got to think outside the box of the numbers, the money there and say the outcomes at the end, what does it look like, what does it mean? Every single individual case is different. Every single one is different. I think one of the other issues we have is I think it is very easy to bash a lot of the time when we do things wrong. We are all human and we all make mistakes. We have to start trying to filter trust back into the staff that deliver these vital services for children. For too long, how many times have we heard Children's Services are like a Cinderella service? Because time and time again they have not been properly invested in, they have not been looked after in the right way, and that is our responsibility as a States Assembly. So, what we need to do is we need to make sure, yes, it is absolutely right to challenge, but we challenge in a way that does not undermine people and make them feel worthless because it does not help anybody. It just makes them feel more inferior and it is not going to help anybody at the end of the day. The one area that I think I would like the Chief Minister to try and address for me, because it does concern me, we as States Members cannot be involved in every single service that the States provides. There is a lot of work going on. As much as I try to understand and know most of the things that are going on, it is literally impossible as one individual. I want to take on the responsibility, and I want to be responsible, but I am concerned when I hear from either front line staff or people who have had interaction with the service, whether that be a child or the family, the problems they have come up against. I think to myself: "That should not even be an issue. It should not even have got to that point." It gets to the point where we all have voices and what we should be instilling in people is a confidence to be able to challenge, and challenge in the right way. Children, teenagers, young adults, elderly people as well for Senator Ferguson; I am including everybody. But the whole population should be able to feel like there is an ability to challenge. There should not be this hierarchy of that person, this person; therefore, they have got power and I cannot challenge them. It is wrong. It is just not right. Everybody is human, and we should all treat each other with a form of respect but ensure that we can constructively criticise. What I would like the Chief Minister to address for me is that those people on the front line, those members of the public who use our services regularly, they voice their concerns and maybe the front line service takes that concern further up. But then it does not seem to go anywhere, and these people feel like they are not being heard and they are not being listened to and it gets to a point where it does not have to get to. So I want to understand how we break down these barriers and what

it means to break down those barriers and where those barriers are and to make sure that going forward that people feel like they are being heard. It is not going to happen in 5 minutes and it is not going to happen in the next year, but I would like the Chief Minister to expand on how we can achieve that because if people do not feel like they are being heard, they will not speak up and they will not challenge, and they will think: “What is the point?” It is a bit like when people turn around and say: “What is the point in voting, nothing changes?” We have got to change that. We absolutely have to. At the bottom of all of this, at the end of the day, is how the families who are struggling are able to access our services and feel confident enough to ask for help, wherever that help may be, but also listening to the charities that do so much good work. There is so much good work going on by various different charities. I cannot help but go back to a report that was done, and I used to refer to it a lot in my first term. It was a report that was done in 2008 called *Keeping Jersey Special* and there was a description of a 3-legged stool in that and I used to use it all the time. But it talked about economics, social and environmental, and I think we have really fallen down on the social. I think we have really fallen down on the social and we need to recognise that. But I think that document referred to: we were independent households enjoying life. That was the social mechanism side of that. A part of that was that we would “develop a joined-up system of support pathways that provide tailored support to help people experiencing problems to build an independent future or reduce levels of dependency”. Now I understand that we had St. Mark’s School that was closed down, we created a hub there, and that is where Bright Futures currently reside. But these things tend to happen in the States. Something happens, we do something about it, and then it kilters-off and it is forgotten, and it becomes a Cinderella service. That is not good enough anymore. We need to keep on this constantly and make sure that this is kept as a top priority and that is why Deputy Doublet rightly challenged on the convention, the keeping children, keeping families at the centre of our policy-making, our legislative frameworks and our changes that we make. I just hope that going forward, the recommendations, although they are going to be a great deal of work and hard work to do, recognising Deputy Hilton’s point about what happens behind closed doors... and we see it all over the place. You see it all the time coming out in the news, things happening in the U.K. She referred to the media; the report in the media yesterday. A big part of that is being able to trust and listen and instil trust and try and help those people who no longer have any belief in authority because they have had a challenge with systems in the past. We have got to try and rebuild our community. I think this is the start, but I do not think there will ever be an end because it needs to continue to stay as a top priority for not only whoever is in the States in the future, but for staff who are working tirelessly to try and improve the life of Islanders. Thank you.

#### **1.1.18 Connétable P.B. Le Sueur of Trinity:**

I am pleased to follow some of the laudable speeches today and hear about the progress that we are making with this very important topic. Two of the things that jump out to me from the debate today are our roles and responsibilities of the corporate parent. I am sure, like lots of Members here, I have children and grandchildren and whenever they are in difficulty, I really feel their pain. Reading the report in the *J.E.P. (Jersey Evening Post)* last night that Deputy Hilton referred to is just unbelievable in this day and age that we should still be reading that sort of thing. I could bring things back to a real point, and one where I feel my responsibility as a corporate parent is failing, in that there is a young man in my Parish. He is now a young man - when he arrived he was a child under the age of 18 - in our care, lives in a single room with a television, a chair and a bed and he has challenges. We have got to the point where he is now going to be brought into the criminal justice system for what I would call minor misdemeanours driven by the challenges that he has. I really question, surely we should be doing more to help people like this who progress. They should be given more love and care on that journey through life. They should not get to the point where the only way that they are going to now get help is to be criminalised. It is a dilemma that faces my Centeniers. They have referred it back, it has been around and around in the system, and it comes back to them: “No, you

have got to take this young man to Court.” They are all - all - on the horns of a dilemma. Do we stand up in court and say: “We were going to charge this chap with a bit of criminal damage but we know that he has issues” and they are going to be taken to pieces when they stand up in court and say that because they know that this lad is not ... okay, they say he has some capacity, but just to me it does not seem right that in this day and age we cannot do more to help somebody than stick them into the criminal justice system. I bring it back to the other point that I think that this has been going around and around too long and it comes down to perhaps a question of funding, that nobody can fund to do what this lad really needs to be done to help him. So, I appreciate, and I accept that we are making real progress, but I think there are still some real live issues that need to be addressed. Thank you.

**1.1.19 Deputy K.L. Moore of St. Peter:**

I am pleased to follow the Constable of Trinity there because one of the first things I was just going to say was that while I do not profess to operate in a perfect world, I just wanted to outline some of the positive steps that are going on to focus our work on cultural change, empowerment and focusing on positive and better outcomes for our community. That example that was just given about criminal justice system, I think it is very significant that the community practice model is being developed, which is seeing the police working much closer together with Social Services and other agencies in a joined-up approach to help to resolve these problems.

[15:00]

I recognise that it is not something that is going to happen instantly, but I certainly believe that there is a cultural will there and these steps are being driven to achieve those aims. Because, as the Deputy of St. John rightly said, we live in a very special community and we have such a power in that community that exists all around us and is all pervading really, so there are many opportunities to harness upon that and the goodwill we all feel to each other to create a better way for Jersey. At the last sitting, there was a very powerful moment in that I was able to speak about the support that an abuse survivor showed for the Criminal Procedures Law that the Assembly agreed to in principle. I think that was a really powerful moment because it showed a person who has been through the most devastating of experiences in early formative parts of his life coming back and showing support and seeing that the States Assembly is here and trying to improve the structure of our Island services and authorities that will better serve the community and those who most need it. We must not forget as well that over the last 2 Assemblies, families and community have been a crucial part of our Strategic Plan and that is so very important in these arguments and discussions that we have now as we acknowledge the findings of the Care Inquiry and move forwards. The Constable of St. Saviour rightly said that we are doing that in full view of the public in an open and transparent way and tackling our demons, really, and using them for positive advantage for everyone, which is exactly why it was agreed that we should have this discussion today. So, as many Members of the Assembly are aware, as the Chief Minister is, I am also a great supporter of the 1,001 Days, and the belief that those life chances really start in the very, very earlier stages of life. Much is being done in that area since the adoption of the 1,001 Days by the Assembly. That is leading to some exciting service improvements such as the universal Baby Steps programme that will give support to every parent as they embark on that exciting time in life to the PANTS programme that Deputy Doublet so ably instigated and the Parent and Infant Psychotherapy Service, which will start to offer support to mothers and parents so that they can properly bond and create an attachment with their young. Those steps and those services are designed specifically to improve life chances by developing and helping to develop strength within family support groups so that they do not reach crisis points later in life and suffer the consequences of a negative impact and experience in formative years. There is also great support for the family-friendly policies that the Minister for Social Security will be bringing to the Assembly and also discussions on pay and conditions, which are all key parts of our culture

around us and an indication of a turning point within our society as we see this for these policies really gaining a pace and general support and consensus that they are the right way to go for our community. We also have just started the consultation for the reforms of our divorce laws which also will help to improve the lot of families at another difficult and critical time in their lives. At this moment I will leave it at that, but I hope that Members, like myself, will feel that we are moving in a positive way.

#### **1.1.20 Deputy R.J. Renouf of St. Ouen:**

We know, do we not, that vulnerable children often live in low-income families, and we know some of the outcomes of that. One might be the difficulty in establishing and building good relationships in families where parents are undertaking several jobs in order to make ends meet and struggle to find time to spend with their children, much as the Deputy of St. John has outlined very forcefully in the speech she has just given. There are also the problematical health outcomes that such families might have in giving adequate nutrition to their children; accommodation may be poor and have its own health issues. The accommodation may be so expensive that really they have got very little disposable income to properly give their children the start that they would like to give them in their lives. Then of course there is the whole issue of going to the doctor and how these low-income families pay £50 all so suddenly if their child needs to have medical care. These are vulnerable people and we want to give support to them, we want to better those outcomes. So just a fortnight ago we had a good debate, I believe, on how we support vulnerable families. The Health and Social Security Scrutiny Panel wanted to target that support to a very specific group of people, the single parents, whose statistics have shown were among the most vulnerable. The Council of Ministers had put a counterproposal that said: “No, no, we would like to spread any available help more widely” and this House made a decision. But none of us - none of us - had the benefit of an up-to-date assessment of how we really address those issues of vulnerability in families. I was grateful to the several Members who spoke about the need to review the whole system of income support and that support we give to families, income support, which has now been in operation for 10 years, but which was in the making for 5, 6, 7, 8 years before that. So in those 15 or so years, society has changed greatly, especially the world of work and we should profit by looking again, having a root-and-branch review of how we do support these vulnerable families within the income support system. That is principally about giving financial support, it is not the only support but this Assembly should be providing by any means, but it is an important element. I think the mood of the House expressed by several Members a fortnight ago was that, yes, perhaps we should be doing that, perhaps we should be conducting that review to show us the best way forward. So I would like to ask the Chief Minister when he sums up whether he also thinks that we should be doing that piece of work, we should now conduct that sort of review. Because there are thoughts out there - and I think it is the Deputy of St. John again who has posed the question why do we have a different rate of adult support and child support. It is quite a gap. Is that right? Does it cost less to keep a child than it does an adult? It may do, but do we not need to look at that? But there will be all sorts of things we can look at as to what is the best provision at this time; so would the Chief Minister indicate perhaps whether that will be included in this plan to protect our vulnerable children. Taking another aspect of this debate, we have spoken many times about the excellent work done at Brighter Futures, and I had the privilege of visiting Brighter Futures and seeing a little of what they do and the value it gives. I believe that there would be that same need out in the west of the Island, which is perhaps more difficult for people from the west of the Island to access Brighter Futures in the situation it is. I believe that a Brighter Futures in the west of the Island, or a hub of Brighter Futures, would be well used and would benefit a number of families. I would like to put that out there and hope fellow Constables and Deputies from the west might indicate whether they would support that, and perhaps the Chief Minister could indicate whether the work of Brighter Futures could be rolled out in other parts of the Island. But I think overall the progress we are making and the work being done by the Chief Minister, other

Ministers, the departments and Scrutiny Panels are taking us along the right road. We must not take our eye off the ball, and those of us who might be re-elected - but everyone in the new House - must make sure that this work is continued.

### **1.1.21 Deputy M. Tadier:**

I was moved to speak when I heard the Constable of Trinity speaking, and I think it is a case which he and I both know, and I may have mentioned in the Assembly first. But first of all if I could address some of the points that have just come up and congratulate initially Deputy Vallois in her speech; I think she summarised and hit the nail on the head for many issues and we would do well to remember that speech in the future. I think we have to be honest and say that Jersey has probably been too *laissez faire* in the past, and while there has perhaps been a paternalistic element, we perhaps have been too paternalistic as a State and not sufficiently maternalistic. I think that might be the problem. Certainly we do need to look at things like the right level of social security. There has been - unfortunately, I think - an argument that social security income support is a bad thing and it is only for people in desperate need. But when you live in an Island like Jersey where the cost of living is so expensive, where there are very few levers that politicians will readily admit that exist, let alone use when it comes to curbing those housing costs ... which incidentally the low-income support review showed that the most significant factors on low income and people struggling in the Island is the housing issue. We often talk about food and that food is expensive, we know about heating, but you do not even need to be poor in Jersey to know that if you go to supermarkets around 6.00 p.m. or 7.00 p.m. you get all the yellow stickers at the Co-op or you get the reduced items at Waitrose. That is a way that many people are living. That is not the issue because of course people are living hand to mouth; it is the very high cost of rents that are crippling people in the Island and it is the fact that they cannot access health care at a primary level. That, in Jersey, remains as something that is a radical suggestion that you should be able to see a doctor for free, irrespective of whether you are poor, middle income or wealthy. If you said that to anyone in the U.K. or even in other countries - barring America of course - would say: "Well of course I should be able to see a doctor for free." Even your most ardent Tory in the U.K. would expect that as a basic minimum and they implemented that in 1945. So we now have a strange situation where we are saying we are quite happy to pay for people's university fees, possibly for everyone or for the majority, but we are not going to pay for you to be able to go and see a doctor, so if you fall ill ... and that is only one strand and I admit it might seem as if it is tangential to childcare but it is all about how we deal with a cohesive society and the most vulnerable. Now, in the case of this individual who lives in Trinity, but I was contacted by the family that lived in my constituency in Les Quennevais, they were very worried when this individual ended up going to court. They said: "He has got to go to court on Thursday in the Magistrate's Court" and they were very worried that this vulnerable individual, who displays a complex variety of behaviours, was obviously being ... first of all he had been taken to court by the Health Department.

[15:15]

The Centenier himself, as we heard, is very concerned that he should even be in court and if it was not for the right people being in the right place at the right time, the fact that the family had an interest in this child's welfare, the fact that a politician had been called to attend as well, or the fact that the duty advocate in the Magistrate's Court was someone of great experience who immediately saw people gather there and say: "Hang on a minute, why is this person even here?" The fact that they were able to make representation to a Magistrate on the day who was willing to take that into consideration flagged-up there was an issue. But this was some months ago and I am dismayed to hear that this is still an ongoing issue. You have a vulnerable individual who should not even be in court, and I would suggest that while it is being said that the Centenier finds himself in a difficult position, the Centenier should himself be saying: "I am not going to prosecute this individual and if

he comes to court I am going to say there is no case for prosecution to answer.” We need to get to a situation where the courts, if they are not doing so already, can criticise the Health Department or criticise any department and say: “Why have you not got sufficient provision for this person?” Because on a different day that 19 year-old could have ended up in La Moye Prison, and I dread to think of the effect that would have had on him, somebody who has a fear of enclosed spaces and that is what led to the initial incident. I do not need to go into too much detail; imagine that poor individual being locked up in La Moye not knowing what on earth is going on. That is still going on; we have not resolved that problem. My concern is in Jersey we know that we are small place, we know that we are also a successful and wealthy place, but there comes a cost for that because we have to have the various infrastructure and facilities that other bigger places can have. We cannot rely on neighbouring countries to house and specialise in other areas. That is the cost that we need to look at, the proper investment. Are we ending up with people who may be care leavers or they may not, who end up in prison when they have got a mental issue? Do we end up with people going into a mental provision when they have got some kind of short term drug induced psychosis? Then we know that somebody ends up getting hurt, the staff at one of those facilities looking after somebody who should not be there in the first place. All of these issues will tie-in to what we are discussing here today. So it is fine to have these fine words but unless we are really willing to follow it up and look at fundamentally - and this is where it comes back to the politics - our economic value along with our value system needs to be matched with how we want to run our society. If we do want this kind of society where most people are provided for and where there is a basic level of care ... and of course there is a risk I think that mental health issues and everything goes around with that, that is the next independent inquiry waiting to happen. We do not want to be here in a situation in 20 or 30 years’ time where we realise there has been a massive failure, and rather than spending a fraction of what we could do upfront in order to look at what the issues are and invest in it here, we end up having to pay many millions for someone to tell us what the problem was, why we did not invest in the first place, which is essentially what happened with the care inquiry. Things that we should know, things that we know we should be doing, because simply it is the false economy of not investing upfront; and that is what I think we have to get to grips with. Of course we have to invest our energy and time and if we can agree on the outcomes that we want then it is more likely we will agree on the way to get there. But we need to be prepared not just to invest our time and our energy but also to look at the way we want to restructure the Island to make sure that it is cohesive. That is why when we do talk about economics and we have the usual sparring between us, and we know that is fine, that is robust politics and that we should have difference of opinion; but when we talk about: “It is okay to make everybody richer, if the rich are getting richer and the poor are getting richer then that is all right.” Well, no, it is not. It is not okay if the median and the mean is not keeping up with the differences in earnings. If your income goes up by 10 per cent but your rent and your cost of living has gone up by 20 per cent then I am afraid that tide does not raise all boats, some boats are sinking while other boats are rising. So we need to have those fundamental questions, and also I think a greater respect about the fact that our politics may differ but what are the outcomes that we want to see, which I think gets us back to the initial opening remarks of the Chief Minister. By all means let us have the sparring, but let us try and look at what we are aiming to get. Let us sit down more together and say: “What are the outcomes that you want to achieve? How can we achieve them and what are the common areas that we share?”

#### **1.1.22 Deputy J.A. Martin:**

I will be brief because I did speak this morning, but I would feel remiss in myself if I did not speak, especially after some comments that were made by the Constable of Trinity. Because on the whole I think where we are today and what we have got in this report, and the plans and the money pledged is absolutely fantastic. We are though mainly children, children, children. My concern ... and we had the commissioner over from England and there was a big conference on at the Hotel De France

and I knew these figures from when I was at Health. The majority of looked-after children come into our care between the ages of 13 and 16. A lot of them are not even known. Now, what happens? It could be a marital breakdown, mum cannot cope, it could be domestic violence has happened; but there is not the support out there for the remaining parent. Little Jenny or whoever it is - it might be a boy - they get in a little bit of trouble, their mum or dad cannot cope and we take them in instead of putting in the resources, instead of listening. Then - as the Constable of Trinity said - we are very good at 18 putting these children into a bedsit. Now, this may have changed; I have helped individuals go from a bedsit and I have had officers say to me: "Well, when they prove they can look after the bedsit, we will give them a better place." They are not chubby little babies in prams, these are people who are going to abuse you. They are going to say to you: "Yes, do that, do one." But these are the ones who need the help as well because they are children, they are still children. I fully accept about the money and I fully accept about the housing but I will say domestic violence, sexual abuse, marriage breakdown is classless; really you cannot say this happens because of ... if it is happening it can make the situation when you cannot even afford to feed your children obviously worse. But I would feel remiss if I did not put this on record. What we are doing is fantastic. I do not want all the money put up there when you have already got the children or they are now young adults in the system, who are falling into our homes, or the main one - what Deputy Tadier and the Constable of Trinity and I have a massive problem with - our policy is we have let them down but we will then make them a criminal. They are in the Youth Court at 13. They might see first of all a Parish Hall Inquiry, then it will be something else. It was a refresher for the new Chief of Police to say: "When I see something like this or I even see a mother drink driving with children, I must ask the question. This is a social issue, there is something behind this. I cannot just arrest her, I have got to know why she would do that because nobody without a problem would do that." So out of 10, 8 for what we are doing, but it is these issues, when you start saying: "We are doing all this" and you are moving everything the other way, and it is not ... I would feel remiss if I had not recorded this because we do know it was the same 6 to 10 years ago, 40 per cent of our looked-after children come into care as young teenagers and probably in September when we had the commissioner from England and our director of Children's Services did the figures it was the same. Now, we want to reduce that. We need to put that help in. It might only be you have gone through a marriage breakup, it could be domestic violence, you have introduced a new partner and it has not gone down well; all these things, but there is nothing there. We want to keep as many children in their families and help where we can. So that is just my warning, it is what is not in here and it is about the budget pushing it all one way. I think it was Deputy Breckon who said: "Where do you put the fence? Do you put it at the top of the cliff so people do not fall off, or do you put the safety net at the bottom and catch them?" Well, it is a bit of both and you need money upfront and you need money still carrying on doing the services you are doing. It goes back to what Deputy Hilton said and the Deputy of St. John; the Minister for Health and Social Services said he is having another look and a great independent look at professional foster care. From a written question by Deputy Higgins just before Christmas he established we spend £7 million a year on social workers, and I want to say just children's social workers. So this is undoing the problems. The question when I was at Health was always: would these people be employed by the States, would we need to give them a pension, and would we need to pay their social security. If they are still arguing that one, my, we do not need another independent report to tell us: "Yes, they should be employed by the States, they should be professional, they do not need to be looking for other work, they would be one-to-one with one of these teenagers." They might need only 6 months or a year with them, just so they are focused while mum is running around trying to look after her other youngsters and getting her life back on track. Or it could be father, easy, a father can be left with his children. So I will leave it there. Great what we have got in the report but do not take your eye off the children, the young people that we are not ... like the Constable of Trinity knows this person, I do not, but I could tell you similar stories over the years, and Deputy



Tadier is dealing with too many and we are making them into young people with a criminal record. Not good.

### **1.1.23 Deputy M.R. Higgins:**

I am pleased for all the Members who spoke before me so I could attend the meeting and get back. One of the things that concerns me is that many people think that now the Care Inquiry is done and dusted that this is the only thing we need to do, is bring in the recommendation. But it goes beyond that, and there is a need, believe it or not ... I am concerned that people think that the Care Inquiry is done and dusted and there is no need for further investigation. However the Inquiry report concentrates on what was within its terms of reference. But there was much other evidence that was given to it which is highly concerning and should be investigated. I am not asking for another £24 million inquiry, if anybody is asking, but I would like to see some follow-up on evidence that was given to the Inquiry. In the main I am going to be speaking about a recommendation 7, the "Jersey Way" and I know that there are 2 versions of the "Jersey Way": there is the good "Jersey Way" with the honorary system keeping young children out of the criminal justice system for minor offences, thereby saving them from having a criminal record for the rest of their lives and the role of the voluntary Honorary Police Officers. That is the good "Jersey Way" and I am pleased that it is happening. I think it is very valuable; the English would applaud. There is also the bad "Jersey Way", the negative "Jersey Way", which is covering up matters and dealing with matters behind the scenes; things being done perversely, secretly and not following up and doing things. As I say, while I applaud the good "Jersey Way" I utterly condemn the second. I hate cover-ups and the inaction when matters need to be dealt with. I also happen to believe that the negative "Jersey Way" is alive and kicking in Jersey. It operates just below the surface and will, if not dealt with, soon undermine all the good work that the Care Inquiry did and it will also frustrate the reforms that the Chief Minister wants to bring in which I fully support.

[15:30]

I also believe that with about 3 months to go before the next election there is a real danger - depending on who the next Chief Minister is - that all the good work will be wasted and will sink back into the old bad way. Now part of the recommendation for discussion that came out of the Care Inquiry report was the role of the Bailiff. I am going to address that for a while and the question of whether he should sit as president of the States. I personally do not believe that the Bailiff should be the president of the States. It has been said by a previous Bailiff that they are independent chairmen who seek to try and grease the wheels of the Assembly by making it proceed very well according to the Standing Orders and that they act in a non-political manner. In my opinion, this is not true and I want to give you some examples. Now a number of years ago, because I felt that Graham Power, the former Chief Officer of Police, had been denied natural justice when he was suspended and I believe that the Minister for Home Affairs of the day has misled the States Assembly, I lodged a proposition asking the States to release the transcript. This proposition was sent to the Deputy Bailiff at the time who is the current Bailiff, and I did this because the Bailiff was out of the Island at the time; hence the Deputy Bailiff. The then Deputy Bailiff refused to accept my proposition and I engaged in back and forth correspondence with him because I did not accept his argument. I did so because the proposition met the criteria that said Sir Michael Birt had said they had to comply with: (1) it was legal; (2) it was in accordance with Standing Orders, and (3) it would not bring the Assembly into disrepute. The Deputy Bailiff argued that the States could not debate propositions as the Police Force Law 1974 prevented it. The law stated that the hiring and firing or suspension or dismissal of the Chief Officer should be held in camera. Now this was not a problem for me because I knew it had to be in camera and I asked for an in-camera debate so I could present the evidence to the Assembly. I could not do it in the open; the rules would have prevented that. So I asked for an in-camera debate. I was also told that the law did not have a provision for the release of the transcript of the in-camera debate and

therefore the Assembly could not do so. I challenged the argument by stating that the proposition was in order and that it was not for an unelected Member of the States to tell an elected Member of the States what propositions he could bring forward or what course of action the States could take if it made a decision. It is the States that is sovereign and has the power; it is not for the Bailiff or Deputy Bailiff to say otherwise. Although there was further argument the matter was resolved when the Bailiff returned to the Island and he approved my proposition and said that the Deputy Bailiff had misinterpreted the law. But he also admonished me by saying that I should not play off the Deputy Bailiff and the Bailiff. I was not. I was just pointing out what the rule said and I felt that the proposition was in order and he agreed. I might add that the first time the proposition came before the States it was defeated; the second time obviously it was passed. I think it is important that the public are aware of the processes in which propositions are brought to the States. Bailiffs have tremendous influence on what comes forward on this account. If I had been a more timid Member of the States I probably would have given up when he came back with his rejection. I did not. I knew he was wrong. I fought him and we eventually had the debate. Other ways the Bailiffs influence what goes on and whether they are political is how they chair the Assembly. The public should also be aware that when they conduct the business of the States they can sometimes affect the debate or questions by curtailing them prematurely and a number of us have had that happen to us. I am going to give a recent example which was 2 weeks ago. It was the Deputy Bailiff who was in the chair at the time and I was asking a question of the Attorney General about the duty of Members, Ministers and States Officers to report corruption. My second question followed on the first. When he gave me an answer I was quite happy; I thanked him and I asked: "Could the Attorney General tell me whether he has had or how many cases of alleged corruption had been brought to his attention since he had been in office?" The Attorney General replied ... basically I was cut short by the Deputy Bailiff and I could not get in the question about how many. I was aware that at least 2 cases of alleged corruption had been given to the Attorney General but I was cut off and he said: "That is your final question" and then he sort of hesitated and Senator Ferguson jumped in and said: "You have not seen his light." The point is it threw me; he did not get the questions in; he cut it short. It often happens, but if the opposition or non-establishment Members say things very often they will get cut or they will get blocked.

### **The Greffier of the States (in the Chair):**

I am sorry, Deputy, I am probably going to add to your list at this point, but the rules of the Assembly, which you will be very familiar with, are quite clear on this point: a Member of the States must not refer to the conduct of various people including any Member of the States and these will include whoever is in the chair at the time, except in the debate on a proposition and I think you have made a number of examples which I have let through, but you are getting to the point now where you are bringing physically specific incidents which I think, if you wish to criticise, need to be brought forward in terms of a proposition.

### **Deputy M.R. Higgins:**

I listen to what you say, Sir, but I think you are going to find ... I will just explain a few other things and we will see if they are within what is reasonable. I was trying to explain more to the public, because I am sure the paper will not publish any of this stuff, how we are governed and how the Bailiff has a tremendous influence on the workings of this Assembly. It also comes to questions. In the last week I have had 2 questions turned down by the Bailiff. I would like to tell you what those questions were. One of them was just as a written question: "As the Attorney General is the sole prosecuting authority in the Island, would the post-holder be guilty of abusing their position and those of office if they had a direct knowledge and evidence of allegations of child sexual abuse and failed to report it to the police and/or advise or encourage others to deal with the matter in a non-legal matter?" I think that is quite a relevant question. We are trying to see whether we have come out of

the worst of what happened during the Care Inquiry. I was asking a question. It was ruled out of order on the grounds that it was either a hypothetical question in which case it was out of order under Standing Orders, or (2) it was not a hypothetical question and then it breached Standing Order 10(4) as it carried an imputation. I was trying to seek information. We have all used hypothetical questions before for trying to seek out what the law is so we can all understand it. That was rejected. Eventually it was replaced with an alternative wording which was approved and it was answered on Tuesday. I also asked for some oral questions to be put in. Members would notice that yesterday I had no oral questions. Why? Because the Bailiff had rejected both of them. The first one was: "Further to his answer to oral question 8/2018, will Her Majesty's Attorney General inform Members whether his advice that a failure to report or to act in respect of alleged corruption could amount to a breach of oath or contravention of the relevant code of conduct would apply as much to non-elected Members of the Assembly as to elected ones?" That was turned down, and I was told it was because the question had been answered before.

**Male Speaker:**

Sorry, Sir. We are just going inquorate of Assembly.

**The Greffier of the States (in the Chair):**

The Assembly is currently inquorate, I believe. I will ask Members outside to come into the room.

**The Connétable of St. Saviour:**

While we are, could I ask a question?

**The Greffier of the States (in the Chair):**

While inquorate, no, sorry. You can intervene when we come back if there are numbers if you wish. Thank you very much. Can I just find out what the Constable of St. Saviour wants to know?

**The Connétable of St. Saviour:**

I do not think I am going to be very popular here, but is this an investigation and a talk about the Child and the Inquiry, or is it about Deputy Higgins not getting his questions answered?

**The Greffier of the States (in the Chair):**

Sorry Deputy, that was a point for me to answer so I will do so. That is okay. This is a wide-ranging debate. It was a wide-ranging report and there is a section about the "Jersey Way" here and it does touch on separation of powers and so on. I would come back to Deputy Higgins however. Perhaps I was not clear before. When he made the point about the argument that the Bailiff or the Deputy Bailiff are biased towards certain Members and against other Members, which is out of order. That cannot be raised except on a proposition. Now, you are going very close to reading out various questions that have been ruled out of order for one reason or another, and I think the Constable is on to a point which is to try and develop the argument into connected or back to the central theme of the debate.

**Deputy M.R. Higgins:**

I am sorry the Constable of St. Saviour finds this unacceptable but unless these things come out no one will know on the outside. What I will say is I am not accusing him of bias, I am just saying the questions were rejected. I do question why, that is why I asked the question. For example, I will just give one other question that was rejected. I would just like to know what was wrong with this question: "Will the Attorney General..."

**The Greffier of the States (in the Chair):**

Sorry, if you ask me you will have been given a reason at the time. But this is not the appropriate venue to ask why certain questions were ruled out of order or not out of order. You have made the general point that sometimes questions are ruled out of order, and you have made the general point that the Bailiff has a role in the running of the Assembly. I am not sure reading out questions which were ruled out of order are significant to the argument at this stage.

**Deputy M.R. Higgins:**

I would like to read out the next one, Sir, because I think it is relevant. All I would like to do ... I will repeat this one. The last question I mentioned and it is: "Will the Attorney General advise Members whether he intends to ask the States of Jersey Police to investigate evidence that was given to the Independent Jersey Care Inquiry by a number of people regarding instances relating to child abuse that were not directly within the terms of reference and did not therefore appear in its findings, but still appear to be criminal acts?" Personally I cannot see anything wrong with that. There are issues that have been raised in the Care Inquiry report in the evidence that I find most disturbing and I do believe that we need to address this. Obviously the questions can be annoying. We find that we are not getting the answers to them. But equally, as I say, there was evidence given in the Care Inquiry which to me shows that the "Jersey Way" is still alive and kicking. As for example, there was evidence given by the former Director of Education, John Rodhouse, of how he was approached by the Attorney General of the time, Sir Philip Bailhache, and said: "We have a youth worker who is abusing young children and that I would like you to get rid of him. The parents do not want to go to the police. You get rid of him." The point I am trying to make is, the Attorney General is our top legal official and surely he should have reported the matter to the police himself. I mean, the evidence that was given ... Sir Philip was asked about this and he said he did not recollect it. He thought Mr. Rodhouse had the wrong Attorney General and he felt that Mr. Rodhouse should have gone to the police himself. Mr Rodhouse, I should say, felt that he was put into a totally impossible position. He did investigate it and they got rid of the person concerned. But he later went on to abuse 2 other boys. Now the point about this is: why was it not dealt with and why is it that the Attorney General of the Island can do that - try and get someone to get rid of it quietly but not report it to the police, and that does concern me. There was also evidence in the Inquiry report from a very honest, a very good and very honest police constable, Anton Cornelissen if I have it correct. He was one of the officers who was asked to investigate the abuse at Victoria College and he ... I am sorry, the Constable of St. Saviour, it is no good nodding your head. These are questions that need to be asked.

**The Connétable of St. Saviour:**

Sir, I am not nodding my head. I am shaking my head because you are taking this away from what the Inquiry was in the first place.

[15:45]

**The Greffier of the States (in the Chair):**

You might not like the pattern and you do not have to, to be fair. The Deputy is entitled to run through some of these issues. They relate to one aspect of the Inquiry. I appreciate some Members do not necessarily want to be detained in this way, but the Deputy is right to raise these issues so long as he tries to keep close to the boundaries of all of this. I would say that one thing he has done is mention a number of names and I know those names are in the public domain but we do not normally use them when we do not need to, members of the public. So I do not know whether it is absolutely essential for all of those names to be trotted out.

**Deputy M.R. Higgins:**

I think the evidence in the Care Inquiry is on the website and it can be accessed.

**The Greffier of the States (in the Chair):**

Yes, I know it can be accessed. The question is whether it has to be accessed by our proceedings; whether it is necessary. I just ask the Deputy to consider that because he is using the names of people who are not generally given attention in the Assembly, but that is up to him.

**Deputy M. Tadier:**

I think if the Deputy would give way: it seems to be helpful if these names are contextualised. People who follow the debate may wish to cross-reference the words that are spoken by Deputy Higgins for further research and it helps if you have got a name rather than having to skulk through without any basis to search, a very long 1,000-odd page document. I find it helpful if no one else does.

**The Greffier of the States (in the Chair):**

Yes, fine. I just ask the Deputy to bear that in mind because it is not the practice of the Assembly. I am not saying it cannot happen. I am just asking him to bear that in mind.

**Deputy M.R. Higgins:**

I would just say in following up on what Deputy Tadier has said, going through the Inquiry website is not the easiest of things at times. If you have a name and you have a date, for example the comments on Mr. Rodhouse were on, I think it was day 125, and the one I am going to come on to now is on page 102. This police officer is part of the investigation into Victoria College; it was interesting because one of the things that concerns me is, when you ask questions in the House here, there does seem to be a reluctance to answer questions about the judiciary, the Law Officers, Jurats and so on and you find you get a lot of opposition. What I am saying is: things came out in that Inquiry which strike me as the “Jersey Way”, and I think we have to put in safeguards to prevent them happening again. The young P.C. (Police Constable) that I spoke about - young, probably middle-aged - mentioned how, for example, that when they were investigating Victoria College a boy who was working there said that he made a complaint to the Deputy Head, Mr. Le Breton, and said that he had been abused and Mr. Le Breton, according to the evidence said that the boy should watch what he is doing; he is on a scholarship: “We do not like your type here” and basically do not complain. The man that was being dealt with was Jervis-Dykes, who was later convicted of child abuse at Victoria College, but the school covered it up. Mr. Le Breton covered it up. What P.C. Cornelissen says after that is that after he left Victoria College he became a Jurat and as part of the investigation they wanted to interview him and, in fact, I will read directly from the transcript. It says: “There was an issue in pursuing elements of the investigation as John Le Breton was by then a Jurat and it is not customary to seek to interview Jurats of the Royal Court. We were allowed to speak to him completely informally at his home and not allowed to put any pressure on him.” It was a 10-minute chat. A cup of tea and his wife was present and he denied everything. It says: “He skirted around the disclosures previously made about the ...”

**Senator P.M. Bailhache:**

May I raise a point of order?

**The Greffier of the States (in the Chair):**

Yes, Senator Bailhache.

**Senator P.M. Bailhache:**

I am raising a point of order, Deputy. You may sit down.

**Deputy M.R. Higgins:**

Go on. I shall do, thank you. I was expecting an interruption from you at some point.

**Senator P.M. Bailhache:**

The Standing Orders of this Assembly prevent Members from abusing the privilege of this Assembly to impugn the integrity of people who are not able to defend themselves and who have no right of reply and it seems to me quite wrong that the Deputy should quote selectively from documents of 20 years ago or more in order to impugn the reputations of people who, as I say, have no right of reply. It has nothing whatsoever to do with the matter which is the subject of debate and I ask the Chair to prevent the Deputy from proceeding on these lines.

**The Greffier of the States (in the Chair):**

The Senator is absolutely right. The Standing Orders provide protections for various people in terms of ensuring that when points are made they must be made on a substantive proposition, for example if they are Members of the Assembly or Jurats and so on. I have given the Deputy a certain degree of latitude because some of the points he is making are in the public domain already via the Care Inquiry. What I would say to him is that this debate is on this document here, which is called Implementation of Recommendations. It is not a debate on the Care Inquiry's reports. It is not an opportunity to stir over every episode in the Care Inquiry evidence. The opportunity for the debate is to go through this or aspects of this report and to discuss the implementation or non-implementation, whatever the case may be, of action resulting from these recommendations. I feel now that, Deputy, you are getting to the point where the remarks you are making are not easily connectable to the implementation of recommendations in this report.

**Deputy M.R. Higgins:**

I am directly talking about the "Jersey Way" and I am talking at the present time from evidence given to the Care Inquiry. It is there. It is paragraph 61 of ...

**The Greffier of the States (in the Chair):**

Yes, I know what you are doing. I am hearing what you are doing, Deputy. So you can sit down again please. I can hear what you are doing. I have listened very carefully and the point I am making is that you have made a number of remarks about the "Jersey Way" but you are now getting into the position where you are simply running through episodes from the Care Inquiry. That is how it sounds from the Chair. So I must need to ensure that the remarks are more closely related to this report and to the recommendations paper because otherwise you are turning the debate into a more general one about the Care Inquiry and I think the Senator's point has some force that that is not what people are expecting and people may want to come back at those points, which, you know, this is not the proposition of the matter which is before the Assembly. Deputy Tadier ...

**Deputy M. Tadier:**

If the Deputy would give way. I mean the way I look at this is I am not standing up to defend the comments made by the Deputy, he is his own individual and he is a grown man but more to the point he is an elected Member who has been given a voice in this Assembly to speak as he sees fit within Standing Orders. It relates back to what I said earlier about inconvenient voices. I will not stand up to defend the comments necessarily and I make no comment on them but I will stand up to defend his right to make those comments within Standing Orders. It seems to me that we may not ... I am not going to comment on the delivery of the speech either. Individuals may not like the way the speech is being delivered but if it is the case that one of the recommendations relates to the "Jersey Way" and the Deputy is saying that historically he has tried to raise an issue, which we know. The issues at Victoria College were well-documented. They were detailed in the Sharp Report, I believe, and they are a matter of public record and if he is saying and relating it to his difficulties getting a question asked and answered in this Assembly, it relates it to the present day saying that the "Jersey Way", in his opinion, in certain ways is still alive and kicking and he is raising the frustrations that he has seen and that others are raising with him. So I think we do have a duty to sit back. Senator Bailhache can stand up and make his comments in this in committee debate. I do not think he has

spoken yet and even if he had that is not an issue and we should weigh the comments that are being brought forward by the Deputy. But fundamentally I would still like to hear from the Deputy. That the issue is not about whether one person in the Chair, be that a Bailiff, the Deputy Bailiff or even the Greffier, can display wrong decisions but the fact that the principle of having somebody chairing in the Assembly who has a job in a different place as a chief judge and then chairing this Assembly is obviously contradictory and that is, perhaps, the fundamental issue and, of course, these kind of issues can be highlighted and I think Deputy ... I am listening to the substantive comments that he makes rather than whether or not he is putting anything up. We do have to listen to difficult things in this Assembly and there are others who can stand up and put the other side of the coin.

**The Greffier of the States (in the Chair):**

Okay. I have made 2 comments today. One is, there was, I felt, an accusation of bias against certain Members of the Assembly.

**Deputy M.R. Higgins:**

I did not say bias. I said ...

**The Greffier of the States (in the Chair):**

Well, that is what I felt and I have made my point about that. The Deputy has moved on from that. The second is, I have asked the Deputy just to try and connect the remarks he is making more closely to this report on the Implementation of Recommendations. I have listened to the Deputy's speech. I have not ruled anything out of order. In relation to the Senator it is very difficult to tell from the Chair whether some of the things that are being said relate to things which are in the public domain or not. My view, from what I have heard, is that generally the Deputy has gone through things which are in the public domain, from the report and evidence to the Care Inquiry, and as such I do not think that is out of order. Where we are getting into out-of-order territory, which I think is more loosely defined, is just in relation to the scope of this debate and it is a wide debate and there is a lot of latitude to bring in lots of different points but there is a risk of it arising into a general debate on the Care Inquiry report, which we have had already, which we have not given notice that we are doing and which could go on for a very long time. I am just asking the Deputy to try and bring it back towards the implementation of recommendations documents. So I hope that assists.

**Deputy M.R. Higgins:**

It is very helpful and what I will say ... I will just finish what I was doing because it is only a brief point. The reason why I am raising these matters is the report does not really address the "Jersey Way". We have a major problem in this Island with the negative "Jersey Way". People may not want to admit it but we do and unless we address that we will never deal with a thing. As I said earlier, we have got an election in 3 months' time. I still have not decided whether I am standing. Some people say: "Oh, yes, you will. No, I will not." I do not know but what I will say though is these matters must be addressed because I honestly fear that after the election it is quite possible that the Chief Minister may not be successful in becoming Chief Minister afterwards and someone else may do, who does not have the degree of commitment and the belief that we have got to deal with this problem than he has and therefore I want to try and get these points out. The point I am trying to make on this thing about the Jurats ... I want to just explain about the Jurats for a moment. He goes on to say at paragraph 62: "By this time Andrew Jervis-Dykes had resigned from Victoria College and had returned to live in the U.K. When we needed to get a warrant to arrest him I needed signatures from 2 Jurats to do this. We were told not to go to John Le Breton."

**Senator P.M. Bailhache:**

May I raise another point of order? May I refer you please to Standing Order 104(2)(i) which provides: "That a Member of the States must not refer to any individual who is not a Member of the

States by name unless the use of the individual's name is unavoidable and of direct relevance to the business being discussed." It does not seem to me that the individual's name needs to be mentioned by the Deputy. I have drawn attention to that before and may I also draw your attention to Standing Order 109(7) which provides: "That if, having made a determination that the words are offensive, objectionable, unparliamentary or disorder, the presiding officer is of the opinion that the words consist of or include a name in contravention of Standing Order 104 he or she may direct that such name is omitted from the transcript of the meeting" and I invite you, Sir, having made a finding that the Deputy did not need to refer to the name of the individual concerned that the name be struck from the transcript of the proceeding.

**The Greffier of the States (in the Chair):**

I have already raised this matter, Senator. I have already raised the issue with the Deputy and he has pointed out that these names are in the public domain; that they are in the Care Inquiry report. Personally I think it is difficult with somebody who has a position of that sort to give them the sort of anonymity in these circumstances, which is being requested, compared to, for example, an ordinary member of staff in the States. So I do not feel that that is out of order or needs to be struck from the records. The Deputy is making a point about Jurats and the "Jersey Way" and I think he needs to be allowed to make his point in his own way subject to ensuring that he does so within the scope of the debate.

**Deputy M.R. Higgins:**

I will not be labouring this for very long anyway. So I would just like to read what was said and then just reflect on it. I will start again. Paragraph 62: "By this time Andrew Jervis-Dykes had resigned from Victoria College and had returned to live in the U.K. When we needed to get a warrant to arrest him I needed signatures from 2 Jurats to do this. We were told not to go to John Le Breton. He ended up being asked in error to sign a warrant and happily entered into dialogue about the investigation and asked lots of questions." Remember this is the person who did not report the abuse to the police and basically had threatened a boy not to cause problems.

[16:00]

Paragraph 63: "It is my understanding that either the Bailiff or the Attorney General advised Le Breton not to have any dealings with the investigation and another Jurat was sought to sign the arrest warrant. At the Jurat's request a document detailing the facts of the case was left with a second Jurat and it is my understanding that this Jurat either handed the document to John Le Breton or left the document in the Jurat's office. Either way it appears that John Le Breton read the document and tried to obstruct the arrest warrant by disputing the facts of the warrant. An arrest warrant was later obtained but it was disappointing that John Le Breton sought, yet again, to obstruct the progress of the investigation." Now, what we have is a system where ... and by the way Jervis-Dykes, I repeat again, was later convicted. What we have is a system where some people cannot seem to be questioned. They had never questioned a Jurat before. They did not know what to do with it. Did not know how to handle it. Should anyone be above the law? If they had a role in what was going on they should not be dealing with it and this is the point I am trying to make. So what I am trying to say here is that we do have situations where things have been done in a rather strange fashion and I would call it the "Jersey Way". The whole point of the questions I was relating to earlier, I was asking what the situation was. Could, for example, the deputy head at Victoria College, if he was basically threatening the child not to sort of cause problems, would he not be perverting the course of justice?

**The Deputy of St. Ouen:**

Point of order. I believe that phrase "threatened" which has been used twice, is not part of the Inquiry report. It is Deputy Higgins's own viewpoint but it is unparliamentary language to use.



**The Greffier of the States (in the Chair):**

Yes, I agree. It sounds to me like a hypothetical scenario which has been connected to a particular individual and I think I would be grateful if you could withdraw that or rephrase it.

**Deputy M.R. Higgins:**

I think I will rephrase it. There was an inference that basically the boy was warned off. It is in the report. I would have to search through for the exact wording but I am saying that ... I will leave it at that.

**The Greffier of the States (in the Chair):**

Can I ask, the Deputy of St. Mary, do you wish to raise a point of order ...

**Deputy D. Johnson of St. Mary:**

Sorry, that was to speak. Sorry, I want to speak later on ...

**The Greffier of the States (in the Chair):**

Okay. Sorry, Deputy Higgins.

**Deputy M.R. Higgins:**

I understand I might be ruffling a lot of feathers here because I am not sure how many people are ex-Victoria College schoolboys. I know that they are very protective of their school. **[Interruption]** I am sorry. But also Senator Bailhache's interruptions ... well, it should be known that Senator Bailhache, when he was Attorney General or Bailiff, I cannot remember which, was on the Board of Governors at Victoria College when Jervis-Dykes was being discussed and did not report it to the police himself.

**Senator P.M. Bailhache:**

Also completely inaccurate. Really, the Deputy ought to keep himself in order. This is a scandalous abuse of privilege which the Deputy is guilty of and has been for the last 5 minutes or so.

**The Greffier of the States (in the Chair):**

Sorry, can I come back because I think it was a point of order. Deputy, that again is referring to the conduct of a Member of the Assembly and if you wish to do so you need to do it on a proposition. You cannot throw allegations around without doing so on the basis of a proposition that the Member concerned can read and react to.

**Deputy M.R. Higgins:**

I will accept that and I may have to bring a proposition to that effect.

**The Greffier of the States (in the Chair):**

Also withdraw what was said until that proposition comes in.

**Deputy M.R. Higgins:**

I will withdraw it until the proposition comes but it will be coming.

**The Greffier of the States (in the Chair):**

Thank you very much.

**Deputy M.R. Higgins:**

Now, what I am trying to get at is that I have always felt that it is very difficult to bring up questions, as I say, about the judiciary, Jurats, Law Officers, and we, as an Assembly, should be able to bring

forward questions on these issues. What I have tried to highlight is it is very difficult to. Now, the questions that I tried getting in and were rejected, were trying to relate to the Care Inquiry and say: “What about these allegations? Why was the deputy headmaster not prosecuted for perversion of the course of justice? Why was he allowed to become a Jurat?” Again, one of my questions was talking about the Attorney General of the time in the Rodhouse affair and whether he should have reported to the police. Now, I know he said that he did not recognise it was him that Mr. Rodhouse spoke to and that he felt Mr. Rodhouse dealt with it quite well but he should have reported it to the police. Mr. Rodhouse’s evidence was totally the reverse. He was approached by the Attorney General. He was asked to deal with it in a non-legal manner. So I am just making the point, there are an awful lot of things that are done behind the scenes and it is not right. I think I will just make one other point at the end here. I am trying to show the negative “Jersey Way” is alive and kicking and it needs to be put out in the open and we need to deal with it. On Friday, 19th of this month, former Deputy Trevor Pitman was in the Island and went to the Royal Court to have he and his wife’s bankruptcy discharged. The Viscount stated that there were no objections, that there were no problems with it. She was happy for the bankruptcy to be discharged. However, former Deputy Pitman wanted to make a statement to the court and he made a statement where he mentioned the Jarvis-Dykes affair and read from the transcript of his trial and the Bailiff basically asked him to produce the evidence, so he passed it up, and what he was referring to was the evidence given by the police constable who I say was a very diligent police constable. He had been commended by the force previously although badly treated later. The Bailiff’s remark was: “It is only the view of one man.” Well, I am sorry it is an investigating officer and it should not have been dismissed so casually. So, anyway, I shall leave it at this. I have tried to illustrate the “Jersey Way” is alive and kicking. I oppose it. There are other examples, including ... I know people like Deputy McDonald have been dealing with a case. I have been dealing with a case and there does seem to be undue delay in action, an awful lot of people know that there is corruption of another type taking part within the Island and yet are not doing anything about it. I will leave it at that.

#### **1.1.24 The Deputy of St. Mary:**

I shall be relatively brief. Having drawn the Assembly’s attention to recommendation 7 of the Inquiry I would like to speak in more general terms about it. Yes, it does contain a recommendation to revisit the Clothier and Carswell Inquiry and under that, yes, there is scope for looking at the role of the Bailiff and that is roughly where it stops. The recommendation is concerned with many other things. It is notable that subsequent to the Care Inquiry Report the Jersey Law Commission had regard to it in preparing its own report. If I can quote from the Council of Ministers’ Implementation Report it says: “The commission has following its 2016 consultation, recently published its report, *et cetera*. The final recommendations cover the following areas: oversight of administrative redress processes; complaints procedures; the administrative justice system; the States of Jersey Complaints Panel; the establishment of a Jersey Public Services Ombudsman (also recommended by the Clothier Review); and, judicial review.” I submit that there is great scope there and perhaps greater scope than has been suggested before in improving all systems and it is that area which someone needs to concentrate on and ensure it is pursued. I appreciate the remarks made by the Council of Ministers’ report and acknowledge in the reply that matters are in hand but I do urge Members to ensure that pressure is kept on that. There are so many things within that which will help the process of administrative justice in the Island and I do urge Members in both this Assembly and in future Assemblies to keep an eye on that to make sure that the recommendations are pursued vigorously.

#### **1.1.25 Deputy S.Y. Mézec:**

I just wanted to take a second opportunity to speak. I was waiting until what I thought might be the end of this debate just because there were only really 2 points I wanted to address and the first of

which was raised by Deputy Doublet in her speech, who did ask if I could respond to this. I know Deputy Doublet is very keen on Scrutiny hearings being filmed and broadcast for the wider ...

**The Greffier of the States (in the Chair):**

I am sorry, Deputy, I think we are inquorate again.

**Deputy S.Y. Mézec:**

But this is really exciting.

**The Greffier of the States (in the Chair):**

I am very excited but, unfortunately, we need to call one or 2 Members in from the coffee room. If Members could come through. Deputy Mézec, I think we are quorate again.

**Deputy S.Y. Mézec:**

I hope so. Deputy Doublet had raised a point about Scrutiny hearings being filmed and she was right to say that this had been done previously with the Education and Home Affairs Panel. I just want to... and I know she knows this but I am personally very keen on the idea of public hearings being filmed. I am also keen on the idea of us attempting, when it is an issue that is of great public importance, to making the effort to make it more accessible to the public to come and turn up to, whether that means holding it in a more appropriate venue or holding them in the evening when it is an issue of such importance. I support that. I supported it being part of the trial with the Education Scrutiny Panel and I like the idea of hearings that are related to do with the Care Inquiry being filmed and broadcast. I understand that there is going to be work in the future done on this using this building to make it feasible to be able to install cameras and have those hearings broadcast. I think that would be a thoroughly positive step forward and I would support it. I would use the example of this Assembly being filmed to show that it certainly is a good thing and if we want to make it relevant to the Care Inquiry recommendations ... I know we have had a long discussion about recommendations certainly on the “Jersey Way” but I think one thing that you do do to break down the barriers that the public often feel there are between States Members and them is by opening up, by making things more transparent and letting them be able to see first-hand exactly what it is we are doing on their behalf, what questions we are asking, what answers are, or more interestingly, are not being given. That, I think, is a thoroughly good thing. It will be good for our democracy and good for getting better outcomes for the public. So I support that and have made the case in Scrutiny meetings to do that more often. The other point I wanted to go back to was made by Deputy Brée in his speech where he spoke about the issues to do with funding. I think the question he asked was: have we not committed funding already? Which is a good question and it is one that is difficult to answer for the simple reason that a lot of the things that we are going to have to do over the coming years we simply do not know how much they are going to cost and there is a lot that we do not know as well. For example, we do not know what is going to happen to the Haut de la Garenne building because the consultation has not happened yet. We do not know what is eventually going to happen to it. If it involves demolition that will obviously involve a cost so it is difficult to budget for that because we simply do not know what is going to happen there. Issues to do with sustainable workforce are going to be difficult to commit funding to on the basis that a lot of this will be recurring spending because it will be involved in how much we are going to pay certain people, what numbers of people we will be employing in which services. So that is, I think, impossible to budget for at this stage but it is right that the question is asked because that is what I think will pull the rug under this process, is that if at some point, now or in the future, we decide that we are going to be ... the word “prudent” will be used, of course, if it gets to that ... more prudent with what we spend on our public services. Then we will end up not funding the services that we, today, are meant to be committing to deliver so it is right that the question is asked and that politicians’ feet, or the Ministers’ feet, are held to the fire to make sure that they are coming up with fully funded solutions when it gets to this and certainly from

our panel's perspective we will be making sure that we do the scrutinising work to ensure that that is delivered upon.

**1.1.26 Deputy G.P. Southern of St. Helier:**

I waited until the end or close to the end of this debate because I have been waiting to hear any mention of the word "inequality" and I feel it is something that needs to be talked about in the Island. Whether you are a child or another adult member of our society the one thing that makes your life worse off, whether you are rich or poor or in the middle, is the increase in inequality in our society. It has been proven time and time again that as inequality goes up so all sorts of targets and all sorts of benefits go down. Whether it is illness, imprisonment, juvenile delinquency, poverty, all the markers go down as you increase inequality.

[16:15]

I believe that the target of this Assembly must be to improve equality among our residents. If we can do that then all of our society will be better off and that includes our children who we let down time and time again. I must mention it, I cannot resist it, and in particular not only did we just not do the right thing, very recently we did absolutely the wrong thing when we stopped £40 a week from single parents who look after children and those children, 57 per cent of them, over half of them, living in relative poverty and yet against all the evidence we decided to go on the attack on those children and make their lives worse, quite consciously and deliberately deciding that they did not deserve what was decided almost 10 years ago that they did deserve it. We got it right then and we got it wrong since. We have now mended our ways and taken a fresh look at what we were doing in the light of the evidence and we must do this, look for the evidence, and now put that right. But it has caused a number of years of difficulty and hardship for those children. We must be aware that we should not do that again and in fact everything we do should be seen against the light of what does this do for equality in our society, and if it improves equality then perhaps we should look at it. If we can see that it makes equality worse then perhaps we should not be doing it and that is one of the tests that we must impose time and time again when we look at our actions. That is the way to assist children.

**1.1.27 The Attorney General:**

I think I should say a few words in view of the allegations made by Deputy Higgins in relation to previous holders of my office in relation to various matters, suggestions of corruption and particularly decisions not to prosecute in relation to the Victoria College case specifically. It is worth bearing in mind that Mr. Jervis-Dykes was prosecuted and convicted and sentenced to 4 years' imprisonment as a consequence of a decision made by one of my predecessors. The other teacher referred to, I think by Deputy Higgins, in relation to the Director of Education some years ago, he was prosecuted by me just over a year ago in relation to a number of allegations and sentenced to 5½ years' imprisonment. But Deputy Higgins referred to various things which may have been said by the witnesses who appeared before the Care Inquiry but not the Care Inquiry's conclusions and findings in relation to the Victoria College Jervis-Dykes' affair and we see them in 2 sections. We can see the key evidence they heard in volume 2 of the report, particularly at paragraph 10.198 where they say that: "Sir Michael Birt, Attorney General at the relevant time, told the Inquiry at the conclusion of the investigation: 'The States of Jersey Police reported to me they did not feel that they had the co-operation and support of certain staff at Victoria College. I considered the report provided to me by the States of Jersey Police, raised matters with the governors, ought to be aware, and therefore wrote to them suggesting they look at the matter raised. As a result they procured the preparation of the Sharp Report'." At paragraph 10.199, the last paragraph in relation to this section, the Care Inquiry say: "An investigation report completed by Steven Sharp, the Sharp Report, concluded that if the correct procedures had been followed by the school it is most likely that Mr. Jervis-Dykes would have been suspended and arrested perhaps in 1992." The report is some years earlier. But in relation

to the Victoria College investigation itself the Care Inquiry's conclusions and findings are in their summary, which, of course, we have all read and having set out the Sharp finding the conclusions of the Care Inquiry in relation to Victoria College are as follows. "We set out in the report why we conclude there was no evidence that there were deliberate attempts to impede these investigations. We note that former chief officer, Graham Power, concluded that there was no basis for a full investigation into any cover up in relation to past decisions." That is what the Care Inquiry found in relation to this matter. **[Approbation]**

**1.1.28 Senator I.J. Gorst:**

I am grateful to the Attorney General for just clarifying the comments of the Inquiry in regard to that case in their conclusions. I just wanted to touch briefly as well in response to Deputy Higgins because I think the Deputy of St. Mary largely mentioned in his speech the actions that rightfully need to be taken in this regard and Deputy Higgins, I know, was looking to the past and raising some of the evidence given to the Inquiry. But the Inquiry itself, I think, talks about the changes that we need to make in regards to the processes for appeal, for administration within the service, and the Deputy will also be aware of all the good work that the Access to Justice Review Panel is undertaking together with the work of the Legislation Advisory Panel, together with the creation of a new Judicial and Legal Services Commission so that there can be absolute clarity in the public domain about processes which should be followed for Members of this Assembly or members of the public if they have concerns along the lines that the Deputy was alluding to. So I think the work ongoing will give Members of the Assembly more confidence about what they should do in any given situation and what redress or complaints process is open to them. I think it has been a good debate on the whole, notwithstanding the points of order towards the end. I must be ... you will grant me this point, I was most surprised that for a moment there, I was wondering if Deputy Higgins was wishing he had voted for me but there we are. Maybe that is just wishful thinking on my part.

**Deputy M.R. Higgins:**

I support what you have said too.

**Senator I.J. Gorst:**

There have been a number of questions raised, some of which have answers and some do not. I want to return to the Connétable of St. Saviour. I thought she gave an excellent speech. Helping us to see again that there is much that is to be praised, much that is great about living in this community that we all call home; much to be proud of. It is for us to see things with the glass half full and not half empty. I have said on many occasions before that each one of us living in this community should, I think, consider it a privilege. But we also know there are things that have happened in our community which we need to come to terms with, which we need to talk about openly and maturely, and which we need to commit ourselves to ensuring do not happen in our community again. Not many places around the globe can say that they have or are dealing with these issues quite in the open way which we now are. We have not in the past; we absolutely admit that but we are now. I think Deputy Higgins makes a valid point when he says, as did the chairman of the Scrutiny Panel, we must continue to do so. We cannot just let this fall off the agenda. It was the Deputy of St. John that said: "In the past we have had inquiries, we have had reports. They have been on the agenda for the moment and then they have fallen by the wayside when something more pressing has come along." I may say something more about this tomorrow but even during this week we, in this Assembly, have been lobbied heavily, and we will talk about that tomorrow, lobbied heavily on another matter. Of course, that matter is important but it should not - it should not - overshadow the importance of delivering action on behalf of children and young people in our community. It really should not. I do not sense that today, for Members of this Assembly, it has and I am grateful to them for that because I know that for officials it is so easy to get caught up with the urgent and immediate, as it is

for Members of the Assembly and to leave behind the strategic and the important because something else has just come across the desk. We cannot - we cannot - let that happen in this regard. One Member asked about staff that had been removed from their post, post the Inquiry, and I was asked a written question about that possibly at the first sitting of this Assembly or at least in December and they will see there, in that written question, the answer to their question, that they have gone back to work. Those investigations were reviewed by not only the police service but also by law officers to ensure that the right approach was taken. Deputy Brée asked about money and the chairman of the panel discussed that again in his closing comments. £3 million was put aside when we received the report from contingency to enable this work to go on. That, together with the £1.6 million that was already in the M.T.F.P. (Medium Term Financial Plan), to deal with children and vulnerable children in our community, but is that enough money, ultimately, for all of the changes that may need to take place. He is shaking his head. I accept that. I do not think it will be enough money but he knows the process that we must go through in order to secure that money and I acknowledge, because he said it on the day after the report was published, his commitment and dedication to ensuring those services have the money that they require in due course.

[16:30]

But I am very keen that we do not just deliver a tick-box exercise, as I said at the start, because if we do we will have failed. If we do not deliver co-produced services with service users, with children and young people, with the community at their heart and properly scope them, properly analyse the funding that is required and properly support them in this Assembly we will have failed again and we cannot. We absolutely cannot do that. If we try to deliver, and someone else said this, a best practise from just one other place and fit it into our Island again we will have failed because, yes, we can see what works elsewhere and, yes, we know that there are some excellent models in the British Isles. I, later this year, will be going to Scotland to look at some of their work with a host of other people as well. But if we just take a model from one other place that is producing good outcomes the likelihood is that we will fail as well. We must learn from elsewhere around the globe that we must, and I keep saying this, we must co-produce the service and the improvements with Islanders and young people as well. I have been asked some quite difficult questions. The money question is an easy question. The most difficult question I think is about culture and is about change, and I am not sure whether it was the Deputy of St. John or it was Deputy Labey that asked me about, do I have confidence that the culture has changed? I could give him or her a political answer and list off all the things that we are doing and of course we are and is it as bad or as difficult as it was 5 years ago? Of course it is not. But am I confident that it is sufficiently changed? I am not because it is not because still, as we stand here today there are excellent people, working their hearts out, every hour virtually that God sends, in a system that seems to be working against them. In a system that seems to be more concerned with ticking boxes and being seen to do the right thing rather than a system that puts Islanders at its heart and that cannot be because that is at the heart of what the Inquiry said. We had lost focus on what really matters and what really matters in this instance, and I will come back to Deputy Martin, is how we care and provide for children and young people. It is going to take time to regain that focus and change that culture in to the place that we want it to get to. Sometimes I think I am very clear in what I say but I realise that I expect people to read between the lines and therefore that means, perhaps, I have not been as clear as I thought I was. But to be clear this is why we have the new chief executive that we have. This is why we have those people from elsewhere who have been criticised and called the 4 horsemen of the apocalypse and other worse names. I have been criticised for spending money on them. I would do it again in an instant. We do not yet know what the result will be but we do start to know what they are finding when they are scratching the surface and how we need to change the way that we operate. I say that because it will, in some areas, require more money but in other areas there is duplication. Too many. Dare I say this, senior managers duplicated across too many departments. I see you are smiling.

### **The Greffier of the States (in the Chair):**

You look slightly worried but carry on, Chief Minister.

### **Senator I.J. Gorst:**

Not in your department of course. Yet we are obviously not paying social workers enough because it is a problem right across the U.K. that social workers cannot be attracted but it seems to be magnified here because of the extra premium. So until I have got those changes through to the system of government, until we have transformed Scrutiny, until we have delivered a new operating model, until we have given the proper support to Ministers and States Members to do their work well on behalf of Islanders I will not be confident. Even then it will take some time for Islanders to see the improvements but it is absolutely the right thing to do. When we know that something is not working we should not sit by and carry on as if everything was fine. We have done that in the past and some of the challenges that we face ... of course, I am a free market individual. I believe that work is good for all of us and that we should be given the opportunity and the incentives to improve our own lives and the lives of our families. I am not ashamed of that. Others are much more central control and think that Government has got the answer to every question. I am not one of those and hopefully readers of the Inquiry will see why that is not the case. But there are some times when we have to recognise those fundamental issues and the Deputy of St. John touched on some of them. The uncomfortable voice. The categorisation of individuals that we do not listen to for various reasons; that has got to be an approach of the past, not an approach of the future. If we really are a community, and I believe that we are, that wants to see equality, that wants to see fairness, that wants to see equality of opportunity for all then there are some challenges that we will have to face up to and they will not be easy to deal with. I just wanted to come back to Deputy Hilton. I start by saying it is always difficult to discuss an individual case and she kindly forwarded me the judgment in that particular case. I know that it is not straightforward. I know that even today the Minister for Health and Social Services gets lobbied on such cases in the opposite direction. But the timing of intervention in those cases and really this, I think, is what also the Constable of Trinity was saying about the case that he raised. The timing and the appropriateness of intervention is so fundamentally important to giving vulnerable children and adults a better future. It is not easy to take children away from their homes but sometimes it is even worse to make that decision later because of the effects that that has had upon those children and those families, but that is why fostering is so important. That is why the interventions around children and young people are so important. That is why having permanent social workers is so important so that these issues can be spotted. It is why it is so important that we, once and for all, learn from the serious case reviews about communication. Where was the G.P. (general practitioner)? Where is the psychiatrist? Where is the **[Interruption]** ... where is the physiotherapist? **[Laughter]** These are all interactions in people's lives and all of them have a responsibility to be communicating and thinking about the big picture in those children's lives and not leaving it to someone else and this is the basic problem around the corporate parenting issue as well. Of course, the Minister for Health and Social Services is the one that is legally responsible but that does not mean to say that we do not also share a responsibility. I come back to the Deputy of St. John. In the community that she spoke about earlier once upon a time neighbours, family members, would support each other and if a child was doing something wrong a relative or a neighbour would think nothing of pulling them to one side and helping them through that issue or having a word with them. We were more connected. We all saw that we had a responsibility to building a stronger and better society. We need to regain some of that. Not being busybodies but we do need to regain some of that community spirit which, by and large, we can be justifiably proud of because we all have a responsibility in those cases. So to Deputy Hilton, I am not sure that we do get it right every time. I am not sure we do take children away quite at the right time. I think sometimes we give people the benefit of the doubt when we should have known better. So we are on a journey. Should I say we have started on a journey and we started that journey, I think, for the majority of us on 3rd July. I

did just want to touch on what the Constable of St. Martin said as well. I said at the start that I had had the privilege of a number of members of the public coming and speaking to me, some of them who suffered abuse, some of them whose experiences in the institutions where people gave evidence to the inquiry was very different and he spoke about his experience at Sacré Coeur. He brought to see me an Islander who was taken in by the nuns, with her mother, in one of the rooms or flats we might call them now, when they had nowhere else to go, where they were virtually out on the street and she wanted me, as she wanted the Connétable, to recognise the work of the nuns that she had seen and, of course, it is true, that those individuals gave their lives to serve children. But that in no way, to my mind ... it is just their experience.

[16:45]

Others had a different experience and it is that that we are trying to come to terms with. The same at Haut de la Garenne. For some it was the worst period of their lives and they suffered unimaginably. For others it was the first time they had been in an environment where there was routine and they felt safe. We have a responsibility to listen to both of those stories and again commit ourselves to delivering on these action plans. So I think it was Deputy Labey who spoke about Haut de la Garenne, as did the Constable, and whether it should be demolished and the part that leavers, those who suffered there, should play in that consultation. I am of the view that that is yet another difficult decision that this Assembly, after the election, will need to make and it will not be easy to decide what to do with that recommendation or with that place but I have every confidence that Members of this Assembly and the next Assembly, as it will be, will consider carefully, will listen to all points of view before arriving at a decision in that regard. I will finish where I started. As we step forward to deliver these actions we must focus on outcomes and not outputs. Outcomes and not outputs. If our apology is to really mean anything we must change and deliver and we must put children and young people at the heart of what we do as a Government, as a Legislature and as a community because, as Deputy Martin said, not only young people up to 18 but beyond that need our support and our care as well. There is Deputy Tadier and, as I said the day after the publication of the Inquiry, there are other vulnerable members of our community that we started making progress on helping and supporting, those with mental health but there is a lot more work to do. It has not got any easier in the last 6 months or so. In fact as we come up to the election it may become harder because we will be challenged about why we spent £23 million on that Inquiry. We will be challenged about 101 other issues that are important to Islanders. But, as leaders of our community, we owe it to those who suffered to stand up and be counted in the way that we support the actions that will deliver the recommendations and stand or fall by that. **[Approbation]**

**Deputy R. Labey:**

Sir, as this is an in committee debate and just before the Chief Minister spoke, we had some very helpful advice from the Attorney General but I fear he may have inadvertently left the House with the wrong impression and can I just seek a point of clarification from him?

**The Greffier of the States (in the Chair):**

Yes. The plan was for the debate to finish after the Chief Minister's contribution, so I do not want to extend the debate. But if there is a point you wish to clarify with the Attorney General, I am sure he will be happy to assist.

**Deputy R. Labey:**

Just because the Committee of Inquiry does not find evidence to suggest there was a cover-up at Victoria College, does not, in itself, exonerate the authorities of the college or in any way negate what the Sharp Report reported as a catastrophic failure in their duty of care to the abused children at the school, does it?



**The Attorney General:**

No, I would not disagree with that. But the point I was making was simply that there was an allegation of a failure to prosecute, which simply is not supported by the findings of the Care Inquiry.

**The Greffier of the States (in the Chair):**

Thank you, that brings the debate to a close. I have a couple of things to announce, one is that some Members, Ministers I think, have received some messages from a clergyman, Reverend Shea, and they are to be found in pigeon holes once we leave today. We also have had lodged a third amendment to the Draft Marriage and Civil Status Law; that should have been available yesterday and I had an inquiry in my department as to why it was not made available, and it turned out it was my fault entirely. I apologise to the Assembly for that. We have also circulated the proposed running order for the debate tomorrow for Members and that, for the public, will be made available online as well. The Assembly now stands adjourned until 9.30 a.m. tomorrow.

**ADJOURNMENT**

[16:51]