

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel Early Years Review

Friday, 9th November 2007

Panel:

Deputy D.W. Mezbourian of St. Lawrence (Chairman)

Deputy S. Pitman of St. Helier

Dr. C. Hamer (Advisor to Panel)

Witnesses:

Mr. F. Laine (Chairman, La Petite Ecole Day Nurseries)

Deputy D.W. Mezbourian of St. Lawrence (Chairman):

We will let you get yourself settled.

Mr. F. Laine (Chairman, La Petite Ecole Day Nurseries):

I have been keeping tabs on this thing for such a long time because it is such an important thing. Perhaps what might be better is if I give you some background to me, that might give you a bit of profile on what I am going to say and would give you a better ...

Deputy D.W. Mezbourian:

Before you do that, Mr. Laine, there are some formalities that we have go through. First of all I must welcome you to the Education and Home Affairs Scrutiny Panel and give Deputy Gallichan's apologies for not being here as she had a previous engagement. You have seen a copy of our terms of reference I believe and there is also one in front of you on the desk. You are subject to privilege in what you say at this hearing and there is a copy of that procedure in front of you as well. The microphones are to amplify our voices for the purposes of recording and the transcript will be prepared from the recording and sent to you within a few days for you to check through to make sure that there are no inaccuracies in what it is recorded that you have said. It will also be uploaded on to the Scrutiny website so it will be a public document. I am just trying to think if there is anything else I need to tell you. I think what you just suggested was the way we had intended to go forward with our hearing this morning. We felt that if you could give us some background and your thoughts on the issue we could then come in afterwards with questions. We do have some that we have pre-arranged but obviously we will pick up on what you are saying anyway. Are you happy with that?

Mr. F. Laine:

I am very happy with that. That is perfect.

Deputy D.W. Mezbourian:

I wonder maybe if, just for the record, I could ask you now to introduce yourself to us.

Mr. F. Laine:

My name is Frank Laine, I am the Chairman and joint owner of La Petite Ecole Group of Day Nurseries and that is why I am here today, on that basis.

Deputy D.W. Mezbourian:

Thank you.

Mr. F. Laine:

Just to give you a bit of background on my involvement. I run a group of companies out of Jersey, mainly in all sorts of various areas of commerce. But this is one ... I also run commercial children's day nurseries in the U.K. (United Kingdom) and I have quite a large investment in U.K. nursery chains, 2 of them. This one came to me through an unusual way but, anyway, I own 50 per cent of it now. It has been quite an eye-opener having been involved in U.K. nurseries and then having these ones. What I really find most unusual is that there is no real way of people accessing childcare who cannot afford. There does not seem to be a system where, like in the U.K., you have people who cannot afford childcare, there are tokens or there are ways of dealing with it through social security or whatever they can get, so they can get back to ... It is a big issue for me that that has never happened and a great disappointment to me that they never got this thing passed by the States, this ... where they were looking for the money to get the childcare subsidised.

Deputy D.W. Mezbourian:

Are you referring to the recent amendment to the Business Plan that was defeated?

Mr. F. Laine:

Where they were looking for the £2.5 million to subsidise. I could go on and on about it but I think that is basically ... I would appreciate it if you would ask me some questions about it now because I am not great at going into finer details. I tend to look at the bigger pictures rather than ...

Deputy S. Pitman of St. Helier:

You just said that you would like to on and on, we would like you to go on and on. But if you feel you want questions ...

Mr. F. Laine:

Well, there are criticisms but the main thing I find most unusual is the way that it is administered. The childcare. In my experience the Education Department is an empty shell. I can never find any substance to the whole structure. As a businessman I find that whole thing quite alarming. Just to give you an example, in the U.K. when we have an O.F.S.T.E.D. (Office for Standards in Education) inspection, we have a nursery, one in particular in Bath, nice spot, slap bang in the middle of the town, an O.F.S.T.E.D. inspection will arrive, they will be greeted at the door, they will be taken through, they will be introduced to nursery managers, deputy managers, the staff. We will then get a report from the O.F.S.T.E.D. lady who will say: "I arrived at 9.15 a.m., I was met by Mrs. So and So, the staff were pleasant, the day was shining, there was flowers in the garden, the children were occupied." We might get one page or 2 pages of introducing, complimenting the staff, saying what has happened, how it has been and then if there is anything to be dealt with, any issues are not correct, they will be dealt with properly and professionally and you will have them at the end. It is wonderful for the staff to see first of all, it is a psychological approach to anything, and if there is anything wrong you pick it up and show ... I have never ever seen one sentence on any correspondence from this department complimenting our staff or the way that we conduct our business. If I did not have a microphone I might even squash a grape.

Deputy D.W. Mezbourian:

Would you be prepared, Mr. Laine, to show us an example of a letter that you think would have been ...

Mr. F. Laine:

I have not got them here because this is different stuff but I would be more than happy to do it. But I do not believe that people who administer this department are not aware because I would think that our regulations have been cribbed or adapted from the U.K. standards. I do not think that the way that it is administered is conducive to good management, I think it is too focused on one particular person and I think that there is no ... in my experience, in my observations, there is no line of good top management to administer this thing right down to the bottom. Because these things, corporations, government departments, families are as thick as their secrets. In my opinion this thing is a big shell. I can never get into the inside. For someone not to be able to get £2.5 million out of this lot for childcare, if he was working for me he would not be around 5 minutes.

Deputy D.W. Mezbourian:

You referred to an individual a moment ago, do you want to go further?

Mr. F. Laine:

The individual? I think the lady that administers the childcare would Sandra Montford.

Deputy D.W. Mezbourian:

I think you mentioned one person in particular. I did not write down the quote that you ...

Deputy S. Pitman:

I think you said that there was one person in their strategy sort of thing that would lose ...

Deputy D.W. Mezbourian:

I rather gathered you were referring to the Minister.

Mr. F. Laine:

Yes. Yes, it is like any other corporation or any other structure, whatever is being delivered on the floor comes from the top. If I am not dealing my stuff my people on the floor will not deal with it. It will not come out at the other end what is being ... what gets dealt at the top comes out on the floor. We have a chief officer who is leaving at the end of the December. I have had complaints, I have written many letters of complaint, I have tried to get things dealt with, I have hammered on the door at the Education Department, I have had meetings up there and it is like pushing in a black hole. There is - and I am just talking about my own experience - no structure behind that front door. It is a great big building and there is lots of names and titles but you push on the door and there is nothing inside. It is an empty block.

Deputy D.W. Mezbourian:

So have you ever had any issues resolved and how long have you been trying?

Mr. F. Laine:

We set a set of standards under which I would be comfortable administering childcare. I believe our standards are higher and better than the lady who administers this facility. We set our standards at a better level than they would require because we set them by the U.K. standards.

Deputy D.W. Mezbourian:

Are those standards written standards, Mr. Laine?

Mr. F. Laine:

Yes, we work from the guidelines but the way we administer them and the way we deliver them, I believe, are better delivered than I think ... we never have had one acknowledgment of the quality of care, the quality of the staff. We have plenty of things about ... you know, there was a piece of paper ... I think what I am really saying is that to offer professional supervision that people have to be professional.

Deputy D.W. Mezbourian:

The standards you just referred to, you said you follow them from the U.K., have you adapted them so that you have a policy written that is purely applicable to your nursery?

Mr. F. Laine:

Yes.

Deputy D.W. Mezbourian:

May we have a copy of that, please?

Mr. F. Laine:

Yes. We have them up at the nursery. They are there for everyone to see. They are published and updated on a regular basis.

Deputy D.W. Mezbourian:

Can I ask, these standards that you are talking about, which standards could E.S.C. (Education, Sports and Culture) learn from, do better at? It is okay, we have all morning if you have.

Mr. F. Laine:

That is too big a job. I can tell you what I would do, that is you need someone that can administer the thing in a professional manner. That is all it wants. You need someone that understands that these are businesses that have to run professionally, they have to make a profit, they have to make a reasonable profit to reinvest in. The ones that do not reinvest in them are the ones that do not make a profit, fold up and you get defective childcare. Now, government, in my opinion, is there to provide the rules and guidelines for us to work to. They do not need to run nurseries, all they need to do is provide the laws and the boundaries and the by-laws and make us stick to them and make us provide the childcare. Why government gets involved in providing childcare I have not got a clue. You do not see it in the U.K. They go around and they say: "Right, you take these on and we will subsidise these, we will pay a little bit of that" and you get 2 or 3 people to make contributions to people who cannot afford it and it gets done.

Deputy D.W. Mezbourian:

I wonder if I could ask you a question on that issue. How has the policy of the free public provision affected your own nurseries?

Mr. F. Laine:

The free provision of childcare is a scandal really because all it does is it ... the structure in childcare is the babies are very time consuming and you need a lot of staff to look after babies. As they progress

through the nursery, as the nursery matures, you then end up at the end with the 3-5 year-olds being easier to look after so you need one member of staff to 5 or 6 children, I think. Not quite sure of the number, but that is the time when the business begins to subsidise the front end of it. So you are making no money at the front end but you are then looking at the continuity and maturity of the nursery. Then what happens is these people open the nursery for the easy bit. That way they do not have to work to the same registration restrictions as we do. They apply those restrictions to us but when they nick the children from the end they do not have to work to the same criteria as we do. So what they did is they took out a large element of the profit of independent nurseries. That is an easy thing to do. That is like stealing money out of a blind man's bowl. You are the government, you make the laws, we do not have to stick to the law but we will make them stick to the law. Not only will they do that but they will also nick the end bit so we do not make any profit. It is ludicrous. Then the more they open, the more nurseries who are not well managed, who do not have the business skills that we have, will not survive. I can tell you that they will not ... I run this the same as everyone else, any other corporation I am involved with, and we saw this coming and we anticipated it and we dealt with it. But had we not had full time ... The majority of nursery providers are people who have got into it by default. They usually have a couple of children, they could not find anywhere for them to go, they open something in their garage or in a spare room and they start. The next thing is they have got 15 or 20 children. They are not business people. The majority of them are not business people. They are very good at providing childcare and they have a mission to provide it because by the time they get into it they are totally committed to it and they want the children to have the best. They are not very good at dealing with this stuff. They do not see this coming, they are doing this and looking after little Tommy and Mary and then at the end they get a visit from the regulation people: "You need to do this, this and this" so they have to spend £15,000 to upgrade the place. Where do they get the £15,000 because by then the local authority has nicked the £15,000. So they are sat there then with a place with all the children to look after in the lower end and no profit at the end. They cannot do the work so they just pack up. It is quite basic simple common sense. You keep stealing the money off ... it is like going to Le Riche and taking all the stuff they make a profit on and say: "You have to pay 4 times the tax on that but you can sell that cheap stuff all day and every day." They just would not last 5 minutes.

Deputy D.W. Mezbourian:

The Minister's proposal which you referred to earlier which was unsuccessful when he tried to get the funding to provide all 3 and 4 year-olds with a free 20 hours, how would you see that impacting on the private providers, if he is to find the funding?

Mr. F. Laine:

I do not know how he intends to go about providing it. If he is going to provide it through some form of subsidies through the private sector, if he is going to provide it through more free state run things then I think he had better get himself prepared to start running children's nurseries.

Deputy D.W. Mezbourian:

Has there been any consultation from Education with the private providers?

Mr. F. Laine:

Yes, he sent me a letter, I replied in ... I sent him a 4-page letter in 2005. They asked for consultations and I sent him: "Dear Sirs, I write as Chairman of the Committee. In response to the Committee's consultation paper, *Invest in our future business for early child education and care for children in Jersey.*"

Deputy D.W. Mezbourian:

Was that dated 28th September?

Mr. F. Laine:

Yes, 29th, that is it. I have never had a response to that. I have never had an acknowledgment, a response or even a telephone call.

Deputy D.W. Mezbourian:

Is that the most recent attempt at consultation that Education have made with you?

Mr. F. Laine:

To the best of my knowledge.

Deputy D.W. Mezbourian:

Thank you.

Mr. F. Laine:

I went to great lengths to prepare that, I spent a lot of time on that and I took some help in on it, and I really thought I had done a reasonable job in preparing that. I find it quite disgusting that they never acknowledged it or even ... you know, just a total blank and that is 2 years ago.

Deputy D.W. Mezbourian:

We have, of course, referred to it ourselves because you submitted it to us and we were hoping to come on to it at the end of this session, to ask you your opinions on the current situation. So you can rest assured that the Scrutiny Panel have taken notice of it and have commented on the structure that there is to it. We can see it was well thought out. I will ask Deputy Pitman now to come in with some questions, if I may.

Deputy S. Pitman:

One of our terms of reference is to look at the needs of the children in their early years. How do you feel your nursery promotes these and also how do you feel the E.S.C. has promoted this?

Mr. F. Laine:

Sorry, can you say that again, I cannot quite understand that?

Deputy S. Pitman:

One of our terms of reference is to look at the needs of children in their early years. How do you feel your nursery promotes this and also how do you feel E.S.C. has promoted this in their recent proposal?

Mr. F. Laine:

Early years, I presume that means ...

Deputy S. Pitman:

Well, 0 to 5.

Mr. F. Laine:

Zero to 5. I think that the professionalism of the structure that we have in place at our nurseries, the ongoing large capital investment in retraining and continually reassessing, and our vision and focus on what is happening in childcare in general is the best example of running a proper nursery. What the States are doing, I do not know. I have not seen any first hand evidence of what they provide but from my experience childcare is not rocket science, you do not have to be ... you know, it is not all psychology. Good childcare is about having good nursery nurses, good management and good business application to run them professionally, properly with structure and boundaries and making sure that the staff have good mental health and that you are providing good quality childcare. That comes from a good corporate structure with good commitment and the majority of people in our nurseries have a mission to provide quality childcare. They are committed to the children. The corporate and the business side of it we deal with it. We do not interfere with what we deliver, that is their job. But what the States provide I do not know. I have a full job keeping an eye on this lot.

Deputy D.W. Mezbourian:

Mr. Laine, if the money is found to provide these 20 hours for all 3 and 4 year-olds, the Minister intends to deliver that through a partnership with the private sector. Now, you say that there has not been any recent consultation on that so if they were to approach you would you have capacity to take additional children in either of your nurseries?

Mr. F. Laine:

We would be very pleased to get into serious negotiations with the States. We have tried and my letter of 29th September 2005 clearly sets out what we would have liked to have done before we got to this stage so I could have come here today and said to you, we have started meaningful negotiations, we have got a blueprint of something we would like to suggest and you would have had your job partly done because we would have dealt with it years ago. We could have come to you today and said: "Since 2005 we have exchanged this amount of correspondence and if it ever came about this is the way we could do it." Two years, 3 years nearly, not even an acknowledgment of the letter.

Deputy D.W. Mezbourian:

So have you had no correspondence at all since that letter?

Mr. F. Laine:

I have had no correspondence, no acknowledgement of that letter. They may have sent fliers through but when I get a proper prepared government letter asking for my input I then went to great ... it took me about 3 or 4 days, with my people, I went through every aspect of it to get that reply. I was very disappointed not to even have had a phone call or an acknowledgment. Tim was the only man I ever got to where I could express my concern and frustration. That is my money that is going out that people are spending preparing these documents, asking for my input. Then I am, as a major provider on the Island, answering it and not even getting an opportunity to express my view.

Deputy D.W. Mezbourian:

Mr. Laine, I feel I have to apologise to you, although I was not even elected when you sent your letter I concur with your thoughts and feelings on this and I would feel as angry as you do if I was ignored as you have been, particularly when you have put so much effort into producing a fairly well documented ... we used the term "considered" when we were discussing it.

Mr. F. Laine:

I am glad you picked up on it, that is exactly what we did, we spent 4 days and I had some senior people involved in it. We considered it and we thought about it and we thought, and we put it in with good faith as well, we put it in not as a pulling or pushing thing, for them to consider and come back to us but it was totally ignored.

Deputy D.W. Mezbourian:

I wonder if it would be a good time to look at it now as we have mentioned it. I will show you the copy that I have. It is highlighted because so many things occurred to me as I was reading it and I was noting down questions. I have a clean copy here for you.

Mr. F. Laine:

I have not read it myself for ages.

Deputy D.W. Mezbourian:

Here is one we prepared earlier. Would you like to take a moment just to reacquaint yourself with what you ...

Mr. F. Laine:

I should have it in my gut. You talk to me and I will answer from the gut level. I think it is much better than trying to come up with speeches.

Deputy D.W. Mezbourian:

Okay. Let us start with the second paragraph where you say: "I welcome the Committee's attempt to map out a strategic direction for the future development of preschool day care." It is a very simple question: what progress has been made?

Mr. F. Laine:

I think I have just expressed that, that I have not heard a dicky bird for 2 years.

Deputy D.W. Mezbourian:

The strategic partnership section that we have looked at. "I welcome attempts to clearly delineate the responsibilities of the various committees for advancing day care facilities within the Island." This is something that we have been looking at inasmuch as we acknowledge that it should not rest perhaps purely with the Education Department.

Mr. F. Laine:

Yes, I quite agree.

Deputy D.W. Mezbourian:

Can you give us your thoughts on that, please?

Mr. F. Laine:

Only to reinforce that. That is the way where you have the O.F.S.T.E.D. arrangement within the U.K. so why not have a similar designated childcare department.

Deputy D.W. Mezbourian:

As far as Health and Social Services is concerned, are you aware of much contact between them and your nursery? If you needed to have any communication with them would you know who to turn to, who has responsibility for children of 0 to 5?

Mr. F. Laine:

I do not personally but I am sure my people in the day-to-day administration of the nursery would know. But I personally have no direct contact with them.

Deputy D.W. Mezbourian:

I think you have covered the phrase: “Only to find myself somewhat at a loss as to how to engage it at a practical level with the States in such an endeavour.”

Mr. F. Laine:

That says it all. I could not have made it any clearer and that was written 3 years ago.

Deputy S. Pitman:

In your letter you said: “In the principle of subsidised care surely the States needs to determine, as a principle, whether it supports the concept of subsidised care for parents. There appears to be little logic in supporting such a principle for 30 weeks of the year and suspending it for the remainder.” How would you suggest that the States make that more equitable for parents?

Mr. F. Laine:

They have to talk to the nursery providers. The nursery providers are providing the facility, they are in business to provide that. They need to have meaningful discussions with the providers as to how it would ... no one is going to do this unless it makes economical sense. It will not happen if it does not make economic sense. If there is not an element of profit in it, it will not happen. If it did it would be of no value. I run quite a lot of operations and the best thing that ever happened to one of them was the Scrutiny Panel. I run Silkworth Lodge, which is the drug and alcohol rehab centre, I am the Chairman and founding member of that. Now, the only thing that sorted that place out was a Scrutiny Panel review. I sat in here at the Scrutiny Panel review on that and we then got Silkworth Lodge up off the ground and working properly and working well and we now have a wonderful relationship with everybody involved. The same with the shelter. I set up the shelter. I was the Founding Chairman of the shelter 23 years ago. We have the same problem. It needs someone like yourselves to get into the nuts and bolts ... business people know that this is not working, not just this but all aspects of it. This is the finest thing that ever happened, these Scrutiny Panels are superb because its people are focusing on what the providers need for connection. You need this connected arrangement and then it will work. Business people want to provide it. They want to do the job and they can do it cheaper than anybody.

Deputy D.W. Mezbourian:

I think our advisor would like to ask you a question.

Mr. F. Laine:

Yes, certainly.

Dr. C. Hamer:

You probably see quite a clear view, Mr. Laine, which I appreciate. What would be very helpful would be if you could explain to us ... you referred earlier to your vision of early years and childcare for Jersey. Could you just elaborate on that a little bit more, as to how you would like to see things operate?

Mr. F. Laine:

I would like to see a nice clear structure of responsibility through a supervising body. I would like to see them dealing with the staff and the way that the providers provide the facilities. I would like them to be complimentary to them, I would like them to be respectful to them and to have a proper approach to how they supervisor us and how they report, good or bad, to us. I, as the principal of the nurseries or the company, want to know the good and the bad. If we are not doing something I want to know pretty quick, I do not want to hear about it in 3 months' time or a week, I want to know straight away so we can put it right. If there is any money to be distributed, I would like to see it done in a proper easily accessible manner for the parents and also then for the nursery provider. Do not make it complicated. Do not make it so that ... the majority of the people who would want the childcare may not be the greatest people at filling in forms, so you have to make it uncomplicated and you have to make it easy for us and them to access the money. In the U.K. it is a little bit different but only because they are trying to get it from different areas. I think H.S.B.C. (Hong Kong Shanghai Banking Corporation) Bank take it from their social security so they give up some money in their social security and it comes back through childcare. Other places have vouchers. Providing it is clear and defined and has good boundaries and good structures to it business people will make it work. All government needs to do, in my opinion, is just provide clear uncomplicated boundaries so that we can go about our business and do it properly. That will get the people ... why government wants to run childcare I do not know. I mean, schools, yes but providing childcare, you do not need to do it. All you need to do is make us do it. Say: "Look here, lads, you know, there you are."

Dr. C. Hamer:

Have you ever had any contact from schools who might want to provide additional wraparound care?

Mr. F. Laine:

No.

Dr. C. Hamer:

So parents who send their children to States nursery classes for 30-odd weeks of the year, 39, do they then approach childcare providers for the holiday care?

Mr. F. Laine:

Not as far as I know. They may, I am not involved day-to-day but from my experience I have no knowledge of that. But that would be a question for the manager. They would know that.

Deputy S. Pitman:

Mr. Laine, you spoke of private nursery providers and that they are there to some extent to make a profit. I would like to know what impact your staff have had on training requirements now that the training partnership has been withdrawn, the funding for that has been withdrawn? I understand it is more expensive now to get training. I would just like to know what impact that has had on your staff and your business.

Mr. F. Laine:

First of all it has had no effect whatsoever on the delivery of the childcare. We do a lot of our own in-house training. To that end I then instigated, about 18 months ago after we got to this position and then we moved off ... because I believe we are setting the standards. Whether that is true or not I do not know, but I believe we are setting the standards. I then got the N.D.N.A. (National Day Nurseries Association), which is an independent organisation in the U.K. and I insisted that we became members of that. To become members of that we had to spend 18 months getting all our stuff together, assessing it, making sure that we were correct, because this is a national day care ... they are a supervising body. It is not easy to become a member, and in fact the ones I am involved in the U.K. are not quite there yet. But I insisted that this happen here. Now, we got our membership and we got almost at the top mark. I believe that standard is higher than the people who are trying to supervise us. I believe the standard we achieved to get that is better than what we have been supervised with. So I am comfortable that what we are providing and the quality of training and the quality of the staff we have are better than we need to have.

Deputy D.W. Mezbourian:

Are you aware, Mr. Laine, of any other private providers who have gone for that accreditation?

Mr. F. Laine:

We are the only people in the Channel Islands.

Deputy D.W. Mezbourian:

Mrs. Rogers when she spoke to us mentioned that she had been to one or 2 meetings of the Jersey Early Years Association. Are you an affiliated member of that?

Mr. F. Laine:

I think we are involved with all aspects of childcare. It would be my wish that we are. I think it is important that we continue to be, and we also open up our facilities for other people if they want to come, if we have training periods and they would like to sit in on them, we are more than happy to do that. I believe that the childcare should be open, people should share and express our experience. But it is difficult when the boss is not playing the game.

Deputy D.W. Mezbourian:

Talking about organisations, would you like to comment on the Jersey Childcare Trust?

Mr. F. Laine:

I think they are very well intended, they have good intentions and they are doing what they can. I think they have got the right feeling and I think they have got the right mission. They are doing what they can for the right reasons, if that makes sense.

Deputy D.W. Mezbourian:

What do you think of the fact that they are government funded?

Mr. F. Laine:

I do not think it makes any difference. I am going from my gut now, the people that I know are very involved in it I think have got the best interests of childcare at heart.

Deputy D.W. Mezbourian:

Perhaps if we can look back to the submission that you made to the Education Committee, as it was then, one thing that we noticed that you suggested was the better links between the public and private sector nurseries by means perhaps of staff exchange. I believe that you are the only person who has suggested that to us. I can assure you we have picked up on it. Can you tell me, how would you see that being taken forward?

Mr. F. Laine:

I do not know because I do not know how the others would view it. These are things which it takes 2 to tango, you know. We would be happy to discuss that but we do not know what the politics are, what restrictions you have or what they have. It really comes down to an open door policy, open and honest. If you are in it for the right reason there is no reason to have any ... there is a saying: "People in structures are only as thick as their secrets." You know, if there are no secrets there is no need for anybody to hide in it.

Deputy D.W. Mezbourian:

You just spoke about openness. I would like to take you back to something that you said earlier about

the number of meetings that you have had at Education, or with Education, with different people, and you said that issues had not been resolved. Are there still outstanding issues between you as a ...

Mr. F. Laine:

The particular things that we had have been resolved in a fashion. But the actual process of going through it again would no easier and no more comfortable than it was before. I think properly structuring it would make it easier for us to deal with that issue.

Deputy D.W. Mezbourian:

Did you see a number of people or ...?

Mr. F. Laine:

The difficulty was finding anyone that would pick up ... you know, the old American thing, the buck stops here. You know a big plaque in front of his desk. I am the top of the pile, if you have any problems this is where it all finishes. If you come into my office you will not find that sign but you will get the feeling that if you have a problem and you want it solving I am there to deal with it. That is the problem with this. There is no one in that area that I could find, that I could say: "Let us sit down, have a cup of tea, let us talk this through, if I am wrong please show me how I am wrong and I will go away and I will get on with my business. I have better things to do than argue with government. If you are wrong, would you please put it right so we can go on and deliver the childcare." Very simple stuff.

Deputy D.W. Mezbourian:

We are not interested in the issues that you are referring to, it is more the process. I wonder whether they were not resolved because the people you spoke to were not minded to resolve them, or not able to resolve them or did not understand your reasons for resolution being required? Can you give some thought to that? Because if you went there as a willing participant to find a resolution to your problem I wonder really why it did not happen fairly quickly.

Mr. F. Laine:

It was a power based thing. It is like a lot of these areas, you get someone in a position ... I have to be careful, but to get to the position where we got in the door took us about 2-3 months of pretty heavy correspondence, not conducive to working together. Then it was fudged in my opinion, the resolution was fudged and it was not dealt with professionally or appropriately and it left us having had to wrestle with someone to get a result that was not, on either side, resolved, in my opinion, where you could put a bit of paper in the file and say: "That is that dealt with, we can move on." In my experience that has been the case with most things to do with this department.

Deputy D.W. Mezbourian:

Have you had any experience since then which would change your attitude towards the department?
Have you had any good experiences with them?

Mr. F. Laine:

No, I think ... in my personal opinion we deal with them whatever way we can to continue to deliver our business. But our business is run properly and professionally, with or without them. That is my view.

Deputy D.W. Mezbourian:

I wonder if I could go back to the question of regulation because quite rightly you have mentioned your accreditation to the U.K. agency. When you have been visited on a regulatory visit since that accreditation what comments have you received to acknowledge ...

Mr. F. Laine:

Nothing. To the best of my knowledge, nothing. We even asked the lady to make a comment about how they were comfortable with the way we were supervised and I made sure that went into the press release. Never heard on that point.

Deputy D.W. Mezbourian:

That is what I was going to ask, were they aware?

Mr. F. Laine:

We made a specific request to the lady from the N.D.N.A. and when we did the press release we made it specific, not just for us but for the parents as well, to acknowledge that we were being administered appropriately and properly. Because that is important for us as childcare providers. We need to have a government body telling us we are sticking to the rules. That went in the paper and I personally was involved in all of that. I nursed that through, myself with Jane Rogers, and it was one of my little missions. I wanted to make sure that we got that so I could then ... because I am not supervising this thing every day. But we never had any acknowledgement.

Deputy D.W. Mezbourian:

I think the questions are not flowing here because really we are having to take in what you are telling us.

Dr. C. Harmer:

You will be aware, Mr. Laine, that in the U.K. there are quite a lot of developments around early years, particularly the journey from early years in childcare with the new development framework and changes in staffing in terms of workforce development and early years professional status, so there are a number of changes, particularly over the next 12 months, that will be implemented. Do you feel that La Petite Ecole is likely to follow those changes?

Mr. F. Laine:

Yes. Yes, most certainly.

Dr. C. Harmer:

So you would look from Jersey to the U.K. really for a direction in this sense?

Mr. F. Laine:

Yes, whatever is the best practice and whatever will give us an edge on providing good quality childcare, my mission would be to make sure that this company was providing it in the best and most appropriate way. That is ... our integrity is on the line with this business. Looking after other people's children is not something to be taken lightly. This is something that we make sure ... we have grown up here, my partner and I, and we provide this childcare and we are careful and we want to be sure that it is the best. What I resent most of all is people not giving - not me, I do not need the reward, but the staff need the reward. They need to be acknowledged, they need to be told not soppily, it needs to be done on a professional level. That is not happening.

Dr. C. Harmer:

How do you feel childcare is likely to progress in Jersey in terms of is there an ongoing demand for childcare?

Mr. F. Laine:

I think there is a demand for good quality childcare. There will always be greater and lesser facilities, and they will have ups and downs like all businesses. You are only as good as the people you employ but if you are not looking to prepare yourself for that then ... I think childcare has got a great part to play but it has to be done properly and professionally. But I think there is enough of them and I think what needs to be done now is they need some support and some help and the people that cannot access childcare need to be helped to get into childcare. Government nicking the bits at the end is not going to help it. If anything that is going to destroy it. We would survive and companies like us will survive, who are taking a corporate view of it, but the little people will not. You have only to look through the paper over the last couple years, there is quite a few of them just packed it in. I have met those people and I can see they were exhausted. They were worn out with this stuff. The one in particular packed in then just tried to do 2 to 5 year-olds precisely because they could not afford to deal with the front end of it because they were not getting the back end.

Deputy D.W. Mezbourian:

Were they successful in dealing with ...?

Mr. F. Laine:

Charming people, wonderful, perfect, just exactly what you want for childcare. They were lovely people, well trained. Doing this job you must have met them and you must know you have to be committed to do this work.

Deputy D.W. Mezbourian:

That is one thing we have noticed is the commitment and the enthusiasm.

Mr. F. Laine:

Exactly. In fact I set up a company in England called The Childcare Business Development, and all we do is we are like sort of angels, we go around to nurseries and we provide corporate structure for them, show them how to get themselves into shape, how they can do this, how they can access computer equipment and how they can get their account ... because they wear themselves out. They get to 40 or 50 years-old and they have got nothing to show for it because they are having to keep reinvesting cash back into it.

Deputy D.W. Mezbourian:

May I ask you what you think of the means testing option to deliver?

Mr. F. Laine:

I have not seen that.

Deputy D.W. Mezbourian:

Generally.

Mr. F. Laine:

I do not know how they do it. That is a very sensitive thing. That needs to be done professionally. Means testing is fairly intrusive and can be interpreted in all sorts ... I would like to see that ... we do that in some of the businesses I am involved in and I would not go near that with a barge pole. You need good professional help and good input and that needs to be a very, very sensitively put together document.

Deputy D.W. Mezbourian:

I believe the Minister's stated aim is to provide 20 hours free nursery provision to all 3 and 4 year-olds, and the reason he brought the amendment to the Business Plan was obviously to receive the funding because my understanding is he does not want to go down the means testing route. Although I rather gather now that it is possible he may be looking at it again as he was unsuccessful in finding the funding.

Mr. F. Laine:

Means testing, as a human being it is not an easy thing to do. We do it in the rehab centre sometimes. Very, very delicate. People have different views and values and that needs to be done ... it goes back to where I was brought up. I was brought up in the Yorkshire coalfields with a lot of immigrant families, you had money lenders and that is pretty sensitive stuff. They know they are poor, they know they do not have a lot of cash and they do not need anyone else telling them how much they have got and how much they have not got and how much, if they had that, they could do with a bit more. You know that is pretty tough. A lot of tender areas around that. But I think the principle of subsidising ... see what would I do with Silkworth Lodge, which is a charitable organisation and we could not ... Health and Social Services purchased 6 of our beds, we have 12 beds in Silkworth Lodge, and under the service level agreement with us they purchased the 6 beds from us and they pay us an annual amount of cash. We access that quarterly, very simple. So we get someone who is an executive in a bank and then we have someone who works at Le Riche. They are not treated any differently. So they both come in and they get the same treatment and the same provision and they are not treated any differently. I do not think there is any difference between rehabilitation and childcare. I do not see why there should be any difference. If someone cannot afford it that is what governments are there for. Make the independents provide the childcare.

Deputy S. Pitman:

So you are saying if that system was applied to childcare ... I am thinking back to what you said at the beginning, you said there was no real way where people who cannot afford it can access childcare provision. What you have just said about Silkworth Lodge, if that or something like that applied to childcare provision that would enable these people who cannot access ...

Mr. F. Laine:

A service level agreement. But you would have to be clear, because you would have to staff up to that year, and you would then be saying ... it is like a bank draft, you would have to be clear that was going to happen and this is what you were going to provide. You could not have any grey areas because business cannot work on grey areas. The bank manager will not talk to you about grey areas, he wants to know that you are going to do this and this. The people you employ want to know they are going to get their salary. You know, the fellow that provides the electricity wants to know he is going to get paid. So the structure has to be clear. If they said they had £2.5 million and they wanted to put some service level agreements in place with childcare providers and that they had to do this, this and this to access it, end of story. Why would they need to go around employing nurseries who do not have the people to suit? We spend two-thirds of our day making sure that our people are in good shape. You would need a mountain. When we provide this to the States for Silkworth Lodge, it would cost them £1 million a year to provide a rehab centre, it costs them £200. We provide it as a charitable organisation. It would cost the States to operate it over £1 million, in my opinion. They give us £200,000 a year.

They get the same facility, all they do is send 2 people in 3 times a year, make sure we are doing it right, we have employed the right people and we provide them with the results. Why would you want to get involved in all that? That is what we do for a job.

Deputy D.W. Mezbourian:

I think you were just speaking then, Mr. Laine, about regulations. They send 2 people in to check that everything is being done correctly. Could I refer you please to the submission you made to the Education Committee, the back page, the first full paragraph there refers to some ineffective ...

Mr. F. Laine:

Which one is this? "The committee ..."

Deputy D.W. Mezbourian:

Yes, if you just read those first 2 lines. "The latter appears to have been rather ineffective in the past in dealing with nurseries with which the committee or department had concerns." So it seems to me that what you are saying there is perhaps the regulation, inspection and registration procedures had failed in some way.

Mr. F. Laine:

I think that is just a generalisation. I have no specific ... but I do know that it is alleged for some things that are more difficult to deal with. I think it is general. I do not think it is just in particular this particular area. I think it is general in administering things. You may tighten up on someone in one area but if you did it in the other one you may have to close them down.

Deputy D.W. Mezbourian:

I understand.

Mr. F. Laine:

I think that is what I am trying to say. Whereas we have a high standard if we did something that probably someone else is getting away with we probably would not get deal with in the same way. It is a bit like hotels and guest houses. People have different levels of where they can maybe ... but it can be irritating to find you are setting a standard and then someone else is delivering probably something you would not even open the door at.

Deputy D.W. Mezbourian:

So did you find the regulations acceptable?

Mr. F. Laine:

I have never had any problem with regulations providing they are clear, regular and consistent. What I do not like is elastic regulations. It is a word I have used quite regularly in my correspondence with the department. It is an elastic interpretation of the regulations that we have to adhere to. Not just me but the staff, because these are the people that deliver the childcare, not me. It is like having a parent that gives you conflicting instructions. You do not know whether you are coming or going. You end up with mixed up children. You have to provide clear, concise regular rules and boundaries. If they can be stretched to give someone's ego a boost or whatever then I do not work with that stuff at all.

Deputy D.W. Mezbourian:

Thank you. I wonder perhaps if we could just refer to some questions that we prepared earlier. I am not sure whether we have touched on these during the course of this morning. I would like to know whether you are aware of any assistance or advice in any way that is provided to local nurseries by the Economic Development Department?

Mr. F. Laine:

I do not know.

Deputy D.W. Mezbourian:

As a business man presumably you would know to approach that department if you had any business concerns or if you wanted business advice?

Mr. F. Laine:

If I ever had to apply to that department for business advice the next appointment I would make would be the bailiff to wind it up.

Deputy D.W. Mezbourian:

Okay, well we will not go there. We have touched on the regulations. I am not sure if we have mentioned the equity in regulations. I think at the outset you said that there is a lot more pressure between the 0 to 2 year-olds than the 3, 4 and 5 year-olds. Do you think there is equity in the regulations that are applied to the private sector and the fact that there are none really applied to the public sector? What are your comments on that?

Mr. F. Laine:

It is a scandal. It is a disgrace. It is worst than theft. We have a nursery in St. Mark's Road. They opened up the Springfield and they filled it up with ... they emptied our nursery in September one year. They opened this thing up, which is about 200 yards from our nursery and the 2 top floors of the building were empty. They were, at that time, insisting on different rules and regulations for the sizes and the amount of staff and if we were having one staff member missing for an afternoon we were

getting letters, you know, saying: “Get this fixed.” Down the road there was no regulations at all. They did not have to have any amount of supervision. When I brought the subject up I was told to mind my own business.

Deputy D.W. Mezbourian:

I missed that, Mr. Laine.

Mr. F. Laine:

To mind my own business. It is of no concern to you what the Education Department does. “How they administer their nurseries is of no concern to you. You are in the private sector. You will abide by these rules but us, as an Education Department, we can run our nurseries without any rules and regulations.”

Deputy D.W. Mezbourian:

Was that the response that you got from ...?

Mr. F. Laine:

That is the response we get generally.

Deputy D.W. Mezbourian:

In this instance was that the response that you got from the person who was overseeing the regulations or was it someone from the department?

Mr. F. Laine:

No, no, there was 2 people in particular that gave us the same: “We do not have to abide by those rules. Those rules are for the private sector. We do not need to have minimum standards, we do not have to have a minimum amount of staff, but you do.”

Deputy D.W. Mezbourian:

Thank you. I would just like to have a quick chat with the panel if I may.

Mr. F. Laine:

Certainly.

Deputy D.W. Mezbourian:

Mr. Laine, I would like to thank you because we feel that we have covered everything that we wanted to speak to you about and I would like to thank you for speaking to us so openly. I would also like to thank you for allowing us to visit your nursery at Fort Regent.

Mr. F. Laine:

I thought it would be a good move. What did you think of it? I would appreciate your feedback on it.

Deputy D.W. Mezbourian:

Yes. Well, it was the first nursery that we visited and the only private provider that we have been to. But what struck me personally was the amount of staff that you needed, the staff pupil ratio. Mrs. Rogers and your manager ...

Mr. F. Laine:

Helen.

Deputy D.W. Mezbourian:

... made it quite clear on the difference then in regulations between what private providers have to adhere to and the fact that the public provider does not. Mrs. Rogers has been to speak to us this week.

Mr. F. Laine:

Yes, she told me. We were in Guernsey yesterday.

Deputy D.W. Mezbourian:

We also went to look at a public nursery. We went to see D'Auvergne which is the most recent one to be opened. I must admit that from there I got the impression from the head teacher that they welcome a dialogue with the nursery providers that feed children into their schools. I think it is something that we may address in our report. Is there anything else you think you would like to tell us?

Mr. F. Laine:

No. I appreciate the opportunity of being able to come and talk to someone who is interested in what I have to say because I was beginning to wonder if I was suffering from terminal weakness(?). But I feel as though I have expressed what I needed to express and I hope I have not been too critical of any individuals. It is not mean as a personal attack on anyone. It is just a frustration of being able to get my message across as a provider of a serious business to someone that listens to what we have to say. From experience of these Scrutiny Panels, like I said earlier, they have been excellent in being about to cut through some of this stuff. I think a lot of it is just a lack of real co-ordination and interacting with people. Providing that could happen here, there is no reason why the Channels Islands, Jersey in particular, could not have the finest childcare in the south of England. In fact I think they have but it is hard work and it could be easier.

Deputy D.W. Mezbourian:

I wonder if I could just finish with one final question. Just to go back to the considered submission that

you made to the Education Committee, would you say that anything has changed since 2005?

Mr. F. Laine:

I do not think so. I do not think anything has changed without going through it all again and re-reading it. But from my remembering of what I did, I do not think anything has changed. If anything I think it has got harder. I think it has become less easier to ... I think it has become woollier and I think there is a lot going on in this department at the moment and I think hopefully now would be the correct time, in my opinion, to make sure it gets put back in place in good order. Because it is a big department and it is quite important. Childcare is very, very important.

Deputy D.W. Mezbourian:

Can I just ask one final question. Have you any contact with childcare in Guernsey?

Mr. F. Laine:

Yes. We are opening a big nursery in Guernsey. That is what I was doing there yesterday. We are opening a big purpose built one in St. Peter port which opens in December. It is going to be the biggest. We had all day yesterday with the supervising lady who administers it and she has helped us no end. Encouraged us and complimented us and encouraged us to continue and to do what we have done. We have put together a 140 place nursery slap bang in the middle of the town centre and we have been encouraged to do it and we were introduced managers, we have managers on board and it is like a breath of fresh air.

Deputy D.W. Mezbourian:

What department does the lady work for?

Mr. F. Laine:

She is under the ... I cannot remember now. Health and Social Services I think it is.

Deputy D.W. Mezbourian:

Do you know her name?

Mr. F. Laine:

Yes. It has just gone out of my brain. Linda Wilkinson.

Deputy D.W. Mezbourian:

Thank you. Is there anything do you think that the Jersey Education Department can learn from the States provision in Guernsey?

Mr. F. Laine:

I do not know. I do not know.

Deputy D.W. Mezbourian:

Okay, Mr. Laine. Thank you very much for your time. The process now as I have said is you will receive a copy of the transcript and also when we have completed our report if any part of it is attributable to you you will have a copy of the draft sent to you for you to concur again with what we have put in there and when it is finally published you will of course have a full copy sent to you.

Mr. F. Laine:

Excellent. Thank you very much for giving me the chance to express my view.