

STATES OF JERSEY

Health, Social Security and Housing Children's Services Sub-Panel

TUESDAY, 5th MAY 2009

(Points of clarification offered by Professor Thoburn are included in the text dated 12.05.09 and highlighted in blue for clarity)

Panel:

Senator A. Breckon (Chairman)
Deputy T.M. Pitman of St. Helier (Vice-Chairman)
Deputy G.P. Southern of St. Helier

Witnesses:

Professor J. Thoburn (Chairperson of the Jersey Child Protection Committee)

Also in Attendance:

Mr. M. Haden (Scrutiny Officer)

Senator A. Breckon (Chairman):

I am sorry we are a bit late. We have been in different places this morning and we are just catching up. Apologies for being a bit late. I am not sure if you know the process but I will just go through. Under the Health, Social Security and Housing Panel, we are a sub-group that has been set up to look at the co-ordination of services for vulnerable children. I am not sure if you have seen our terms of reference but we have had lots of people we have contacted and we have met and we have made visits and done lots of things already. In good scrutiny fashion we are against the clock, as it were, to produce a report by mid June. My name is Alan Breckon; I am the Chairman. Deputy Trevor Pitman is the Vice-Chairman. Deputy Geoff Southern is present and we have apologies from Deputy Roy Le Hérisier who would have been here but he had to change his plans because we were in the States for an extra day last week so we had to move everything forward a day. What I would like to do first is I will just give you the general background. We are taping the proceedings. That is mainly for our own benefit really. It is just so that things go on the record publicly and we can refer to. You will get the opportunity to see these before they go public if there is anything factually that you wish to correct. As I say, it is not for entrapment or anything like that. It is just for our own records really. It is an ongoing inquiry so there might be something that you say that we wish to refer back to or contact you in future about. First of all, welcome and thank you for coming. Can I ask you first of all to introduce yourself and perhaps tell us a little bit about yourself for the benefit of the recording?

Professor J. Thoburn:

Yes, I am June Thoburn. I am an Emeritus Professor of Social Work at the University of East Anglia, a qualified social worker. I work at the university for half a day a week and otherwise I do various things. I have interestingly just been appointed to the board of C.A.F.C.A.S.S. (Children and Family Court Advisory and Support Service) in England so that is one of the areas that you will be interested in looking at. Basically, I am a researcher and an educator. I have never run a Children's Services Department, although I of course had middle management posts in Children's Services.

Senator A. Breckon:

And in Jersey you are the current Chairman of the Jersey Child Protection Committee.

Professor J. Thoburn:

I forgot to say that.

Senator A. Breckon:

Well, there is the prompt. That is why there are more than 2 of us in the room.

Professor J. Thoburn:

And I am the current Chair of the Jersey Child Protection Committee.

Senator A. Breckon:

I wonder as an introduction if you could give us a little bit about how you came to that, what you found and the work that is doing?

Professor J. Thoburn:

I was appointed almost 2 years ago now as the first independent chairperson you have had in that role. I think that was the right thing to have done. Interestingly, Ed Balls in England is now requiring all the English Chairs to be independent so you were ahead of the English people in that respect. I saw it as my role to differentiate between Children's Social Services and the role of the Jersey Child Protection Committee. I found that people did not see a distinction between the 2; politicians and especially members of the public. That is not surprising and indeed it is not a critical comment because the same would have applied to most places in England too. So that is what I have mainly been trying to do over the last 2 years. We now have got a separate office and a separate professional officer and administrator so good progress has been made in that respect. But I did have a second role which was to advise on the implementation of Williamson. It was agreed very early on that I would concentrate on the totality of vulnerable children and family services whereas Andrew Williamson and the Howard League were concentrating on older children and children with challenging behaviour and particularly those in residential care. So that is partly why there is a bit of a split between my annual report ([clarification provided 12.05.09 - and the other two reports you are considering.](#)) I think (12.05.09 - [my 12 month report](#)) fits neatly together with Williamson and also with the Howard League.

Senator A. Breckon:

Can you just comment perhaps in a bit more detail on the separation of the roles, perhaps as the provider and maybe the examiner?

Professor J. Thoburn:

The accountability for helping children and families and, ([clarification provided 12.05.09 - 'as an essential part of that service,'](#)) providing a child protection service is with the children's division of Health and Social Services. The J.C.P.C. (Jersey Child Protection Committee) has 2 main roles; one is to co-ordinate interagency systems for children who are considered possibly to have been maltreated. So it looks at - scrutinises - the processes and procedures that the different agencies who form part of the J.C.P.C. arrive at, both in terms of their recruitment of staff to make sure that they are not employing people who are dangerous to children and also the processes they have for dealing with individual cases when a child is maltreated. But it processes for interagency work rather than the ([clarification provided 12.05.09 - protection services themselves provided by each agency'](#)). But the other role we have is to watch out for - again monitor, scrutinise - things that are dangerous to children in Jersey. So we are, if you like, the eyes and ears of you as States Members. We pick up on things ([clarification provided 12.05.09 - 'that may increase the risk to children'](#)) that we think you ought to know about. For example, we have a sub-committee which looks at all unexpected child deaths and all cases of ([clarification provided 12.05.09 - 'serious life threatening injury or very serious'](#)) harm to children to see whether we

ought to have a serious case review on those cases. We might come back to that. So that if we pick up, for instance, that children are dying in fires because their housing is overcrowded and if this is happening frequently then we will take note, keep data and pass that information on to you so that you as the States can do something about it. We are sort of monitors, scrutinisers of the safety of children in Jersey. So we look at procedures ([clarification provided 12.05.09 - 'devised by the different departments or draft legislation that has a child protection component'](#)). For instance, your new law on a sexual offenders' register which we look at. But it is a sort of scrutiny role rather than an operation or management role.

Senator A. Breckon:

Could you tell us what the reporting structure is in that and if you are looking at things, who do you report that to?

Professor J. Thoburn:

That is a very interesting question because we are making it up as we go along because there is no Jersey law setting up the J.C.P.C. It is an interesting question. For the new Chair, who I hope will be appointed tomorrow, it would not surprise me at all if he did not come back to you and say you ought to legislate for the existence of the J.C.P.C. At the moment the J.C.P.C. exists because you, the States, have decided it will but you could tomorrow decide it will not and maybe now is the time to look at that. So when you say what are our reporting systems, they are ones that I agreed with the then Minister and with the Chief Executive, Mike Pollard, which work very well. I report directly to the Minister for Health and Social Services; in fact, to his Assistant Minister, indirectly through him to the E.S.C. (Education, Sport and Culture) and Home Affairs Ministers. So if either of those 2 Ministers want to talk to me I am very happy to talk to them, but if I feel I have got something to talk to them about I am very happy to ring them and say: "I need to talk to you". But on the whole I have found it more appropriate to link through the Minister for Health and Social Services.

Senator A. Breckon:

A term you used there, June, was "interagency" I think you said. Would you like to comment on that perhaps interagency, how that works at officer level? Secondly, you mentioned Home Affairs and Education, Sport and Culture. I wonder if you would like to comment on whether there is political priority and significance given to this, do you think, at a political level?

Professor J. Thoburn:

When I first came and met all 3 ([clarification provided 12.05.09 - 'But since I have been JCPC'](#))Chair the preoccupations of J.C.P.C. have been with vulnerable children and families. Interestingly, I met the E.S.C. Minister this morning. I was saying: "Come to think of it I have not had any occasion that I needed to come and talk to you". We did have a conversation this morning about how important I think it is for Highlands College to do something about training the next generation of social workers, ([clarification provided 12.05.09 - family support workers and residential workers'](#)). That is something I had been meaning to do all along but never got round to it because it has not been top of the agenda. Going back to the arrangements, I think it is good that the Chair of the J.C.P.C. does have immediate access to the Ministers and that they have direct access to the Chair. I would, out of courtesy, always tell Mike Pollard, as Chief Executive, what I am doing. But the arrangement is that if I chose not to that would also be okay. In other words, if there were issues that I wished to speak in confidence to the Minister about it would be permissible for me to do that.

Senator A. Breckon:

At officer level would you say that across departments we are working together for the benefit of the children, or are there still barriers in the way?

Professor J. Thoburn:

I think we get on to the Kathy Bull Report. I think the Children's Executive was a mistake - it was too low a level - and the concept of the corporate parent as being a sort of barrier because nobody quite understood it. So I think the answer is I do not know enough ([clarification provided 12.05.09 - 'to give an informed answer'](#)). I know at the level at which I am operating, which is looking at individual cases, people at middle management level work very well together. I do not know enough about how the chief officers work together.

Senator A. Breckon:

Can I just come back to your work as Chair of the Child Protection Committee? You mention the serious case reviews. There is also a subcommittee on communications and safeguarding children living away from home. There is a project group there. Could you tell us a little bit more about those?

Professor J. Thoburn:

Those are 2 committees that ([clarification provided 12.05.09 - I encouraged JCPC'](#)) to set up. I, with the J.C.P.C., revised the committee structure because I did not think it was fit for purpose. I thought 2 committees we definitely needed, particularly in the light of what Williamson was finding and the Howard League, was that special subcommittee on children looked after away from home so that that group of especially vulnerable children could have somebody looking at their safeguarding arrangements. So again we are not concerned with ([clarification provided 12.05.09 - the detailed arrangements for'](#)) their care. We are concerned with the fact that they have access to help lines, that they can seek confidential help if they need it. That applies to the children in La Moye as well. So we are looking really at how can we make sure that if those children are not being properly looked after and especially if they are being maltreated they have somewhere to go to where they will be believed and taken seriously. It is the job of that subcommittee, which is new, to work on that particular recommendation of Williamson and to devise structures. To be honest, we have barely started on that yet. The other one ... sorry, do you want ...

Senator A. Breckon:

Yes, I mentioned the other one as well, which was the safeguarding children living away from home. That might have covered that but ...

Professor J. Thoburn:

Yes, I have covered the safeguarding children away from home. The serious case review, one of the roles of the safeguarding children boards in England, which we assumed for ourselves here, is looking at cases; there are 2 criteria. The first criterion is that the child has either died through parental fault or has been very significantly harmed through parental fault or there has been serious organised abuse, say, by several adult abusers outside the family or there has been abuse within institutions, whether it is boarding schools or what have you. Again, if this had applied in the past to Haut de la Garenne and all those questions, then those cases would have come to the J.C.P.C. Serious Case Committee but that system did not exist then. But the other criterion is that there are multi-interagency issues. So if a piece of poor practice which has led to harm is of a single agency then you would set up a special inquiry about the proceedings of that agency. It is only if there are interagency issues that the J.C.P.C. focuses on what has gone wrong. The purpose of a serious case review is to learn the lessons; to look at the case to explore in detail each agency who is involved. It does an internal management review, a very detailed review, of everything that happened over the key period in time. We then commission an external report writer who looks at all those, puts together all this package of information. We are doing one at the moment and I think 7 different internal management reviews. This person produces the independent report of the lessons to be learned from that case.

Senator A. Breckon:

From your experience, June, what you have found is you mention sort of a children's voice, if you like, or the children's perspective and also independent review. Is that something that perhaps we were lacking here in Jersey?

Professor J. Thoburn:

You were lacking independent audit, if you like, of your children's social care services. You have, I think, commissioned the Scottish Inspectorate, which is absolutely necessary because neither Williamson, nor I, nor the League have really done a thorough audit/inspection. We have not been asked to do that. I think if you are really going to understand how adequate your services are, that process has got to happen and that has been agreed. So I think at the point in which the Scottish Inspectorate have done their first inspection, you would have a better idea of just what are the strengths and weaknesses of your services.

Deputy G.P. Southern of St. Helier:

You mention some criticism of the corporate parents' concept that came out of Kathy Bull. Really, when one looks at Kathy Bull it is not surprising that it was not that successful given that only some £900,000 of the £3.6 million, I think it was, was ever spent on delivering that. Examining the Williamson Report, presumably you can see an improvement in drawing together responsibility under a single Minister as the way forward. Would you like to just tell us how that is going to work?

Professor J. Thoburn:

Yes, I think you have to have clear accountability. If we are talking about vulnerable children then the main role is with Children's Social Care; social workers plus all the other people involved in that. So it does make sense for the key accountability to be with the Minister for Health and Social Services and then to build bridges across to the other key ministries. I think the corporate parent did not work because instead of 3 parents I think we had no parent because there just was a ... the corporate parent idea works best for children in care. I am not sure that it works for children in the community. It got expanded to all children. I think the problem with the Kathy Bull Report is that it was really framed around children with serious emotional and behavioural difficulties, i.e. mainly teenagers with challenging behaviour, and it got - I do not know when - transferred into social, emotional and behavioural difficulties. Well, social, emotional and behavioural difficulties is all vulnerable children. So a report that made a great deal of sense in terms of children with challenging behaviour suddenly got turned into the blueprint for all vulnerable children and I think that is why it did not work.

Deputy T.M. Pitman of St. Helier (Vice-Chairman):

Can I ask if you think that happened by default, or that was just seen as a cure all for everything? Was it a cheap option perhaps?

Professor J. Thoburn:

I think it is misunderstanding. I do not know enough about the politics of it. But I do not think it was wilful. I think it was misunderstanding and a lack of clarity about the corporate parent and placing the responsibility far too low. The Children's Executive was never going to be able to deal with the whole of vulnerable children, which it sort of tried to do, because its level was too low to have an impact.

Deputy G.P. Southern:

And in the new structure proposed by Williamson, one of the key elements must be accountability and the sort of checks and balances?

Professor J. Thoburn:

Yes.

Deputy G.P. Southern:

How do you see that working under the new structure and what will make it work, do you think?

Professor J. Thoburn:

I think the 3 Ministers must get together to implement the children and young people's plan, which of course is much broader than vulnerable children but an element in that is vulnerable children. That needs to be both at the 3 key Ministers, plus whoever is responsible for housing if that is needed, plus bringing in other Ministers when they are needed. Equally, the 3 Chief Executives need to work and again bring in psychologists if they need it or what have you, but at that level to implement the plan so that the accountability is directly with Health but their accountability is to make sure they do work with their colleagues.

Deputy G.P. Southern:

Sure. One of the elements that was built into, and it was almost bolted on to Williamson, was Laming advice. Can you tell us how important you think that is?

Professor J. Thoburn:

I think it is very important but I think it is far more important to remodel your services. If you could fill all the posts that you have got vacant at the moment, you would have a reasonable chance of keeping things afloat. I do want to say that I think it is really important that you do not delay any longer than you need to before you get on with implementing Williamson. I would support every single one of those recommendations and some are higher priority than others. But the most important thing is to appoint - I can never remember what you call them - the directorate manager for children's social care. I have said elsewhere that I think you do not need the service manager for children's provider services. I think that will just clutter things up, so I am offering you a way of saving some money there. But I think you need to decide (clarification provided 12.05.09 - what are the characteristics and experience for that role') and I am not talking personalities. But it is a different job. It is a new job. I have problems about the structure and I would not have a directorate manager followed by a children's services. I would get rid of a tier. I would get rid of the tier of directorate manager (clarification provided 12.05.09 - (as currently in the draft implementation plan) and have 2 directorate managers: directorate manager of children's health services, directorate manager of children's social care. Those 2 will be directly accountable to the Chief Executive. Underneath the directorate manager of children's social care would be a series of team managers. Until you have appointed that person, you are not going to be able to know how to run the service cost-effectively. When you have run the service cost-effectively you can see how many more social workers you need.

Deputy G.P. Southern:

Sure. So you are saying that there is urgency involved. We are currently running - whatever it is - one-third down on staffing.

Professor J. Thoburn:

Absolutely, yes.

Deputy G.P. Southern:

The Williamson implementation plan is certainly ambitious in terms of its timescale of getting people into place, but you are saying that although it is ambitious it needs to be started, it needs to be got on with?

Professor J. Thoburn:

Particularly there are, as I see it, I think 3 key new posts. One is directorate manager of children's health that I am not talking about. One is directorate manager of children's social care, which will cover

residential care, the whole lot basically. The third of course is directorate manager, adult social care, because at the moment the person who is directorate manager has both. Although you need to tie adult and children's services closely together, they do need 2 directorate managers, I think. So let us concentrate on directorate manager, children's social care. I think you will be well advised to decide what sort of services you are looking for and I think that is services for vulnerable families and then think what sort of person you want in that post. I do not know whether it will be an internal appointment or an external appointment, but I think working out what the job description is and what you are wanting is very important. In the meantime, the show has got to be kept on the road (clarification provided 12.05.09 - and vacancies filled and staff supported to do that'). Once you have got that person in post they can move incrementally to the sort of improved, remodelled services that I think you need.

Senator A. Breckon:

Can I ask you, June, in your experience - this in the organisation chart - would that be a typical thing in a local authority in the U.K. (United Kingdom)?

Professor J. Thoburn:

No, below here needs to be rethought totally.

Senator A. Breckon:

And that is because we are an Island community, some of that, is it?

Professor J. Thoburn:

No. I think England is rethinking. If I can say there are 2 possible ways of dividing up children's social care: one is functional and the other is geographical. Functional is child protection long term (clarification provided 12.05.09 - teams, family support teams – etc - that) is what you have got at the moment. The move in England, even though people are very concerned about child deaths, is to go toward geographical. In other words, to get rid of these narrow child protection teams, long-term teams. All your child and family social workers must be capable of functioning as child protection workers. To have teams that just do child protection leads to burnout, leads to a way of looking at your community as the enemy; whereas if people are identified with their communities they are looking for solutions. They are partnering up with the same sort of people each time.

Deputy G.P. Southern:

Yes, you mentioned this in discussion with us previously that in fact Laming, while in principle looks essential, but if you have got a spread of the load so you are not specialists in child protection - it is a very wearing, I imagine, absolutely demoralising job in many cases - then it could be made to work at slightly higher ratios than Laming.

Professor J. Thoburn:

I think nobody is very clear exactly what Laming meant by his ratios. That is the trouble. Was that ratio for child protection teams? Was that the ratio for (clarification provided 12.05.09 - child and family social work broader caseloads?) I think you are understaffed. I am pretty sure you are understaffed and I think you do need to spend more on your social work staffing because you have very serious problems here. But I would sort of try to make sure you keep the shop on the road and really have a very good think, as I say, about how that is going to be organised. Central to that will be the person you appoint. But you need to do your thinking about what you want before you decide who you are going to appoint.

Deputy G.P. Southern:

Sure. You just mentioned whether that senior social work practitioner at that level would be local or whether you want to import some expertise. What would you say about, given the history and the track

record that we have recently discovered, the appointment of a local person ... how easy would it be to have a new sweep there?

Professor J. Thoburn:

I am not going to answer that question. I think it is such a difficult one and I have worked with these people. They have been incredibly helpful to me, the management people. I have not seen their C.V.s (Curriculum Vitae). I have no idea. But I think it is a new job and, therefore, looking at exactly what you are doing as part of your scrutiny, thinking: "How do we want to remodel our services? Do we want to have children's social services, which is about helping and also protecting, or do we want an ambulance service, which is about spotting abuse and taking kids away?" I would advise you to go down the former route because I think you will protect more children if you go down that route. But that means your workers being seen as helpers. You would know better than I would as you talk to people - your constituents - that there is a sense in which social workers have come to be seen as the enemy rather than the helpers. Reversing that is going to be really very important. I think the only way to do it is get out there into the community.

Deputy G.P. Southern:

That thrust is contained, I think, in the House of Commons recent report about a flexible approach to the delivery of social services. Was it the Barry Sheerman?

Professor J. Thoburn:

Sheerman, yes.

Deputy G.P. Southern:

The Sheerman Report, I call it. Do you think that contains lessons for Jersey?

Professor J. Thoburn:

Yes, I think the mood, the learning from ... a lot of things have gone wrong in England. You want to devise your own ways. But there is also congruence now about how to handle this extremely difficult work. It is very difficult work because you have to be the helper but you have to spot when somebody is telling you lies. Doing both is highly skilled and you need very good supervision and you need the community behind you broadly speaking. In other words, the community needs to think: "Yes, you are there to do a decent, worthwhile job, even though sometimes you have to take people's children away". That might be more difficult in Jersey but it might also be easier in Jersey.

Deputy G.P. Southern:

Yes, one of the thrusts of that House of Commons report was it highlighted the level of the quality of social work which occurs largely ... and on the pay and conditions reflected equally in continental Europe in many places which does not happen over here. Certainly quality of staff is an issue, is it not? You have already mentioned we are understaffed.

Professor J. Thoburn:

You have some very good staff and I have seen some incredibly creative work as well. You are very good at cobbling together individual solutions in a way that is quite admirable. I have seen some ... so there are opportunities here and indeed there is some good long-term work going on, but people are understaffed. You are understaffed, I think. As I say, I am not absolutely sure of that. I think at least if all of your positions were filled, people would not be quite feeling so under the cosh, I think. But they do feel under pressure to close cases rather than provide ... I would like to see you with neighbourhood family centres, for instance. You have got a couple. You probably could do with about 4 ...

Senator A. Breckon:

The Bridge, yes.

Deputy G.P. Southern:

Are you talking about examples like The Bridge?

Professor J. Thoburn:

Yes, like the Bridge. A mixture between referred and self-referred. More like the La Chasse Centre, The Bridge is much lower level family support; ([clarification provided 12.05.09 - mainly providing a service to those who refer themselves](#)) basically. It needs a family centre where some people are referred because people are concerned that they are neglecting their children and other people are choosing to go because it is a good place to be and they have excellent services. That again is a way forward that you could adopt.

Deputy G.P. Southern:

It may be too narrow a focus, but one of the things that was in Williamson was refurbishment of Brig-y-Don and the use of Brig-y-Don in the way forward. According to news reports, that appears to have gone by the wayside. Do you have any comment on where we might go next if we ...

Professor J. Thoburn:

I did rather leave that end of things to Williamson because he spent a lot of time looking there. I do think the remodelling ... you have too many children in children's homes and you should no longer be taking young children into children's homes and I do not think you are. So gradually your number of beds in children's homes should diminish. I think you need a little piece of research on exactly who is coming into care, how long they are staying, why are they coming into care. I suspect that too many teenagers are going into the residential system who ought to be looked after by the probation service or the youth justice service out in the community. The Howard League said that, did they not? The Howard League evidence is that you are blocking some of your children's homes up with children who should not be there. There are other children who should be there and you are not taking them into care early enough. But I think the broad outline of how much residential care you need is about right in Williamson. Then you are going to have to have a sort of contingency system for the peaks that sometimes happen. In a small community if you get 2 families of 6 children needing to come into care in one year, you cannot set up a system that is geared towards that so you have got to find - as you are having to do at the moment - contingency plans if you suddenly get an inexplicable peak, if you like, in the way that if you suddenly get an epidemic in health you have to find extra money to deal with it. So I think, broadly speaking, the remodelling of children's homes linked with the adoption/fostering team possibly with bail fostering is the way to go. I do like that proposal about this special team who are going to support foster carers 24 hours a day and that sort of thing.

Senator A. Breckon:

Can I just come to ... this is the report I am referring to. You are probably aware of.

Professor J. Thoburn:

Yes.

Senator A. Breckon:

Looked-after Children. You are quoted in here on the net.

Professor J. Thoburn:

Yes, I did advise them.

Senator A. Breckon:

On page 24 - and it is from something, you then called it Children in Public Out-of-Home Care: 21 Years of Policy - it is saying in here: "A new initiative, Choice Protects, was launched in March 2002 to improve outcomes for looked-after children through better placement stability, matching and choice. The programme was motivated partly by recognition that the emphasis on adoption in some local authorities has been achieved at the expense of improving standards and choice in foster and residential placements." I wonder if you could perhaps comment on that from a Jersey aspect of residential and fostering and adoption, what you have seen?

Professor J. Thoburn:

This is partly why I go back to this ([clarification provided 12.05.09 - the proposed Service Manager Children's Provider Services on the chart.](#)) Why I think you have to delete this role here because that separates off ([clarification provided 12.05.09 - the different parts of the service.](#)) You have got to see all of this as an integrated ... you have got something called Service Manager, Children's Provider Services, which will impede proper planning across the 3. I did some training with your adoption fostering team. They are very impressive. Some of your young children can be placed for adoption and should be. But I think you are more likely to have open adoption if you want to place children on Island and that is probably rather a good thing. I think one of the reasons why social workers are very much sort of feared is the power they have to take away children, place them for adoption, ([clarification provided 12.05.09 - and that may lead to parents](#)) never seeing them again. I think that stops social workers acting quickly enough because it seems if you are working with a parent who is learning disabled, it seems such a terrible thing to do when you have done your best and say: "Right, you have done your best. Now we are going to take the kids away. We are going to have them adopted and you are never going to see them again". There are ways of ... I think with larger families you should have foster care. You should have permanent foster care. You should find a way of guaranteeing that the children will not be backwards and forwards so that both the carers and the children know that is where they are going to stay. But what happened in England - that is why I made that comment - is people went down the adoption route as the answer and of course it did not work because the children who were adopted were only the young children and 50 per cent of children coming into care are 10 years plus. They are not adoptable nobody did anything about a good fostering service ([clarification provided 12.05.09 - because for a while the emphasis was all on adoption.](#))

Deputy T.M. Pitman:

Can I just come in there before you move on? You talked about the pressure for staff to close cases. How much of a danger do you think there is that because of that pressure we might just have a tick-box culture and the people will be almost forgotten because we have not got our staffing in place? You say we are severely understaffed. How serious is that danger that it does become a tick-box culture?

Professor J. Thoburn:

Probably less serious here because you are a small community. But it is, I think, for instance, a target to get children off the child protection route. England has abolished the child protection registers. I think you should. They have now children about whom there is a formal child protection plan. You might say that is exactly the same as being on the child protection register. It is not. If you are a parent and you are told you are on the register then all you want to do is get off the register and the workers too want to get you off the register because they have targets to get you off the register. People stop focusing on what needs to be done to help you to look after your children better. The whole emphasis is: "Get them off the register". So I agree that that is the sort of target that you do not want. If children need to be having a formal child protection plan, they need it. The new system in England is if you need a formal child protection plan, i.e. with an element of coercion, you might need it for 18 years. If you need it for 18 years, that is fine. There will be some people - say parents with a severe mental health problem - where you might feel that they need a formal child protection plan for quite a long period of time. So targets about registers and targets about how many children are needing care are not very good.

Deputy T.M. Pitman:

Sorry, if I threw you.

Senator A. Breckon:

No, it is okay.

Deputy G.P. Southern:

We had the Health and Social Services Executive in recently and we were talking about the thrust towards keeping children out of homes and the highly successful initiative to move towards fostering over recent years. They admitted themselves that it may well be that we have arrived at a position where we have got all the people who are going to foster. Effectively it has been very, very good. We have done that but what happens next? It seems to me there is a crunch period coming up. Can we regenerate some fresh foster places if we are to ...

Professor J. Thoburn:

I see what you mean, yes. Also you have probably peaked on the number of children you can get adopted because your adoption figures went up because you had current foster carers who had had the kid with them for a long time and they were only too pleased — delighted. Now you have done all that so your adopted children will be bound to go down a little bit because you do not have that pool of people just ready and waiting to be adopted ([clarification provided 12.05.09 - by the foster parents they are already living with](#)). But I think there are always new people coming on to the Island. I think you have got a very good fostering adopting service. I think they want to be creative and have different groups like, as I said, bail fostering is worth looking at, therapeutic fostering, long-term fostering. In other words, you have different groups.

Senator A. Breckon:

Can I just share some of the information, June, that has been given to us? I think it was in 2000 there were 73 foster families. After some promotion and extra funding, recently it was 31 fostering families. Part of the problem was because of modern living, people did not have room in their house. Something you say about bail fostering, if you say to me can I handle something from 8.00 p.m. Friday night to 8.00 a.m. Monday morning, maybe I can, but Monday to Friday people have a problem where 2 parents perhaps are working and the stresses on the home life that they could not do emergency stuff. There were other issues about if it became dependent on income, whereas I did not do a full-time job because we were doing this as a public service, when it was not funded for 52 weeks of a year then what do we do if we do not have the care responsibility and the funding attached to it? So I think there was some tension there.

Professor J. Thoburn:

You really have got to think of specialist schemes, which means that you pay people holiday pay. You fund different ... in other words, the advert, rather than saying: “Would you like to foster?” say: “Do a job in your own home.” That is a different approach, is it not? ([Clarification provided 12.05.09 - Do you enjoy a challenge? Then become a foster carer.](#))

Senator A. Breckon:

Is there anything that you could share with us, perhaps what happens elsewhere, because then there are issues: are you employed, are you entitled to a pension, what happens if you are sick? There were things like that that became politically correct, if you like, that we must do if people are doing this, whereas before perhaps people have done it with an element of goodness. I am not saying it is not there now but they did it altruistically.

Professor J. Thoburn:

You differentiate. There are some what I call fostering careers where people take a turnover of children - short term, respite, give parents a break. You could do with a respite care scheme whereby you twin foster carers with families and the child always goes to that same family. You need that scheme which is a bit like daily minding. It is an extension of that. Then you need people who want children long term as part of their family. You need quite a few of those. But they are not looking for pensions and reward. They will go on having their careers, as it were. Then you have got a much smaller group of therapeutic foster carers, shall we say. Those you have to pay. You have to think about pensions and holiday pay. Again, they have more children for shorter periods of time. So you do not have to have the same response to every foster carer.

Senator A. Breckon:

From the cases you have found in Jersey and some of the challenges we face, do you think these are now exercising the minds of the legal profession more than they were in the past because of care orders and the challenges that are faced? Where are we with that? Would you like to comment?

Professor J. Thoburn:

I think you have [\(clarification provided 12.05.09 - are just setting up a Jersey equivalent of C.A.F.C.A.S.S.](#) You have got guardians ad litem as a proposal here. I think that is very important because the legal profession do best when they do their job. In England, they call it the tandem system so that the lawyer knows his expertise, works in partnership with the social worker who is the guardian. I think that is a great help both to the lawyers and to the children, basically. So I hope you go down that route. If you do not have that then lawyers end up being social workers, which is not really all that helpful. They are not good at it.

Senator A. Breckon:

With the guardians, in your experience, are they coming from other areas of social work or is it a specialised department?

Professor J. Thoburn:

They have to be social workers because they have to comment on the quality of the social work practice. They have to understand. They have to have done the job. In England they are starting to employ support workers who work alongside the guardians.

Deputy G.P. Southern:

If you do not mind, can I just come back because it is bugging me since I read it in the paper the other day and we met the people at Brig-y-Don? They talked about they have got a particular expertise among their staff which is admittedly with younger people and less confrontational situations. They have effectively been put in a position where if they have a wish to receive any funding, they would have had to take whoever Social Services send and that could have been some older children with more challenging behaviours. They were also proud of their role within the system of monitoring and placing into foster care. It seems to me that what has happened is that their expertise, if you like, has been ignored. The decision to: "Okay, we must have this generic service and we cannot specialise" looks like it has been imposed on them, to me, which has resulted in their saying: "If that is the case, there is no place for us." Again, I come back to it. How will we go forward, given that one of the central institutions that we used to have and the skills of that staff now appear to be dissipated?

Professor J. Thoburn:

I hope they will not be because I hope they are still on the Island and there are all sorts of roles, including this intensive 24-hour support service proposed now. It goes back to my question about training and making the most of the people you have got. The trouble is you are so small that you

cannot afford specialism. That is the difficulty, is it not? I think there really is a role for some children who are traumatised when they leave home, and especially larger families who do not necessarily want to go directly to another family, ([clarification provided 12.05.09 - to be placed in a small children's home](#)), but I do not know what the volume is. Again, I think the research around who is coming into care, who came into care over the last 2 years, what were their needs, could it have been avoided, I think it might be well worth you thinking out of the box here of some small piece of research to answer some of those questions. I do not know whether it has been done. It might have been done.

Deputy G.P. Southern:

It strikes me that there is a role for it because a foster placement that breaks down, you are back in a position that is worse than you started with.

Professor J. Thoburn:

Absolutely, yes.

Deputy G.P. Southern:

That sort of support and assessment needs to be done.

Professor J. Thoburn:

That assessment before you move into ...

Deputy G.P. Southern:

Somebody needs to be doing that.

Professor J. Thoburn:

More of that could be done before the children come into care. Because there is the keep them out at all costs, they come in in an emergency without proper planning. Now, if people sensibly thought this is not ... this woman, these parents, have done their utmost but they are still not succeeding, we have got to start thinking about children coming into care ([Clarification added 12.05.09 'and planning for it'](#)). Let us think about where they go. Okay, not everybody is going to allow that to happen but quite a lot of people ask for their children to come into care. They get told no and then suddenly they ([Clarification added 12.05.09 'lash out' when things get too much'](#)) and they get them removed in an emergency. A lot of children come into care in England in what we call 'predictable emergencies'. In other words, you knew this was going happen, why on earth did you not plan for it then? I think there are ...

Deputy G.P. Southern:

But that then requires a level of expertise working with the family.

Professor J. Thoburn:

Yes, absolutely.

Deputy G.P. Southern:

You do not save anywhere. Either you put the effort in there or you put the effort in here, as it were, following the emergency.

Professor J. Thoburn:

Yes, we are back to this whole issue. Children on the threshold of care that the select committee - Barry Sheerman's Committee - looked at. How can you get the right children into care at the right time and keep the children out of care who should not be there?

Senator A. Breckon:

June, can I put something to you? There is a view been expressed to us that perhaps this intervention is at, let us call it, a critical level and that is sort of a crisis case management issue. The view was expressed that perhaps we could have quality interventions at a lower level and make a bigger difference if we could do that. Would you like to comment on that?

Professor J. Thoburn:

I think you should do that. I think, in all fairness, (clarified 12.05.09 social service staff) people are saying they want to do that. I do not understand enough about what is impeding it but I do think that this sort of remodelling to see how that can happen is very important. Yes, I think too many cases go down the child protection/child abuse route which could be helped, (clarified 12.05.09 informally in a less coercive way). But people tell me that their thresholds are such, their case loads are full. I think part of that is everything starts off through this child protection / assessment team system. Quite a lot of them are repeat referrals, so this goes back to if you had a more geographical system so that the community were aware of the families and the families could ... as I say, the notion of permeable boundaries. The families themselves could say: "Things are getting a bit bad again. Can you help with a holiday? Could you sort a holiday for us?" You have got some very good family support workers, paraprofessionals. They are excellent. Working more closely with social workers would be very good and, again, working through things like neighbourhood family centres.

Senator A. Breckon:

Just something you mentioned there. I wonder if you would like to comment on it. When you were speaking there, it just came to my mind. Would you like to comment on how let us call them the agencies work with the people in the system, if you like? N.S.P.C.C. (The National Society for the Prevention of Cruelty to Children), The Bridge and there is Milly's - there are other things - family mediation, those sort of services, are they working effectively, do you think?

Professor J. Thoburn:

Again, we look at the tiers. They are at tier 1, tier 2. They seem to be effective at the lower tiers of preventive work with the willing ... the families who are asking for help.

Senator A. Breckon:

Like divorce and things like that. They are involved in some of those issues.

Professor J. Thoburn:

Certainly I think you need the C.A.F.C.A.S.S. service for divorce cases as well. There is a lot of rather nasty divorce going on here which is damaging children. So mediation again is ... you need all those services but they are mainly directed at the moment at the people who know they need help and are willing to go out to centres. Your family support workers employed by Children's Services are outreach. They go out into people's homes and they try to engage the people who are not natural joiners. Putting that all together is really very important but I think again you as the States have got to decide what sort of services you want and then decide how you want the voluntary sector to come in, rather than go to the voluntary sector and say what would you like to do.

Senator A. Breckon:

Do you think anybody knows in the bigger picture who is contributing what from the agencies, let us call them, into the system because we have struggled to get one source of information to say these are all the organisations that are funded by charity or funded by Health or service level agreements and this is what they do? Is there a central source of information you could guide us to that gives us that?

Professor J. Thoburn:

I think the staff do. The team leaders in the (clarification added 12.05.09 assessment and) family

support team or the long-term team or what have you, they seem to have a pretty good grasp of what resources they can call on. I would certainly like somebody to ... I am having all these bright ideas, am I not?

Deputy G.P. Southern:

That is the world of the academic.

Professor J. Thoburn:

There you go. You do not have a children's voluntary sector forum. You have got some sort of voluntary sector/charity forum but that is too broad. It would be very good to have representation of the children's voluntary sector on the J.C.P.C. and on your new Children's and Young Person's Strategy planning group. What I have had over the 2 years is various people come to me and say: "Can we have a member on J.C.P.C.?" I said: "No, because we would (clarification added 12.05.09 then be too big, and how would we decide between the different interests) ... but if you, the voluntary childcare sector, can get together and nominate a representative who will then be answerable to all of you then that will be really good." But there is no such thing. What happens is each of the voluntary sectors compete with each ... they do not seem to be willing to work together as a group. I think it would be really good if somebody could lead on that. You have got the big ones, like Family Nursing, which really does not feel like the voluntary sector at all. But you have got Brooke, you have got the women's refuge. (Clarification added 12.05.09 Millie's and many others) You have got a lot of these organisations and it would be really good if they could somehow or other form themselves into a children's voluntary sector forum to make their contribution.

Deputy G.P. Southern:

I am almost taking it back round full circle but early on I think ... we will find out the exact words you used and get on with Williamson or ...

Professor J. Thoburn:

Yes, I do feel that passionately.

Deputy G.P. Southern:

But what happened was that the Williamson implementation plan was quite ambitious. It got put under the nose of the Treasury and Resources Minister and he took out 2 things. He took out Laming compliance straight away and also took out a very minor element, advocacy on part of the children; something that I think is a very undervalued aspect but, nonetheless, a vital one I think.

Professor J. Thoburn:

I would put that back in again.

Deputy G.P. Southern:

What would you say about advocacy, apart from nodding and saying: "You are right"?

Professor J. Thoburn:

It is really important. The JCPC subcommittee on Safeguarding Children Looked-after Away From Home will have something to say about that. For instance, children at child protection conferences might not want to go to the conference themselves. I think often it is not a good idea to go to a meeting and hear your parents told off, basically. But if you had an advocate, the advocate could go and talk to the child and say: "How would you want your views represented? Would you like to be there? Would you like to write a letter? Would you like me to talk on your behalf?" Yes, I think that should be in there basically.

Deputy G.P. Southern:

Listening to the voice of the children is absolutely essential.

Professor J. Thoburn:

Making sure that the voice of the child is heard. I think that is part of the business of the Children Looked-after Away from Home subcommittee.

Senator A. Breckon:

Can I ask you another area, June, that we have not touched on and that is age and drawing the lines and distinctions between what is suitable at a certain age, be it 15, 16, 17, 18 or 21? We have visited Greenfields. When we were there it was full. We visited the Young Offenders Centre at La Moye and the female wing. We gave the opportunity, we said who we were and did anybody want to speak. We met without officers there of any description and talked to some of the young people. They expressed a view to us that at those certain ages then they perhaps felt vulnerable because of the situation. They found themselves 15-year-olds with 20-year-olds in La Moye, for example. Also when we visited Greenfields there was an area, let us say, of segregation because of violence or something else. Even within there, there was perhaps a view that it was not adequate for what it was doing. Some of the youngsters felt vulnerable for that. I know the Howard League, for example, have said a criminality moving from 10 to 14. You might not like to express a view on that but on the other ages of vulnerability within that. I know this Looked-after Children is perhaps saying in some areas we should be looking at 25 perhaps for housing people and getting people educated within the community and setting up for themselves. Would you like to comment on perhaps some of the generality of that?

Professor J. Thoburn:

I think the last first, which is the easiest one, children who have been in long-term care. You should abolish the term "leaving care" but you should talk about transition plans. If they have been in your care as the States, you should not be kicking them out at 18 even, much less 16. So I think that plan to make sure the children in your care should go on having services from you until they are established as adults. Particularly that means them staying with their foster carers... if they are well established with foster families, sort of give the foster families a bit of money to pay for the wedding if necessary, that sort of thing. The transitions, I think there is a bit of a consensus around Greenfields and La Moye which is that you need to change the law so that convicted 15-year-olds can stay in Greenfields. That is urgent really. Greenfields is a child welfare regime and should be. Yes, it has to 'contain' (Clarification added 12.05.09 'young people needing secure conditions'), but essentially the principles governing the way Greenfields is run are child welfare principles and it should be very clear that they are. All under 16-year-olds should be there whatever ... if they need secure (Clarification added 12.05.09 'residential care'). the interesting one is the 16- to 17-year-old. Probably most 17-year-olds, particularly newly convicted, can handle La Moye. It is quite impressive, is it not? I went up there. I think they run a very good service. But I think what you could devise is a panel to decide about the ... say that a youngster who goes into Greenfields is a serious offender at 14 and he is doing really well, you would not at 16 move them to La Moye, which has a totally different regime. You want to carry on with the progress you have had. So if you had sort of a panel that said kids close to 16 or 16, where is the best place for them, I think with psychologists, (Clarification added 12.05.09 'teachers, social workers prison staff') you would come up with a sensible solution to that question. But you need to have the law that allows us to have that flexibility.

Senator A. Breckon:

The other thing that was expressed was as well as where the support is for people leaving the secure accommodation or care and where they go and how they are supported and there is the possibility of the revolving door if you do not put support in place for housing, say, and assistance with work schemes and training and things like that. What is your ...

Professor J. Thoburn:

The more you are able to put your younger children in foster care then you will not have that problem because they will stay with their foster families when they are 18, 19 or they will stay closely attached to them and they will move into lodgings, especially if you can support the foster carers in doing that. But at the moment you do have a problem because you have got children leaving care who do not have attachments. They cannot go back to their families. They have been cut off from their families. They are not attached to foster carers. That problem will gradually diminish but at the moment you have got to provide those people with accommodation and support and linking with members of the community, if you can. You can foster children quite late. You can have some quite successful attachments of young people to families. Again, it is a different role, is it not? If you are 2 working people that have a social conscience, perhaps you could take on a 16-year-old and approve lodgings or something with the intention of providing them with (Clarification added 12.05.09 'support and 'mentoring' as they move into adult life').. it is not really a parental relationship but a carer relationship.

Senator A. Breckon:

You mentioned fostering quite a bit. I wonder if you would like to comment. I think there was a comment attributed to the new head of the N.S.P.C.C. quite recently. It was something along the lines of that residential care of the authority was not necessarily a bad thing depending on some family situations. I wonder if you would like to comment on that?

Professor J. Thoburn:

I agree. I do not feel I know what is the right balance; how many beds you need in residential care, including Greenfields. I do think there is a very important role for residential care. I think there are some young people who do not want a family. They have had their fill of families. Sometimes it needs to be long term. It is where Brig-y-Don comes in. Yes, some youngsters as young as 10 probably do need a 6-year placement in residential care maybe. Getting that balance is much more difficult for you as a small community if you want to do it in a cost-effective way than it is for Birmingham, say.

Senator A. Breckon:

Do you find in general terms that in Jersey we have what I would call an effective care plan for the individual child? Is that in existence?

Professor J. Thoburn:

I do not know enough to answer that question. Again, this is where the inspectorate would come in and ask questions like that. It is a really important question.

Senator A. Breckon:

Trevor, did you have anything else?

Deputy T.M. Pitman:

No.

Senator A. Breckon:

What I forgot to say at the start, June, is if there is anything you would like to say to us on the record that we have not touched on, or if you think of something later and you want to drop us a line, please do so. There may be something arising from what you said that we will get back to you. But if you want to say anything else now, please do.

Professor J. Thoburn:

No, I think other than to reiterate that do not get too caught up on the detail at the moment. I think each

of the recommendations are good recommendations but there is detail to be sorted, but that will not get sorted until you agree the recommendations. But the financial package ([Clarification added 12.05.09 'you have had presented to you- the officials had to produce figures to give you an idea of the eventual costs of the Williamson proposals'](#)) Whether the way it is figured at the moment is the way you will end up spending the money, I am not very sure. But it probably is a minimum package and it might cost you more than that. But I think you will not quite know that until you start putting the key building blocks in place really.

Senator A. Breckon:

Just finally then, if there is a cost would you say there will also be a benefit in the medium to longer term in the matter?

Professor J. Thoburn:

There will be a huge benefit in the long term. I think some of the really struggling families you have got are people who have gone through an inadequate system, the parents and ... if you can get your system right, you will have worked ... you will not have this group of really very difficult families that services are struggling with.

Senator A. Breckon:

Okay. Thank you very much. We are now adjourned. Thank you.

Professor J. Thoburn:

Again if I lacked clarity, you will let me clarify for you.

Senator A. Breckon:

We will indeed. Thank you very much indeed.

Professor J. Thoburn:

Again, I think I would just say these are my opinions on the basis of what I have gathered but I have not done an in depth ([Clarification added 12.05.09 'audit of the services and other experts might reach different conclusions about the future configuration of services.'](#))

Senator A. Breckon:

I appreciate you finding the time for us on the position.

Professor J. Thoburn:

I appreciate the backing the States have done for the J.C.P.C. You are now about to appoint a Chair. You have got 2 professional staff in place. That of course is taking some of the pressure off your Children's Services. These people are not doing new work. They are doing work that was tying up Children's Services people. I think they ([Clarification added 12.05.09 'will be able to strengthen the work of JCPC'](#)) because they are concentrating on that ([Clarification added 12.05.09 'and not fitting it in alongside other duties'](#)).

Deputy T.M. Pitman:

Thank you.

Deputy G.P. Southern:

Thank you.

Professor J. Thoburn:

Good luck.