

# STATES OF JERSEY

## OFFICIAL REPORT IN COMMITTEE

FRIDAY, 7th JULY 2017

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[9:30]

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

**PUBLIC BUSINESS – resumption**

**1. Report of the Independent Jersey Care Inquiry (R.59/2017) (consideration in committee)**

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

Yesterday I was asked a question by Senator Ozouf about delay in child care cases, applications for care orders in particular. It is right to say that both under our children's law and the equivalent English Children Act, delay in making decisions is contrary to the best interests of children. Article 2 of our Children Law provides that in any proceedings in which any question with respect to the upbringing of a child arises, the court shall have regard to the general principle, but any delay is likely to prejudice the welfare of the child. Any delay must be purposeful. The court, whenever it is looking at a care case, will have regard to the 'no delay' principle. Quite unlike the case of general civil litigation, the court will intervene to ensure that the case is kept up to speed. Some care cases will begin with an Emergency Protection Order, sometimes my department will receive a notice of an urgent application and make an application to the court to secure a child and remove it to a place of safety the same day as we receive the notice. In other circumstances, proceedings will begin with an interim care application pursuant to a care order. Once an interim care order is granted, it will be reviewed every 4 weeks by the Royal Court. The court will be told of any changes, the parties will be kept to a court-imposed timetable, and if there are any concerns the court will order an urgent directions hearing in relation to those proceedings. For example, if there was an unexpected change in circumstances, another child expected in the family, fresh allegations that might impact on expert assessments or the timetable for proceedings - sometimes children make allegations when they are brought into care because they are finally in a safe place. Other factors that sometimes cause delay are parents not turning up to meetings with experts, psychiatrists, psychologists and social workers. You cannot say to a parent who has missed an appointment: "You cannot see your child again." Social workers go to great lengths to ensure that those appointments are kept: buying parents diaries, sending them texts and so on. When it comes to listing the case for a final hearing there are a number of things to take into account: the availability of experts, often from England; other witnesses; and of course the court diary, although the court does treat these cases with urgency. There needs to be a final care plan for the court to take into account the particular needs of that child. If the plan is adoption, it will also often be possible to have the 'freeing for adoption' application heard at the same time. Of course, that is very significant for the parents as, from that day onwards, it extinguishes their legal ties with the child. It can be very good for the child and it gives them certainty going forward. Before the Minister can make an application for a 'freeing' order, the fostering and adoption panel must approve that the child is suitable for adoption and recommend an application be made. It is right to say, on average, the last years have shown that those proceedings in total take about 40 to 44 weeks to conclude in Jersey. As I think Senator Ozouf was saying yesterday in his question, recently in England and Wales a 26-week time limit for those cases has been introduced. That time limit has caused difficulties, which have been publicised. It has led to delay in local authorities issuing proceedings because they know of the time limit, contrary to the interests of the child and, of course, the parents who cannot receive legal advice under Legal Aid until the application has begun. Secondly, in some cases, knowing, as I think the Assembly will, of the difficulties in these cases, because of the desire to conclude matters within 26 weeks you sometimes end up with a final order not properly tailored to the interests of the particular child. That is the answer to the question I was asked. I would like to correct something Senator Ozouf suggested in his question yesterday, that in some way in the speech that I made yesterday I had impliedly rejected the need for reform

and change set out in the report of the Care Inquiry. That is simply wrong. I welcomed the report. The question of the precise changes to be made is a matter for the Assembly, not for me, but as the Deputy of St. John noted, my department will be instrumental in implementing the changes that this Assembly elects to proceed with. The only narrow point I made was that in relation to the test for taking children into care, it is the same in Jersey as in England and Wales. I said no more about the law than that.

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

Thank you very much. We have a number of Members who have indicated they wish to speak for the first time; a growing number of Members, in fact, 6 or 7 at the moment. After which, once we have exhausted those, there will be the opportunity for second speeches, and I have 2 or 3 Members who have indicated they wish to speak for a second time. The first name on the list is the Acting Dean.

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

Sir, before we recommence, could we know which order the speakers are in this?

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

I am slightly reluctant to do that because it is not the normal practice and because sometimes people pop in and out of the room for all sorts of reasons and they get moved around. I did move around the list yesterday to accommodate the Attorney General before the end of the day, for example, because I thought that was in the interests of the Assembly. I am slightly reluctant to do that. I am happy to talk to individual people if they have to leave the room for a cup of tea or something. I do indicate, sometimes, where people are on the list, but I am reluctant to run what is, in effect, an official speaking order, because it is not the normal practice in the Assembly. I can say the first person is the Acting Dean.

**1.1 The Very Reverend P. Brooks, The Acting Dean:**

As Members will know, this is the first time that I will have spoken to this Assembly, and I want to say that, as I offer some reflections, my comments may reflect the thoughts of others and may already have been shared, but I feel, as Acting Dean, it is incumbent upon me to make comments on today and on the report that we have received. Like all the States Members, I am horrified and deeply saddened by what has happened to those who became victims of our Island's care system. The Inquiry has shown clearly its failures. My thoughts and prayers go out to all the victims, all victims of abuse, and today, as we continue our debate we will of course continue to remember those who have suffered physical and sexual abuse, or emotional neglect, while under the care of our Island. I want to say to those people, you are at the top of our thoughts. The abuse should not have happened and we must ensure, as far as it is down to us and to this Assembly, that it does not happen again. I also want to add my thanks to the victims who have had the courage to speak out. For some perhaps it was a relief to at last be heard, to be believed, and for their story to be told. In any case, for many it would have been incredibly difficult and I want to thank them for being willing to speak out. I also want to add my thanks to the care panel and their team. They have worked carefully, diligently, thoroughly and have heard what at times can only be described as - the word has been used in this Assembly a number of times - harrowing testimony. However unpalatable the truth, we are grateful that it has been told and recognise too, as we have heard with the 4 who have come forward this week, that there is still more to be told.

[9:45]

Now that we have the report, however, we must get on with responding to what we have learned and ensure that the future is different from the past. So, to the Care Inquiry and their team, and to those who have shared and spoken with them, thank you. Frances Oldham Q.C. (Queen's Counsel)

in her statement on Monday said that a fair test of any society is how it treats its most vulnerable citizens. Jersey has been tried and found wanting. We have heard that previous reports in this area have not been fully enacted or followed through on. We have been found wanting on each occasion. I am grateful for the Chief Minister's pledge, as far as it is in his power, that all the recommendations will be followed. We are all clear that things need to improve. Perpetrators of abuse against children must rightly and are being brought to justice. Sitting as Dean Substitute, part of my role when speaking here is to offer an ethical comment into the proceedings. Justice is a very important part of ethics. Ethically, a failure to deal with bullies, with those who abuse others, is to collude with them and to add to the victim's sufferings. We must not be seen to be colluding in any way. Of course, the work of the States of Jersey Police and courts and others continues with our full support. Justice is a fundamental element of any civilised society. Things need to move on for those who work with and for our children. We have heard of improvements in the last few years, but more remains to be done. The process is ongoing. Four words have struck me in the report: training, accountability, prevention and sustainability. Training: we have been recommended to learn from the best, and that is already happening, but we must continue this further. Training costs money but if it is the right sort of training it is invaluable and irreplaceable and repays the investment manifold. The benefit to our children cannot be understated. Some of the situations our professionals have to deal with are incredibly challenging. Making the right choices in care and support for the vulnerable is rarely easy. Excellent training is vital. Accountability: in the words of John Donne, the poet: "No man is an island, Entire of itself. Every man is a piece of the continent. A part of the main." We have, in the past, too often worked in isolation. Too many people behaving as an island. The words "silo mentality" have been used regularly. Many think they know best or thought they knew best or, if in positions of responsibility, they thought that they - the caregivers - knew best. This report shows that we do not and that they often do not, know the best. We have to work together. The silo mentality is changing but so much more needs to be done. I have to say, in my experience, working with others does take time. It is really irritating how long it takes when you have to work collaboratively, but it is essential for the good of our children. It requires deliberate investment of our time, but it has to be done. Too often, if there has been any accountability, it has been inadequate, and frequently there has been accountability to no one, as we have read. This report shows that accountability must be done better across the board. It is a challenge to this Assembly, to politicians, both Ministers and Back-Benchers. We can no longer hide behind civil servants. It is part of the politician's role to know what is going on and to hold people to account. Structures and procedures that ensure proper accountability are a part of this, but not the whole story. The responses to this report that I have heard show that there is a genuine willingness to take responsibility, but those with responsibility here and in our civil service have been challenged with this report to continue that culture change. It requires people's commitment, not just structures, to attain proper accountability. The report expresses concern that planning and policy should be rooted in children's experiences and not process-driven. Of course that is right. Accountability must not simply be a paper exercise but something that genuinely ensures the best for and with our Island children. Prevention: The report, particularly in the recommendations from witnesses and other contributors to the Inquiry, and in the appendices including that by Roger Bullock and Roy Parker, have used the word "prevention" frequently. It is often said that prevention is better than cure. Many of the 8 recommendations will result in better prevention of the abuse of children. Of course, abuse can never be ruled out completely. Individuals may still perpetrate evil against others but prevention and care can and must be done better. My fourth word is "sustainability." The work cannot just be the product of a whole load of enthusiasm because we have got a report and we have spent a lot of money on it. The fact is, we are likely to do well for 12 or 24 months because the panel is coming back, but then there is a real possibility of losing momentum. It has to be sustained. Decisions now have to be taken that will ensure that the good work that is already being

started and continued and the good intentions that are currently in this place, do not fade as the story moves from the headlines. Not simply short, but medium and long-term decisions, planning and commitment, are essential to a right response to the Inquiry. The report of the Care Inquiry is, of course, not completely doom and gloom. The panel was impressed by the range of the work and dedication of staff and volunteers in many agencies, notably the many groups based at The Bridge, Les Amis, M.A.S.H. (Multi Agency Safeguarding Hub), our health visitors and C.A.M.H.S. (Child and Adolescent Mental Health Service). I am also aware that many of our foster carers, despite the issues that have been raised in this Assembly, do an outstanding job. Child development and its science is complex and I have to say I fully support and welcome support for families from the earliest days. There are those who know much more about child development than I do, but the reality is that there is development that happens in children from the very beginning that, if that period is lost, it is almost impossible to regain for that person. However, at the same time as these agencies that I have already mentioned do good work, for some, at least, resources can be a real struggle. In the church, we sometimes use the phrase: "Join in with what God is doing." Here, we can translate that to: "Properly support that which is doing well." This is one of the challenges to our Ministers and civil servants that comes out of this report. The Inquiry panel has made some of its recommendations, that the whole community consider how the negative perception of the Jersey way can be countered. As we have heard in our debate, the use of that phrase has frequently not been good. After the Manchester bombing, at the vigil in the Royal Square, I said this: "Of course we are all angry at the evil perpetrated but we must respond by seeking justice, by protecting the vulnerable and by showing compassion. This is the way of our values, the Jersey way." Just as it was true after Manchester, so it is true today after the report's publication. I will say it again: "Of course we are all angry at the evil perpetrated but we must respond by seeking justice, by protecting the vulnerable and by showing compassion. This is the way of our values, the Jersey way." This debate is part of countering and changing the negative perception of the Jersey way. Before I conclude, I have one further point and then my conclusion. At the start of each day, as we sit as the States, I lead us in prayers, asking for God's help in the work of this place. I happen to think that it is very important for us. I would, would I not? As part of the prayer, on each occasion I pray: "*Que, dans toutes leurs délibérations, soit accompagné de votre bénédiction, réussissez pour le bien et le soulagement des personnes qu'il vous plaît de s'engager à leurs soins*" or, in English: "That in all their deliberations, being accompanied by your blessing, succeed for the good and relief of the people whom it pleased you commit to their care." I think that this report is part of the answer to that prayer and it is a reminder each time that we pray and as we meet as the States Assembly in this place. To conclude, I arrived in Jersey 23 years ago to serve the Church of Jesus Christ and the community in this Island. I count it a privilege to live and serve here, but unless we take care of our children properly, that privilege is but dust and ashes. If we fail to properly recognise the corporate parenting by our Assembly and society of our looked after children, we fail the test, our most vulnerable citizens remain betrayed, and the values we wish to be known for are the very thing that do indeed, as has been said, hold us up for ridicule. The report tells us starkly that we have failed to prioritise needs of children or to value them. I fully endorse the desire to change. In the Members' coffee room, I found the University College of Jersey prospectus; they are based at Highlands College. Its cover reads: "The best way to predict the future is to create it." This is the moment to seize the opportunity for our young who are in our care. The Inquiry report tells us the Island's highest value asset is our children. This Assembly, along with all public servants, must now show it believes that. **[Approbation]**

### **1.1.1 Senator P.F.C. Ozouf:**

May I be the first to offer my congratulations to the remarks of the Acting Dean. I do not know how long he is going to be with us in this Assembly, but I know, as his predecessor has, he has shown, to me and other Members, compassion and a very caring pastoral role in the role that he has

in this Assembly. There are issues about his right to speak and his predecessors' and his successors', but certainly it is in the unseen way in which the Dean of this Assembly carries out what is a very informal role, and certainly the remarks that he has made exemplify the reasons why he is a welcome member - certainly in my view - of this Assembly, and the comments that he makes, both those publicly and also those to us in the coffee room when some of us need a little pastoral care. I thank the Acting Dean for his remarks. This, I think also, is an important opportunity. We have had many in committee debates over the years, but it is an evolution in our parliamentary system, that in fact we are having a public debate which is video-streamed, which Islanders can see. They are elected representatives, talking, debating, contributing, commenting on matters past, and most importantly, matters previously. There will be no conclusion of this debate because there is no particular vote, but there will clearly be issues that will be raised and will be taken across. For my part, I congratulate also and pay tribute to the many Members of this Assembly who have spoken, I think eloquently, from the heart and doing what they really are here to do, which is what we are all here to do, which is to serve Jersey. This debate is very much about looking back, but learning about the past and how we can move forward in a constructive and positive way. We can focus, and my remarks are very much going to be focused on what we need to do now to change, implement, repair for the people that we have let down. I am one of those Members that was on the Council of Ministers; I think it is only Senator Routier and I that were on the Council of Ministers at the time of Operation Rectangle.

[10:00]

The report, which is substantial, the Frances Oldham report - which has received a lot of comments about the cost and of course that has been a challenge - I think the more one reads it, as the Chief Minister has said and encouraged us to do, and as other Members have said, the more one reads the testimony of victims, the more one realises just how important this issue is. To say that this report is just about child abuse would be, I think, to do a disservice to it. The corrective action that is required and that this report calls on is much, much wider than just simply the issues of children, and they are important. I want to say I am pleased, if that is an appropriate word - I am at least relieved I suppose would be a better word - that some people where a dark shadow has been cast on their reputations and the way in which they dealt with things at the time have been, I think, very fairly reflected in the Inquiry report. I think particularly of those Ministers that were at the time and the officials at the time who were dealing with what was an extremely difficult situation. I would single out, if I may, the former Chief Minister, who I think in a very, very difficult situation made the right decisions in a number of different respects. Nobody is perfect, but he certainly, and other Ministers, knew of the serious implications at the time of what had happened. It was an extremely difficult time for the Ministers concerned, but I believe that they acted in good faith and I certainly was part of certain discussions about that. It was difficult; it was painful beyond belief to see the portrayal of the Island that many of us have been born in, brought up in. I make no difference between those that are born and not born, as many Members will say. To see the Island around the world... and indeed I saw on Monday the portrayal in a newspaper which is seen by millions of people in London, the *Metro* newspaper, the description of the "House of Horrors". Around the world, Jersey was brought to the attention of people as a place of which terrible child abuse happened. There is no doubt that child abuse happened. There is a reason why I have not ever commented directly on the issues of child abuse myself and I have withdrawn from discussions at the Council of Ministers in the redress scheme and in various other matters. That is not, for the avoidance of any doubt, because I am a victim, but because I was an individual that was aware of child abuse in a very close sense. So I have watched, observed and given, where possible, information and insight into the world of child abuse, how it happened, how it was denied, how it was ignored and how the effects on the individuals that are known to me have effectively had their lives changed. There is no political point-scoring, there is no competition, there is no league table

of Members at this Assembly who know little, who know more or less than anybody else. I am no different. But there is a reason why I have taken the position that I have in not being directly involved in various different aspects, but I believe that that time has now ended and that I am able now to take a full part in the discussions and in certainly the repair work and in the corrective action that must be taken. So I was a student at Victoria College. That is not the issue particularly, but I was aware another Member had spoken of that. I was a musician in the peripatetic music system and I was aware in the 1980s of what had happened in the education system and I was aware of, only too painfully, what it was for an individual to have had to deal with abuse. I make those comments because they are deeply engrained in me and that when people say sorry, I know what that means to the victims and I know what it also means to the people that have been through this whole Inquiry. Some of them do not wish to be reminded of what was a very dark period in their lives. There is one individual, not connected with Jersey, who I have tried to assist who said and identified the fact that that individual had been abused; 30 years ago, that person would not have been believed. There are many people that still hold knowledge of child abuse that happened that have not got and did not have the confidence to come forward to draw to the authorities the attention the fact that abuse happened. It is extremely difficult for the friends and family of those people to say, to encourage those people to come forward. If I may publicly also make a warm and I think appropriate tribute to - I think I can name the D.C. (Detective Constable) because she has been in the public domain - Detective Constable Fossey. Chief Inspector, I am so sorry. She has rightly been promoted. The work of that individual, I think we owe that individual a deep debt of gratitude for the work [**Approbation**] that she has undertaken in putting in place proper arrangements and safeguarding and prosecution and investigation. There is much that has changed since the 1980s. It is true that when an individual came forward, either within the care system of Jersey, the education system or any other arrangement that children were not automatically ... not by their immediate people around them, but by the Education Department or the other authorities, that they were not believed. They did not think that they would be believed. The children themselves perhaps did not even understand the implications of what had happened to them, because they were innocent. Their innocence was taken away. I make my remarks about Chief Inspector Fossey to say that if there is anything that any individual knows about abuse that has happened in Jersey, then the individual that is capable of dealing compassionately, privately, confidentially and appropriate is there. If there are other issues that need to be brought to the attention of the authorities, then the message should go very clearly out that there are now the appropriate safeguards and protections in place for individuals that still need to report child abuse that happened in Jersey or elsewhere in the period up to the perhaps 1990s. We have heard in the last couple of days of the issues that some people have come forward and we should encourage them to do so, because it is the only message that I have ever given to anybody that has come to me is that these people have had their lives irrevocably damaged, their innocence has been taken away. The pain that they have suffered is immeasurable. You can never change the past, but if the actions that they are called to take in reporting the abuse means that a single person, a single other young person does not have to suffer what they have done, then it is my only hope that in time they can look back at the inexplicable pain that they have suffered and the further pain that they go through in having to go through the prosecution system, that they will ensure that some other person is protected. It is extremely difficult. I know, because I have seen it. I know that when an individual goes forward and reports a crime, they can be ostracised from those others that are around them. Society closes ranks. Education, of the past, closed ranks, when safeguarding did not work. Those individuals themselves who have suffered abuse are themselves also bullied because others around them are also unable to accept the fact what has happened to them, which might have also happened to others in their same class, *et cetera*, are able to do it. It is extremely complex. It is not binary, it is not simply the individual, it is the individual and how they react to their friends, how to react to their teachers, how they react to their families and the way that those other people have to



deal with it. It is so difficult and that is the reason why this is in no way a way that must be used as a political football. It never has done and I have not heard any comments of this Assembly in the debate that we have had today that has attempted to do so, because to do so would be to undertake a great disservice to those people who still have to come forward and who are still living and who will live with the consequences of child abuse every single day of their lives in future. I want to also pay tribute to the Ministers who have recognised in the recent years the issues that needed to be dealt with. I particularly want to say to the current Minister for Housing and to the Deputy of Trinity that I was with her, I saw her when she dealt with the needs of a health system that was simply not fit for purpose in a variety of different ways when she started her term of office. The term "Everest" was, I think, made by another Member. We did not have a health service that was simply in minor repair, it was a health service that was broken, virtually in every single aspect of what that Minister inherited, not only in terms of the infrastructure and the hospital buildings, but in the whole way in which that department had operated. It was a scandal and it had been left for too long. The Deputy of Trinity, I think this Assembly owes her an enormous debt of gratitude for the work and the courage that she undertook in putting in place what she did. It was a long journey that is not finished and she does not think the journey is finished. Her current successor knows that it is not finished, but such was the antiquated... the decades of unchallenged... of political individuals who either did not know, turned a blind eye, did not question or for whatever reason that it is not appropriate to offer a blame or whatever, but it just did not happen. But the Deputy of Trinity exhibited to me enormous courage in changing what needed to change. It was the turning point for me that changed for ever Children's Services and the health services that are now currently being changed. I think that the Deputy of Trinity should be proud of the enormous, significant, decades-long required change that happened in the health service and I say that publicly to her. **[Approbation]** I am pleased that other Members may recognise that, because sometimes we do not say thank you to some of our colleagues. I have also made comments about the Jersey way and I was perhaps surprised in the Inquiry report that it was focused on to such a great extent.

[10:15]

I want to just make a couple of observations about that and why it is so fundamental to separate out the pejorative and negative aspects of the Jersey way with those that still use it in an attempt to say that it is, as it has without doubt positive attributes. It is a euphemism that personally I have always found difficult. My friends say it is an insular word in the pejorative sense. We are proud of a lot of things in Jersey, and I am, whether or not it is the filter-in-turn, our reputation for helping our neighbours, our Jersey cow, the garments that bear our name. We all have an enormous amount of things to be proud of, but there is also a need to recognise the things that we should not be proud of and we need to recognise the fact that things went wrong. The Jersey way in the context is not wanting to be told to do something because we think we know best and that is the attitude which I have always found so difficult. I say it, and I think my remarks are not going to be welcomed by some people, because the Frances Oldham Q.C. report shines an uncomfortable light into that view that somehow we are a closed community that does not want to see... expose, open ourselves to external review. Somehow we think we might know better because simply we are of Jersey and from Jersey and because we understand our traditions, because we understand our parochial system and our history, that that somehow gives us some sort of better right to say what is correct to do today. It is that that has always been such a problem. Islands are around the world burdened with the suggestion of secretism, of being secret, a world where they reject advice from outside. The link is of course in the other reports that have been made by Englishmen, by non-Jersey residents, about our political system, our judiciary and other matters over many years and reports that, until now, I do not think have really been understood in terms of the needs of the fundamental foundations on which our democracy is built. Electoral reform: Members of this Assembly and Islanders understandably do not like to be told that it is a problem, they do not like to be told that

when we have election observers they are likely to be critical of our system. On balance, I have always argued that there is a need to respect and understand the context in Jersey, but also to understand - and we use it in the financial services world - global standards. Global standards are not issues which are irrelevant to Jersey. They are relevant and they must be put into some sort of context. It is not in any way doing a disservice, it is not in any way unpatriotic, un-Jersey, to say that there are things that need to improve. Every day is a new day, every day is a learning day, every day is a day in which we may learn something new, either from within or from outwith. We must have the confidence, we must have the humility to understand that and the consequence of when reports are written about Jersey and what we need to do to change, we must basically put them into context, but we cannot simply say that they are not relevant. If this Assembly sets up inquiries or reviews such as Clothier, Carswell, Williamson, we do not do that casually, because we do not think that there is a problem. The difficulty we have is when these individuals, some of which are panels that are people from Jersey and from outside Jersey, report we do not like what their conclusions are and many of the issues of culture that we are talking about are at the very heart. The problems that have emerged in child abuse and the non-recognition of child abuse, they are built on the foundations that are simply not fit for purpose in today's way. I think that it is fantastic that the Chief Minister has demonstrated in his remarks... and I have watched his interviews, he was given a hard time on Channel 4 News, he was interviewed on the *Today* programme and he has been on the media around the world. For me, he has exemplified what is effectively... and I cannot use the words "new Jersey", I cannot use the words "Jersey way" or "new Jersey way", I will just use it "the modern Jersey": broadminded, open-minded, unprejudiced, unbiased, understanding, tolerant, liberal, kind, humane, thoughtful, considerate, compassionate, gentle, loving, caring, decent, responsive, thoughtful, kind, proper, responsible, respectful and understanding. Those are the words, in my view, that represent what many of us want to build in terms of a modern Jersey and they are the words that are almost the opposite of the negative connotations of the prejudiced words of the old Jersey way. I hope that this debate and this report and the actions that must flow from it will be remembered in terms of the guiding principles of the modern Jersey that we, the elected Members of this Island, must do. We must move fast in terms of implementing the changes. We need to basically change quite a lot. There needs to be a massive change and that is why the Chief Minister has, I think, set up these various panels. I know that some Members are challenged by the fact that they may be invited on panels of people they might not agree with politically, of the different political spectrums, but there are common denominators which the Chief Minister said he needs 25 votes to deal with a number of those issues. I hope that there will be a real joining of Members across the traditional political divides, across the traditional ministerial and non-ministerial divides of the left and the right, to the extent that those are even relevant in the modern world, and that we will commit ourselves all to making and putting in place the corrective action, because delay is going to be the worst issue and the worst consequence of this report. If this report and the recommendations that are in it are delayed in terms of their implementation, we will do a disservice not only to the children of today, but the children of tomorrow and the wider Island community. We have to put our own self-interests aside. We have to put legislation in place that puts child welfare at the ascension of decision-making. It is not at the moment. We have to have improvements in openness, in scrutiny and inspection. F.O.I. (freedom of information) is a reality. I think F.O.I. is right. It is the way that you ensure an open and transparent society. Perhaps the modalities of the way it is dealt with need to be addressed, but we must not turn that F.O.I. arrangement off. But there are issues. There is an issue about Ministers being able to speak in confidence prior to a decision that is made that completely have a coach and horses through them in the arrangements. There is a juxtaposition, there is an impossibility of the way that the F.O.I. Law works with the obligations of the Council of Ministers to make decisions in the way that they do. If I may say, there are issues in this States Assembly which need to be dealt with. Back-Benchers clearly need facilities, they need advice. Sir, I think

your Greffe needs to be complimented on the fact that you provide guidance in relation to this report and have given us some information, but I do think that at the heart of the implementation of these recommendations has got to be a step change in the respect in which Members are held and in the way that they respect themselves. Members do not have offices, they do not have facilities, they do not have research assistance in the way that parliamentarians in other countries have. I think that that is going to have to be dealt with.

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

Senator, it is a very interesting point, especially from my perspective, but we have strayed quite a long way from your course.

**Senator P.F.C. Ozouf:**

I know. I am coming back to it, yes. But they are at the heart of it, but I come back to the point ...

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

But it is not really, and that is why I think you really do need to come back to the heart of the report.

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

Would the Senator give way just for a moment? There are 2 floors that are free at the Finance Centre that could be put to good use, I am sure, although we are not here to talk about that at all.

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

No, we really are not here to talk about that, Deputy.

**Senator P.F.C. Ozouf:**

No, we are really not going to do that.

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

Let us get back to the report. I think if we get back to the report of the Care Inquiry, that is what people expect us to be debating today.

**Senator P.F.C. Ozouf:**

Yes, the Care Inquiry speaks of a need of Ministers to question and that is really the point that I am trying to make. It is the training, the aptitude, the knowledge that Ministers must question, that Ministers are simply not there as the implementer of the public sector and their civil service views. They have to be in touch and on top of their brief. They have to be inquisitive. Members of this Assembly who are not Ministers must also be suitably inquisitive, informed. The point that I want to make in that is that there has to be an understanding of the resources and the assistance that Ministers and Back-Benchers are given. That is the point that I wish to make. Otherwise it is not possible to implement the findings of this report. I will leave it at that, but there has been too much of a concentration of process and hierarchy. That is what the Oldham report says. We have focused on all of the issues to do with child abuse, almost by thinking that we can put money in, that we can rely on processes and simply that will be the solution. It is not. It is not simply processes that will work. It has to be more than that and it has to have an engagement of the political individuals who have to take responsibility. The issue of responsibility is something that is again not part of this debate today, but is relevant. There has to be an understanding, I would say, of what actual responsibility is. Responsibility is not necessarily blame, but it is taking responsibility and acting. If I were to address the Assembly in French, I would use one word, *responsabilité*, but in English there are 4 words that responsibility means: responsibility, accountability, answerability and liability and there has to be training on those very points. There

are 2 aspects that I do wish to address in relation to the corrective action that I think is within this report that does need discussion and it is perhaps serendipitous that in the period of time that I have not been a Minister I have had some time to focus on some of the issues which I did not necessarily expect were going to be in the report, but which are at the heart of it. I made some observations, and you cut me off at my feet, Sir, totally rightly, when I challenged the Attorney General in relation to what he said. I am grateful for his clarification that he was not effectively saying that the Family Court system in Jersey does not need attention, because he said he agreed with the recommendations of the report. There have been issues when we have responded previously to the Williamson report, to the Kathie Bull report, which have involved the Civil Service and the Children's Service. I am absolutely convinced now that there is an interrelationship of reform of the court system that must happen.

[10:30]

The Care Inquiry report has highlighted a number of areas that need significant change and they are evidence that we have out-of-date systems and laws. They are not an issue that is confined to a particular department or service, but they are issues that are about the way the court system operates. The court systems and the family law in Jersey is outdated. In 2011, as the Attorney General mentioned, there were limits, guidance given on the time that care orders and others needed to be taken. While I will not explain what the problem is, I am aware, because I asked a number of weeks ago the Attorney General's office to give me some statistics about what the length of time care orders were taking. I was shocked at the answers that I got. There may well be answers, but when I know that in the U.K. the guidance is 26 weeks and I get figures that the average length of time for care order proceedings in Jersey in 2014, 2015 and 2016 has been between 34 and to 45 weeks, I recognise that there is a question that needs to be answered. The Deputy of St. Martin is wanting to make a comment.

**Deputy S.G. Luce of St. Martin:**

The Attorney General answered those questions this morning.

**Senator P.F.C. Ozouf:**

I do not think he did, with respect. I think that there are real issues that need to be dealt with, because the statistics... and again, if a Member of this Assembly is demonstrating the fact that evidence is wrong to be asked and taken and simply said: "Evidence, answer, no problem" I do not accept that. I am concerned of the length of time that it is taking for adoptions, for care proceedings, the amount of care orders that have been taken, the way the courts deal with them. I will put a written question to the Attorney General so that he can answer a number of questions, because in the interests of transparency, these issues need to be dealt with. The report says that there needs to be better training of judges. I make no criticism of our judges in Jersey, but in the U.K. there has been for years the requirement of training of judges. That has not happened to any great extent, to my knowledge, in Jersey. It is regarded by some to make any observations of esteemed officeholders such as Jurats in any way as being anti-Jersey, as being critical of the Island that I love and serve. I salute our Jurats and the service that they give, but we must also recognise that in a world where Family Courts need different arrangements, where the child needs to be put at the centre of decision-making, there does need to be consideration given to who and how the people hearing those cases are appointed. The Jurat system and the Judicial Appointments Commission and other arrangements do need to be looked at. It is not a criticism of the individuals, but it is a criticism of the arrangements that are in place. The court system for children is not working and it has to change, both in terms of its law, its practice, its procedure and in terms also, if I may say, of where it takes place. The court hearing of a family or an individual is an incredibly intimidating experience, and indeed, it is the court hearing that a child that has suffered abuse or a young person

has suffered abuse can be... it is the process of the court hearing, the anticipation of the court case, the uncertainty of the judgment that will be received that requires the most experienced and knowledgeable people to deal with it. I know an individual that is awaiting the outcome of a court process for abuse that was alleged to have occurred in another jurisdiction. I know the pain that that individual is going through and has done so for years and there has to be the appropriate support network in place for those individuals, not just at the time that they are going through it, but in the years afterwards. When these people read cases that are similar that involve the same person, they will be traumatised and that the support for them needs to be put in place. I know that people will say that it is not required and I know that there will be answers for it, but I am sure that a time limit for care and supervision orders, which is of course not absolute in every sense of the word, needs to be put in place. The delays of implementation of decision making are, in my view, unacceptable. There does need to be changes in the way that experts are regarded and treated by the courts. There is an issue of the unnecessary administrative work the need to remove the arrangements for things like interim care orders to make sure that decisions are made quickly and speedily in the interests always of the child. Indeed, I would say that in fact the courts in Jersey have not understood, with the greatest of respect... and perhaps that is a function of the people that are making these judgments. I think there has been in the past a recognition and perhaps an expectation that parents are always right. That needs to change. The courts must, in legislation, have effectively the rights of the child at the centre of the decision making, not the interests of parents, because we are too trusting. I see a number of Members shaking their heads. I am afraid that middle-class parents who are perfect in terms of their upbringing are too naïve in terms of understanding the fact that parents are not as they are and they cannot always deal with a child. There are some cases where courts in Jersey have relied too much and have trusted parents that are clearly incapable of dealing... or are likely, on balance, not to be able to deal with the child that they are dealing with. That has a devastating consequence on the child concerned. Our childhood is short. The period of time... and the Minister for Home Affairs and the Chief Minister and I all had in our manifestos the 1001 Days. That is 1001 Days from inception to basically 2½ years. The way the brain and synapses work means if you do not put in place the conditions of unconditional love and unconditional safety, you will create a damaged individual for the rest of your life. The courts have to understand that. It was said of the Jesuits: "Give me a child until he is 7 and I will make a man." Well, that is the period after the 1001 Days and it becomes, as the child becomes older and older, much more difficult when the damage has been caused. I am afraid the courts have not dealt with childcare issues as quickly as they should, knowing the scientific evidence of what happens to a child when they are growing up. So it may be casual to say: "It is okay for a child protection order to be taking more than 27 weeks" but when you are dealing with a child of 2 or 3 - and I am one of these Members of the Assembly that is not a father - I understand how important it is. It is urgent that these issues are dealt with and it cannot be left to processes and procedures that are currently in place. There are lots of other issues and based upon the information that I have learnt in the last few days, I am going to publish some information about that. I hope that the 2 propositions which I was going to bring forward, irrespective of the Care Inquiry, on reforming the Family Court, and the other issue, which is of an ombudsman, I am going to give these to the Chief Minister and publish them. I do not want to make a proposition in my own name, but I hope that the research that I have undertaken in the last few months on both the court system and the evidence that I have that it is not working in the interests of the child always does need to be changed. I hope the panels that will deal with this will have the evidence that I have gathered in recent weeks. The penultimate issue that I wish to address is the issue of a child commissioner, and the linked issue, which is another issue which has failed, in my view, to be addressed, and that is the issue of an ombudsman. In other places there is a child ombudsman, and the Care Inquiry is absolutely clear, and the Chief Minister has said that the appointment of a child commissioner will now happen. But I think that there is also the parallel and equally important issue that there does

need to be putting in place the arrangements of an ombudsman, as was suggested in Clothier. Clothier suggested in chapter 9 an ombudsman for Jersey. It was 2 pages and it was clear. Ombudsmen might not be the thing that Members wake up in the morning and say: "Oh, I must get to grips with ombudsmen and I must get on and put an ombudsman in place" but I think it is absolutely fundamental. It was chapter 9, it was one of the main recommendations of Clothier, and it must be done. I have been criticised in this Assembly for suggesting that the arrangements for the Complaints Tribunal are in some way again non-Jersey. To criticise the Complaints Panel is almost treacherous, it is almost disrespectful to the people that are doing it. It is not. It is to build on their important work, but also to professionalise it. Again...

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

Senator, sorry to interrupt. We are in a slightly unusual position in that although there are 26 Members here, 2 of them are en défaut, so I wonder if somebody could lift the défaut on the Constable of St. Saviour and Deputy Andrew Lewis. [Aside] Thank you. As well, if I could just mention, Senator, you have spoken now for 45 minutes, which is significantly longer than anybody else, and I think...

**Senator P.F.C. Ozouf:**

I am going to finish.

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

... you have covered it quite widely, but if you could conclude, yes.

**Senator P.F.C. Ozouf:**

I will, yes. So effectively I sum up and say that the issue of the ombudsman has been something that is absolutely fundamental and I will circulate... I will not speak any more, because I accept your guidance, Sir. The ombudsman issue is one that must be dealt with. It was part of Clothier; Frances Oldham Q.C. says of an ombudsman. I was grateful for you putting me in contact with the House of Commons Clerk for the Public Administration and Constitutional Affairs Select Committee. That is something that we do not have. I do not know where that falls into the remit of, but I am absolutely convinced that an ombudsman that deals with complaints about health and all the other issues is absolutely fundamental. It must form part of the corrective action that the Chief Minister has said. There is an absolute urgency. Members are looking at me in a strange way and thinking that this does not matter. It is fundamental and I will circulate the report that I have written on that and I hope that it will be progressed. The whole issue of the Child Inquiry has been difficult, but we cannot change the past, but we can change the future and the future of Jersey can be changed if we want to quickly and decisively, based upon years of reports, of professional reports that have been made, in some cases from outside of Jersey. It is the very elements of being an open and modern Jersey, non-judgmental, accepting advice and accepting where things have gone wrong and putting in corrective action and joining across the Chamber in terms of the political divides that we need to do it. I am sorry if I have spoken long, but I have never, ever spoken about child abuse in Jersey before and it is for the reasons that I said at the beginning. I will commit myself in whatever role that one ends up in to doing it and making sure. There is just a final thing I will say, and that is that I know there have been some negative comments made about the privatisation of financial services legislation. I think the Chief Minister in recent years has ensured that there is both the requirement for legislation for financial services and for social. He has been criticised, but I would only say that it is the engine of the economy, the powerhouse of the economy, which is our business and professional services sector, which is highly regarded, which are global standards that are also going to pay for some of the improvements that have been made, perhaps without the need for taxing hardworking individuals in Jersey to any great extent than what they are. I thank the Assembly for their time.

[10:45]

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

Is this a point of clarification, Deputy?

**Deputy M. Tadier:**

It is just a point for the Chair, which I know this is a different type of debate, and it may help Members to know that when I speak - and I am still happy for all new speakers to go first - I intend to speak on the issue of the suspension of Graham Power and so will be quoting extensively from page 764 onwards in the second volume. It is just to let Members know, if they too have issues that touch on that and related process, they may wish to consider those comments in the round. I know we have not adopted a thematic structure so far, but it is just to let people know in advance what I am going to be speaking on.

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

Okay, thank you.

**1.1.2 Senator S.C. Ferguson:**

Like other Members, I am appalled at the degree of depravity and cruelty which has been exhibited in our States organisations in the report. I also give credit to those who have been brave enough to come forward. To admit to even suffering things like that is extremely difficult, and for a predominantly Christian society, it is truly deplorable. Like Deputy Vallois, I want to see actions, not just words, because that will demonstrate a real apology, but like Deputy Le Fondré, I am concerned about the changes in culture required. The failings described on page 3 of the volume 3 recommendations are pretty strong. The problem is that the failings described can be found all over the States. Openness and transparency, promotion of the recruitment and retention of staff, tackling the silo mentality, these are principles which crop up frequently in debates in this Assembly. My comment is that while the Council of Ministers are busy hiring commissioners and a children's rights officer to look after children and their treatment and so on - which is absolutely right - I will be very interested to learn about the plans to improve the culture through the States. In other words, what is the States Employment Board and the human resources function going to do about the very strong criticism of this culture in the States, which was in the report? I would mention the following comments, again in volume 3: "12.3 A culture which is hierarchical, paternalistic and patriarchal." The civil service is organised like the Army, which is totally out of date for civilian services nowadays, and what is more, the culture makes people frightened to use their initiative. We still do not have a viable complaints and whistle-blower policy which works. "12.15 A moribund senior management", human resources again, addressing poor performance. The Auditor General, way back in 2008, was emphasising that we needed regular and realistic performance assessments. Where are they? As Deputy Le Fondré mentioned, paragraph 12.23: "The fifth Director of Children's Services in 5 years." You do question what is wrong with the organisation. When I was an auditor, it was the first thing you looked at, complaints file and the staff turnover, and if there were lots of complaints and there was a high staff turnover, you knew you had to dig much more deeply into the organisation. "12.100 Criticism of the department for not taking any notice of the Breckon Scrutiny Report." Sounds familiar? "12.108 Must have a framework for delivery of change. The key changes are cultural; 12.118 The specialised unit for implementation should be located within the Chief Minister's office." It seems to me that the Chief Minister should perhaps prune some of the other activities in his office so that he can keep a finger on the pulse. I am not sure that we should consider what is the purpose of the Chief Minister and what is his remit. What is his job description? Have we ever actually sat down and thought about it? Just a thought. "13.25 A dedicated H.R. (human resources) service for the Children's Services" which underlines my request for a proper programme of development for the S.E.B. (States Employment Board) and

all the H.R. departments. 13.26, this is talking about the Probation Service. Somewhere, I am not sure where, I may have heard a comment that the Probation Service is to be amalgamated into Home Affairs. This seems to be a department which is working well, so leave it alone. During my time in the States, I have had occasion to be asked for help by people who have been subject to bullying and general unpleasantness. Only this week, I and other States Members received an email describing a very worthy employee who was leaving and going back to the U.K. because he is fed up with the working conditions and the general H.R. attitude. The Chief Minister mentions a whole plethora of staff to improve procedures, but is that the correct way to go? The Inquiry panel criticised the department for concentrating on procedures rather than addressing staff morale and standard of service delivery. It was for this reason they gave a limited number of recommendations rather than a long tick box list, because you get totally tied up with procedures instead of addressing the real things to be addressed, service delivery staff morale, outcomes. The Chief Minister talks about a culture change in the Assembly. My question is: why did the people in power ignore questions raised by Back-Benchers? I also have heard comments made by Members of the employees who are leaving because of the atmosphere, the working atmosphere within the States organisation. The first one was: "Life is too short." The other one was: "I really cannot work in such a feetid atmosphere anymore." I do understand that there is cautious optimism regarding the programme to remove bullying in Health and Social Services. In this Assembly, we need to remember that there is a fine line between challenging and bullying and I think sometimes we go over the line. Basically, we do not appear to have learned any lessons in H.R. and these matters are ignored by the States Employment Board. It is all very well spending millions on being told where we went wrong; that is fine. How are we going to make sure that we can now do it right?

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

I am sorry that yesterday ended like it did in what can only be described as an astounding revelation... revelation, sorry - if only, if only - in that parliamentary privilege does not extend to a Committee of Inquiry for States Members. I have to say, it does extend there, so that the evidence is not... I mean, it does beg the question why do we or why do the people, why do parliamentarians that are giving evidence have to take an oath? After my speech, Sir, I would like you to repeat what you said at the beginning of yesterday, when you were reporting on the accounting officer role that you have over this Committee of Inquiry, because I think what you were saying was missed, because Deputy Mézec was raising some other points. But if anyone needed an example of the Jersey way, I think the revelation of yesterday was it. That was a classic example. Earlier this week, I have not been filled with huge amounts of confidence on what is going on with the Children's Service and I certainly do not apportion blame to the Head of Children's Service when she made plain in the *Jersey Evening Post* that the services are better than they were. Likewise, the Chief Minister himself remarked that some of the people that are mentioned in the report in a negative way are no longer... will be moved off the front line. Now, if I had a child or if I knew of a child in the Children's Services, I would take absolutely no comfort from either: "The services are now better than they were" and people that are mentioned in the report being moved off the front line, but are still employed by the States of Jersey. Surely, surely we need to at least suspend them, pending investigation. Some of us have got long memories, but I do wonder as well about the double standards of this Assembly and I know personality politics comes into things way, way too much. It seems now that we have our £23 million document, everyone is getting behind it. I was not in the Assembly at the time, but I remember ex-Senator Syvret, when he highlighted the fact that financial legislation gets precedence over social policy. He was suspended from office for 6 months. Some politicians that were there then voted to suspend him at the time, but as I say, we have now got this document and some document it is. We have got to act on it. This Island is in desperate need of action and delivery now. Our Chief Minister has a huge responsibility and I am



comforted that we have the Chief Minister that we do to drive these changes forward. **[Approbation]** But he has to equip himself with a strong, supportive team. I was sitting around the Council of Ministers 3 years ago when I was there as an Assistant Minister for my Minister and I witnessed the huge struggle and fight he had with some of the Ministers that were around the table to get this Committee of Inquiry off the ground. Now he does not need Ministers that are not committed to this 100 per cent, he needs Ministers with integrity and he needs 100 per cent commitment behind him, even if that means he has got to reconsider who his colleagues are and do a reshuffle. This document is too important to let slide.

[11:00]

We have seen documents in the past: we have seen the Kathie Bull document, we have seen the Williamson, Carswell, Clothier reports - they have all slid off the radar. Jersey cannot afford to let that happen. He is going to set up panels, which I am comforted about, but they really cannot be talking shops. What we need is a timetable, action and delivery. We do not need talking shops; we have had talking shops. I am glad to see next week he is advertising for a Children's Commissioner. Some of us voted for a Children's Commissioner 7 years ago. We now have the document so we are going to get one. We must look forward now. We have this document for all those people that needed evidence, needed a reason, to base whatever it was that they were wanting. We have that; we must look forward. The Chief Minister needs the right structures, he needs policies, he needs resources but the bottom line is the children, our children, Jersey's children need to be safe, they need to be cared for and they need to be loved, and that is what the action and delivery has got to produce. I happen to disagree with some of what we were told yesterday by the Attorney General. I feel I can disagree with some of it because I do not feel it was exclusively a legal speech. I took comfort from what the Deputy of St. Ouen was suggesting with the Prosecution Service. I think we absolutely do need an independent Prosecution Service but the Deputy was suggesting that we go further afield from just the U.K., he was suggesting we go to other jurisdictions such as Ireland. We have a lot of changes to make, we have got to deliver but, as the Dean said, that is not the whole story. It is not the whole story by a long way. The question I asked on Tuesday is a question that we have got to ask ourselves. We have got to ask ourselves: why? Why this happened; why this happened in a small community such as ours. It happened decade after decade and nothing - nothing - happened. Nothing happened to protect our children and vulnerable people in our society. What politicians, the media... the media have a huge role to play. This is not just about reporting a news story now, they have a role to play. Our justice system, our authorities need to ask ourselves: why and how did this happen decade after decade? I am going to leave it there because it is that "why" that needs addressing more than anything. Thank you.

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

Deputy, you asked me to repeat what I said. So what I said in answer to Deputy Mézec was that I am the accounting officer for the money spent directly by the Care Inquiry. It is not the money that the department has spent but the money that has been passed over to the Care Inquiry which means I am formally accountable to the Assembly, and particularly to the Public Accounts Committee, for its expenditure and for the overall framework of governance because it was set up under the Assembly's Standing Orders. But I went on to say that I have nothing whatsoever to do with Children's Services or the areas covered by the report and indeed, as Members will know, I had nothing to do with Jersey before I arrived in post at the end of 2015. So that was the response I gave yesterday.

**The Deputy of Grouville:**

Yes, it was that particular issue, that you were responsible for that but answerable to the Public Accounts Committee.

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

Yes, that is right.

**The Deputy of Grouville:**

Right, and I want Members to think about that.

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

I would also just like at this point to say something which I think may have been missed from the end of the Attorney General's comments yesterday which was to do with parliamentary privilege. He said that the matter was under review and I think it would just be helpful if I said a couple of words about that. It is true that the Privileges and Procedures Committee commissioned a review by Sir Malcolm Jack, who is a pre-eminent expert in this quite technical area, with a view to having a look at parliamentary privilege in Jersey as it is set out in statutes and in case law with a view to updating the law. His report is due next Friday and it will be a matter for the committee as to how to take that forward. I very much expect that it will cover issues including what will happen if somebody were to lie to a committee of the Assembly under oath. That is exactly the kind of area of law that I would expect the review to cover. That is all I can say at this stage but I hope it is helpful to know that that has already been identified as one of a number of issues in that area and work is in hand. Deputy Doublet.

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

I am pleased to follow the Deputy of Grouville behind me and I want to echo her words on taking action because that forms the basis of what I would like to say today. I have read a great deal of the report, as much as I have been able to. I have given it my best attention and I share the sentiments expressed so aptly by many other Members. But what I would like to focus on now is where we go from here and what actions that we all can take as individuals because there are collective actions that need to be made by us as an Assembly and by States departments. But I want to impress upon Members the fact that I felt the weight of responsibility upon my own shoulders as an individual for the children, not just the children that we are responsible for under the corporate parenting role, but every single child on this Island. I spent a great deal of time sat at home after I had read some of this report thinking about what I could do myself then and there because I am not somebody who likes to just read reports and put them on a shelf, I like to take action and I do like to try and get things done. I think many Members take that same approach as I do. I have taken some actions already and I wanted to share those with Members in the hope of inspiring Members to think what action can they take today, tomorrow, in the short term, as well as the medium and long-term change that needs to happen within the States of Jersey more generally. So, firstly, I used the wonders of social media, a question that I asked the Chief Minister on Tuesday, I believe, about what should the public do? What should members of the public, parents, people working with children, what should we do if we think that a child is at risk of abuse today? The answer from the Chief Minister was: "It should be reported to M.A.S.H." I was then going to ask what the contact details were but the time for questions came to an end. So, I went on to the M.A.S.H. website, which was quite easy to find; there is a very informative video on the website. I think I found it via States of Jersey Police and all this I just searched for via Google. I shared that video on my Facebook page, along with the phone number, which I believe - I should have written this down - I think it is 519000. Can someone look that up for me, please? I should have written that down. But that post has already reached 1,600 people, that is how easy it is to get that information out to people. I think the Minister for Health and Social Services suggested something like putting that number on the side of milk cartons. I think perhaps in the Parish Halls that number could be

prominently displayed in every Parish Hall - did I say the number correctly; has someone looked - to reach as many members of the public as possible so that that number is to hand if anyone has any concerns. The post that I wrote on my social media page when I shared that number ... 519000, I was correct. Yes, I have memorised it now. The post that I wrote, I said: "People do not need to wait until they are 100 per cent certain that something is going wrong in a child's life." If they have any concerns whatsoever, I think they should ring that number and pass those concerns on because the risk of not passing those concerns on and a child being harmed, the negative outcomes of that happening are much greater than somebody passing on some concerns and it being found that there was nothing to worry about. That is something for us as Members to think about and for members of the public to think about. I hope that Members, if you do have a social media account, that you can go on to your devices right now; that is an action we can take right now. We can find that M.A.S.H. video, we can share it on our social media - I think everyone in here has a device - and we can reach thousands of people that way. So that is part of stopping abuse that might be happening today. I also thought about what I could do to help prevent abuse happening because the report found that children are still at risk in our Island. It is not just going to be children that are within our institutions, a lot of abuse that happens is by family members and will be within private homes, and we must remember that. Yes, this report has focused on our institutions, but we cannot forget the children who are at home and everything seems normal. I think Senator Ozouf touched on this. We need, as a society, as an Island, to start looking a bit deeper and keeping our eyes open for things and being vigilant in a reasonable manner but I do think we need to be vigilant. I researched this, how to prevent child abuse, and with the recommendation in mind, the voice of the child, that is obviously something that is very dear to my heart. As a primary school teacher I worked with very young children, 3 to 5 years old, and they do have a voice. They rely on adults to amplify that voice for them but children do have things to say and they do have their own opinions. We can empower them to protect themselves as well as us protecting them. So in the course of my research on how to prevent child abuse, I came across the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) website. The N.S.P.C.C. ran a campaign, which I have been aware of. I can see the Minister for Education nodding in front of me because I think there is a recent partnership with the States of Jersey and the N.S.P.C.C. and they have run some brilliant campaigns. The N.S.P.C.C. has a centre called the Gower Centre which I believe is in Stopford Road. They are doing some wonderful work. I took the opportunity to get in touch with them yesterday. I was listening to the speeches downstairs and I got in touch with some very helpful staff from the N.S.P.C.C. in Jersey. They said that they have not had any States funding until very recently and some of the work that that charity is doing is absolutely essential in the Island. It is absolutely essential. I think that particular charity needs more support from us. There is perhaps a debate to be had over what services we should be providing ourselves and what services we should be supporting charities to provide but that is a debate for another day. The particular campaign that the N.S.P.C.C. has, and this is a national campaign which is already there and set up which could be brought to Jersey, I looked it up. I had heard of it on social media; I think it is quite a popular campaign. I want to get a conversation started about this because it is not easy to talk to children about abuse and how to prevent it. It is not easy to talk to your child at home or to children at school if you are a teacher or in other settings, because we are naturally quite embarrassed about things like that. We do not want to bring it up; it is difficult to talk about. I do not really remember being spoken to about it as a child apart from the usual 'stranger danger: do not talk to strangers' but, like I just said, it is not strangers that are perpetrating these abuses. So the campaign I found is called the PANTS campaign. It really should appeal to children, it is fronted by a "Pantosaurus" dinosaur and I will take the opportunity now to read out the 5 parts because the letters P-A-N-T-S all stand for something. I will read them out because I want these messages to reach the public as much as possible and I hope that the media might pick up on this and start reporting these messages so that parents and people working with children can have these conversations with their children.

So the P stands for: “Privates are private. Your underwear covers up your private parts and no one should ask to see or touch them. Sometimes a doctor, nurse or family members might have to. But they should always explain why, and ask you if it is okay first.” That is something I think also should be within our Health Service, are the doctors and nurses taking note of that consent when they are treating children?

[11:15]

The A stands for: “Always remember your body belongs to you. No one should ever make you do things that make you feel embarrassed or uncomfortable. If someone asks to see or tries to touch you underneath your underwear say ‘no’ and tell someone you trust and like to speak to. No means no. You always have the right to say ‘no’ even to a family member or someone you love. You are in control of your body and the most important thing is how you feel. If you want to say ‘no’, it is your choice.” The T stands for: “Talk about secrets that upset you. There are good and bad secrets. Good secrets can be things like surprise parties or presents for other people. Bad secrets make you feel sad, worried or frightened. You should tell an adult you trust about a bad secret straight away.” The S stands for: “Speak up, someone can help. Talk about things that make you worried or upset. If you ever feel sad, anxious or frightened, you should talk to an adult you trust. This does not have to be a family member. It can also be a teacher or a friend’s parent or even Childline.” So those are the messages within that campaign and I think it is very important that we talk to children about consent and teach them that their bodies belong to them. Because I think if these messages had reached some of the children that were abused in the past, they perhaps would have felt more able to speak up to someone who was looking after them, so I hope the media will pick up on that. I have been speaking to N.S.P.C.C. Jersey and I have asked them how much would it cost to bring that campaign to Jersey to reach every single child in our Island and they have told me it would cost between £10,000 and £15,000. That is a lot of money for an individual but to the States of Jersey that is peanuts within our budget. That is a small amount of money. I have already made a donation because, as I said, I have been compelled to take action, and I have shared on my social media page again the link to the N.S.P.C.C. Jersey webpage. But just as much as donations from the public, I would like to see - and I am requesting the Ministers here - I would like to see one of the Ministers here today stand up and pledge to support that campaign and give it some funding because I think it is really important that we talk about preventing child abuse. So as well as that N.S.P.C.C. campaign, the other action I have taken is I want to see this change in culture. That is more of a long-term ideal but I think it is really, really important. I think that is the most important one. The Deputy of St. John spoke really well about it yesterday and it is easy to feel despondent about changing the culture because that is really, really hard. When I have researched generally, how do you change the culture of an organisation, there are whole organisations whose only job is to help other organisations make cultural change. We might need some help with it, we might need to spend a bit of money on making this cultural change, because I do not think it is just going to happen, so I hope the Chief Minister is listening to me on that. I think that, for me, is one of the most important things that we need to do long term. So, for me, I have to disagree with the Constable of St. John, who yesterday said that he did not think we should be putting children over other groups. I wholeheartedly disagree with that. The reason why I disagree is because - and this report has said it - children do not have their own voice other than the voice that we amplify for them. We in this Assembly, the public look to us for leadership in this, and we have got to send the message that every single decision we make, whether it be in States departments, on the front line or at policy level, or in this Assembly when we are passing legislation, every single decision we make we should be considering how it impacts on children first. So I have been guilty of this because I came into this Assembly, I was a primary school teacher, and I came in, so naturally I was still thinking about children. My whole life is children. Over time it is very easy to forget what really matters and to get sucked into the way of doing things, and be doing your day-to-day

work on Scrutiny or whatever panels you are on. I am guilty of this, I have forgotten about the United Nations Convention on the Rights of the Child. Not completely but that, for me, I worked on it within the schools, we have extended that to Jersey; it was 3 years ago now. Deputy McLinton read out all the Articles, I think, of that convention. I am really pleased he did that. That is so important that we give due regard to that convention which we have extended to Jersey. So the third action I have taken, is I wrote a proposition yesterday which I think I can see it on Members' desks now; thank you. I really hope that Members will support that proposition because it calls upon the Chief Minister to take action to put - and it is the U.N.C.R.C. (United Nations Convention on the Rights of the Child) in short - that within the decision-making process for all legislation so that we are considering that with every piece of legislation that we pass, in a similar way that we consider the more general human rights implications and also to inform States employees a bit more about the U.N.C.R.C. So I really hope that Members will support me in that. I think I have covered everything. So, just to repeat, I hope that Members will be able to share the M.A.S.H. phone number on their social media. That is something really easy we can all do and if Constables will be able to put that up in the Parish Halls, I think that would be an achievable action to take. I would like to see us supporting the N.S.P.C.C. campaign to help prevent child abuse and empower children to be in charge of their own bodies and to report abuse and I hope that Members will support my proposition. I am really scared that this report is going to be left and I do not know what I can say today to stop that happening. But all I can do is give my commitment, whether I do agree to join the Chief Minister's panel or whether I am scrutinising the actions that he takes via Scrutiny, that I will be keeping my eye on this because I do not want to ever see these things happening to any child in Jersey ever again. **[Approbation]**

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

I would like to start by commending the bravery and courage of all survivors of abuse. It must have been an incredibly difficult thing to do: to give evidence to the Inquiry which must have raised some very painful memories. I cannot begin to imagine the pain, the distress, and utter helplessness experienced by abuse victims. I have read all the personal testimonies given to the Inquiry contained in appendix 2 of volume 3 and it was heart-breaking. I cannot change the past but we collectively in this Assembly can, and must, change the future for all children in our Island, especially those who come into contact with our services. We have to support the Chief Minister in his quest to implement all 8 recommendations of the independent inquiry and this must happen as soon as is humanly possible. We will be judged on what we achieve in the next 9 months and achieve we must. No ifs, no buts, no cherry-picking of the report which has happened so many times before this Assembly has commissioned reports. Yesterday and today, Members have spoken about the many failings attributed to the Children's Service over a number of decades. How did this happen and why was it allowed to carry on for so long? One of the biggest frustrations for me personally has always been trying to understand why mistakes quite clearly set out in numerous serious case reviews continue to happen. Even as recently as 3 weeks ago when some States Members attended a briefing given by the chair of the Safeguarding Partnership Board, we heard yet again of the appalling treatment and neglect of 3 children over a period of 10 years before any action was taken to remove them from their home into foster care and away from their abusive home life. One of the factors of this particular case continues to bother me and, as far as I am aware and according to the serious case review, only 2 children were removed from the family home, leaving the youngest child, who, according to the report, from birth had significant physical development and then learning needs. I have thought about the remaining child since that briefing, I have thought a lot about children who are featured in serious case reviews since that briefing. I guess what I want to know is why they left the youngest child with significant needs within a dysfunctional family with known drug and alcohol issues after removing his older siblings. How do I, as a Member of this Assembly, satisfy myself that this child is free from harm in that

environment? I am pretty sure if I asked the Children's Service, as I have done on numerous occasions in the past, I will be given a pretty non-committal answer using data protection as the reason not to give me information. Am I right to have concerns or do I trust the judgment of the professionals? Sadly, all too often, the professionals have been left wanting which leaves me feeling as though my hands are tied behind my back. Since I came into the States, I had always felt that the social services side of health was a Cinderella service. Other Members have mentioned the fact that Jersey was a traditionally low-spend, low-tax Island. Sadly, as the population has grown over the last 20 years, in my opinion, not enough resources were put into the services to address some of the very obvious problems being encountered within the service. There has been mention of our legislation being years behind the U.K. and this is, in my opinion, because the finance industry has always taken priority. I know some Members dispute that but I think historically it can be proven that that did happen. This has always been the case since I have been in the States and some Members may try and deny this but it is a fact. Our Mental Health Law was, until last year, drafted in 1960, I believe. How could we have let a law which dealt with mental health languish for so long? But we did, and I quote from the report: "There is currently in Jersey no statutory provision in respect of preventative measures, thresholds for intervention, rights and needs of children, all supported by robust practice guidance that assists professionals (social workers, jurists, probation officers and others) in the day-to-day application of the law. The argument has been made to the Inquiry that Jersey does not have the legal resources to keep pace with developments in child care law elsewhere, not least because of a lack of policy officers and of staff to draft legislation. The panel has noted, however, evidence suggesting that the States of Jersey has always been able to secure and devote sufficient legal resources to keep pace with developments in international financial law. This state of affairs has resulted in whole generations of children having endured sub-standard provision and outdated attitudes." Interestingly, the panel then go on to say when talking about developing links with other jurisdictions: "We do not see any advantage in pursuing Scottish connections at the expense of relationships with English departments and authorities. Scotland's child care legislation differs significantly from the English law on which Jersey's law is based." The panel then go on to say: "Jersey would benefit from strengthening links with a south coast or Home Counties authority which would enable Jersey to benefit from developments and expertise in that jurisdiction." Whatever we decide to do, we must do it without the usual delay and pontificating. Recommendation 3 was concerning the inspection of services. This is something I have been chasing and asking questions for over a year now. The Scottish Social Work Inspection Agency undertook an inspection in 2011 and then a follow-up in 2013. Besides the Mary Varley report which was published in 2015, which was pretty scathing of the Children's Service and the social work, we have had no independent external scrutiny. I am heartened to hear from the Chief Minister his commitment to an inspection of the Children's Service on an annual basis for the next 3 years. It cannot be stated strongly enough how important this is to ensure the services we are delivering for children are robust and fit for purpose. The panel say: "We consider that it is essential that services in Jersey are willing to open themselves fully to scrutiny in the interest of ensuring continuous improvement and development." It went on: "We do emphasise the urgent need to take forward a credible arrangement for inspection." Going back to why the Children's Service failed to learn lessons and move forward, it was always apparent to me that up until a couple of years ago people were promoted to positions which were way beyond their experience or capabilities. I am not sure why this happened.

[11:30]

Whether it was a reluctance to recruit from the U.K. or simply because senior managers preferred to promote those they knew to senior positions but, unfortunately, the result was numerous failings over a long period of time. Jo Olsson, who was mentioned in the report and was an interim director brought to Jersey in 2014, was asked her view on this matter by the panel: "In her view, a key

factor was the ‘moribund’ senior management, which had come about because of ‘too many internal promotions over too long a period’.” She also spoke about the reluctance by staff in Childcare Services to engage in robust, professional challenge and supervision because of existing social relationships, despite this issue having been identified as a concern in successive serious case reviews: “The panel heard other evidence suggesting reluctance in States of Jersey departments to tackle performance issues for fear of the wider consequences or because of the strong interlinkage of social and professional relationships. The consequence of this mentality, it seems to us, is that Jersey has at times prioritised the welfare of government employees over the needs of children, by promoting staff out of local loyalties or allowing unsuitable or incompetent staff to remain in post rather than risk jeopardising their standing, residency or housing status. That such attitudes remain, nearly a quarter of a century after the debacle of the initial response to complaints about Jane Maguire, as described by the Jersey Care Leavers’ Association in their closing submission, is a matter of grave concern.” I recall when I first met Jo Olsson, we spoke about the considerable problems facing the Children’s Service and she spoke about the difficulty involved in dismissing senior members of staff, knowing full well of their personal financial commitment. She spoke about the fact that in the U.K. if she wanted to dismiss a member of staff, in more cases than not the individual in question would find work in another authority just down the motorway. In Jersey of course we do not have that luxury. She was only in Jersey for a year but she was willing to make those tough decisions and she did move senior staff. It got me thinking: how can we address these issues about senior management becoming too cosy? Should we consider only offering 3 or 5-year contracts to these employees? I am not sure what the answer is but I think it is a question that we all have to explore. I briefly wanted to mention something about housing and it was referred to in quite a lot of detail in the detail contained in volume 2 about the reasons why, in the earlier decades, in the 1940s, 1950s and 1960s, that children were taken into care simply because of housing. I think the point I want to make is that while we have a 2-tier housing policy of putting people into cramped, unqualified housing, we are not doing the children in those families any favours. I really think this is something that the Council of Ministers have to grapple with. I do not know whether they have considered that within the Population Policy that they are proposing to bring to the States but I do not see how we, as an Assembly, can say that we are going to do our absolute best by all children in Jersey but still condemn them to living in one or 2 rooms in not-very-nice accommodation. I think it is a matter we have to give serious consideration to and how we are going to address that. In the report there was a reference to 1001 Days and the remark in the report said: “The panel also heard from professionals, civil servants and politicians about Jersey’s ambitious ‘1001 Days’ initiative, which affirms the importance of loving, nurturing early-life experiences and seeks to ensure that every child in the Island has the best start in life.” They say, and I quote: “We are worried, however, that no additional funding has yet been made available for this initiative, which has the potential to transform the life experiences of vulnerable children in Jersey and impact positively on social welfare for decades to come. The panel would be concerned if this initiative were to falter through lack of investment.” I brought that up because I would like the Chief Minister in his summing-up to address that issue about how he intends to take that forward. As Senator Ozouf spoke about, and we all know, and we are all aware because we have spoken about it in this Assembly, the first 2½ years of a child’s life are absolutely vital to the outcomes of later on, so its importance cannot be stressed enough. I wanted to add my thanks to people like D.C.I. (Detective Chief Inspector) Alison Fossey. I have met with her on occasions to discuss concerns of mine and I have always found her extremely helpful and very receptive. I have every confidence that while she remains in post that all complaints will be dealt with in a very thorough, professional manner. There were good points made in the report. The Probation Service was mentioned, Les Amis was mentioned, and also D.C.I. Alison Fossey was mentioned because of their working with other authorities for best practice and to keep them up to speed with various legislation changes. Also within the report, Brig-y-Don came out to be mentioned. Of all the

institutions in Jersey, Brig-y-Don Children's Home was the only institution that received any praise from the Care Inquiry. I think it is really, really important to mention that because obviously a lot of children who went to Brig-y-Don gave evidence and spoke of the caring, nurturing environment of Brig-y-Don until it came under the control of the States of Jersey. I just have to mention that. I am going to finish now. I cannot finish what I have been saying without mentioning the situation around Deputy Andrew Lewis. I feel that people, the public, the public of Jersey today will be asking themselves the question: how is it that an independent inquiry can find that one of our elected Members lied to States Members and lied to the Inquiry? If that was a member of the public and they were in that position, they would be charged with perjury and face proceedings in a Court. From my own personal perspective, I feel that why should it really be any different for us than a member of the public? That is what I am really struggling with. I absolutely understand we have to have parliamentary privilege because in that way we are able to get up in this Assembly and say things that otherwise we might not be able to say but that is a very precious thing, parliamentary privilege. I feel that, in my own personal view, what happened back in 2008, I think it was, the Inquiry has criticised the process that was adopted to suspend our Chief of Police at the time. They have criticised that. They did not find that anything he did impacted on how the Inquiry ran, the prosecutions and everything else, but he was treated very, very badly. As a States Member who was in the Assembly when we had that in camera debate, I was in absolutely no doubt that when Deputy Andrew Lewis told Members present that he had seen a copy of the Metropolitan Police interim report and that it was damning, I thought: "Oh my goodness, he has seen the report." As far as I am concerned - and I do not know about other Members; there will not be that many Members in the Assembly today who were here at that time - I was in absolutely no doubt what he said to me and what I believed he said to me. I feel the fact that a former Chief Police Officer with an exemplary record, Queen's Medal, who had his reputation completely trashed by what happened is unforgivable. I would suggest to Deputy Andrew Lewis that he should resign, in my opinion. It reflects on all of us, it really does. It reflects on all of us that an elected Member of this Assembly can say what he has done, be found wanting by an independent inquiry, and we have all unanimously accepted the findings of the Inquiry, that is the feeling I get from Members, why is this one thing different? That is what I would like to know. Thank you. **[Approbation]**

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

I am very pleased to follow Deputy Hilton and all of this morning's speakers, as a matter of fact. I, too, would like to commend the Chief Minister for the way in which he handled press interest at the beginning of the week into the release of this report. I thought the Chief Minister pitched it absolutely appropriately and correctly. What I heard yesterday, though, in this debate seemed to be a lot of apologising for Jersey when what is required is an apology to Jersey. In all the hand-wringing, what seemed to evolve is a kind of vague, all-encompassing, collective Jersey shame, the notion of the whole Island in sackcloth and ashes. That is not borne out by any foundation in fact and it is also an unnecessary and unhelpful distraction. There were people who abused children in this Island. Never mind historic, in recent memory. Child abuse has been out of control both literally and metaphorically in this Island. I remember interviewing somebody from the Children's Services just before I left the Island, so probably in 1989, on Radio Jersey, and I remember off-air he looked harrowed, a young man, and he looked at me and he said: "Russell, you would not believe the scale of child abuse. It is off the scale, it is out of control" and I said: "Well, how do we..." he said: "We are all terrified to speak out." There were people who abused children, too many people. There were people with the responsibility to ensure that that did not happen who should have taken action and did not take action. So, this idea of an all-Island shame could act as a smoke screen for not acting against those who should be held to account. The majority of the population have nothing to do with this. Too many public servants did. Public servants in all areas: politicians, priests, police, vast tracts of the Civil Service. Some of the most distressing



stories of those of children at Haut de la Garenne, bruised and bleeding from sexual or physical abuse, escaping, finding a policeman to talk to, an Honorary Policeman, or a priest or a member of the public, telling their story, not being believed or whatever, and being returned to that hell. It must have been a living hell for so many children. I have heard in this House, just yesterday, not in a speech, I have heard somebody saying: "Oh well, yes, you see, but attitudes were different then." I do not buy that. We knew child abuse was wrong in the 1940s, 1950s, 1960s, 1970s, 1980s, but it was easier to turn a blind eye, it was easier not to believe a child because it is a difficult thing taking up a case of child abuse. So, too many people whose job it was to see that this did not happen, took the easy option in not believing the children that went to them for help. There was neglect, clearly; possibly criminal neglect. There was a failure in their public duty.

[11.45]

Some will be retired now, enjoying very generous index-linked pensions. So instead of this vague, collective shame, my guess is the victims will want to know from the Chief Minister what he is doing to hold these persons to account, whether inside or outside the scope of a criminal prosecution. How will they be held to account? I have a constituent who contacted me when I announced that I was standing for election in St. Helier. She told me a story of her daughter who has learning difficulties, emotional development difficulties, a vulnerable child, who was abused while she was in the care of the state as a child, and she was abused as a vulnerable adult. I wrote what I have just spoken yesterday and I met my constituent, who is a regular correspondent with me, this morning in the Royal Square. I said: "What do you think of the debate so far?" and I said: "Look, this is my feeling and this is what I want to say." I can tell you honestly, she said: "This is exactly how I feel." It is bad enough for my constituent and her daughter to walk down King Street and see their abusers or those that allowed that abuse to happen pass them by but it is unforgivable if they are passing them by without having been held to account and we have to continue that process. The cost of the inquiry was, what, £22-point-something million? I forget how much of that cost was the legal costs for States employees. £7 million? £11 million? I cannot remember. I have heard the figure but it is a lot. Yet, the Inquiry team could not see their way to granting former Senator Stuart Syvret legal representation so that he could give evidence. I think that is a mistake and I think we should have heard from him and the report is poorer for his not giving evidence. The heinous nature of the dismissal of Graham Power was this, and it was not clearly considered important enough by the Council of Ministers at the time, for the first time people like my constituent, victims, families of victims, had found a champion, a person in power with authority to do something about it who took child abuse seriously and was investigating it along with his deputy, Lenny Harper, and what thanks did they get for that? Oh, problems with our reputation. Really? That act was even more harmful to our reputation and it came at the wrong time. The subsequent faux suspension and 2 years of Graham Power being held in suspension, as it were, with a very unsatisfactory conclusion for him, is an absolute disgrace. I do not know how the Ministers of the time could sit idly by and watch that happen. It is a source, I think, of tremendous shame. Frances Oldham wants States Members to be trained in child protection issues when they seek office, when they are elected and before they sit in this Chamber, and it is probably a very good idea. Presumably, she wants us all to have that training so that we can try to hold the relevant Ministers and departments to account and that my job here in this Chamber as not a member of the Government, as a Back-Bencher, I believe is to try and hold Ministers to account and I do try to do that. I try not to be undermining or destructive but I want to hold them to account. But this is a 2-way process and we have to have honesty in the answers to our questions. What I am looking for is a secure Minister, secure in his own skin, confident, running a secure and confident department, so confident that they can go: "Yes, we may have messed up, we may have got things wrong. I do not know, but I will go and find out for you what has happened." Too often, the barriers go up, just as when Stuart Syvret was asked in this Chamber: "Do you have confidence in Children's Services?"

and he had the tenacity and the fortitude to say: “No, I do not.” What did he get for it? The civil service in uproar and he had to go because he had insulted their integrity. There was no integrity in certain areas of the civil service at that time and he was absolutely right and we are here today because he did that. It might have happened later, it might have gone on for a bit more, but effectively that was the trigger. I have been a friend of Stuart Syvret for 35 years and I remember when he was alone investigating these things because people had started to come to him, abused people started to come to him to talk to him. Some of those stories he could not tell me in their entirety because I cannot deal with it, it was too harrowing. Really, when that came to light, with all the pain that Stuart Syvret took on from survivors, he should have had counselling and help. In a few years’ time, people will recognise, as they have done, the notion of post-traumatic stress with soldiers returning from Afghanistan, *et cetera*. People will realise that hearing those kind of stories first hand is going to leave you with the equivalent of a post-traumatic stress syndrome. I think that the Attorney General is universally appreciated by everyone in this House, all sides, all colours, and that is some achievement but I was a little bit concerned with some of his comments last evening. Because we are now in a post-Frances Oldham era and everything has to change if the £22-point-whatever million is going to have been worth it; nothing is the same anymore. Nothing is the same anymore. Frances Oldham, you read that report, you can see every word is considered. It is very, very carefully written, sometimes, I feel, too carefully, because I want to know who is to blame. So, she would not have strayed out of her brief, terms of reference, and on to the subject of the separation of powers, if she did not think it was important. We need the Attorney General to work with us on the changes that are inevitable and have to happen and they should happen as quickly as possible on the back of this, hot off the press. We should strike while the iron is hot. For me, the separation of powers, the Bailiff thing is the least-important bit of it for me. I have to say, I know that the Attorney General came over as giving Deputy Mézec a little bit of a ticking off for his comments. I do not want to misrepresent him because I have already said how much I hold him in very high regard and have always been grateful for his expert advice and I do not want to take him on because he is 10 times cleverer than me. But Deputy Mézec represents a point of view that is held by the public and he is here because members of the public who share the same view have put him here, not just in his stronghold of St. Helier No. 2, but let us not forget the amount of votes he attracted in perhaps areas that you might not have expected in the country Parishes, coming second in St. Ouen. I thought he elucidated it very, very clearly and I stand with Deputy Mézec on this. I think we should have, and be seen to have, a clearly-perceived separation of powers and an independent Prosecution Service that has nothing to do with the workings of this House or anywhere else. I think the people of this Island look at Keir Starmer when he was D.P.P. (Director of Public Prosecutions) and say: “Why do we not have one of those?” So we are going to need to examine the wider whole separation of powers issue because for too long on this Island people have perceived the State as both the politicians in power and the judiciary working together in an unhealthy way. We have to explain clearly if that is not the case, but we have to respond to the call for a separation of powers because this issue is not going to go away, so let us do it all together. I have to say this, the Attorney General may be correct in the fact that Attorney Generals in the U.K. are political appointees but they change every 2 or 3 years because there is an election or there is a Cabinet reshuffle. They change even within parties but also they change colour, red or blue, because another party gets into power, so over 20 years you can have 10 Attorney Generals and that is healthy because it is its own check and balance. You get a new person coming in, a fresh face with a fresh look at things and a fresh challenge to the department. We do not have that here because what we have had in living memory is effectively a Council of Ministers that evolves from the last one. When was the last time we had a complete change of personnel in the Cabinet? A complete change of personnel? I cannot remember. So, effectively we have the same party rolling on over the course, probably since the war. I am not saying they are bad people, they are very good people, and they are trying their best. They have been successful sometimes and they have failed

sometimes but that is human. But the danger with this is, and this is how it links to the Care Inquiry in case you were wondering, is that this evolution, this rolling same party, leads to a too-cosy relationship with those who are charged with administering the policies, namely, our Civil Service, so we never get a clean break, a fresh pair of eyes and a fresh perspective on how our Island is administered. We never get the chance to do that and this is the danger and this is how things have got too cosy and Children's Services were allowed to continue in the way that they did and not doing their job. That, I feel, is a contributing factor. If this is going to continue, the system, we have got to have Ministers who cannot cosy-up to their departments but have to keep their departments on their toes and have to respect the job that Back-Benchers are doing when they ask them difficult questions. It is not an attack on them, it is because people have come to us with problems and perceived injustices and when we meet people who we feel have a claim for being unjustly handled by government departments, it is not the time to put the barriers up and close ranks. It is the time to open up.

### **1.1.7 Deputy S.M. Wickenden of St. Helier:**

Firstly, can I say that I very much welcome the publication of this report and I want to thank everyone that gave evidence? I cannot even imagine how difficult that must have been and how brave they are for doing that. Can I thank the Chief Minister for how he has dealt with it on our behalf, for the people of Jersey as well, in the media as well as his taking on all of the recommendations? We have seen a lot of reports. You can go back 10 years and there is one thing about all the reports that is exactly the same, and that is the silo mentality comment and the culture change. Every report, every time. Something else that is the same in every report, of course, it comes with recommendations and you always hear: "Yes, we accept those recommendations."

[12:00]

How many of these reports can we look back and see the recommendations that have been fully accepted that have not been delivered? It is a whole library of broken promises in some instances, and this report shows it in many other reports within this report. It talks about reports that the recommendations were not taken into effect. Now, we all know which road is laid with good intentions. I think we have waited long enough to let the culture change itself through all these recommendations, to break down the silos. I think we have been patient enough to make the system sort itself out from time and time again hearing there is a wrong culture, there is a silo mentality. We keep hearing it and we keep thinking: "Okay." We hear good green shoots that we are going in the right direction, some great work that Deputy Bryans has been doing in this culture change as well, yes, but I think it is too late to let it carry on itself. I think we need to be a little bit more heavy-handed and I think we need to legislate. Currently, the accounting officers are held to account at the moment on the Public Finances Law for not overspending on their budgets. That is the legal accountability, but there is nothing in the Public Finances Law or the States of Jersey Law that talks about delivery and outcomes and the accountability not just for saying we will do it, but for delivering it. What I would like to see the Chief Minister do is legislate on delivery, legislate on outcomes, because we need that level of accountability. It is not good enough to say we will do it anymore. If you want to say you are going to do it, you need to deliver on it now. This report clearly shows us that the time for platitudes is over. The time for broken promises is done because we see where it has got us. We need to do better. We can do better and we should do better. I also would like to give support for what Deputy Tadier said about maybe having a public services ombudsman that will look after the public service. I think that is a very, very good idea. There have been a lot of really good speeches that have gone on. I definitely want to thank Deputy Doublet for her speech. I think it was one of the most thoughtful, positive and thought-provoking speeches of this debate so far. That is not saying that any of the others were terrible; they have all been very good, but I have to say thank you to Deputy Doublet. I thought that was fantastic. I

think I will leave it there, but I just want to say let us legislate, let us go heavy-handed. We have waited long enough. We have too many promises that have been broken and we need to fix it now. We cannot just carry on saying it is going to happen and let people just get on with it. We need to legislate and we need to get it done.

#### **1.1.8 Connétable D.W. Mezbourian of St. Lawrence:**

As other Members have done, I wish to place on record my thanks to the Independent Care Inquiry for their report. I endorse the comments of Frances Oldham Q.C. that this is an essential read for everyone in Jersey. I was worried about how the public would access the documents themselves for that essential read. We know they are online, but I am grateful to have received confirmation today from the Greffe that there will be a copy available free of charge in the library to everybody who wishes to access it. That can only be right and proper. When I say library for the public, of course, I am talking about the library in Morier House where States publications are available to the public. Like other Members, I have been shocked and appalled by the findings of the report. I, too, am deeply sorry to those who have suffered while in our care. We acknowledge the stories we have read in the report are beyond our understanding. We keep hearing the term “harrowing.” Indeed, they are harrowing. They are disturbing. We are all asking how they could happen and why when victims came forward they were allowed to continue. I pay my own tribute to everyone who came forward to give evidence to the inquiry. Their courage has ensured that we now have the opportunity to implement enduring changes to the service we provide to our children and those vulnerable young people in our care in the years ahead. I would like to offer my thanks, as we did earlier, to the Deputy of Trinity for the changes that she implemented when she became Minister for Health and Social Services. Those thanks are well deserved, but I also want to thank our current Minister for Home Affairs for having the courage to tackle matters which in the past have been seen as difficult to do. Difficult to do means that those matters have been ignored. Ahead of the report’s recommendations, she is to be commended for bringing forward a new Sexual Offences Law and legislation to give States of Jersey Police conditional bail powers. Those decisions were some of the first that she made when taking office in late 2014. I offer my full backing to the Chief Minister in establishing an independent children’s commissioner, independent inspection arrangements, and I will support wherever I can the new community sub-group of the Council of Ministers. I will do all I can to ensure that the voice of children and young people is properly heard within our community, and in that respect I have to acknowledge what I see as a previous personal failing. Very briefly, a recommendation in the Early Years’ report presented by my Scrutiny Panel in April 2008 was that the Council of Ministers should consider whether to appoint a commissioner for children. 2008. The panel consisted of myself, the present Connétable of St. Mary and the former Deputy Shona Pitman. Our recommendation was based upon our view that: “We found no evidence that the voice of children in Jersey has been heard.” We were aware that the voice of the child in the U.K. was becoming more and more recognised as being of great importance in the decision making for children, but we have made the point in our report that that opportunity had not been offered to the children within our own Island. So, why do I refer to a personal failing? The recommendation had been made. However, the Minister’s response to the Scrutiny report was that our recommendation would be considered after the presentation of the Williamson report. I do not know whether our recommendation was ever considered by the Council of Ministers. I know that Williamson did not recommend a children’s commissioner. He recommended a Minister for Children. What I do know is that neither of those recommendations were followed up. We do not have a Minister for children and until the commitment given this week by our Chief Minister there was no likelihood of us having a Commissioner for Children. My failing, I believe, is that our report came out in April of 2008. We waited for the Williamson report and as time went on we were coming up to the elections in October of 2008. We came to the election and as members of the panel moved on we went into different areas, different Scrutiny Panels, and, frankly, what

happened was after the election nothing was followed up, either by the new Council of Ministers or, I believe, by Scrutiny itself. Did we forget about it? Did we forget about the recommendations that we felt were so important? After the publication of our report, the media concentrated on our comments about giving a voice to children. I think that is really what came out, that this was the Early Years' report and at that time, of course, we were looking at the 0 to 5 age group and the provision of early years care. What I think we have to learn from that and be aware of is that now, in the months leading up to the next election, albeit there is some time difference between the publication of our report and the then election and the publication of this report and the forthcoming election, we cannot allow this to be forgotten. We cannot put it on hold because of the election process so that no action is taken again, either by the Council of Ministers, who must reply and potentially action recommendations, or by Scrutiny for not following up on something that had been requested. So, the necessity for the voice of the child to be heard has always remained with me and I am reminded of that every time I attend a presentation when the serious case review is in regard to children. As Deputy Hilton highlighted earlier, yet another one has failed to listen to the voice of the child. I know that when I attend those presentations, my mantra is: why was the voice of the child not taken into account? An independent children's commissioner is essential, but it must coincide with the change of culture within all agencies who deal with children and vulnerable young people. They must have a voice and we, too, must be their voice. Touching very briefly upon the role of the Connétable, clearly a cultural change has happened over the many years since 1959, as mentioned in the report, when things began to change. The Connétable today, other than as corporate parent by virtue of being a Member of this Assembly, does not have statutory duties in respect of children. There is an incredible unrecognisable difference as to where we were then and where we are now. We are a point for parishioners to contact, parishioners who may have concerns about vulnerable members of our society, be they children or adults. Very often, I believe we are the first point of contact and we act as a conduit to those agencies who can step in to help if needed. We work extremely closely with all agencies and I am pleased to say that at my request - I was trying to be proactive, as Deputy Doublet was speaking to us about earlier - Glenys Johnston, the chair of the Safeguarding Partnership Board, when I met with her agreed to write for our Parish magazines an article on the importance of safeguarding. This is what I held up to Deputy Doublet when she was speaking earlier because this magazine, this article, has been delivered to every single household within my Parish. It speaks about the necessity for us all to be aware of safeguarding issues. It tells us we are all responsible; we all have a role to play. I hope all Members have read it.

[12:15]

I have left the magazine in their pigeonholes, but when I check they all tend to still be there, so whether Members have looked at them or not, I am not sure. Hopefully now they will take the time to look at it. This is on display in my Parish Hall. The article has been sent to all Constables so that they, too, may include it in their magazines or newsletters and have it available at their Parish Halls and contact details for where we should turn to for help are available in it. In my next magazine, the article by Glenys Johnston will be on safeguarding for children. I remember being accused many years ago of not being proactive. That was in an assessment that I was having at work, so I do try to be proactive these days. But being proactive, my Honorary Police take part in safeguarding training and at my request I attended a safeguarding training course myself. I would recommend all Members to do that. We are able to contact States of Jersey Police or the Safeguarding Partnership Board to arrange for that training to happen. When I met with the chair of the board recently with Connétable Norman, we both got details on how we can get safeguarding training for Parish Hall staff and we are following up on that. I would like to thank the chair of the Safeguarding Board for the work that she has done, for what she has achieved in her role, and also for reminding us constantly of our corporate responsibility. She will not let us forget it and, indeed,

we should not. I am grateful to the Chief Minister for accepting my proposal to have a member of the Comité des Connétables sit on what was formerly the Children and Vulnerable Adults Group but will now be known as the community sub-group of the Council of Ministers, which I think is an important step forward because it broadens the range of Members who sit on that board. The report clearly outlined our failure to establish a culture of openness and transparency, and I join those Members who have spoken of the need to build a new culture with these principles at the centre of our life in Jersey. I very much enjoyed my time on Scrutiny. One of the reasons is because I very much enjoy asking questions. On Scrutiny, I asked many questions in open public forum. Before I was appointed as an Assistant Minister I used to ask questions in this Assembly, which I do not always feel the need to do now because I approach Ministers in private if I have questions to be asked. We should all be asking questions about the way that vulnerable children are cared for in our society, about the way vulnerable adults are cared for, and when I sit, as I do occasionally, around the table of the Council of Ministers, I am aware that all Ministers ask those questions of the officers who are present. I know that Ministers ask them outside of the Council of Ministers. We must endeavour and we do endeavour to hold those employed in our public services properly to account. Difficult questions must be asked and difficult questions are asked. My view is that we should never be satisfied with the answers that we are given because there is always room for improvement. We must maintain and build on this practice of asking questions, not to scapegoat those who work for us but to ensure that poor performance is not tolerated. I would like to refer to the remarks made earlier by Deputy Hilton when she mentioned Jo Olsen. Jo Olsen, to my mind, was an extremely efficient and very good civil servant who came to the Island. I met her at C.A.V.A. (Children and Vulnerable Adults) meetings. She answered those difficult questions that we were asking her as we sat around the table at C.A.V.A. She is the only professional from Social Services who I know attempted to and did indeed remove from post incompetent members of staff. She is the only professional that I am aware of who risked, as Deputy Hilton was saying earlier, making those difficult decisions. I admired her for that because at last someone was acknowledging the incompetence that was found in some areas of Social Services and recognised that we needed to replace them with qualified, competent professionals. If someone cannot do the job, they should not be in post. The report outlined clearly our failure, as I said earlier, to establish a culture of openness and transparency, but I do think that that is changing. Indeed, it needs to change; it must change. As I said, we should never be satisfied with the answers that we get. I do not intend to speak for much longer because I think we have heard Members discussing many parts of the report. It is sitting on my desk. I have not had the chance to read it all. Deputy McLinton spoke yesterday of his memories of growing up in Jersey when the threat of being put into Sacré Coeur was used to make him behave. Probably those of us who grew up in Jersey may have similar memories and anecdotes. As a child, I grew up at Le Squez Estate, where the infamous Blanche Pierre House was based. One of my memories is of the children from there not being allowed to stay out and play with every other kid on the estate. They had to be back at what seemed to be very early hours. It seemed unfair when the rest of us were outside enjoying just being able to play together. I was not aware of the abuse that was taking place. Indeed, I was probably a youngster myself. But one memory that I do have which is connected to child care is my memory of the first time I saw an adult cry some 50 years ago. They were tears of gratitude, tears of happiness, tears of a friend of my parents when they put a birthday cake in front of her. I do not know how old she was. I reckon I was probably about 8 or 9. It was the first birthday cake that she had ever had in her life and the reason that it was the first birthday cake was that she had been brought up in the Girls' Home. That is what I remember. She had been brought up in the Girls' Home. She had never had a birthday cake. This report is a timely reminder of the responsibility we all have to ensure that that does not happen again. It is a far cry from the physical and sexual abuse stories that we have heard, but to me it is particularly sad because we have all probably grown up with birthday parties, birthday cakes, yet not everyone in our society has been fortunate to have that and that is

because they were in our care. It is highly regrettable that we cannot do anything to change the shocking failures highlighted in this report. We can, however, work together to ensure that the recommendations are implemented and that our culture changes permanently for the better, that our culture becomes one where the children in our care are loved just as much as those in the strongest of families. I believe that our words and actions since Monday have provided a good start, particularly the words and actions of our Chief Minister, and my confidence in him is vindicated. I am pleased that the review panel will return to the Island within 2 years. Let us all commit to ensure that their conclusions upon their return will be of an Island that listens to and values its children and young people, an Island that prioritises legislation for children and is open to change. No other approach would be acceptable to those we have already failed and would be a betrayal to our future generations. Before I conclude, I give my commitment to listening to the voice of the child and to doing all I can while I am in office to ensure that children in our care will never find themselves in the positions that we have learnt about this week.

#### **1.1.9 Deputy G.J. Truscott of St. Brelade:**

I would like to thank the Constable of St. Lawrence; some very sincere and heartfelt words. I have read the summary and I am currently wading through the rest of the report. However, I would like to say a few words and I will keep this speech short because a lot has already been said. The report has exposed how as a society we failed to protect the children placed in our care. There were failings at many levels. Without question, we could have done more for our children. How I wish we could go back in time and undo all that has been done, to right the wrongs. The reality is what has been done is done. Regretfully, there is no way of changing the past. Now, most importantly, we must learn from the mistakes and ensure that history is not repeated. My heart goes out to the victims. I am sure dark memories of their childhood experiences will haunt them to the grave. Their childhood, their innocence, was violated by the very people we put in charge to care for them. I, too, want to say sorry. They were all let down in so many ways. Your experiences, your voices, are now encapsulated in history and enshrined in history. Please rest assured good will come from this historic tragedy. I will support the Chief Minister and the Council of Ministers in any way I can over the coming months to deliver the recommendations as outlined in the report.

[12:30]

Never again should a child's cry for help fall on deaf ears. Going forward, let us ensure our eyes are open, not closed, that we create a caring and loving system that is fit for purpose and one that protects, values and nurtures children so that they may grow up with happy memories of childhood and not ones of nightmares and mental anguish.

#### **1.1.10 Senator P.F. Routier:**

We are having an excellent debate. We have spent nearly a day and a half now on this exceptionally important topic. Being a social worker supporting vulnerable children and adults or being a care worker is one of the toughest and most difficult roles in our community. We cannot forget that things have gone wrong with some of the people who have been carrying out those jobs and we have to put right what has gone wrong in the past. However, I really want to put on record my appreciation and thanks to all those who do work in Social Services, whether it is within the States or within the voluntary sector in our community. It is not right to lay the blame when vulnerable people's lives get into difficulty at the door of social workers. Their job is to support vulnerable people in times of their lives when they have difficulties. I know that social workers do what they think is in the best interests of children. What we as corporate parents need to do is to ensure that we have sufficient social workers and they receive the appropriate training and support. While reading the report and all the accounts, which has been a very, very difficult read, about people's lives when they were children, I have become more and more concerned. I have become

concerned because I have been struggling with my thoughts about whether I could have done more. Of course, the vast majority of what is reported by the Inquiry is from the period before I was elected and I would not have been in a position to have influenced anything of those things that happened. Even though I was pleased to see and hear the positive comments by the Inquiry about the importance of the introduction of income support while I was at Social Security, I still wonder whether I could have carried out my duty as a corporate parent better than I have. I will speak later about our role as a corporate parent. While the Care Inquiry's report may have divided opinion among some, there is at least one thing of which I hope we can all agree. We must focus our minds on the future and on the lessons that have been learned from the Inquiry's work and from the testimony of many people who have bravely come forward to inform the report. I have stood in this Assembly twice in the past to set out my own vision for what I think should be the priorities of the Minister for Health and Social Services when I made unsuccessful attempts to become the Minister for Health and Social Services. Some of the matters I raised in those speeches have now been highlighted in the Inquiry's report. I took the opportunity to look at Hansard to see what I said and I still, having read that, stand by many of the words. I believe that they remain relevant to the work that lies ahead of us today. Members may be aware of my voluntary work supporting people with learning disabilities, which started before I was elected to this Assembly. Just to give Members a flavour of my general impression of Social Services at that time as a representative of service users, it was a time when it was very usual to have to wait an inordinate amount of time to get any support from the service. It was extremely frustrating. It was one of my motives to stand for election to this Assembly to try and make a difference. Turning to the Hansard of that time, it was in September of 2007. Earlier, I think it was Deputy Tadier who mentioned about people who spoke out and put their heads above the parapet and got a knock-back. Well, this election was a mid-term election to replace Senator Syvret at the time. I said in that speech: "The public and service users need reassurances that the child protection procedures are effective and appropriate in today's settings. The professionals who provide the service will need and receive from me support and encouragement to provide this vital service to vulnerable children. I am sure Members will also want from me an assurance that if any recommendations require hard decisions to be taken in relation to policy or administration that they will be taken. I give that assurance. In saying that, may I express my thanks and support to the staff who provide a dedicated, professional service to these vulnerable children? As a general point about the Social Services Department, I am concerned that they have been left out on a limb and have not received the attention and regular political review and support that they need. If I am elected, Social Services will be given a very high priority." I did not receive the support of the Assembly at that time. Senator Shenton was elected. The following year, after the general election, in December 2008 there was another election for Minister for Health and Social Services. I was proposed and during that speech for election of that Minister, that position, I said: "Turning to Social Services, it is only now that there has been an inquiry into the child protection service that we are seeing a flurry of activity within the Social Services section. In the recently published report of the Jersey Childcare Protection Committee, the chairman makes it very obvious in her comments that although the work of the existing staff and its agencies are commendable and are examples of good practice, the impression is that the weaknesses identified results from front line staff being stretched. I know the department's action plan in response to the Williamson report and recommendations is imminent and, if elected, I would consider this to be one of the highest priorities. The Social Services Department until only recently has been treated as the Cinderella of Health and Social Services portfolio with little political oversight and sufficient financial support." That I said in 2008. You can say that probably I did not try hard enough or something like that, but the Members at that time did not appreciate my comments. They thought I was a bit of a rebel and elected Senator Perchard. My reference to these speeches of a few years ago is made for 2 reasons, one to make me think about whether I should have tried a bit harder, whether I did do enough - and I am still struggling



with that - and, secondly, to say that there is always a need to review and improve the support given to families and children. I hope that we all recognise the importance of the continuous need to question, review and improve services. We need to accept that even when this Assembly has addressed all the recommendations in this review there will still be a need for continuous improvement to services. I am sorry the Deputy of St. John is not in the Assembly at the present time, but yesterday he questioned ... **[Interruption]** I do apologise. Okay, I will refer to the Deputy of St. John instead at this moment because she is here. The Deputy of St. John questioned also the monitoring of the United Nations charter on the rights of a child and the important need to regularly scrutinise the progress and how we would be measuring up to that charter. Well, the benefit of signing up to that charter is that the U.N. (United Nations) themselves ask for a regular update and we have to report back to them on a regular basis. So they themselves, the U.N., will be putting pressure on us to ensure that we do measure up to that charter. I am also pleased and I support the Chief Minister's wish to invite back the Committee of Inquiry to check up that we have made some progress. It was Deputy Maçon yesterday who pointed out that having a structured monitoring process with timescales - and others have mentioned it as well - is something which I am sure we must do. We must build on the good work that has been started in recent years by Deputy Pryke when she was Minister and now Senator Green. I have been pleased to support both of them in their work. They have put a lot of effort into that. We need to ensure that all Members in this Assembly work together to achieve the much-needed improvements to services. It is at least something to be thankful for that the outcome of this report has focused our collective attention on the need for improvement. The States' corporate parenting was flagged-up in the Committee of Inquiry's report as being "ineffectual and neglectful." This must change. Our role as a corporate parent should be to provide the young people whose lives and futures are entrusted to us with the support and care that they deserve. After the last elections and at the start of Members' work programmes for this term of office, I invited all Members to a meeting to discuss their responsibilities as corporate parents and the implications of safeguarding and serious case reviews. It was good to see a number of Members attend. However, I am not sure that all Members realised that by the very fact of being elected a Member of this Assembly we all have the responsibility of being a corporate parent. Referring to the Constable of St. John who yesterday spoke about he did not feel that ... his responsibilities were wider and more about the general community and to pensioners, it is different. Being an elected Member to this Assembly does put on us the responsibility of all of us, every one of us, to be caring for children who are legally in our care, so I hope the Constable will reconsider his thoughts on that. During recent years we have invested in an independent safeguarding panel and a chairperson who have instigated safeguarding training and support across our community and I am pleased the Connétable of St. Lawrence referred to her and the good work that she is doing. I would like to thank those Members who do attend the publishing of the Serious Case Reviews and would encourage all Members to take the opportunity to review the findings, the learnings and the recommendations that are made, so that we can enhance services and support children and vulnerable adults. It really is all Members' duty as corporate parents to be aware of how children in our care are being cared for. Looking to the future, we must give children control over their lives and help them to overcome the obstacles and challenges that they may be facing. This requires expertise, it requires sufficient funding and it also requires focus. This week the Chief Minister and the Minister for Treasury and Resources have signed a M.D. (Ministerial Decision) which releases funds right now, which is going to be very useful.

[12:45]

It is going to bolster the legal advisers and the support for the courts. We are going to have a pilot parenting and infants' psychotherapy service. There is a children's change programme, there is a Youth Enquiry Service, which is going to be bolstered. One thing I am particularly pleased about is the nursery special educational needs project. There is a list of things which we were aware need to

happen, and I do not want people to think this is just a knee-jerk reaction. This is something which, as we have been going through these last few years and months, we have become aware of these projects which have needed to be done and we have committed ourselves to improving services as we have been going along. I am looking at the clock, and I am aware that we are having a long, long debate, but turning to the core recommendations of this report, I would like to make it quite clear that I believe we should progress all of the core recommendations but in saying that, we need to seek the views of the wider community, especially those people who have been abused and hurt. With regard to doing things differently, as chairman of the Children and Vulnerable Adults Group I was pleased to be able to recommend to the Chief Minister a review of the group's role and structure, and I welcome the outcome of this review, which responds directly to the need to improve political oversight, thereby allowing us to become the kind of attentive, conscientious corporate parent that our community's most vulnerable children deserve. The new Council of Ministers community group, as mentioned by the Chief Minister, will be underpinned by a number of sub-groups focusing specifically on key social policy issues. I anticipate that a sub-group will be established from the outset in relation to child and adult protection. As sub-groups are established we would hope that more Members of the Assembly will take on roles in these emerging areas of work and I am pleased that a number have agreed to join us in that work. It would be an excellent opportunity for all Members to show our combined commitment to creating permanent, meaningful change in our community, and to demonstrate what the Island needs most from its elected Members - clear leadership and informed decision-making that includes all Members, departments and agencies, and ensures that never again any child in Jersey is left behind. May I propose the adjournment, Sir?

## **LUNCHEON ADJOURNMENT PROPOSED**

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

You will be aware that when I asked the Bailiff for this special sitting on the Inquiry I requested a requisition, I think it is, for a 2-day meeting, and I wonder if Members remain satisfied with that approach and whether they and you, Sir, may give it some consideration.

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

I had a couple of announcements to make, and that covered one of them. If I can just say, firstly, we have had a couple of propositions lodged this morning, Jersey Ethical Care Charter (P.48/2017): third amendment from Deputy Southern; and United Nations Convention on the Rights of the Child: compliance of draft laws and training of States of Jersey employees (P.63/2017) from Deputy Doublet. Secondly, I just want to expand or reinforce what the Constable of St. Lawrence said about the availability of the report. The States Greffe is very happy to print on demand copies of the report for whoever wants them, the full report or just the executive summary, and when I say: "whoever wants them" I mean the public at large, not simply people in this Chamber. We asked for 10 full sets to be printed this morning. We will print more as people want them. Anyone who wants a copy should contact us. We are in the phone book. We are on the internet, obviously, or you can drop into Morier House. Given the size of the document it is really helpful if people who want to get a copy could maybe tell us first and we can arrange when it can be delivered, because it obviously cannot be printed in an instant, and it will be made available completely free of charge. That is very important. **[Approbation]** Finally, the Chief Minister is quite right, the special meeting was requisitioned and at that point it was to last for 2 days. We do not have a continuation date. It is not a normal sitting of the Assembly, and the Standing Orders do not clearly provide for an extra date to be added on the hoof. I therefore stress that the debate needs to be concluded at some point this afternoon or this evening and I have asked Members who still wish to speak to reflect on that over the lunch break. There are 4 or 5 Members who still wish to speak for the first time and 4 Members who have given an indication already that they wish to speak a second time, as

well as, of course, the Chief Minister, who needs to give the final speech, so I stress that Members consider it over the lunch break and hopefully reach a consensus this afternoon as to how best to proceed. The adjournment has been called for. I expect Members wish to adjourn; therefore we will reconvene at 2.15 p.m.

[12:50]

## **LUNCHEON ADJOURNMENT**

[14:16]

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

We are ready to resume the debate. The next contributor on the list is Deputy Brée.

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

I did not come to this debate with a pre-prepared speech, as instead I wanted to listen very carefully to what was being said, learn as much as I could do, and most importantly hear what people felt. The one thing I would like to say is that since the publication of the report and my reading of it my world has changed. I think our world has changed, because the report itself has shone a light into the darkest recesses of our Island life. I think there are some important things and lessons that need to be learned. One of those things, the first one I would say, is an acceptance, an acceptance that not only abuse took place but also an acceptance of the fact that we, as an Assembly, we as a Government, and possibly we as a society, failed in our duty of care to the most vulnerable people in our society, those being the children that were in the care of the States. I think we also, no matter how hard it may be, have to go through a process of what I call recognition. Recognition of the horrendous abuse that took place. I am a parent and I can hardly conceive or understand of the acts that took place, and to say that I have the slightest understanding of what these children were going through would be wrong. I do not. I can only imagine the hell that they lived through. I also think we need to accept accountability. We are and we were responsible. We were responsible for the lack of action that took place when abused children came forward to try to tell people their stories, but we are also accountable not only to those children and the survivors of the abuse, but also to Jersey at large inasmuch as we must bring to justice those responsible for those actions. We must not shirk from that task and we must do so without fear or favour. That is the very least that we can do. The report itself presents evidence that I think for most of us has been harrowing to read. It then details its findings based upon that evidence and I think it is important that we all read those findings and try to come to terms with them, because it is something that I am finding personally difficult to come to terms with. The report then makes recommendations. Some of those recommendations can be actioned now without any further delay. Some of them, however, I feel need a little bit of time. When I say “time” I am not talking of a long period of time. I am just concerned that there may be a knee-jerk reaction to what we are reading in the report. The important thing, and our role in this, and our prime role in this, is to ensure that whatever action we take, whatever legislation we may vote through, ensures the best possible care of those children currently in the care of the States and for future generations to come. What we do over the next coming months is going to affect children of the future, and that is something that I think we need to bear in mind, because unless we learn from history we will be consigned to repeat the failures of the past. Child abuse is not unique to Jersey. Day-in, day-out, we are reading of similar horrendous cases around the U.K. (United Kingdom). What is important is how we deal with it, how we act, and I would like to go on record for saying that I support and commend the Chief Minister for his recently announced actions, particularly for the establishment of a Commissioner for Children. These immediate actions that he has taken are actions to protect children, which I am sure we all support and seek to create a better environment for those children under our care. When I say “our care”, we are corporate parents, all of us. It is not just the Ministers or the Government

who make decisions. We are all and should be responsible parents. Unless we can create that environment where we can, hand on heart, go: "I am a responsible parent" then we have failed. A lot has been said about the phrase "the Jersey way" and I am saddened by the fact that that particular phrase has come to mean something that represents all that is wrong and was wrong with the systems of government we had, the failure to protect children in our care. That saddens me because I think that there is a positive side to the phrase "the Jersey way". It is about caring. It should be about taking responsibility. It should be about listening to people. The very people that we represent, that is what we should be trying to promote as an Assembly and, yes, I think we need to accept that the phrase "the Jersey way" has become something that for myself I do not recognise what it has become. I hate what it has become and I feel that it is important that we strive to promote a Jersey way that is all of the things it should be and none of the things that it has become, because it is our role to turn around people's perceptions and at the end of the day actions speak louder than words. What do we do now? I think this is probably the biggest question in people's minds and I would like to suggest that there are 3 things that we owe to survivors and victims of abuse. Those 3 things are, firstly, an apology. It may sound hollow to some, but I think it is very, very important that we apologise for the mistakes that have been made. That apology should come collectively from this Assembly and from this Government and it may be a hollow gesture but I think it is an important one and it should be a heartfelt one, that we apologise. The second thing I think we need to show is our gratitude, our gratitude to all of those victims and survivors of abuse that had the courage to come forward to give evidence. It must have been a terrible experience for them to give evidence, because you are reliving events and that takes great courage and great fortitude and so I say again thank you, because without evidence, without those people willing to come forward, we would not be here today discussing how we can better protect the children in our care. I also think we need to give a very firm undertaking that we as an Assembly, we as a Government and we as an Island undertake here and now to ensure that as far as it is within our power to do so this never happens again. Unfortunately, due to the nature of human beings, you cannot ever say or promise it will never happen again, but if we can make that undertaking, take that stance today, and all of us together collectively agree we will do our utmost to ensure that as far as it is within our power to do so this will never happen again. The last thing I think we need to do is to show support. Any survivor of abuse is living with a life sentence. Every day of their lives it is part of them. It goes with them wherever they go. It will never leave them, and I do not think any of us here can even vaguely comprehend what a devastating impact that must have on an individual's life and the long-term consequences we need to recognise, we need to accept and we need to offer support. Let us never forget them, ever. Thank you. **[Approval]**.

[14:30]

#### **1.1.12 Deputy S.J. Pinel of St. Clement:**

I was prompted to speak by Deputy Hilton's remarks earlier about Brig-y-Don Children's Home and the complimentary way in which it was described in this report when run by the Brig-y-Don committee. As some will be aware, I have been a member of Brig-y-Don Children's Home committee for 22 years and chairman for over half of that time. I have observed at first-hand the disarray within the Children's Service. My complaints to several Ministers for Health and Social Services went unheeded, eventually forcing the closure of the residential home in 2009. This rendered 17 staff redundant from their employment at Brig-y-Don and left 8 children without their home. Finally, Deputy Pryke when she became Minister for Health and Social Services listened and took action. The home was refurbished and re-opened and subsequently run by Health and Social Services. The demand for residential places at Brig-y-Don and elsewhere are a poor reflection on the adequacy of the fostering services in Jersey. Brig-y-Don has also extended its remit to those young people leaving care. They are often without the support of any family and

find themselves alone and in emotional and material difficulty. I hope with the help of this report and the implementation of some of the recommendations these situations will be addressed.

### **1.1.13 The Deputy of St. Martin:**

Members all around this Assembly have done much honorary work and many continue to do that and for my part I would like to think I have done my bit over the years. I have served on many committees, panels and councils. One was the Police Complaints Authority and another was the Youth Panel. Because of my exposure to confidential and detailed documents I have become in a small way used to reading information that can best be described as unfortunate, unsavoury, unpalatable, sometimes almost unbelievable. However, I still found reading the findings of the Inquiry very hard, especially so as I was part of the system during the 1990s. I served as a Youth Panel member between 1996 and 2003. During that time I worked with, as a layperson, all the magistrates mentioned in the report and while I cannot specifically remember many of the individual cases I do remember 3 things that we did consistently. First, we always did everything we could with the help of other agencies, like Probation, to make sure that the first offence was the last offence, that the first offence was not repeated. We also did the very best we could to avoid any loss of freedom for young people, those people in front of us. Finally, with the arrival of the ex-Senator, Ian Le Marquand, we made a real effort to reduce the amount of time it took from the first time a young person came in front of us to the time their case was concluded. It is clear to me now that I should have worked harder. I should have worked better. I should have looked outside of the court especially to those who were responsible for looking after those young people once they had been to court. Sometimes words are inadequate but I would like to apologise to those for whom I should have done better. I am truly sorry that I could not and did not do better at the time. I did my best and I expected the same of others. I would like to acknowledge, as others have done, the bravery of those who have come forward, and it is a brave thing to do, and I would like to say to them thank you and I hope their effort will be rewarded. We live in a small Island. Unsurprisingly I knew many of the names in the reports that I have read over the last few days and that was names from all sides, and I mean all sides. I was fortunate to be brought up in a loving home with loving parents but I grew up around some tough areas in the 1960s and the 1970s. I knew some of the children that were in the homes spoken about in the report and some of them back in those early days I would have called friends. I witnessed the effects of overcrowding in social housing that has been referred to earlier. I have also witnessed the effects that alcohol can have on families and the combination of those 2. Thinking back over those times has been very difficult and there are other things that I am not going to mention today that have come to my mind, but I have done that and I hope I am a better person for that. Many times in my reading of this report I just had to stop and re-read and stop and think and one point was when I read the part that said: "The children could still be at risk today" and initially I thought: "Surely not?" but when I analysed my knowledge of the work done by the Women's Refuge I realised that I should not be surprised. Again, I have not done enough with the evidence at my disposal. We in this Assembly now have a vast amount of evidence in front of us, an amount of evidence that has never been put together in one place before and I just want to get over the talking and on to the doing. There is no doubt that the recommendations are doable, but they are a challenge and it will not be done easily or quickly, but we must do them and for now I just want to get out and get on with that. Thank you.

### **1.1.14 Connétable J. Gallichan of St. Mary:**

There is not a lot more that can be usefully said I think about the report itself today. The full impact of it will continue to unfold as more and more people read it. It is like a pebble that has been thrown into a pond. It has made an enormous splash. That is probably short-lived, but the ripples from this report will go on and on and they will reach far wider. We have a responsibility in this Assembly to make sure those ripples reach every point that needs to be changed. I read the

report with a sinking heart. I had no doubt that the report would confirm that abuse had taken place and that it was extensive. I was prepared I think as much as one can be prepared for hard truths to be revealed, but what I was not prepared for was the degree of concern for the safety of vulnerable children that remains today. We cannot undo the wrongs of the past, but we have to act decisively now to stop this happening not only in the future but to stop it happening right now. I was a Member of this Assembly when the Haut de la Garenne story broke. I was here when real changes started to be made to our care provision, but collectively as an Assembly we have not done enough. The first Williamson Report reassured us that children in care then were not at risk. That was an important message for the public and of course for the staff involved, but in hindsight did a readiness to accept and almost celebrate the positive outcome that we had as part of that report lead to a reticence to deal with the other more critical aspects? Certainly not all of the Williamson recommendations were carried forward and we are still dealing with the consequences of that now. Faced with some improvement in an area it seems easy to become complacent. It is easy to lose track of what has been recommended and how much has been adopted, but more importantly how much has slipped through. I endorse 100 per cent the words of my colleague and former Scrutiny Panel chairman, the Constable of St. Lawrence when she spoke earlier about the Early Years' report. However, she did not mention the phrase that we had coined on the panel to describe what we discovered during our research and that phrase was "ending the spiral" because we had found out that there was an almost endless cycle of consultation and reports but there was never enough action. Well, we have now had action on child protection but not enough, and while children in our care may now be safeguarded there are those that are still not being protected soon enough. The cycle simply cannot be allowed to repeat itself again. On the whole, I have been really encouraged by what has been said in this debate, but some things do concern me. The safety of children and the wider vulnerable in our society must come first. That is simple. It is the long and the short of it. I am not precious about how we set out to achieve that, as long as it is effective and I care even less about who gets the credit for doing it. It just has got to be done. This must not become a political football. It is much too important. I do not want to hear from any area of this Chamber that the politics of the other side is to blame. That is just not important here. We are all responsible and we must all act together. This is not the time for Members to seek to justify our failings. We cannot. It is not a time to look backwards at our failings and to lay blame. We cannot change what has passed, and it is for other agencies to deal with any matters that might require intervention. This is a time to acknowledge our failings, to take stock and to strive not to fail again. It is a really simple goal. It is like: "Today I will do no harm." I do not want to fail again. Now, acknowledging how we have failed is the first step but if we are to succeed now in effecting change for the better what we need to do is to stop dealing with this matter as if it is an isolated topic. It must become central to every subject that we consider in this Assembly. It has to be at the heart of every decision that we make. Like others, I commend the Chief Minister for the way in which he has received this report. Looking back at how other reports have been received in the Assembly on a wide range of topics, looking back at Scrutiny and ministerial response, this is the first time that I can recall a total and unqualified acceptance of a report in its entirety and an immediate willingness to implement every major recommendation. The Constable of St. Lawrence mentioned when she spoke how she felt that perhaps other reports had lost momentum in the build-up to an election. We are a year away, less than that. We need to make decisive action count while we are here. I pledge my support to the Chief Minister to achieve everything that he has set out to achieve. We may not be perfect in doing it, but as long as we get better with every decision that we make slowly and surely we will achieve the task that we have been set, the challenge that we have been set by this report. I had a very happy childhood and it seems to me that everybody deserves the same. Simple as that. I do not know. This is not the time for levity. When I was growing up Star Trek was the order of the day and I thought the whole universe would be ruled by an intergalactic organisation that would ensure that everything was done equally and fairly. All the good cowboys wore white

hats and all the bad cowboys wore black hats. There is a 3-word phrase for what I think the Chief Minister must do now. Make it so.

[14:45]

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

There is one more Member who has indicated he wishes to speak for the first time, after which we will move on to those who wish to speak for a second time. If any Member wishes to speak for the first time, who obviously have not yet spoken, this is the time to declare it, otherwise I will now call Senator Farnham.

**1.1.15 Senator L.J. Farnham:**

When the idea of having this debate so soon after the publication of the report was discussed I was rather doubtful that it would be useful because I thought we might need more time to digest the report, but I am pleased we did. For my point, I have learnt since yesterday morning not just by reading through the report slowly but surely but listening to other Members' very good speeches I think more than I would have learned by sitting at home and working my way through it, so I think this has been an extremely vital exercise and I am sorry that I doubted it might have been better to wait. We have had some very understandably emotive speeches but equally we must for the sake of those affected and for the survivors and the victims ensure that we keep a level head when we are dealing with this, so we can properly digest and diligently and sensibly go about implementing the recommendations of the Inquiry and go further if necessary. I said in questions to the Chief Minister the other day that some commentators had said that this was a momentous moment for child protection, not only in Jersey or the U.K. but globally, around the world, where sadly problems, even worse problems, prevail. I think this is certainly as far as I can recall a real turning point. I think it is probably the only turning point that has been so clear. I have been honoured, privileged, I would say, to serve in this Assembly from 1999 to 2005 and then again from 2011 to date. I was not a Member when this came to surface but I was a Member in what we call the heady late 1990s and the huge economic growth of the early part of the last decade and I think we all got lost in economic development and growth and business first, and I am quite ashamed of that. Of course we are all learning from this and there is a lot more to learn. I am not saying that we must not make sure that we focus on our economy and provide a good fiscal environment for citizens but perhaps we do at times get our priorities wrong. This is certainly going to help me keep my feet firmly planted on the ground because when all is said and done it is far easier and better for Jersey, for our community, for everything we do now and for what we do for future generations, it is easier and better to build strong children than it is to repair a broken adult and if we put that first then I think we are going to make a much better place for future generations. Thank you.

**1.1.16 Deputy M. Tadier:**

Just to remind Members before I preface this part of the debate I am going to be referring initially to pages 45 to 46 onwards, from the executive summary and pages 764 from the second volume, which is the main body of the report, in some detail. I will try to make it as succinct as possible but clearly there are some matters that need to be put on the table and I will give Deputy Andrew Lewis the time to sit down to make himself comfortable as well while I read out the preface. What I want to talk about is the nature of abuse, how it can arise in any community, especially in the Jersey context, so I want to look at the nature of power-based relationships in Jersey and the basis for power in Jersey. I want to explore the question of why who you are in Jersey matters and depending on who you are in Jersey why you get treated differently and why that is not fair and what we must do as an Assembly and a wider society to fix that. We have heard lots of great words today. They have all been genuine but once we understand these matters, some difficult matters that the Assembly will need to continue to deal with, both immediately and in an ongoing fashion,

then hopefully we can put those good words into practice. I want to start with a story about a humble carpenter. It is a true story. He came from a humble background. He learned his profession as a carpenter. He was a very good orator. People would flock to see him and hear him speak. He was very compelling. He was held in very high esteem. Many had him down as a potential future leader. He used to speak the truth and he started speaking the truth to those in authority. Those in authority, some of them, did not like what he said. He stood up for the underdog. He would associate not with the high and mighty but with the vulnerable and the needy, the outcasts. He himself quickly became an outcast too. Those in authority did their best to see that he was hated. They plotted to get rid of him and he became a sacrificial lamb. I am, of course, talking about former Senator Syvret. That may be a particular way of looking at things. It may be put across as something that is slightly un-nuanced. You may have a different view to what has been said. But for many people in Jersey and primarily abuse survivors and the family of those who were not survivors, because of course it has not been mentioned that many people did not survive the abuse. We do not know who they are. It is not that they have unmarked graves, it is just that they were lost along the way somewhere. They do not have a cross at Howard Davis Cemetery, for example. But those who were close to them know who they are, I am sure. Depending on who you are in Jersey you will get treated differently. I want to consider how, on the one hand, a whistle-blower might get treated versus how somebody in power might get treated. For example, how Senator Syvret finished. Let us not necessarily consider all the rights and wrongs of it, there are too many interpretations of what they might be, but let us look at the facts that are presented in the report. We will start with page 45 of the report. This is to do with the suspension of Graham Power. This was part of their remit for them to look at it. In the main report they said they needed to look at what the reason for the suspension of Mr. Power was to find out whether there was any cover-up or any political interference that might have been motivated by a desire cover up child abuse or to impinge or to effect the on-going Operation Rectangle in a negative way. They found, no, we do not have the evidence to say that is the case. But they did record very significant criticisms about the way in which the suspension was handled. They say that they still do not know what the motivation for suspending somebody who ultimately was found to have done nothing wrong might be. Now, 10.36 on page 45 they say, in their report: "We have also considered the report by Dr. Brian Napier Q.C., an expert in employment law, who subsequently investigated Graham Power's suspension in the light of all the additional evidence that we have received and the different account of events given to us by former Minister Andrew Lewis." The next paragraph, 10.37: "We note the fact that Graham Power was suspended with no notice in respect of alleged past failings, when there was no suggestion that those past failings could have an effect on his ability in future to carry out his duties." Over the page, 10.38: "Those responsible for Mr. Power's suspension did not heed the advice of the Solicitor General or the Attorney General about the risks of reliance on an interim report by the Metropolitan Police Service and the need to show to Graham Power any report on which they were relying and permit him to comment on it. They also did not accept the wisdom of awaiting the full Metropolitan Police Service report before taking action. We find that David Warcup exaggerated to Bill Ogle the extent to which his own concerns were supported by the Metropolitan Police." This part is also important: "We also find that Andrew Lewis used the interim report for disciplinary purposes, knowing that this was an impermissible use." So, that is the first issue. We will come on to the issue of lying in a moment. There is already one issue there from the report. We have just heard the previous speaker saying that it is an unusual report in the sense that we have accepted everything that there is in it. No doubt some will want to cherry-pick it. But I would warn from a very early stage, if we are to stand up and say that we believe in the Committee of Inquiry, in the 3 individuals and in Frances Oldham who led it and that they are capable individuals, I think we all have to accept what they have told us, as you might when you go before a court. We know the independent inquiry was not a court, but it was a quasi-judicial process, with individuals on it who, I think, were very esteemed and



knowledgeable. The key point is that they were independent. They do not have any political Jersey axe to grind, even if the accusation is that some of us here do. That is the first issue: there was an impermissible use, despite very clear warnings that were given from the Law Officers' Department. The next paragraph is: "Evidence to us on this point was at odds with the evidence of Bill Ogley. We prefer the evidence of Mr. Bailhache, which is the Attorney General." The next paragraph: "We find that Andrew Lewis lied to the States Assembly about the Metropolitan Police Service report, stating that he had had sight of it when he had not." Further down: "We cannot be sure why Frank Walker, Bill Ogley and Andrew Lewis acted as they did, or why Andrew Lewis lied both to the States and to us. Frank Walker, executive summary 47, described Andrew Lewis as an inexperienced politician, and even appointed a more senior politician to mentor him in his Home Affairs role. While Frank Walker told us that, nevertheless, he did not think that Andrew Lewis would have been influenced by his view as Chief Minister, we believe not only that such influence was inevitable but also that it would have been recognised by all involved, including Frank Walker and Bill Ogley." So, essentially what they are saying there is on the one hand we say we have a relatively inexperienced politician and Minister. I personally believed even back then in Deputy Lewis's capabilities. I do not think he would have been put into that role ... he had some knowledge of the role as an Assistant Minister. We have been told that he had been put there by the Chief Minister, Frank Walker, of the day, and he was put there to do a very specific job. That job was to suspend the Police Chief; a very serious issue. One does not sack a police chief, especially one which is generally being held in high esteem, served elsewhere and we have heard about the credit that he has got for that. So, it is a very serious issue. Now, if it was true that that individual is inexperienced then he is going to need to be told what to do, is he not? You would be told what to do by the Chief Minister. I think this is the issue we have. Going back to the story about what happens to you in Jersey. What happens to somebody who raises concerns, a political whistle-blower, in Jersey, whether it is Simon Bellwood or a political one, Senator Syvret? Senator Syvret loses his seat in the Assembly for doing that. Senator Syvret becomes bankrupt for doing that in the Jersey context. What happens to a former Chief Minister who presides over a conspiracy?

[15:00]

It was a conspiracy because they conspired to get rid of him, albeit not for reasons to pervert the course of the Inquiry, reasons which Deputy Lewis needs to tell us about. He is the only one in this Assembly who can tell us what the true motivation for that was. That is what we need to hear from him: why did he and Bill Ogley and the Chief Minister ...

**Senator P.M. Bailhache:**

Sir, could the Deputy give way?

**Deputy M. Tadier:**

No, I will not. I will not give way. The Senator can speak if he wishes to subsequently. We know what happens to the whistle-blower, they lose their job. If at all possible they will become bankrupt. Luckily Senator Syvret is still standing today, but it is in spite of the efforts to create his demise not otherwise. What happens to the former Chief Minister? Well, 2 weeks before the report is published he is given yet another non-executive directorship for £40,000. The establishment in Jersey, the political establishment, the business community, are so brazen they do not even try to hide their contempt for the public now. They are saying: "We cannot wait until this report comes out, because otherwise it is likely that he is going to be looking disreputable in it." Surely enough there are serious questions that the former Chief Minister Frank Walker needs to answer. Bill Ogley is clever enough to get out with a golden handshake for £500,000 before all this stuff comes out, because the civil service are clever. Are the media in Jersey going to ask Frank

Walker those tough questions? I doubt it very much, because look at the power relationships in Jersey that exist. That is why we have needed to rely on bloggers often in this Island on this very issue, to keep up the momentum to get the truth out on to the table. Turning to the main body of the report, overleaf, 7.66, this is another issue that is seriously concerning to me. We were told that on 18th October, this is before the suspension took place, Wendy Kinnard is still in post, but she has removed herself due to a conflict of interest and allowed the Assistant Minister to take over: "Senator Wendy Kinnard met her - should be Assistant Minister, Andrew Lewis - at her home. Her husband Christopher Harris, a lawyer, was present for some of the meeting and shortly afterwards drafted a handwritten notes of the main points. According to Senator Wendy Kinnard, Andrew Lewis told her steps were being taken to remove or discipline Graham Power." So, Wendy Kinnard's recollection. Some of you in this Assembly will have served with her. Some of you may know her. Others will know her husband. You are probably better placed to judge her character and her integrity than I am. I do not know, but from what I have seen of them I tend to trust what they say. I can only go that far: "Senator Wendy Kinnard met her Deputy Minister, Andrew Lewis, at her home. Her husband, Christopher Harris, a lawyer, was present for some of the meeting and shortly afterwards drafted a handwritten note of the main points. According to Senator Wendy Kinnard, Andrew Lewis told her of steps being taken to remove or discipline Graham Power." I have just read that: "He told her about 'extracts' from a Metropolitan Police report and said: 'For God's sake do not tell Frank what I am telling you.' She advised Andrew Lewis not to do anything until he had full information. She was reassured when he told her that he would stand up to any pressure to invoke suspension. Senator Wendy Kinnard had no further discussions with Andrew Lewis about the proposed suspension of Graham Power. On 20th October 2008, she resigned as Minister for Home Affairs. She was succeeded by Andrew Lewis." I have no idea why they would say that if it was not true. I would find it strange if a member of the public, who is not covered by parliamentary privilege, would go to a Committee of Inquiry, perjure themselves and risk themselves at prosecution, especially when one of them is a lawyer. But I will leave that for the Assembly to judge. Paragraph 10.346: "Andrew Lewis denied that there were any discussions about Graham Power's suspension and asserted that Christopher Harris's note was fabricated." So, here we have a counter-lie. If it is true, as the Inquiry said, that the Minister at the time lied to the Assembly and lied to them, what a liar needs to do to cover up his lie is first of all maintain the lie and then recreate another lie, saying: "If I am right then he must be wrong and this evidence that he produced, this Jersey lawyer, has fabricated some evidence." Very serious allegations for somebody to make to a Committee of Inquiry: "He claimed to have known nothing about the proposed suspension until 11th November, despite the fact that the Minister for Home Affairs would be the only person with power to suspend the Chief Officer. Both Senator Wendy Kinnard and Christopher Harris gave evidence to the Inquiry, attesting to the accuracy of the note." So, they had this note, they have been given this note, they have been allowed to explore it, to verify its veracity and its authenticity. Their comment was: "We accept the account that they gave to us about their meeting with Andrew Lewis." Now, during the whole of this report some people have said: "This is not hard-hitting enough. There is not enough blame. We do not know who all the culprits are, for example. Some of the culprits out there will never be brought to justice." In a sense, this was something that could never be met. In other cases they have said: "We have one account from this individual and we have another account from another one," and they just leave those 2 hanging. But there is no: "We found this person to be right, this person to be wrong." In this case they have said categorically which evidence they prefer. They took the very, I think, unusual step of not just saying: "We do not believe his evidence" or: "There was a discrepancy", but they have called the current Member a liar on 2 occasions. That is a very serious matter and I think one which we cannot duck as an Assembly. We will go on to the next point, 10.347. It talks about the Napier Report. It says: "Andrew Lewis told Dr. Brian Napier that, between 22nd and 28th October, he had discussed with Mr. Crich (Director of H.R.) and Bill Ogley the possibility of

Graham Power being suspended. Andrew Lewis said in evidence to the Inquiry that he may have got 'muddled' when talking to Dr. Brian Napier. However, we find that Andrew Lewis was not muddled. His account to Dr. Brian Napier provides confirmation of the accuracy of the evidence of Senator Wendy Kinnard and Christopher Harris about their meeting with Andrew Lewis; he clearly knew well before 11th November 2008 of the plan to suspend Graham Power." So, there they are saying is a second lie. Not only have we got a suspension that was done on dubious grounds, that there was an impermissible use of a report, which it later transpires he had not seen, but we have these lies to cover it up. Over the page, 10.351: "On 11th November 2008, the Solicitor General advised on the content of a letter of suspension and noted: 'I reiterate my advice that if this action is being considered in advance of the full report being available from the Metropolitan Police, there must be sufficient objective evidence available to justify what is proposed. I would urge that particular caution be exercised to check there are no provisos or caveats to any of the conclusions reached upon which reliance is to be placed and that the reasons for action are robust.'" We will go on to 10.35 on the next page, that quotation from an email dated 11th November 2008, the Attorney General advising on the content of the proposed press release: "If you get to the stage of suspending Graham Power then of course some statement will be necessary, but surely you will need to have the full Met. review in your hands for that purpose and allow a little time for it to be assimilated." So, what we have here is very clear instructions to the Minister for Home Affairs, which must have been filtered down to him, he is the corporate sole at that time, the only one with responsibility and authority to suspend the Police Chief, and that very clear advice, credit to the Law Officers, on more than one occasion about what the due process should be and the legal advice it. So, 10.360: "Andrew Lewis admitted to us that he knew on 11th November 2008 that the Metropolitan Police had said that the review was not to be used for disciplinary purposes. He saw nothing wrong, however, with using extracts or observations from it when deciding whether to suspend Graham Power." Let us look at 10.367 on the next page: "On 10th December 2008, Andrew Lewis took part in an 'in camera' debate in the States concerning Graham Power's suspension. In that debate he said that an investigation had been carried out by the Metropolitan Police and that he was presented with a preliminary report." I want to stop Members here. I was not in the Assembly at the time. The only reason I know about this or that anyone in the public knows about this - brief history lesson - is because, I think, if I am right, Deputy Higgins at some point asked for this to be released. The Assembly said: "No, we do not want it to be released." But I also remember, I think, that Deputy Higgins had transcribed the Hansard for this. He had made a copy of it, because under the strange rules that we have, the arcane rules, I am not saying they are right or wrong, but in the Jersey context it helps maintain secrecy, that a debate can take place in which somebody is alleged to have lied to the Assembly. That is one of the most serious things, I think, outside of committing a proper crime or murder or anything like that, which we are not covered by - so do not anyone try and murder me in the Assembly because you will still be prosecuted, possibly, although you might be doing people a favour - any elective Member can do, is to lie to this Assembly. I think the Member knows that. The only reason this came out is because somebody - and I do not think it was the Deputy - leaked that report. They said: "The States has refused to release this." Because the States thinks it is more important that what they have said in secret, even though there is a very serious allegation, and it is more important to maintain that technicality of parliamentary privilege, because we do not want those out there hearing what we have said, all sorts of spurious reasons when you look at the Hansard why we could not possibly release it. It came out anyway, because "truth will out", as the saying goes. Truth will out. What was the reaction of many people in this Assembly? Rather than saying: "Oh well, it is good that it is all out in the open. Why do we not just see what happens? Let us get this to the Committee of Inquiry." The immediate reaction of those who subscribe to the Jersey way in its definition in the report is to go after the whistle-blower. To say: "I wonder who leaked that document to the public. That is absolutely outrageous. They should be hanged." I think somebody even called it an act of treachery or treason or something

akin to that. That is so often the reaction in and outside this Assembly from a very small but vocal minority; that if you go against the Jersey way, against our institutions and the way we do things then you are a traitor. That must stop, if we are to learn anything from this report. What we know from the report is it says: "When I saw the preliminary report I was astounded. So much so that my actions, I believe, are fully justified." So: "I saw the preliminary report. I was astounded." "If the preliminary report is that damning, Lord knows what the main report will reveal." Then Andrew Lewis continued: "Will the report be published when it is completed?" was the question: "No, it will not, because the report of the Metropolitan Police contains Crown evidence that will be used in the prosecutions that are currently underway and potential prosecutions that may come from this investigation." Now, I think it was published in the end, was it not, because, again, truth will out? When you are dealing with child abuse, the suspension of a police chief and allegations of lying, then secrecy is not a good way to try and defend those allegations. Let us look at the balance of probability here. We have a Minister who knows, because he has been given legal advice, that you do not suspend the Police Chief, unless you have the Metropolitan Report in your hand. We know he did not. He could not have. He had not even read the report. Yet he tells the Assembly: "I saw the Preliminary Report." He told Members that he had read it. The reason he did that and would have done that is because that is what the Assembly would have wanted to know. The Assembly needed to know that he had read the report in order to make such a momentous decision. Otherwise, I do not think any Member ... I certainly would not have felt comfortable making a decision one way or another on whether or not to suspend Graham Power.

[15:15]

They continue at 10.369: "At this time, Andrew Lewis had not seen the Metropolitan Police report. In evidence to this Inquiry, Andrew Lewis said that he had made an error during the debate in referring to the Metropolitan Police report when he meant to refer to David Warcup's letter. He did not accept that anyone had been misled and said that those present on the day understood that he had been referring to David Warcup's report." Really? Let us hear from Members who were present on the day then. I was not, but there must be quite a few Members who were here on the day. Perhaps Sarah Ferguson, Senator Gorst, Senator Routier. I know most of the Senators would have been here on the day; other Members too. Do Members think he was referring to David Warcup's letter? There is no reference to David Warcup's letter. There is only reference to the report. I do not think that is credible, but it is not my opinion that counts, it is the opinion of the 3 people on the Inquiry who were not Jersey politicians but are independent adjudicators. They say: "He was given the opportunity to identify passages in the Hansard report of proceedings that would lead anyone present (or reading the debate) to understand that he was referring to David Warcup's letter. He was unable to do so; the report in Hansard contains no references whatsoever to David Warcup's letter." So, what changed? Andrew Lewis, the Minister at the time, had the opportunity when it came to the Napier Report to give them the proper account of the facts. The point is the Hansard was not out there yet, so he did not need to change his account of the facts. He could carry on with the same line initially, knowing that the public and Members of the Assembly, who probably did not have a copy of the Hansard and had no way of referring back to it, would ever find him out. It is only when the Hansard became published, because of that whistle-blower. No thanks to the Jersey States, incidentally. It is not a criticism. We have process in place. But these processes would have prevented the truth coming out, were it not for that whistle-blower. That is why the Deputy needed to change his story, because a different set of facts had come out and he needed to change his facts. We do live in an era of post-truth. I wish that it were not something that we had to be talking about today in this Assembly. It should have been about the children. We should be using this Assembly and these words and I do not know what percentage of the millions of pounds we use to try and investigate and test the voracity of the Deputy's statements. It was no doubt an excessive proportion of those £23 million which went into looking at the Deputy's

conduct. I just have a few more lines, but I think Members get the gist of what I have been saying and the gravity of it. So, over the page at 10.371: “Dr. Brian Napier Q.C. found no evidence of a conspiracy to oust Graham Power for some improper purpose.” So, I would like the Deputy to tell us what the reason was for his ousting, whether he accepts the report’s findings that there was no proper basis for his ousting. I want to know what the relationship was between himself and the Chief Minister. Why would they get rid of the Police Chief? Was it vindictive? That is all I can see. Remember this happened in the context of another snippet which was not meant to be heard between the former Minister for Health and Social Services, Senator Syvret, and the former Chief Minister, Senator Frank Walker, when they had that altercation and the microphones were left on. I think that spoke volumes about the tensions that were building at the time, where I think that on the one hand you had Senator Walker saying: “Stuart, you are trying to shaft Jersey internationally” or words to that effect. And Senator Syvret saying: “God, Frank, we are talking about dead children here”, something to that effect. I apologise if I have the quotes wrong, but that is the paraphrase. It turns out maybe we were not talking about dead children. But at the time that is what they were thinking may have happened. You see a difference in approach there. You have one individual who is concerned about the reputational damage, no doubt there is some political fallout that is going there as well, and another individual... the relationship, and political relationship as well, is broken down to a point and we see different priorities arguably being manifested. So, 10.3.72: “Dr. Brian Napier Q.C. did not have the advantage that we have had of calling a substantial number of witnesses to give evidence on oath; nor did he have all of the material that we have received. He did not know, and could not know, that Andrew Lewis would give a different account to us from the one that he gave to Dr. Brian Napier Q.C.” Paragraph 10.3.73: “We do have to record our disquiet at the manner in which the suspension was handled and in respect of some of the evidence given to us about it. We refer, in particular, to the following issues.” I will read these and then I will conclude with some final remarks: “Graham Power was suspended with no notice in respect of alleged past failings, when there was no suggestion that those past failings could have an effect on his ability in future to carry out his duties. Those responsible for suspension did not take heed of the Solicitor General or the Attorney General about the risk of reliance on the Metropolitan Police Interim Report. They need to show any report to Graham Power and permit him to comment on it or the wisdom of waiting for the full Metropolitan Report before taking action. So again, a flagrant abuse of due process for somebody who is at the top of their profession. Not good for anyone in our public service, no matter where they might be and certainly not for somebody in such a politically sensitive position. David Warcup exaggerated to Bill Ogle the extent to which his own concerns were supported by the Metropolitan Police Interim Report. Andrew Lewis used the interim report for disciplinary purposes, knowing that this was an impermissible use. William Bailhache Q.C. as Attorney General, understood that the decision had already been made by the evening of 11th November 2008 that Graham Power was to be suspended. His evidence to us, on this point was at odds with the evidence of Bill Ogle. But that is perhaps easier for Members to believe, I think. Who do we like to believe, the current Bailiff or Bill Ogle? That is probably slightly easier. But I suggest the evidence and the judgment call of the Inquiry is correct all the way through and they have said of course: “We prefer the evidence of William Bailhache Q.C.” It is clear to us that when Graham Power attended the meeting on 12th November 2008, his suspension was inevitable. We accept Graham Power’s evidence that he was given time to consider his position; in other words, to resign as an alternative to suspension. Again, they quote: “Andrew Lewis lied to the States Assembly about the Metropolitan Police report, pretending that he had sighted it when he had not.” Andrew Lewis told Brian Napier Q.C. that he had discussed the suspension of Graham Power in October 2008, while telling us that he knew nothing about it until 11th November 2008. Andrew Lewis denied that he had discussed with Wendy Kinnard and Christopher Harris, the possibility that Graham Power would be suspended. We do not accept his evidence in this respect. Now because former Senator, Wendy Kinnard and her husband cannot be

present in this Assembly to defend themselves, I think it is important that at least one Member, if not others stand up and say that I think it is completely outrageous that they have been accused of lying to a Committee of Inquiry, and I, for my part do not believe that. I do not believe that her husband fabricated evidence that was presented to the Inquiry and I do not believe there is any evidence as suggested, that he committed perjury, which is the allegation of Deputy Andrew Lewis. So, I think those are the salient points to extract from that part surrounding the suspension of the former Police Chief. In Jersey, if you try and do the right thing, often you are made to feel like you are doing the wrong thing. I have got a thick political skin and I do not mind standing up in this Assembly and making speeches, and I do not claim to get it right 100 per cent of the time. I do not claim to get the tone right, perhaps even 50 per cent of the time, but I make no apologies for that. Perhaps I am learning; I do not know. But that is for a future... that is for me to consider. But what I do know is that when I stood up as a relatively new Member in this Assembly, asking questions that were put to me, not by necessarily even my constituents, not by other States Members, not by the media, but by a blogger. A blogger who decided that he wanted to give a voice to children. We had been talking about that already in 2008, to the point where he called his blog site, [voiceforchildren.blogspot.com](http://voiceforchildren.blogspot.com), because he thought that there were deficiencies in our system that needed to be addressed. He would ask me questions at the time because he knew about the investigations - somehow - that were going on into the Director of Education at the time. I was always very careful in asking and probing in that area because it is absolutely fundamental, something that I believe and I am sure all Members believe that you are innocent until proven guilty. But when you have double standards and you have a risk - and we are moving slightly away from the suspension but the principle remains the same - when you have somebody in one department who has been suspended, as a neutral act, we were told time and time again by Senator Le Marquand, when I asked him he said: "It does not mean that the Chief Officer of Police has done anything wrong; it is a neutral act." Yet, we have a Director of Education who is himself the subject of historic or abuse inquiries and allegations that have been made against him that are ongoing and he is allowed to remain in post; what kind of system is that? What kind of parity is that? Then for the one or 2 or 3 Members of this Assembly, who would on occasions, time and time again, have to question the Minister for Education at the time, Deputy Reed, about whether or not... and we could not name the individual, nor would want to, but is it true that a senior member of the education directorship is currently being investigated on charges of child abuse, we would get stonewalled. Now is that not somebody in this Assembly trying to raise issues of child protection? Is that not somebody out there trying to raise issues of child protection? But what is the reputation of those? How is Mr. McMurray? How is Voice for Children? How is [ricosorda.blogspot](http://ricosorda.blogspot) treated? They are treated with contempt up until today I daresay, when they have been vindicated, because they are just considered the usual Jersey stirrers, are they not? They are just the troublemakers when what they are trying to do is what the current media, for whatever reason, and no doubt they have to operate in certain parameters, what they cannot do. I found those 2 individuals to be remarkably resilient, remarkably well informed and a rock for those opposition States Members and not just on the side but all over the Assembly, who would want to find out facts, and who would want to push the cause for child protection and other issues right across the board. It is time that we started thinking those, recognising those individuals and we talk about the culture shift for whistle-blowers and as I have said, I have got the thick skin. I do not really mind whether I am liked in this Assembly. I do not go home... I do not go into this job to be liked and if I wanted a position of power, I would not be on the left, would I? I would just be a nice Tory boy and I would have made those decisions years ago, kept my head down and after one term you become an Assistant Minister or Minister. But that is not what we are here for. We are here to do what we think is right. So I put it to Deputy Lewis, that first of all, he needs to accept, even if he still wants to continue to maintain his innocence, he needs to accept the result of this report. He cannot stand up and say: "I welcome this report and it is great; I welcome all the recommendations.

Their logic was impeccable but only the part about me; that their judgment was flawed when it came to me.” We have had to remain silent while this was going on. We have had to endure the very obvious tactics of Deputy Lewis running around trying to sow his political pollen in every flower that there is saying: “Oh, Reform Jersey are my new best friends.”

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

I think, Deputy, I have been very lenient throughout this debate, but that is going too far because that is imputing a motive to the various activities of Deputy Lewis in this Assembly, which I think is beyond this Standing Orders.

**Deputy M. Tadier:**

I will go back on that and it is probably slightly voyeuristic of me to do that as well, Sir, so I thank you for pulling me up. I think I lost myself for a moment and I do apologise. What I can say is that I will work with any Member of this Assembly but I am not prepared to work with somebody who does not have the foresight to know that when an independent process has gone forward, when it is has found him, not on one or 2 occasions to have lied; when it is has found him to have abused the process. For him to first of all, still be in a position of power as the Public Accounts Committee chairman is completely untenable. I think he should recognise that and he should stand aside and suspend himself, albeit as a neutral act until P.P.C. (Privileges and Procedures Committee) have had a chance to look into this further.

[15:30]

I think he should go further because people outside there in wider society are saying: “How is it possible that a Member of our Assembly, irrespective of the type of politics, can be found to have lied and still be in a position of power, when, if it happened to us, we would be up in court on perjury charges?” That is not sustainable. Now if he wants to take his chances with the electorate, convincing them that he was right and that the inquiry was wrong, then I think he should do that and he should present all the evidence to his electorate in St. Helier No. 3/4. But I would say to Deputy Lewis: “Stand down today, resign today. If you want to, put yourself up for re-election.” I would say to the other members of the Public Accounts Committee, if you want to stand by the words of this report, then also do the honourable thing; tell him, we expect to you go within the next 24 hours, otherwise you will not have a Public Accounts Committee. I look forward to the response from Deputy Lewis.

**1.1.17 Senator P.M. Bailhache:**

I rise to speak a second time, only because of some of the comments that have been made about Deputy Andrew Lewis, and in particular that rather intemperate speech that Members have just heard. The Inquiry found that Deputy Andrew Lewis had lied, both to the panel and to the States. However, the Inquiry itself acknowledged in the introduction to its report in relation to allegations of abuse, that a Committee of Inquiry is not the place for resolving factual disputes. It is not a court and offers none of the protections to those accused of misconduct, that exist in judicial proceedings. I think there is a risk that the Committee of Inquiry has been unfair to Deputy Lewis. A lie is a conscious and deliberate act of deceit. It is very different from a negligent or careless misstatement, or even an incompetent, mistaken statement. The Inquiry made this devastating finding without giving Deputy Lewis the opportunity to consider what it proposed to say in its report, or the opportunity to seek to persuade them that their conclusion was mistaken. In fairness, I think that the Inquiry should have done that. The Inquiry identified no motive for lying and I am not sure why the Inquiry found it necessary to make such a finding on disputed facts. They could have stated, as they did in relation to some other witnesses, that they found his evidence unsatisfactory or that they did not accept it. But the findings have been made and I am very uncomfortable about them. I am also uncomfortable about some of the comments made in this

Assembly, which amount to a pre-judgment of an issue that is of critical importance to Deputy Lewis and his family. I think that Members should desist from using the privilege of this Chamber to make pre-judgments of his actions and character. The Constable of St. Lawrence was quite right yesterday, to ask P.P.C. what they were going to do and the chairman of P.P.C. was equally correct to state that the committee would deal with the matter quickly. In fairness to Deputy Lewis, I hope that he can be given an appropriate opportunity to state his case in relation to this accusation, so that justice can be done to him as well and in the meantime, that Members will respect that process. I hope that Deputy Lewis will not rise to Deputy Tadier's bait. I think that Members have heard enough about this and that the proper place for a resolution of this matter is before the Privileges and Procedures Committee.

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

I am pleased to follow the previous speaker, which I will get to near the end of what I am going to say. I just want to take Members back a little bit to yesterday; I challenged the Chief Minister and the Minister for Health and Social Services to show openness and transparency in a case I have been dealing with where I mentioned how there was a family of 3 - all autistic - there had been sexual abuse of one certainly occurring and so on. I have been having nothing but obstruction for about 4 years, even a lawyer on Legal Aid who has tried to help took over a year to get some information out of the Law Officers' Department. It was a subject access request that is supposed to be 40 days. I want justice for this family. We have just gone through this and we have got the report and we have heard about all the injustices and all the abuse that has been done to all these people in this Island, and yet the department are still withholding information. I am asking them; if you are serious about what you are going to do you have got to engage with me and with the family and the lawyers...

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

Will the Member allow me to...

**Deputy M.R. Higgins:**

I will.

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

The Member knows full well that up until yesterday - he tells me it changed yesterday - that the subject that he is talking about, the young adult, but an adult with capacity, up until yesterday was asked 4 times if he would allow his information to be released and that subject said no. The advice was if we were to ask more times that would be tantamount to harassment. The Deputy knows the true story and I wish he would stick to the true story.

**Deputy M.R. Higgins:**

I thank the Senator for that. I will just tell Members a little bit more about the true story. The true story is that 3 people were asked to give consent. All 3 have given consent. The boy in particular only wanted 2 years of his medical records not revealed; 2 years, and I think he is 23. So, therefore, the department withheld the information that could be given and they also withheld the information which the mother who has been seeking it - that was the information that took a year, by the way - the mother who had given consent. It also goes to the daughter who has given consent. Now, what annoys me - and it is recorded in the document - in fact I was also looking at Jo Olsson's evidence and others. She is saying basically sometimes she wonders if Ministers really know what is going on because they are not being told the full facts. I am particularly angry on this one, one that has taken so much of my time when I see the impact it has had on the family. What we are here for is to look after the welfare of those in our community who cannot look after themselves completely. If they need help that is our job. The Health Department... and I accuse



the Law Officers' Department as well of having delayed this far, far too long. I am going to be on their back, until May 2018 I will be on their back in this Assembly asking repeatedly what they have done and whether we have finally got resolution of this. All I would say to them is quite simply show proper responsibility, come and talk with us, get rid of all the roadblocks, let us find out what this family really needs and if there was abuse in the past we deal with it. I will not take any more from the Assembly on that. In fact, I was going to say about this consent position, also when I spoke yesterday I said how I was appalled by what I saw down at Orchard House, I demanded to see the Minister and I went to see the Minister. In fact it was Deputy Anne Pryke. I spoke to her and she did come up with the money, £200,000 each year and the girl was away for 2 years. I am very grateful for that. What I did not like, however, was the fact that it was one of her immediate subordinates within the department in the civil service who was the one who raced down to Orchard House to try to stop me getting any information. I had not even asked for the records, I had not even met the girl at that point; I was acting on behalf of the mother. Yet a civil servant - within an hour of my conversation expressing my displeasure - goes racing down to get the girl to say: "Do you want Deputy Higgins to have your records?" Did not know who I was or anything else, of course she said no. I was not going to push it because the girl needed her treatment and so on. I have that consent and I have had it for a while and the department knows that the consent has been given. I go back to what I said. I will believe that things have changed in this Island when we get some co-operation on this case, and there are some other cases as well. I will not let up until they get justice. I am also going to say some other things which are going to be unpopular as well, but that is not unusual for me. The Jersey way. Now, the Jersey way operates in other departments of the States other than the Health Department and Social Services. It often - sorry, I would not say often - it also involves corruption. Corruption is a word that we cannot use in this House. Everyone immediately says: "No, there is no such thing as corruption." Well, I am telling you there is evidence which has been given to senior people in the States and elsewhere which, on a *prima facie* case, I believe shows perjury, perversion of the course of justice, and misconduct in public office. I await for these people to be brought to book. The evidence has been shown to people and it is there. It is not for me to bring it to this House, I do not want to prejudice a trial, but I certainly want a trial to take place. So if the evidence is substantive these people will be dealt with. But of course I have mentioned corruption, one word you are not supposed to use, and if we think it does not happen you have got to have your head in the sand, as we have in the past on child abuse. In fact I will just make another point too about the Committee of Inquiry. The Committee of Inquiry has gone so far and it is an excellent document, it shows beyond all doubt what we believe, that there has been abuse, how widespread it was, and how badly we have failed. For that I am particularly grateful. But the Committee of Inquiry could not drill down into some of the details. Deputy Tadier has been talking about the suspension of Graham Power, the former Chief of Police. It goes so far and it is left hanging. It was not really their responsibility, I do not think, to go deeper and there are other areas where they could have gone deeper. What I am particularly upset about is - and in fact Senator Bailhache said at the beginning - something about the Inquiry was not supposed to be apportioning blame or whatever. There are 2 people that I know of where allegations were made, one that he was a serial rapist, and the second that they have committed sodomy and rape of young children. I cannot remember if it was 12 people made the allegation, or 17. Now, the Inquiry says that all the evidence of cases where observed were prosecuted. It could be there is not sufficient evidence. In fact I am surprised at that because in fact the evidence would suggest that if 12 or 17 people are alleging someone committed rape or sodomy I would have thought there has got to be something there. Anyway, the point I am trying to make is for some people this Committee of Inquiry will not bring closure. All the people who made the allegations against those 2 individuals, they will not get closure, they will be upset that nothing has happened, and the only time they will get closure is once these people are brought to court. I hope anybody who knows anything about those cases will give the information to the police and hopefully we will

see those people in the dock and hopefully dealt with appropriately. Then they may get closure. In fact one thing I forgot to mention when I was talking about the corruption, I feel very strongly, if you have got one element of corruption in one part of the States it is a cancer and it could spread. We need to set an example of anybody who is guilty of the things I have mentioned. We have also been talking about Deputy Andrew Lewis. Now, I know Senator Bailhache would not like us to talk about it but I feel with some of the comments that have been made I will make the situation clear. It was I basically who blew the whistle on this States Member. When I came into the States in December of 2008 there was a big row going on and it was about the suspension of the former Chief of Police, Graham Power. I was puzzled by it all. I know many Members get puzzled when we have debates and it has got a history to it which they were not in the Assembly so, therefore, they cannot relate to it, cannot understand it. Former Deputy Bob Hill one day said: "I am going to go across the Greffe and I am going to have a look at the transcript of the in camera debate." I did not even know they existed, and I said: "I will come with you." I read the document and it was mainly to give me background information. I came away after reading it and I thought "fine" and I carried on listening to debates. I felt for other reasons that Graham Power had been badly treated - in fact I was appalled at the way he was being treated - and I joined in the campaign to try and get justice for him.

[15:45]

It was only later after the Napier Report came out and the Wiltshire Report came out something jarred in my memory and I went back and looked at the transcript of the in camera debate. It was former Minister for Home Affairs, Andrew Lewis, basically said that he had read the Metropolitan Police report, it was so damning, he had no alternative, and so on. To my mind it was quite clear that he had lied to the States because how could he say on the one hand Napier said he did not see it, Wiltshire says he did not see it, and yet in the States he did. Now, to me that was a matter of integrity. I feel very, very strongly that no Member should lie to this Assembly and if they do they must face the consequences of that. It also impugns the integrity of the entire States. I said at the debate when I was trying to get the transcript released the first time - which quite a number of Members will know, they voted against releasing the transcript and it was not released on my first attempt - I will just read what I said here: "Members may feel uncomfortable about it but what I am trying to do is to stand up for the integrity of the States. I do not believe it is right for any Minister or any Member to mislead this House and I do not care whether they have left the House or not. It is wrong and it should not be allowed. Why do the States not release it? If it is so uncontroversial or the former Minister can explain it away, let him explain it, there is no issue. But if the House does not release the transcript then those who do believe in conspiracies will feel again that many people are trying to hide what is there." As I say, the Assembly did not release the transcript and someone... in fact, I will just explain what Deputy Tadier was saying. I produced a transcript in the States on that day which I had written from the copy in the Greffe. I think I spent about 8 hours or so many days on it, I cannot remember, and I made sure it was, I thought, word perfect and even to every comma and so on. I had it typed up and I had it printed in the Greffe ready for the debate. I could not mention anything that was in that document beforehand because the rules are we are not supposed to talk about what goes on in camera. So even in my report I just said the purpose of releasing the transcript was to right a wrong, a wrong that was done to Graham Power, his career trashed, his reputation trashed and so on by what had gone on in that in camera debate. I got this copy, I copied it all up and everything else. Members may remember, I think all the copies were numbered or you had to put your names on it or something else. But there was a foul-up and someone did not return a copy of the transcript. It was then leaked to the bloggers and that is when a lot of this came out and people really knew what was going on. Now, I did not release it and I do not know who did, but I can tell you I am extremely grateful to them. I think it is one of the best things that has ever happened in this Island to try and shake it up and get some justice to people.

The other thing is that when the Care Inquiry came into being I was asked to give evidence ... was I asked or did I volunteer, I think I volunteered. I was asked if I would attest that the leaked transcript was the one that I brought to the States and I was quite happy to do that. In fact I am sitting in the chair to give my evidence and I am being told there is a legal argument going on behind the scenes, and the legal argument is that as a States Member I would be in breach of the rules if I revealed what happened in the in camera debate. Also they did not want me talking about the transcript. To be perfectly honest I was quite prepared to face the wrath of the States and give the evidence. Justice demanded it. As it happened I was asked by the Committee of Inquiry if I would come back to this House and try and get a copy of the transcript again, and if you remember I did so and I remember saying in the debate: "Although it is in my name it is a request from the Care Inquiry for us to give the information." After all, if the States did not co-operate with the Committee of Inquiry, who would have any belief in what any Member of the States or the civil service or anyone else said? So anyway, it was released and I gave my evidence to the Inquiry. I know that Deputy Andrew Lewis blames me for this; I know that he feels that he is a victim. In some ways he is a victim. But the real victim to my mind was Graham Power. Now, Deputy Lewis says it is having a terrible effect on his family. I feel for them, I do. I feel for him up to a certain extent. But he has brought it upon himself and I believe that he can salvage his reputation if ... well, I will tell you what I told him, I said: "I think you were a Patsy, I think you were the fall guy. I think others have escaped in the report, they have got away with it, and you are the one who is going to face the wrath of this and you are going to pay the price." **[Approbation]** But I said to him: "You are a Patsy, you are a fall guy, save your reputation, roll over on them, tell us the truth. Tell us how they leant on you, who leant on you and so on, and you can salvage a lot of your dignity, I would say, and reputation." So I urge him to do that. I take no great pleasure in the fact that he is being treated ... well, it has all come out and he is under the pressure he is and the effect it has on his family and his business. No great pleasure. He said to me the other day after the report came out: "Are you satisfied?" I said: "I am not satisfied and I am not dissatisfied." I did not do it for satisfaction or for the wrong motives. I am not being vindictive. I just believe that no States Member should lie to the Assembly and get away with it. Obviously I heard his evidence at the Care Inquiry, one day of it, and I just thought: "You are digging yourself deeper into it. It would have been far better for you had you rolled over on the ones who were leaning on you." What I will say at the end here is that I have made my points. The Jersey way has got to end, as I believe it is expressed, the cover-ups, the interlocking networks giving people protection and so on. I have said what I said about Health and I really do hope they will co-operate with me and the family and let us get justice for them, as I say, because I will be relentless, I will carry on until my last day in this Assembly. As far as the other allegation I made about what I believe is corruption, I look forward to the authorities prosecuting the people concerned because if they do not it is another example of Jersey at its worst. Thank you.

#### **1.1.19 Connétable A.S. Crowcroft of St. Helier:**

I have to admit that I am slightly concerned about the amount of time this Assembly have spent in discussing the suspension of Graham Power. I am less concerned now than I was because I have had a chance to read properly the report, particularly the section which deals with that suspension and what went on. I think importantly the executive summary and the report as a whole makes it quite clear why the Inquiry felt it was important for them to look at it, because they feel that what happened during the investigation had a material effect on the public's belief in how we were treating abuse in the Island. I do not believe that any criticism can be levelled at the Inquiry for the time they spent on it. I am grateful to Members who have passed this particular ball to P.P.C. because I think that is where it properly belongs, that committee is going to look at it in early course and come back to the States. To some extent I share Senator Bailhache's concern that some of the things that have been said about the former Minister have been hurtful to him and his family,

and I have tried to give him some support. I have myself been a scapegoat, I will not go into why, but I know what it is like to be the scapegoat for something you do not feel you should be. But I think what I also want to say is that at the time of the suspension I was a close associate and I would say a personal friend of the former Chief Officer of the States of Jersey Police. We saw quite a lot of each other and really throughout the dismissal period I gave him what support I could. I was a McKenzie Friend when he went before various panels, and I was convinced then and I am convinced today that he was removed - perhaps he was suspended by the Minister at the time - but he was removed by senior States Members who wanted him gone. I do not think there is much doubt on that but the Inquiry report of course cannot get to that because it is not within its brief, but I do not suppose that the States will leave the matter there; I think the States will probably want to find out a bit more about what happened. I think there will be various other propositions that are going to flow from this report which are not just linked to the safety of our children. What I do want to say though is I do not think anybody at any stage has apologised to the former Chief Officer of the States of Jersey Police, and of course it is quite right that we are focusing our apology on those countless individuals who have suffered abuse in the Island. But I do think it is right that at some stage - and I suspect it will be a matter for the Minister for Home Affairs to do it - that a formal apology is extended to Mr. Power because just as others have said their lives have been spoilt for a decade by this, well I am sure Mr. Power's life in retirement has also been different than it would have been, and I think we have to be fair, we have to be balanced in how we treat that. Moving back to the report, I want to particularly commend the work the report suggests in its section on legacy, because clearly they say the main legacy of this report is that we get it right when it comes to looking after children, particularly the most vulnerable children in the community. But I think their other suggestions around legacy are very important and very useful. I think particularly the enormous amount of documentation that comes with this Committee of Inquiry. We are not academic historians in this Chamber, there may be a couple, but we are not trained in that discipline, but I think that there will be a case for a proper historical examination of what happened in Jersey to be done and I hope it is done properly and thoroughly by an objective historian rather than by a sensationalising person who just wants to get a book out of it. Because I think there are books to be written about what happened in Jersey, just as there have been many books written about the occupation, and we all know that there are difficulties in interpreting the occupation and I am sure there will be difficulties for any historian who comes to look at what happened in Jersey post-war. The other legacies of course they talk about relate to Haut de la Garenne and the future of that building; that will be dealt with by the Chief Minister and by the Assembly in due course. They also talk about some permanent memorial, some act of remembrance, which again I think would be absolutely right and I look forward to finding out from the Chief Minister what form that will take. Generally I think we have had some really excellent speeches, I was particularly impressed by speeches by Members who really focused on the housing problem. I am - as Deputy Hilton is - particularly concerned by the conditions that some of our migrant workers live in, in unqualified accommodation. We are doing a lot about social housing but I think we need to do more about those we invite into the Island to fulfil important jobs, but we do not look closely enough at the conditions in which they and their children live and I hope that will be prioritised by the Chief Minister as part of his population policy because clearly there is a link between inviting people into a place to do work and how those people are treated in terms of how they live. But I welcome many of the speeches and I think that is all I want to say on the subject. Thank you.

#### **1.1.20 Deputy A.D. Lewis of St. Helier:**

I do not think any Members will be surprised that I would like to respond to some of the comments, but I will try and keep it brief. Firstly, I agree with the Constable of St. Helier, I think Mr. Power was badly treated. He was effectively on gardening leave on full pay, hanging in the balance for

nearly 2 years. That is not fair to anybody. The Minister after me upheld my decision, or the decision of the Council of Ministers, twice in court, so I would suggest that the decision for suspension had some validity and I will come on to the reasons as to why that may be in a moment. But he is owed an apology, I absolutely agree with the Constable, because he was never brought before a disciplinary process to either defend himself or be accused of other things if necessary. That is not fair. He deserves an apology. This Assembly deserves an apology from me as well for unintentionally misleading some Members during questions under pressure on 2nd December 2008. It was absolutely not my intention to do so. It had been a pretty stressful week and one of the reasons why we have privilege here is because we have all stood up in this Assembly, I think without exception, and said things and sat down afterwards and thought: "I could have said that differently." I remember Senator Green only last week coming back after lunch to correct in inaccuracy in something that he had said. He did not say the first thing inaccurately on purpose and he corrected it after.

[16:00]

I corrected my mistake some time after that. There was absolutely no reason, purpose, intention to deceive anybody. I was simply reading a report, a long report in the form of a letter, as I explained yesterday, from the Deputy Police Chief, which had the words "Interim Metropolitan Police Report" in front of me and that is why I was trying to illustrate that to you yesterday when Deputy Hilton called me up on it. That was the only reason. I would also like to refer to some transcripts of the debate that Deputy Higgins refers to sometime later, because a number of Members when asked about releasing the said minutes - as Deputy Higgins would suggest - and I must thank Deputy Higgins, and I am sorry if he feels that I am angry with him. He was trying to do the right thing, as Constable Crowcroft was just saying, in seeing that justice was done to a particular officer of the States of Jersey. All these staff, employees, officers, they do a great job and they deserve protection and governance of the highest standard that we can give them. So during this debate that Deputy Higgins felt we should have there were a number of revelations but it was less a revelation to some than they were expecting. Deputy Higgins felt he had found some evidence that he wanted to relay to Members, and one such quote here for example is from the Constable of St. Mary who said: "I was expecting to have my decision made easier by what I was expecting to be a revelation from Deputy Higgins." This one word in the Hansard that has incriminated me ever since in the eyes of some. But it was not a matter of revelation, but it was important and I am not suggesting that I denigrate what Deputy Higgins was trying to do. But others then went on to say, and the most important quote I would like to use here is Senator Le Gresley, who was one of the architects, one of the people that really pushed to have this public which I think all of us agree is a significant step forward. So many things have come out of this that we can change, not just issues concerning abuse, the processes around it that can be improved. It is him, Senator Le Gresley, that really pushed for this. He concluded during this debate which occurred on 26th June 2012. He said: "What he was referring to when he was referring about a preliminary report was the report from Mr. Warcup. So he was not intent, I do not believe, on deceiving the Assembly at all." That was Senator Le Gresley. Deputy Reed of St. Ouen said something quite similar: "It is likely that the report that he was referring to was indeed the summary that Dr. Brian Napier acknowledges was contained in the letter sent by Mr. Warcup to Mr. Ogleby on 10th November." So when Deputy Tadier refers to me talking to Dr. Napier about the item I was referring to in that debate, it says there - I hope it is clear - that I gave Dr. Napier the exact document that I was referring to. So Dr. Napier has never been in any doubt that what I was referring to in that debate was the document that I referred to yesterday, and that was a long letter which was in the form of a report from Deputy Police Chief David Warcup. I would also like to mention Deputy Tadier's assertion that the Police Chief of the day had done nothing wrong. Well, unfortunately we are all fallible, even police chiefs, and there had been some major failings in the investigation which have been

identified by a peer review done by the Metropolitan Police, and that was the reason why concern was raised about the Police Chief. So it was not very distant past failings, they were here, present, now failings during the time of the investigation that was of a concern. That was subsequently corroborated by a report that was done by the Wiltshire Police. Because, quite rightly, whatever evidence there had been in the Metropolitan Police, much of which as you know was never shared with Ministers, it was only right that that was investigated by another police service and those findings were published. I would urge Members to look at that and realise that there were some serious failings in that police service, not just from Mr. Power but Mr. Power was the head of that service at the time. I have also been accused of using the interim report, Metropolitan Police Interim Report for disciplinary purposes. Yet in a previous paragraph the panel are of course saying I never saw it. That puzzles me. I would also like to reiterate the fact that the Police Chief of the day was never sacked - as Members have suggested - he was suspended. Was I comfortable with that process? No, I was not. It was not a good process because we were using a very old law, but we were not going to make up a new law on the hoof. We used what was in existence and the guidance I received from H.R., the Chief Executive of the States of Jersey at the time, I believe was well intended but I now look at it and believe that perhaps it was not as good as it could have been. But we are only as good - if you are a Minister - as the advice that you receive. Of course you can make a judgment call but it is usually based on the advice that you are receiving. The main and primary reason that was at the forefront of my mind when going through this process was the integrity of the investigation, and that is the successful prosecution of abusers. At that time the Prosecution Service, the Law Officers, the police service, had up to 6 prosecutions pending. I was advised that if we did not make clear to the public that dreadful things such as murder, torture and other such allegations at Haut de la Garenne that had been proved not to have occurred, if we did not state that very publically in a press statement and a press conference - and I have the headlines here - if we did not do that there was a serious risk that those prosecutions would be in jeopardy. The reason for that, as I am sure many Members will realise, is that if you are prosecuting individuals for another crime that is related to this, and that is far more serious, there is a good chance that a defence lawyer could call mistrial, unfair trial because such other dreadful things happened at the same place, which of course we know are not true. The Chief of Police of the day would not allow the Deputy Police Chief to make this statement, but he was under pressure from the Law Officers to do so that we could secure those prosecutions, and a fair trial for those people as well. That would not happen unless this denial that this had occurred at Haut de la Garenne was made. The Police Chief of the day was reluctant to do that, the Deputy Police Chief found himself in a very, very difficult position under pressure from law officers to come out and insist that some of the things that had been said by the previous D.C.O. (Deputy Chief Officer) were incorrect. That was my prime reason. I did not wish those prosecutions to fall over. I did not wish those people that had been prosecuted not to have a fair hearing either. That was absolutely primary in my mind as the main reason. Some have asked - and Deputy Higgins has suggested - am I scapegoat. It would be very easy to stand here and say: "Yes, I am." It certainly feels that way. But if you are a looking for an answer to that, I was under considerable pressure from the Council of Ministers, from the Chief Minister of the day, Frank Walker, absolutely. I was under constant pressure from them for a sustained period of time with remarks being thrown around the Council of Ministers table consistently: "You have got to get rid of that bloke. You have got to sack him." I was his Minister and I said: "No, you have got to do better than that. There has got to be a good reason. No, I am standing behind my Police Chief and I am supporting him." When I went to the former Minister's home, as was stated earlier, and spoke with former Senator Kinnard and her husband, we did not discuss suspension but what they did warn me was that: "They are out to get Graham Power." I said: "I know. I am his Minister now and I will do everything I can to support him so that does not happen." Which I continued to do. That was all that was discussed. The concept of suspension was a concept that had not even been discussed at that point, which is why I took issue

with the particular way that that meeting was phrased. We then move forward to this suspension process. It was not a great process. I sat there with the Chief Executive of the States of Jersey. I tried to interject on a number of occasions, as has been attested by Mr. Power. I was stopped from doing so. I was not allowed to say anything, I was advised not to as it would prejudice the H.R. process. I took that advice seriously. It was important that he had a fair hearing and I was told and accepted that through the suspension process that is exactly what he would get. He was appointed a McKenzie Friend and the process began. I fully expected that there was a possible light at the end of the tunnel and he could possibly be exonerated. However, I was dealing with some information that I had received from his Deputy that was very serious; within which was extracts from a very serious report that I have never claimed intentionally that I have ever seen - because I was not permitted to - but they were serious allegations, extracts from that report that needed to be taken very seriously; which is what we did. There are occasions that this happens in the U.K. and what occurs is a Police Authority - of which we did not have one, and we should have done and it was something that I was trying to push for but it was not happening quick enough... coming back to what Members have heard today about things taking too long, that has taken too long and I am delighted to see it in place now. But the post of Chief Constable in the U.K. and other places, it is common practice when any police authority in the U.K. - for whatever reason - loses confidence in their Chief Officer that he or she is suspended, subject to fair and rigorous review of their actions. I and the Council of Ministers, senior management in the States of Jersey, and I would suggest a great many of the people of Jersey, had lost confidence in the police service at that time. That was a serious problem so we needed to investigate it and that could not occur with Mr. Power at his desk, which was a major reason why he was suspended. If I or the Government had lost confidence in the Police Chief one did not require any other substantive evidence at all because that would be gathered in a subsequent investigation and he would be protected and represented in the way he absolutely should, and given the protection that he deserved so he could have a fair hearing. He never got that fair hearing and that is wrong. I could do nothing about that; I was not in this Chamber at the time. I do accept the report from the panel. I accept that mistakes were made during the process that I was involved with. I do not accept that there was a deliberate attempt to deceive Members or a deliberate lie levelled at anybody in order to seek advantage to suspend the Police Chief. One has to have a real desire and a motivation in order to lie. I would like to go on with one other point. I based the decision not as me, the decisions are quasi-made by officers on our behalf. We as inexperienced, unqualified people elected by the people take that advice of senior officers and make decisions with their help.

[16:15]

They do not always get it right. We do not necessarily know that at the time but we take the advice and we challenge it, and those that suggest that I did not, I am afraid you are wrong; I did. I agonised over this. It was my signature that was required. Deputy Tadier is somewhat incorrect in that it did come to the States for advisory purposes. The suspension had already occurred, as others will know. The only thing that needs to come to the States - and rightly so - under the current law - is if the Chief of Police is dismissed; he is appointed by the States and dismissed by the States. I did not have to bring this to the States of Jersey for approval, but I was honour bound to bring it to advise Members. So presenting evidence to try and justify the decision in order to get a vote from the Members of the Assembly was not required because there was no vote. It was purely for information. On the subject of advice, my advice came predominantly from the Solicitor General. The Attorney General at the time was somewhat preoccupied with prosecutions and advising the Chief Minister. He gave some advice to the Chief Minister of the day, Frank Walker, and suggested that it would be wise to wait until the full peer review had been concluded; in this case by the Metropolitan Police. That advice was never shared with me. I know not why it was not shared. Members can speculate and if I was to do the same I would suggest there was a strong

desire from the Chief Minister of the day and others to move the Police Chief on, which I had resisted already on a number of occasions. But when I received this letter with supporting evidence retracted from the Metropolitan Police, and advice that prosecutions were at risk, I had to make a decision and I was encouraged, vehemently encouraged by the H.R. Department, and yet again of course, the Chief Minister, Frank Walker. Yet he still did not disclose the fact that the Attorney General of the day, Sir William Bailhache, had advised him, Frank Walker - not me - that we should wait for the full report. I regret that. If Deputy Higgins wants to look for people that perhaps else should be falling, maybe he should be looking there. This morning on the BBC there was an interesting debate and I applaud our unofficial press - as they are so-called - they write very well. One in particular that was mentioned: Voice for Children. The guy that writes that, he writes well. I do not always agree with what he says but he writes well and I believe his intentions are honourable. But I am afraid I would like to think that he is targeting the wrong person. My intentions were to ensure that people were brought to justice and I believe that did occur because it is very clear in all the documents - whether it be this review panel or others - that the investigation continued unhindered. In fact Deputy Tadier referred to it, and I will refer to it again, there is no evidence whatsoever that the suspension of the Police Chief at that time had any detrimental effect whatsoever on that investigation that those journalists were so keen to ensure was maintained. There was no impact at all. Some will say that it got a new lease of life, and one of the reasons for that was of course they had stopped looking into a murder investigation that was costing the Island many millions of pounds and huge amounts of damage to infrastructure to the public owned; and it was proven to be being done on the flimsiest of evidence, which is what had come through from extracts from the Met. Report and from subsequent reports such as the Wiltshire Report. I wish on the day of his suspension that Mr. Power could have told me something that would have said: "Wait, stop." We gave him that opportunity. He did not take it. What he did instead was got very angry, and I can understand why. I have gone from pretty depressed, to angry, to resentful. I am quite sad at the moment that we are taking as much time up on this issue as we are. But it does affect me so I am taking a liberty here in discussing it with you because I think another side of the story should be laid before you. But he did not take that opportunity to explain himself at all. Instead, he stormed out of the office, he slammed the door, he walked straight to the BBC and he broadcast to the world that he had been suspended and then complained a few weeks later that his daughter had found out about it before he had a chance to tell her because he was on live radio. Maybe he should have thought a bit more carefully about his actions on that day. I can understand why he did it. So I hope that helps put some context on to what Deputy Tadier has said and others. So I am confident that I made the decision that I did for the right reasons. Others, quite rightly, have criticised the process and they are correct in that. The emotive language of "lie" to me is disappointing. I will, as I have said yesterday, fully co-operate with the P.P.C., share the evidence with them that I have, and hope that I can restore in some way my reputation. I have worked very hard in this Assembly the last 3 years. Deputy Tadier was suggesting I was trying to create a smokescreen by getting to know Reform, perhaps a little sad, we all try and work together right across this Assembly and that is a good thing and we need to do more of it in the recommendations of this report. I engaged a lot with Deputy Mézec over increasing the living wage, *et cetera*. That was not to deflect from this. That was trying to be a constructive good politician working for the people of Jersey, it is what I love doing. I love my job in Public Accounts, some may think it must be terribly dull, it is not; I have a great team around me who do some great work. We have one member of that committee at the moment that is seriously ill in hospital having suffered a brain haemorrhage, has a tumour on the brain. That is far more serious than my situation here.

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

I wonder if that is appropriate for the Assembly, I am not sure how widely known that is.

**Deputy A.D. Lewis:**



What I am trying to say is that my situation, although distressing to me, there are far more serious issues around the world with individuals and Members of this Assembly that have friends and relatives that are ill, victims that we have spoken about today, these are far more serious issues. So I hope that has helped explain my position, I will co-operate fully with P.P.C. and I do hope that Members, any Member that wishes to talk to me about this matter to find out a little more, I would welcome it. There are some Members that have made accusations against me that have never engaged with me on this issue. Please do so; I am happy to talk about it. I hope that it will help Members to understand where I am. Thank you, Sir, for indulging me, it is late and Members I am sure wanted to move on, and thank you for indulging me.

#### **1.1.21 The Deputy of Grouville:**

Just very briefly, we have spent the entire afternoon discussing Andrew Lewis and the part he played in the suspension of the former Police Chief. It is a huge issue, in my opinion, that coincidentally happened at the same time as the child abuse issue was unfolding. It is an issue of its own and I would like the Chief Minister, when he is summing up this discussion, this debate, to highlight how we can deal with this because this Island, no matter which way you look at it, did a huge wrong to Graham Power. There are so many unanswered questions, there is the suspension, his suspension, there is the departure of the former Minister for Home Affairs, there is the role that Deputy Andrew Lewis played, which he has explained in some detail today, and there is obviously the role of the former Chief Minister. They cannot just go unresolved; they cannot just be swept under the carpet and for us to carry on. I do feel it is detracting from the child abuse issue, so I would like it as another issue and for the Chief Minister to say do we have to launch a separate inquiry into this particular issue so that we can focus on the child abuse issue and not let anything detract from that.

#### **1.1.22 Senator P.F. Routier:**

It was not my intention to speak in this part but I wanted to just make some comments about what Deputy Andrew Lewis has just been explaining to us and I am not making any comment on the rights or wrongs of the situation, which explained to us, because I was on the Council of Ministers during that time and the comments which the Deputy made about the pressure that he was being put under by some Members of the Council of Ministers I think is a true reflection of what happened at that time.

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

Does any other Member wish to speak? If not, so I call the Chief Minister.

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

Sometimes I think all of us in this Assembly feel the weight of responsibility of sitting in this place and I think that, over the course of this week, we have felt that very heavily indeed, and I am called once more to rise and say a few closing words in this debate. I think it was absolutely right that we had this special meeting to start a consideration of this Inquiry. It could be nothing more than a start. I say that particularly in regard to the Deputy of Grouville. There are not yet answers to a number of questions that this Inquiry has left us with. I did not expect us, over these 2 days, to be able to find those answers during the course of these 2 days, but I wanted us to start to ask those questions, to think about those answers, and to move forward. So you will be aware that I very infrequently go through Members' contributions in my summing up. I think the majority of Members' contributions stand alone. But I do want to mention in particular 3 contributions and in doing so I will mention others as well.

[16:30]

One Member, during the course of today, suggested that yesterday a number of Members had tried to say that this was an Island problem we were sharing, and I am not quite sure whether he used the term “sharing the blame”, and therefore, if everyone was to blame, no one was to blame. I do not think Members were saying that yesterday and I think, to a large extent, the report does not say that. But the 49 elected Members of this Assembly are in a different category to the rest of our Island community, we are not different in the way that sometimes people think we are different, we are different in that we are responsible. We are the lawmakers of our community. We are the ones that the electorate has entrusted with this responsibility and it is right, on such occasions, that it weighs heavily on our shoulders. Some of us have only been in this place for 3½ years, some of us have been here much longer. This is a report that talks about decades of abuse but I suspect, for every single Member, long-serving or only elected at the last election, the challenge that children may still be at risk is what will stop us sleeping for a number of nights yet. It is right that it does. This is such an important issue and I want in that context to remind us of the words of the Deputy of Trinity, and I think it is encapsulated when she said that she feels, having read this report, she did not do enough and for that she is sorry. I think that humble attitude; that humble response, is a response that should be at the heart of every States Member’s response. It cannot be that the old way of talking, of criticising, is the correct way to deal with the Inquiry’s findings. Every one of us, having come to that point, however long we have served, whether we asked the most challenging and critical questions in this Assembly, whether we asked the most challenging questions of officials, whether we produced the most highfalutin strategy, whether we wrote the most challenging Scrutiny review, all of those things were not enough, they were not enough to give the Inquiry confidence because they said children may still be at risk. When I sat in that lock-in, as it was called, and I had those 2 hours to start to read that report, I could do nothing else but to ask if I should consider my position. I think that during the course of this debate, however we have responded, each Member honestly, when they look within themselves, will to some extent ask themselves the same question. I think that is right. I think it is right that we, with this responsibility, ask ourselves that question. But I turn to Deputy Doublet who asked herself what could she do, and she has already done some things with the propositions that she has lodged, but she came to the conclusion at the end of her contribution that what she could do and what she has done today in this debate is commit herself 100 per cent to delivering the recommendations of the Inquiry. A week is a long time in politics, for my part of course a fortnight has been a particularly long time, and I say that because a fortnight ago I stood here and I mentioned 2 speeches on that occasion without name that I felt were unworthy of the Assembly. But today I stand and I mention Deputy Brée’s speech because I think he also encapsulated the response correctly, nothing can be the same again. He was right. Of course he will say he was right a fortnight ago as well but today I endorse absolutely what he said. Nothing can be the same again. It will not be easy. He was right that we need to apply ourselves to the recommendations. We need to weigh, we need to consider how to best implement them. People’s lives, my life is messy, it does not fit into a tick-box. With my own family I get things wrong. I spend time wishing I had dealt with an issue differently. What we are talking about here is how we as a community, as an Assembly, as a Government, support people in their everyday lives, the most vulnerable members, children. But, because it is difficult it does not mean to say we have to wait and take for ever, we cannot do so. We quite literally do not have the time for it to take for ever. This is a report also that talks about children in the care of our institutions, but I am very mindful as I stand this afternoon that there are others, and I know they have been in contact with Members overnight, who have suffered abuse and hurt in our community who even now have not been within the care of our institutions or approached one of our institutions. They too continue to suffer. I purposefully have taken the actions that I have over the last 48 hours, inviting people that I have little politically in common with to sit on groups to help us deliver these recommendations. I have done that, not to bind them to a centrist or right-wing conservative agenda, I have done it because I believe that this is so important; that this is so

big; that this demands so much of us that we must work together. I implore those Members who are weighing whether they ought to do that or not to weigh it in that balance and not in the balance of different political persuasion. I am not naïve; I absolutely understand that inviting those Members does not bind those Members to whatever those groups might advise me to do in regard to implementing the recommendations. It cannot. It would not be right were it to do so. But it does allow us to work together and to think creatively about what is needed to deliver the recommendations. Nor would it be right to use this report to follow my desire to see ministerial government change in the way that I have said. Of course I would like to see the Troy Rule removed, I think it is divisive, other Members do not. This cannot be used to follow that political agenda. That would be wrong. But let us equally be realistic and understand what this report says to us. It is uncomfortable reading because what it says to us is that in this area our current systems failed us.

[16:45]

It says that we need absolutely independent inspection. That is not another review, it is not another Williamson, it is a legislation that allows for fully off-Island independent inspection in this area. They will be the ones that tell us if we have this right or not because this report tells us, as unpalatable as it is, that our current systems are not up to that appropriate challenge and we see in the report, time and time again, that historically we have not known what good looks like. That is not good enough. If we do not know what good looks like, how can we hold ourselves and others to account? We can have the greatest, most in-depth strategy or Scrutiny report, it will make no difference if we do not know what we are looking for or what we should expect to see. That is why we need to break down the old partisan barriers and I ask Members to consider very carefully before they say no to joining these panels. It is not going to be easy. I talked on Tuesday, or perhaps yesterday, about needing 25 votes. There are some recommendations in this report that I know it is going to be difficult to manage 25 votes. We will not manage 25 votes by criticising each other, by wagging our fingers at each other; we will do it by explaining why the recommendation is appropriate. We will do it by putting in context how it helps to move away from what this report calls negatively the “Jersey way”. But there are many other recommendations, many, where I will not be satisfied, and I hope no Members will be satisfied, with just 25 votes, but will want to see strong majorities supporting the legislative and policy change, the financial investment, the people investment, into delivering these recommendations. Culture change is difficult. When I first came to this post and was elected to this post, I very much wanted to see a cultural change in our organisation. If I am honest, I did not think it was possible. My experience of being in the private sector with much smaller firms, this is an organisation of several thousand people, but I have not given up on believing it is possible and I see day in and day out new people joining our organisation who share that vision of doing things differently, of holding each other to account, of providing the absolute best service that they can, focused on the customer, not on the organisation’s need, but there still are not enough and not enough people have yet really caught that vision that they can make a difference; that they can. This is the time. This openness, this shining a light, this working with the people in our community that need our services and putting them first, this is the time. But I challenge Members, and I challenge the media, it is going to take money, millions of pounds, it is going to take the recruitment of senior people who know what they are doing, like Jo Olsson, from elsewhere. It is going to create headlines on the front of the *J.E.P. (Jersey Evening Post)* that are going to say: “They have brought somebody else in and they are paying them too much. Is there not somebody here who can already do it?” We are going to be criticised and we are going to have to make decisions about difficult things in the run-up to an election and the electorate may not understand and we will have to explain why it is necessary and we will have to believe first of all in it ourselves and then share that belief and that hope that we can get to a better place. I am going to say this, Sir, you might put me out of order, it

has been referred to by others indirectly, the individual that the former Minister for Health and Social Services brought in, had the audits done, others said they sat in front of her and felt for one of their first times there was an honest conversation about what was happening. That honest conversation led to some really difficult decisions and there were accusations of bullying. Making difficult decisions can lead to difficult accusations. This road is not easy. This road is not paved with electoral success. This road is not paved with popularity. But it is the right road. I do not know what is going to happen this evening. I know that if I speak for too much longer and I am too late home again on a Friday evening I will personally be in trouble. But I do not know what this evening brings; I do not know what tomorrow brings; I do not know what May 2018 brings, but I offer Members this, 10 months, God willing, 10 months. I have to say that because only a fortnight ago Members were trying to get shot of me, 10 months of hard work, 10 months of challenging vested interest, 10 months of being told why now is not the right time, 10 months of being told: “We just need some more information, Chief Minister, about a different plan and then we might be able to do something”; 10 months of being told the States will never accept it; 10 months each day with 10 reasons why we cannot do it or why we have tried it before and it did not work. That is what I am offering. I am not offering something easy. But I ask that Members, it is not even come with me, I am very grateful for the kind words that Members have said during this debate that they have confidence in me, I want to challenge that, this report tells us we should not have such confidence; it is where we have gone wrong. Do not have confidence in me. Come together and together we can make a difference. I will let Members into a secret; this is 3 years’ worth of work looking at decades of what has gone wrong. Right now, I know there are other issues in our community, social issues, where we are still getting it wrong. Not quite of this scale, and I put before the Assembly issues of mental health. It is the same underlying issues about why people are not finding the help that they need today in our services. It has got better. We are bringing, for the first time, and updating the Mental Health Law and the Capacity Law. But right now most Members could take you to someone who is suffering mental health issues and the system is giving them little hope and it is heartbreaking too. I do not want to keep going. There has been new money for 1001 Days and that is part of what the £4.9 million was all about that we set aside in the M.T.F.P. (Medium Term Financial Plan) and some of the projects that I spoke about yesterday are 1001 Day projects. I have spoken to departments and, yes, we will do the N.S.P.C.C. PANTS project and that money will come immediately from the Home Affairs Department. We cannot hang around; there is no time. We have 10 months. Normally in politics, and you will know this from your other places, in the run-up to an election things get silly, politicians and Members start behaving in a different way to the one that they have during the early course of an electoral cycle. We start thinking about our seats; we start wondering if we are going to stand for re-election and how any particular issue might play with the public. Listening to the public, representing their concerns, is absolutely right. But doing the right thing is, I think, the overriding approach that we should take.

[17:00]

We, as an Assembly, should be judged in May 2018 on how we have implemented these recommendations and nothing else. I spoke to my wife very fleetingly last night about what my diary looked like for the third quarter of the year, it did not make for a happy conversation. I will, as Chief Minister, still have to visit various places around the globe representing Jersey, driving a strong economy, I make no apology for that, because today I have another reason why I want that tax take, dealing, supporting the Ministry for External Relations, with Brexit issues, all important, all important because it gives jobs and livelihoods to our community. But I am absolutely convinced, as Deputy Brée said, nothing can be the same and we will be judged, I will be judged, on how I have responded to this inquiry and on how much progress we have made on the delivery of these recommendations. I believe every Member of this Assembly will be as well. I said

yesterday I cannot do it all. Senator Ferguson was right; the Chief Minister does not even have a job description. Any Member who is not sure whether they want to come on this journey, Witness 399 spoke or recorded being beaten with a cane and a stick and having objects thrown at him, of being sexually abused, of light switches being rigged so that a child turning them on at night got a shock, a child in the dark just wanting some light. Witness 123 recorded or spoke of a sexual relationship with a married member of staff; she was 12 or 13 years old. She thought it was his way of showing her love. There is no vote, we go into our weekend, the Island has had a difficult week. Some members of our community find it difficult to believe even today that such things took place. A difficult week that I am asking Members to follow with a hard 10 months; nothing compared to the lifetimes of trauma that the individuals who had the courage to come speak to the inquiry experienced, day in, day out. Nothing can be the same again. Thank you. **[Approbation]**

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

Can I just have a point of clarification; I know we are not going to have a vote, are we? Are we going to have a vote, no?

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

There is no vote in any in committee debate.

**Deputy J.A. Martin:**

No, no, there is no vote, yes, sorry; I thought I was jumping in too quickly. I just asked, and I was not the only one, but I did not hear anywhere, and I hear the Minister ask for support and we have 10 months, I and others asked, could we have another debate, a roadmap in 8 months, because you have a lot of support but we need to know and we need that map, we need the commitments, because some of us will not be here after next May and I do not know who they will be and this is where it cannot let slide, so just if to make sure because if we have something in 8 months' time, an afternoon in committee or something that we can nail to the mast.

**Deputy M. Tadier:**

Another point of clarification as well: would the Chief Minister be able to circulate also a list of the proposed boards, or whatever they are called, and the proposals of who should go on them. It may well be that there is an interest for people to go on boards that the Chief Minister has not thought about, for example.

**Senator I.J. Gorst:**

I said yesterday morning, I think it was, that I am proposing to bring back to the Assembly, for a vote, the Children's Plan, which would lay out the recommendations, the money required, and the staff required, and how those recommendations would be delivered in October. It may be that after that we would have an in committee debate as well. That will include a timeline and a plan. The boards, of course I said who I had invited to join the various boards yesterday again in my opening remarks, but I am happy early next week to re-circulate that around. Of course, I am happy for other Members to join in any way and offer their work in any way possible because I think that is how we are going to deliver.

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

That concludes the debate. I have 2 things to announce, Jersey Ethical Care Charter (P.48/2017): third amendment was reissued this afternoon, and a new item lodged, Draft Act annulling the Motor Traffic (Cabs - Fares and Charges) (Jersey) Order 2017, lodged by Senator Ferguson. The Assembly will now stand adjourned until Tuesday, the 18th, at 9.30 a.m.

**ADJOURNMENT**

[17:07]