

# STATES OF JERSEY



## COMMITTEE OF INQUIRY INTO THE MANAGEMENT OF THE HEALTH AND SOCIAL SERVICES DEPARTMENT (P.145/2009): COMMENTS

---

Presented to the States on 2nd November 2009  
by the Council of Ministers

---

STATES GREFFE

## COMMENTS

The Council of Ministers is aware that the detail of any ‘allegations concerning misconduct and incompetence within Management’ has not been made available to the Minister for Health and Social Services, despite a formal request for disclosure to the Scrutiny Committee by the Chief Minister, the Minister for Health and Social Services and, separately, by the Chair of the Jersey Child Protection Committee. As a result, it is impossible to assess the basis for the proposition and the likely cost/benefit of any investigation.

The Minister for Health and Social Services has a responsibility under Article 42(1) of the Children (Jersey) Law 2002 to investigate any allegations ‘*in order to safeguard or promote children’s welfare*’. The Minister is being prevented from doing so by the failure of the Scrutiny Panel to assist the Minister with her enquiries.

In response to the Minister on the 20th October 2009, the Chairman of the Health, Social Services and Housing Scrutiny Panel stated that –

*“The allegations that were presented to the HSSH Scrutiny Sub-Panel during its review of the Coordination of Services for Vulnerable Children (S.R.6/2009) were neither specific nor conclusive.”*

The Chairman went on to say –

*“We do not have hard evidence that failures have occurred with regard to vulnerable children, which is why we have not passed on any such information to you or your colleagues.”*

In light of this, the Chairman gave the following rationale for a Committee of Inquiry –

*“it was simply stated that unprofessional behaviour had occurred which seemed then (as it does now) sufficient cause for proposing a Committee of Inquiry to conduct an investigation.”(See attached letter at Appendix).*

On reviewing the report and proposition lodged by the Scrutiny Panel, the Council of Ministers noted that although the focus of the accompanying report appeared to be on the Children’s Service, the wording used in part (a) of the proposition would potentially empower the proposed Committee of Inquiry to conduct a much wider review of the management of the entire Health and Social Services Department and of all other departments or external bodies providing services to vulnerable children. Such a broad review, even if justified, would require extensive resources, considerable time and professional expertise. Moreover, there was real potential for unnecessary duplication of work.

The Minister for Health and Social Services points out that the Health and Social Services Department is currently being subjected to an ongoing independent review by Verita, that a report was anticipated in relatively early course and that the Minister was committed to reforming the management structure of her department where necessary. The Minister is in the process of recruiting a new Chief Officer and restructuring the Department in 2010 to include a New Director of the General Hospital, a New Director of Community and Social Services and a new Medical Director when the

current Director retires early in 2010. The Minister is keen to move forward with these plans rather than dwell on the past.

In addition, and in response to the Williamson report, the Council noted that the Social Services Department was due to undergo a full independent inspection in 2010. On the 2nd November 2009, the Minister for Health and Social Services will sign a commitment to enable the Department to engage in bi-annual external independent inspection with the Social Work Inspection Agency (SWIA) and has significant concerns that a committee of inquiry would duplicate such work. The Minister considers it inconceivable that such concerns, if evidenced, would not come to light via inspection in 2010 and is committed to publishing inspection results into the public domain.

Arrangements to second an officer of the Social Work Inspection Agency to assist with data collation for the review are almost complete and one of her officers has recently returned from working with SWIA in Renfrewshire, participating in an inspection of their services.

The Minister for Health and Social Services will shortly lodge a report providing further details of these service improvements. This will include the introduction of an independent Transitional Director to oversee the implementation of the Williamson Recommendations and the development of a comprehensive Children's and Young Persons Plan that the Corporate Parent will oversee before lodging for debate in the States Assembly in the New Year. The Minister considers that this implementation has already been significantly delayed and it is vital that all key components should move forward as soon as possible. The Minister is particularly anxious to avoid any delay in implementing the senior management restructure of Children's Services and is keen to ensure managers are free to concentrate upon effective service delivery during this projected period of major change.

The Council of Ministers believe that the assessment of the validity of any allegations must take into account the source of the allegations and the quality of any supporting evidence. It should also be tested in the context of the numerous reviews and inquiries already held into Health and Social Services in recent years. These include –

- i. Investigation by Gerald White FCIPD into the actions of the Manager for Residential/Secure Provision – April 2008;
- ii. Report by Andrew Williamson entitled 'An Inquiry into Child Protection in Jersey' – June 2008;
- iii. Report by Professor Robert Upex into 'Circumstances surrounding the dismissal of an employee of the States of Jersey' – 15th July 2008;
- iv. Independent investigation by General Social Care Council into two registered Social Work Managers referred to the Council by a third party individual concerning the management of children in vulnerable situations. The outcome was 'no action required';
- v. Report by the Howard League for Penal Reform entitled 'Jersey Review – A review of the Jersey youth justice system' – 2008;

- vi. Report by Professor June Thoburn (Independent Chair of Jersey Child Protection Committee) entitled ‘Annual Report to Ministers’ – 25 October 2008;
- vii. A report published by the Comptroller & Auditor General – Department of Health and Social Services – Structure and Organisation – April 2009.

The Council of Ministers note that despite these extensive independent reviews carried out by impartial and professional outside bodies with no connection to the States of Jersey, no supporting evidence for the “non specific” and “non conclusive” allegations reported by the Scrutiny Panel have been produced.

It should also be noted that Health and Social Services has had 4 Ministers and 5 Assistant Ministers, all capable and competent to scrutinise any operations under their control.

The Scrutiny Panel describes two sources of information, the second of which, ‘information that has come to light following certain child protection cases that have recently come before the Royal Court’. This implies that the Panel does not consider that the Royal Court has taken this information into account or that, somehow, further information has come to light subsequent to the Court hearings. The Council of Ministers is of the understanding that all relevant information was considered by the Court and that, had the Bailiff felt it necessary, he would have raised any issues of concern with the Minister for Health and Social Services at the time. If however, the Scrutiny Panel has received new information unknown to the Court, the Panel should properly refer this information back to the Court for their consideration.

## **Conclusion**

Given the high level of both internal (by Ministers) and external (independent) scrutiny from so many diverse individuals and sources, it must be relevant that none of the above appear to have found any evidence to support the outlined allegations. No grounds for a Committee of Inquiry have been provided and the Council of Ministers can see no useful purpose being achieved by asking the taxpayer to fund another external enquiry which is estimated to cost between £200,000 and £300,000. The Council note that the Minister for Treasury and Resources considers that the cost, should this proposition be approved, should be met from the revenue cash limit of the Health and Social Services Department. The Minister for Health and Social Services has confirmed that there are no surplus funds available in the 2010 cash limit to fund an inquiry and if approved, would need to divert funding from other approved developments such as investment in nurse staffing levels or Williamson developments in children’s services. Whilst the allegations referenced by the Scrutiny Panel focus on the past, the Minister is determined to focus her attention and investment on the future of services for vulnerable children. On the basis of the evidence made available by Scrutiny, the Council conclude that the case for appointing a Committee of Inquiry in addition to the ongoing work highlighted above has not been made and recommend that members reject this proposition.

States of Jersey  
States Assembly



États de Jersey  
Assemblée des États

Scrutiny Office

Deputy A. E. Pryke  
Minister for Health and Social Services  
Peter Crill House  
Gloucester Street  
St. Helier  
JE2 3UH

Our Ref: 517/9

20th October 2009

Dear Minister,

**Health, Social Security and Housing Scrutiny Panel**  
**Committee of Inquiry Proposition P.145/2009**

Thank you for your letter of 17th September 2009 (your ref: AEP/LAW), in which you expressed concern that allegations of unprofessional behaviour amongst senior members of your Department, which were cited in this Panel's Proposition for a Committee of Inquiry (P.145/2009), have not been shared with you and your colleague Mike Taylor, Chairman of the Jersey Child Protection Committee.

Please allow me to reassure you on this point. The allegations that were presented to the HSSH Scrutiny Sub-Panel during its Review of the Coordination of Services for Vulnerable Children (S.R.6/2009) were neither specific nor conclusive. It was simply stated that unprofessional behaviour had occurred, which seemed then (as it does now) sufficient cause for proposing a Committee of Inquiry to conduct an investigation. Be advised that the Sub-Panel made the following statement in its report:

"It is our finding that such allegations exist and it is therefore of immediate and critical relevance that they be investigated thoroughly, impartially and professionally by an outside body with no political or judicial connection to the States of Jersey."

We do not have hard evidence that failures have occurred with regard to vulnerable children, which is why we have not passed on any such information to you or your colleagues. What we do have are recorded allegations of such a serious nature that, we believe, they ought to be properly and impartially investigated. It is also worth noting that the proposition we lodged also makes the inconclusive nature of the allegations clear from the outset:

"The HSSH Scrutiny Panel proposes that a fully independent Committee of Inquiry be established to ascertain what, if any, factual basis exists for the aforementioned allegations."

Understandably, the HSSH Scrutiny Panel does not wish to stray into further investigation of these matters, as it is neither qualified nor resourced to do so. However any information or correspondence that was supplied to our Sub-Panel during the course of its review would, of course, be made immediately available to any independent body undertaking an inquiry into this matter.

I hope that I have been able to satisfactorily answer the points that you raised in your letter. If not, please do not hesitate to contact me again.

Yours faithfully,

A handwritten signature in black ink that reads "Alan Breckon". The signature is written in a cursive style with a large initial 'A'.

Senator Alan Breckon  
Chairman, Health, Social Security & Housing Scrutiny Panel

Scrutiny Office | States Greffe | Morier House | St Helier | Jersey | JJEI IDD  
Tel: 01534 441080 | Fax: 01534 441077 | email: [scrutiny@gov.je](mailto:scrutiny@gov.je)