

5. Questions to Ministers Without Notice - The Minister for Health and Social Services

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

Is the Minister satisfied the procedures being following by the Children's Service when making decisions on the residence of children with drug addicted/alcoholic parents is robust and in the best interests of children.

Senator B.E. Shenton (The Minister for Health and Social Services):

This is a very interesting question from the Deputy because I have some personal experience of cases like this. When my wife and I were fostering it was not so much the children that were a problem, it was always the parents that were the problem and the courts and so on believed that a child is best with the parents regardless of the problems that the parents may have. This is the policy that the reports tend to follow. I can understand where the Deputy is coming from on this question but at the moment we are following what is best practice and certainly with the introduction of the Williamson Report and the redirection and redefining of the Children's Service we will be ensuring that we put in place or continue with best practice in line with recognised principles. But I do understand why the Deputy is asking the question.

5.1.1 Deputy J.A. Hilton:

Does the Minister, in light of what he has just said, believe that there needs to be further discussion or understanding between those people making those decisions within the court system?

Senator B.E. Shenton:

This is a very wide subject. Basically what I think the Deputy is saying is if you have a child that has a parent that is addicted to drugs, hard drugs and so on, is it best to remove that child completely or keep it within the family home. This is only a decision that can really be made by the experts in the field following the guidelines from the politicians. I have full confidence in the department and the experts within the department that they do what is best in their opinion for child. But I think it is a wider discussion that we need to have.

5.2 The Deputy of St. Martin:

I have 2. Maybe I will ask the first and be allowed to come back for the second later. The Minister will be aware of the written questions and answers that are put down regarding the Kathy Bull Report. Can the Minister advise Members how often the corporate parent group, which oversees the Children's Executive, has met since he took over as Minister for Health and Social Services?

Senator B.E. Shenton:

They have met 2 or 3 times. Having said that, one of the recommendations of the Williamson Report was the fact that there has to be more political accountability, and perhaps one of the failures of the Kathy Bull Report was while having the Children's Executive looked good on paper, it failed because there was no one taking the full reins of the department. Health and Social Services have made representations to both Education and Home Affairs to take sole responsibility and place the responsibility for the service broadly on our shoulders so that there is accountability and there is someone that will be held accountable for what happens within the department.

5.3 Deputy C.F. Labey of Grouville:

After the e-coli contamination in the Royal Bay of Grouville this summer, could the Minister confirm what investigations and measures his department is taking to protect the public from any future health hazards?

Senator B.E. Shenton:

This is a specific case whereby there was a contamination of shellfish down on the Royal Bay of Grouville, albeit it was only shellfish further up the beach and the actual oyster beds and so on were not affected. As far as I ... well, I do know that the signs are still up because there is one right outside my house but the department will continue to monitor the situation and obviously if people do need to be warned away from the beach that will be done. But I do not know the exact details, obviously I do not know the exact details of every single case that the department gets involved in.

5.3.1 The Deputy of Grouville:

I think the residents of this Island would have more comfort if the situation was not just being monitored and there was an investigation to try and discover the source, the reasons, for the contamination so it could be addressed.

Senator B.E. Shenton:

My understanding, and I may be wrong here because I have not spoken to the department, but last time I spoke to the department they were unable to trace the source of the infection, they could surmise what the source may have been but to have a 100 per cent *carte blanche* idea of exactly why the contamination had taken place, they were unaware of. Sometimes I think within these sort of areas you cannot say with your hand on your heart exactly why something has occurred but all you can do is warn the people to stay away from that area until the contamination is cleared.

5.4 Deputy P.V.F. Le Claire:

The Minister has just said that from the Williamson recommendations there needs to be more political accountability. I wonder how that marries with his earlier statement, or pronouncement, to the Constable of St. Helier that he does not wish to have ... or does not have an operational active oversight or direction of the environmental public health side of his service. Is the Minister not concerned, as I and other Members are, that in areas where there are active processes taking place on behalf of the Health Protection Team, such as in abating the functions of marriages, perhaps they are being overzealous whereas in others, for example in La Collette, they are being under-active. Does the Minister believe that his department is operating and policing the Nuisance Law in an even-handed and balanced way in Jersey?

Senator B.E. Shenton:

The job of a politician is to set policy and pass laws to make sure that his department follows those laws, and if they fail in following those laws then he or the department will be held accountable for that. As far as the nuisance down the harbour, I do not think that the department did anything incorrect, I think they followed policy, I do not think there was any reason for myself to get involved. With regard to abatement and so on, unfortunately this House does pass laws with unintended consequences and I can try and force the department to see common sense as they should in most matters and they should do that. But if the law is very black and white and they are there to follow a law, it is very difficult for the Minister to turn around and say: "Do not follow that law" because that breaks down the whole policy and the whole process and it would lead to abuse.

5.4.1 Deputy P.V.F. Le Claire:

In regards to the Nuisance Law would the Minister not agree that even in the actual guiding statements within the law that definition in defining of a nuisance is extremely difficult and while the department is voraciously stamping-out people's will and desire to get married in the Island it is doing very little in areas that deeply concern residents. While there is an opportunity for the Minister to direct the department in areas such as these, where there is an overzealous

department in certain areas, would the Minister not agree that he could give political direction to his department in this matter to make them see common sense?

Senator B.E. Shenton:

I think the Deputy is trying to refer to one particular case without referring to the one particular case. The department tends to get involved in incidents like that when there is a complaint from a member of the public, so therefore you have the complainant and you have the other party that is subject to the complaint. Now, as we all know, if you are dealing with 2 parties and trying to negotiate a settlement sometimes it is easy to do and sometimes it is very, very difficult. What we would like in all cases is for a negotiated settlement and a bit of common sense between the complainant and the person subject to the complaint. The department will only really get heavy or start following the letter of the law if this is not possible and they do have to step in on one side to try and force a resolution of the dispute that has occurred. As the Deputy said, you do an element of common sense but at the end of the day the law is the law and you have to abide by the law that has been passed by this Chamber.

5.4.2 Deputy P.V.F. Le Claire:

Could I just press the Minister? Is he not missing the point? In referring to the Nuisance Law, and I could refer to a specific case but it is not a specific case that I am talking about, I am talking about the misapplication of the policing of a law by his department where, in issues such as the compost site and Bellozane and the sewage plants, there are numerous, hundreds of people, thousands of people that complain on a regular basis and his department take little or no action but where, in certain circumstances, such as weddings, they seem to be overzealous in their application of the law. This is the question: would the Minister not undertake to direct his department to police the law in an even-handed way? If it is a nuisance in the country ...

The Deputy Bailiff:

I think, Deputy, you have made your point.

Senator B.E. Shenton:

I do not mind the Deputy going on, personally. **[Laughter]** The Deputy has a point but, you know, he has contacted me on both sides of the fence over recent months. On one hand he says that we are too lenient at Health Protection and in other cases he has said that we are too strong. So it is a difficult balance to get but at the end of the day you have to follow what the law is and certainly I think it would be wrong for any politician to turn around and say: "Well, no, I know the law says that but this is a mate of mine and do not do it" sort of thing. So I think political involvement should be avoided from bodies like Health Protection at all costs.

5.5 Deputy S.C. Ferguson:

The Minister is aware that the 2005 organisation structure shows an inordinate number of administration staff in the hospital with 8 levels of management in places. When will I receive the amended organisation structure which has been promised me for some time?

Senator B.E. Shenton:

I thought the Deputy was meeting with my Chief Officer at some point to go through this and I apologise if that is not the case. Certainly the statistics that we have based on the calculation of management with regard to management and professionals within the health service based on N.H.S. (National Health Service) guidelines, gives us a very favourable ratio between administrators and medical staff and the figure is very, very low. But I think if the meeting has been arranged then I am surprised the Deputy does not know anything about it. I will need to get on to my Chief Officer straight after the States session and get it organised.

5.5.1 Deputy S.C. Ferguson:

Presumably the Minister would be able to tell us how far his department has got with the plan for implementing the efficiencies outlined in the spending review if they have not had time to bring an organisation structure up to date?

Senator B.E. Shenton:

Our organisation structure is up to date we just have not had a chance to give it to the Deputy yet so, as I say, I think the best bet is to ... because I was genuinely under the impression that she was meeting with my Chief Officer so I need to sort that out.

5.5.2 Deputy S.C. Ferguson:

My second question was ...

The Deputy Bailiff:

Deputy you have had your 2 questions.

Deputy S.C. Ferguson:

He did not answer my question.

The Deputy Bailiff:

Yes, he did.

Deputy S.C. Ferguson:

No, he left out ...

The Deputy Bailiff:

Deputy Martin.

5.6 Deputy J.A. Martin:

In the written answer to the questions put by Deputy Gorst today, the Minister says that the Children's Executive has been very successful in delivering the major thrust of the Kathy Bull Report, well one major thrust of Kathy Bull and a definite recommendation from Andrew Williamson was the closure again of one children's home and much more professional fostering. Can the Minister inform the House how far he is down the line and how many people we still have in care in children's homes? Thank you.

Senator B.E. Shenton:

We have a significant reduction in the number of children that we have in residential homes on the Island and a significant increase in the number of children that we have in foster care. We have about 24 children at the moment in residential homes. The number of foster children has also increased and we were going to release these statistics shortly because it is very much a success story that we are very proud of at Health and Social Services, so we will not only be releasing those statistics to States Members but also we will be closing one of the children's homes, it is just a case of working out which one would be the best one to close, but it will be closed in the new year.

5.6.1 Deputy J.A. Martin:

Just a supplementary. I do appreciate that children are now being fostered, my concern also is that the fosterers are professional foster care and Kathy Bull and Andrew Williamson recommended that these people are fully trained, full time foster carers and are paid a very good wage. Are these the right people or are our children being put out to people who are not trained properly to look after them, and some of these with severe behavioural difficulties?

Senator B.E. Shenton:

We do invest in a significant amount of training for foster carers and also, going back a few years, we did significantly increase the amount of money paid to foster carers. As I said before, this is what we consider a great success because we are moving children out of residential homes into foster care. But foster carers have to do it for the right reasons, it must not just be monetary, it must also be because they want to give love to a child in need and so on and so forth. So although we have increased the monetary amount I am not quite sure where the Deputy is coming from with regard to whether it becomes almost like a business to foster care which is not something we would want to move towards.

5.7 Deputy A.D. Lewis of St. John:

Could I ask the Minister is he satisfied that enough is being done with regards to joined up working with all relevant bodies to tackle the alcohol abuse issue and its health and social consequences?

Senator B.E. Shenton:

I thank the Deputy for the question. The Deputy has done a lot of work on the new licensing laws and looking at alcohol abuse. What we need here is to have a balance because certainly as Minister it is quite interesting because from a health point of view it would probably be best if we all turned ourselves into people that did not drink alcohol and got rid of all the pubs and off licences and so on and so forth. But you need to have a balanced view. You need to have a view whereby you recognise the social side of alcohol and so on and so forth. So certainly from Health we are putting pressure on to bring into place an alcohol strategy that is much more fit for purpose and we have had meetings, not only with the Deputy of St. John as Home Affairs but also Economic Development and Transport and Technical Services and so on and so forth because it all links into the round. But it is an area that the Medical Officer of Health has highlighted as being a problem on the Island and it is a problem that we are continuing to work on and will be continuing to work on for many, many years.

The Deputy Bailiff:

That concludes the time available for questions to the Minister for Health and Social Services.