

STATES OF JERSEY

Care of Children in Jersey Scrutiny Review Panel

FRIDAY, 8th DECEMBER 2017

Panel:

Deputy S.Y. Mézec of St. Saviour (Chairman)
Deputy T.A. Vallois of St. John (Vice-Chairman)
Deputy M.R. Higgins of St. Helier
Senator S.C. Ferguson

Witnesses:

The Chief Minister
Chief Officer, Community and Constitutional Affairs
Managing Director, Community and Social Services
Director, Social Policy
Director, Children's Policy

[13:32]

Deputy S.Y. Mézec of St. Saviour (Chairman):

Thanks, everybody, for joining us, thank you to members of the public who have come to view this. Could I just issue the standard reminder at the beginning, just to make sure that phones are all either off or on silent? For the benefit of the tape, we will just go around saying who we are. I am Deputy Sam Mézec, Chairman of the Care of Children in Jersey review panel.

Deputy T.A. Vallois of St. John (Vice-Chairman):

Tracey Vallois, Deputy of St. John, Vice-Chair of the panel.

Senator S.C. Ferguson:

Senator Sarah Ferguson, member of the panel.

Deputy M.R. Higgins of St. Helier:

Deputy Mike Higgins, member of the panel.

Deputy S.Y. Mézec:

Deputy Higgins is new to the panel, so we are grateful for him joining us.

Scrutiny Officer:

Andy Harris, Scrutiny Officer.

Deputy S.Y. Mézec:

Chief Minister, you and your team, please.

The Chief Minister:

I am Ian Gorst, Chief Minister, and I am joined by ...

Director, Children's Policy:

Andrew Heaven, Director of Children's Policy.

Director, Social Policy:

Ruth Johnson, Director of Social Policy.

Managing Director, Community and Social Services:

Susan Devlin, Managing Director of Community and Social Services.

Chief Officer, Community and Constitutional Affairs:

Tom Walker, Chief Officer for Community and Constitutional Affairs.

Deputy S.Y. Mézec:

Thank you. Chief Minister, could you just confirm for us that you have read the notice in front and agree with it?

The Chief Minister:

Not today, but I have previously and I do agree with it.

Deputy S.Y. Mézec:

Indeed, excellent. You should have been informed before this of the areas that we were looking to question you on. They of course mirror the recommendations from the Care Inquiry, although we

will be taking the George Lucas approach to it and will not be asking questions in the same order that they are listed. We were going to start with recommendation 7, which is the Jersey way. I wanted, Chief Minister, first to ask you about the report which came out from the Law Commission on administrative redress - which is something I think I have also asked in written questions in the States Assembly - to ask when you intended to be responding to what they have put out.

The Chief Minister:

As far as I know, it is a work in progress. The advisory panel, I am waiting for them to get back to me to consider their response. If I take some of the broad themes of moving to a public sector ombudsman, which I think is one of the biggest areas, I am supportive of that and they are doing work on it. I do not have a timeline of when I am expecting that response. Tom, you might know when they are dealing with it.

Chief Officer, Community and Constitutional Affairs:

We committed to providing an initial response before the end of December, so there will be an initial response. But as the Chief Minister says, the report - as with all Law Commission reports - rests in the first instance with the Legislation Advisory Panel. The Legislation Advisory Panel have met and had an initial discussion about the Law Commission's report. I think in the first instance, as the Chief Minister explained, they intend to seek the initial views from some of the key stakeholders and then hopefully get that in before their next meeting. They hope to be able to give the Law Commission's report more consideration.

Deputy S.Y. Mézec:

Do we think we will have something out by the end of the year?

Chief Officer, Community and Constitutional Affairs:

There will be an initial response by the end of the year, yes. I have seen a draft: it exists and it will be issued.

Deputy S.Y. Mézec:

Excellent. Hopefully we can see a copy of that when that is available.

Chief Officer, Community and Constitutional Affairs:

Absolutely.

Deputy S.Y. Mézec:

Chief Minister, you just made reference to the public services ombudsman. Are there any other areas of the report that you are able to comment on at this stage that you think there is room for progress on?

The Chief Minister:

I think it is a helpful report. I do not want to second-guess what that report will be that comes to me for consideration. I understand from officers who attend the P.O.M. (public services ombudsman) and support the Legislation Advisory Panel that they are supportive of making the changes that are suggested in that report.

Deputy S.Y. Mézec:

Thank you. More broadly on recommendation 7 and the Jersey way, obviously the Care Inquiry spoke about ending the negative perception of the Jersey way. In your response to the Care Inquiry report, you listed some headline actions that you are pursuing to help deal with this. Could you just talk us through how you think what you have proposed so far will help deal with this?

The Chief Minister:

The truth of the matter is it is a long-term project. It is first of all trying to talk about and ask people to think about the negative implications of the term “the Jersey way” because for some people - and they have said this to me quite strongly - the Jersey way to them is a positive thing, but it is a recognition that for some members of our community, it is absolutely the reverse. A number of those members of the community came forward to the Care Inquiry and spoke about that and about why they feel that. For them, it is how they feel they have been treated by the apparatus of various arms of Government throughout their lives. It starts with not being listened to, not being cared for, and even when they were listened to, then being ignored or no action being taken, being passed from pillar to post. It is really about the culture of Government and what service they have received - or not, in reality - and it is that ultimately that needs to change. Now, I accept that it is difficult for a large swathe of our community to understand why I think that the separation of powers is an important indication that we can do things differently and in a modern way that meets international standards. While lots of us just think: “It is part of our history and tradition and culture and therefore we should not just change it” we have to acknowledge that for some people the way we do things, the way we operate as Government either reinforces their view of a Jersey way being negative or it helps them leave it behind. We are in really difficult territory, because we can easily become divided over it, with people saying: “That is nonsense. That is silly. It is not connected” but we, as policymakers, as legislators, have to try to understand why it is that certain people in our community feel the way they do about the term and what bits of our institutions reinforce that. It is about culture, ultimately.

Deputy S.Y. Mézec:

You spoke about the separation of powers there and that was something that was referenced under recommendation 7 in the Care Inquiry report. The States Assembly has debated your proposition and accepted it, with amendments. How do you see that progressing now and do you think that this is the ideal way of addressing this issue raised by the Care Inquiry?

The Chief Minister:

It is not ideal. It is not the way I would like to have dealt with it, but it is the way that the States Assembly said they wished to deal with it. But we know from the record of the vote that some colleagues who strongly supported the separation of powers ultimately voted against it because they did not feel the referendum was the right way. Some colleagues who strongly support the status quo voted for it. What I think became clear during that debate was there is quite a lot more work to do in order to have an informed public debate about the roles of elected speaker, the ongoing role of the Bailiff and other parts of the Bailiff's role. There was, during that debate, a belief that having a referendum at an election would be a good thing. I do not accord with that at all. I do not think it meets relevant international standards of when you should hold a referendum either. It might be administratively easier to do so, but I think that it is not the right approach to take. I think there is quite a lot more work that needs to be done before we could. Of course we have got the Referendum Commission and all that work has to be completed, but there is quite a bit more work that needs to be done before we could have a really open and informed debate in the public domain.

Deputy S.Y. Mézec:

The report did not just reference the Carswell review, but also the Clothier review. What consideration are you giving to the other elements of that Clothier report that do not necessarily relate directly to the separation of powers?

The Chief Minister:

If we take the broad issues of how Members are elected and their franchise and their constituency or parish, I am not taking anything forward currently as Chief Minister, but the next Assembly will have to revisit that. I think that - I know - the election observers will help us in thinking about these issues in a new way and show to us very clearly that our current process do not meet accepted standards of democracy around the globe.

Deputy S.Y. Mézec:

In your response to the Care Inquiry report, you speak about a scoping exercise for planning projects on things like public engagement, openness and transparency. Do you have any vision at this stage about what those projects might look like?

The Chief Minister:

I do not. We could easily think that F.O.I. (freedom of information) has delivered a more transparent Government and in many ways it has, but there are lots of day-to-day things that we do in Government that should be much more out in the open and in the public domain, but as an institution or as an organisation, somehow we have always put that into the too difficult to do box. I think with the advent of technology, with the new people that we have brought into the organisation, they come and look at the standards of transparency that we meet and they see that from where they have worked in the past, it is woefully lagging behind. I think there are any number of areas where we can quite straightforwardly be much more transparent. I do not have a list of projects yet, but I know that those officials have been working on what we might call an overall transparency project as they are looking at the system redesign.

Senator S.C. Ferguson:

Surely it is rather simpler than that. It is a question of holding your hands up if you have made a mistake and owning up to it.

The Chief Minister:

Yes.

[13:45]

Senator S.C. Ferguson:

That sort of thing, answering questions in a straightforward manner and allowing people to object or to raise questions, to raise queries, to criticise things, surely that is a fairly simple culture?

The Chief Minister:

Sarah, I agree with you about the simplicity of some of the issues that we face, but I am not sure how we can say it is a simple culture when we are surrounded by a community and a world at large where that is not the prevailing culture. It is the right culture: we should feel empowered to stand up and say we have got it wrong or we have not done it. I have an oral question down for Monday on a particular issue. The truth of the matter is I am going to have to stand up and say we have not done it, but I will get beaten up for that.

Senator S.C. Ferguson:

You are likely to get 3 questions on that.

The Chief Minister:

Oh, am I? There you are.

Senator S.C. Ferguson:

But they were so similar that 2 of them got withdrawn.

The Chief Minister:

There we are. We cannot have it both ways. If we want to encourage people to stand up and say where they have it wrong, work with criticism to improve a policy, if we just shoot everybody down every time they say they have made a mistake, that is working against the culture that we really want. Yes, people have got to be held to account if they should have known better and should have done better, but if we just take the simple: "Right, you are ..." that does not work either. We need to find a way through that. Many places around the globe, we see they do not.

The Deputy of St. John:

But is that not because people do not feel listened to?

The Chief Minister:

It is some of it, yes. It is easy sometimes to speak broadly. In our organisation, there are hundreds of people who want to see change, who want us to do things better, who have got good ideas. No matter how many times in the States we might say: "Just do it like this" or: "Do it like that" somehow our structure has stopped them from coming forward and being listened to. I know one of your things, Tracey, was about enhancing our approach to bullying. It is that thing again. People have not been listened to when they have come forward. We have put in a structure that looked as though it was listening to them, but the reality was of course on the one level it listened, but then it just went through this hierarchical structure that said: "There is not much we can do about it" or: "We do not really want to upset that person" and so nothing ... it is a generalisation, of course it is, but then nothing very much has happened. That cannot carry on.

Deputy M.R. Higgins:

Can I just go back? Since we are talking about openness and transparency and the Jersey way, as you know, we have had some discussions and I have been having discussions with Tom about examples of the Jersey way. What sort of leadership will you take in trying to deal with cover-ups or basically ignoring them? I will not use the word I was going to use, but I know the Chief Minister knows what I am thinking of. What action are you going to take or help to take to stamp it out?

The Chief Minister:

Mike, you know we cannot, at Scrutiny hearings, talk about individual cases and each ...

Deputy M.R. Higgins:

No, I am not talking an individual case. I am talking about the principle.

The Chief Minister:

No. Let me just say that then. Each individual case might have a different approach taken. Where we can - and I am not shy of doing this - getting somebody independent in to look at an issue can start a more positive approach. If I am absolutely honest with you, I see the value in a public sector ombudsman is massive, because it straight away takes the complaint away from the department, takes the complaint away from personalities. There are some officers across the States that are having to deal with really tricky issues and all the complainant sees is a conflict of: "You are having to deal with a complaint, but you are still responsible for the funding for this body or the oversight of this body." They are being placed in an impossible position. It comes back to the bullying thing. They are being placed in an impossible position and trying and wanting to do the right thing, but they are sitting in a system that works against it. Therefore a public sector ombudsman would deal with quite a number of ... well, some of the technicalities of the issues we have spoken about. Some of the issues are far broader and are outside of this wing of Government's remit, but do not forget we are also bringing forward changes to other wings of Government and their remit and how they operate and how you complain against them as well. But a public sector ombudsman now has to be absolutely the way forward.

Senator S.C. Ferguson:

Does this not start from the top, that the whole tenor of an organisation starts from the top, surely? It is not necessarily only with the politicians, but the senior ...

The Chief Minister:

Yes, it does, Sarah. Yes, it does.

Senator S.C. Ferguson:

Yes, so what is the answer?

The Chief Minister:

That is why have brought in a new C.E.O. (Chief Executive Officer) to look at how we can transform. It is no accident, is it, and I said it yesterday, I do not know what the timeline was between me receiving the report and going into the interviews for the new C.E.O., but it was a matter of weeks. People have been going through a process, but when I was sitting with people, I had a totally different approach and attitude to the one I had before I received this report about what was needed. That is another thing, we have always worked carefully and quietly and trying to work with the ebb and weave of the way we operate. This report says: "You cannot do that anymore. That is partly

where you have gone wrong” so we have brought somebody new in right at the top to set a different tone.

Senator S.C. Ferguson:

But we have been dealing with cases of bullying and so on almost for as long as I have been in the States, so why has it taken us so long?

The Chief Minister:

Sarah, we have been dealing with cases of bullying ever since man first walked the earth. It is about human relationships.

Senator S.C. Ferguson:

I was not there then, but I was in the States then.

The Chief Minister:

It is about human relationships and how we interact with each other. It goes back to your simple analysis of people being able to stand up and when they have got it wrong say: “I am sorry.” Sometimes it is as simple as ... we are in the public domain. It is Friday. I have had a hard week, I have been a bit cross this morning with officials and I have had to say to them: “I am sorry, I should not have said that to you” or: “I should have been more reasonable with you.”

Deputy M.R. Higgins:

At least you are being transparent and open.

The Chief Minister:

Your analysis is right, Sarah, but that change, for a lot of people it requires a change of culture and approach. It comes from the top, you are right.

Deputy S.Y. Mézec:

Following on from that, could I ask what work you are doing at the moment to propose improving the governance structure and provide for enhanced accountability?

The Chief Minister:

The interim transition team, whatever you want to call them, are thinking exactly about these things. It is not in our paper and directly in the response. Yesterday I met with the new C.E.O. and the interim C.O.O. (Chief Operational Officer). They gave me a first draft of what that might look like. I cannot really say anything more about that at this stage, but it is very much a work in progress and they are making headway.

Deputy M.R. Higgins:

Could you say how long they have been working on the ground?

The Chief Minister:

It is in the public domain when they arrived.

Deputy M.R. Higgins:

I do not know what it is. I do not know when they came.

The Chief Minister:

You do, because it is in the public domain.

Director, Children's Policy:

I cannot remember the exact date, but presumably we can say when they came.

The Chief Minister:

Sometime in October, was it?

Director, Children's Policy:

Yes, it would have been.

Deputy S.Y. Mézec:

Okay. Is there anything else to ask under this recommendation before moving on?

The Deputy of St. John:

I will just finish on that, because the administrative redress report particularly recommends yourself to do specific things in terms of guidance to public bodies. I think it was about internal procedures for handling complaints fairly and effectively and that: "The Chief Minister should also make an annual report to the States Assembly providing an overview of how the system is performing." What work, if any, is in train with regards to that and also investment in training staff to assist in changing the culture?

Chief Officer, Community and Constitutional Affairs:

Do you want me to deal with the first one, Chief Minister?

The Chief Minister:

You try, and if it disagrees with my respective understanding, I will say something else. No, go on, carry on.

Chief Officer, Community and Constitutional Affairs:

The Law Commission's report identified that one of the symptoms of the way that Government is organised at the moment is that there are multiple complaints systems, multiple complaints procedures, lots of different ways in which that is tackled and approached. Yes, it recommended that one of the things that the Chief Minister can do is just to simplify, harmonise, issue a clear complaints procedure that operates across the whole of the public sector. That is one of the things that we expect to be able to deliver on a shorter timetable than some of the longer pieces of work around harmonisation of the tribunal system or public sector ombudsman that requires legislation. That is very much part of our thinking in how we want to move the public sector forward in terms of thinking of it as a single organisation, having a single policy, having that applied consistently across one single public sector. We expect that once we have done the groundwork just to pull into place a unified public sector structure, then flowing from that should be a whole raft of updates and changes, including the complaints procedure. That is something that we expect to be able to organise a lot quicker than the rest of the Law Commission's recommendations.

Deputy M.R. Higgins:

Have you had any lobbying from within the system - for example, judicial law officers - about the tribunals? I know in the past when we looked at bringing in tribunals, there has always been opposition because it seems to be taking away from the Royal Court. Have you had any discussions?

Chief Officer, Community and Constitutional Affairs:

We have received absolutely nothing.

The Chief Minister:

But we have not spoken very much about it.

Deputy M.R. Higgins:

I expect you will, do not worry.

The Chief Minister:

Tracey, you asked about training as well, which I think is a really important point. I was having this discussion yesterday with the new C.E.O. and they are currently thinking about a training plan for everybody, which is a different approach from the one that has been taken in the past, where it has just been either senior leadership or a pick of managers. They are thinking about the development:

how do we train the people who are already working for us and with us and how does that training apply for everybody and how will it give benefit to everybody? Again, a new way of working and training is in progress.

Senator S.C. Ferguson:

Can I make a plea? When you do your complaints procedure, please can you write it like they do in the private sector? If you write it in civil servant speak, it will not work. I have had experience of this.

Chief Officer, Community and Constitutional Affairs:

I agree. I am continually told off within the organisation for writing in civil service speak and so I am very conscious of the way that civil servants have a tendency to do that. Yes, we will absolutely make sure that it is written in plain and straightforward English and that whatever civil servants' draft is given to someone else to ensure that it meets the plain English standard.

Senator S.C. Ferguson:

Yes, sort of colloquial English, not ... you know, if there is a complaint, it is a good idea to ring them up and see if you can sort it out on the phone, something like that.

Chief Officer, Community and Constitutional Affairs:

I will do my very best for you.

Deputy S.Y. Mézec:

A Jèrriais translation as well.

Senator S.C. Ferguson:

No, this is a problem.

Deputy S.Y. Mézec:

Indeed. In a way, that is a serious question, having it in other languages as well for people for whom it is not their first language, so they can engage with the system as well.

Chief Officer, Community and Constitutional Affairs:

Yes, absolutely.

Deputy S.Y. Mézec:

Senator Ferguson, shall we move on to legacy issues, recommendation 8?

[14:00]

The Chief Minister:

I think some of the change of Government proposals which we will be talking about in other places fit in recommendation 7 as well, but we do not need to talk about those now, sorry, Sarah.

Senator S.C. Ferguson:

No, that is further on. We are just trying to confuse you by jumping from (a) to (b) and back to (n).

The Chief Minister:

It is not difficult to confuse me.

Senator S.C. Ferguson:

Has the panel agreed to release the main body of evidence from the Care Inquiry yet and on what terms?

The Chief Minister:

Andrew, do you want to ...

Director, Children's Policy:

The Head of the Jersey Archive has been across to see the panel and they have received the substantial body of the Care Inquiry evidence in electronic form. That is currently with the Jersey Archive and they are now embarking on what they are describing as a 2-year project to ensure that that archive is made accessible and available to anybody who would wish to read the evidence and read the work of the Care Inquiry. I am looking at my notes. I am advised by the Head archivist that the public will begin to see content coming online in 2018. It is quite a substantial piece. The majority of the evidence that is in the public domain has now been received by Jersey Archive.

Deputy M.R. Higgins:

I have got an urge to have a look at part of the Care Inquiry evidence. If I approach Jersey Archive now, can I get access to that information?

Director, Children's Policy:

I think that is the work that they are doing now, to look at what they have got and try and hold it in a way which makes it easy to search, easy to understand. I think they have it. The actual mechanics of: "Can I have a look then?" I think you are probably better off to talk to them.

Deputy M.R. Higgins:

I will make the request and see what happens.

Director, Children's Policy:

That is a good idea.

Senator S.C. Ferguson:

But the overall archiving seems apparently to be taking 2 years, the total archiving. Why is it taking so long?

Director, Children's Policy:

The archiving piece of work is 2 years. Jersey Archive, they have received 250,000 individual pages in digital form. It is the biggest archived piece of work that they have ever done, so I think the reason for its length is the amount of material that was gathered.

The Chief Minister:

It is going to take 2 people 2 years to do it all so it is a useful, searchable format. The archivist is the expert. They have taken advice. I do not know if they are still having support from the British archive.

Director, Children's Policy:

Yes.

The Chief Minister:

Other than that, I think they are taking a professional approach to it, but if you want to speak to the archivist, then I suggest you perhaps write or ask questions of them.

Senator S.C. Ferguson:

Is this because they are limited in their resources available?

The Chief Minister:

As I say, they have got 2 people doing it. As I understand, they are there for the ...

Senator S.C. Ferguson:

If they had double the number of people, could they do it in half the time?

The Chief Minister:

You would need to ask them. You or I might think so, but it might not be that straightforward.

Senator S.C. Ferguson:

Yes. Further on in the report, the panel recommended that documentation should be secured off-Island. Has this been considered, and in light of the archiving project, how is this reflecting the recommendation of the panel?

The Chief Minister:

Yes, they have reached agreement with again the U.K. (United Kingdom) archive that various pieces of information which are particularly sensitive will be archived off-Island for a set period of time. Do you know the exact nature of the ...

Chief Officer, Community and Constitutional Affairs:

We agree that sort of thing is kept for 100 years before it is re-released back into the public domain. The current plan is then that will be held in the British National Archive at Kew and not released under public records law until everyone is well and truly deceased.

Senator S.C. Ferguson:

Who decides what is restricted and what is not?

Chief Officer, Community and Constitutional Affairs:

The panel.

Deputy M.R. Higgins:

Have they said they want a 100-year restriction? Because we have 30-year rules, we have 20-year rules. There are different rules that can apply to different documents.

Chief Officer, Community and Constitutional Affairs:

Yes. I understand that Jersey Archive, the National Archive at Kew and the panel have met and discussed that they think professionally it is the most appropriate approach.

Senator S.C. Ferguson:

What work is planned to improve the range of therapeutic services that work with children who have disclosed experiences of sexual abuse?

The Chief Minister:

Susan, I do not know if you were listening, but I think that is probably one for you.

Managing Director, Community and Social Services:

We have recently commissioned some work with the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children), a project called Letting the future in. We provided some funds for that, along with the N.S.P.C.C. It is a recognised programme that they have delivered elsewhere. It is an abuse and trauma recovery programme, so it is a validated programme. We would also want to look at other services and other resources, because as you appreciate, one size does not fit all, so we would want to do that. We would want to look at that, I think, along with children and young people, so for younger children it might be play therapy, it might be enhancement to C.A.M.H.S. (Child and Adolescent Mental Health Services) or to providing mental health workers, for example, in schools or G.P.s (general practitioners). I think we also want to look at consideration of what we offer within Children's Services. The panel will be aware that sometimes children are placed off-Island in specialist resources, because we do not have that resource here. I think it is important we look at whether we should have such a resource on-Island. It would be a small resource and we would have to think about the appropriately-qualified staff. You will know that recruitment and retention is an issue, but I think we should look at something like that as part of the spectrum that is available. I think we should do that, talking to children and young families about what best suits, because it could be a range of things.

Deputy M.R. Higgins:

Considering that the abuse went on for many, many years and many of the children are now adults, what provision are you putting in for them? Because many of them are suffering from the equivalent of post-traumatic stress syndrome.

Managing Director, Community and Social Services:

Yes, I have certainly spoken to a few survivors, not by any means a huge number, but certainly I have spoken to some. We did in the wake of the inquiry enhance psychological supports and some supports in the mental health services. I think what some of the survivors said to me was they did not want something that was States-run, they wanted something more independent. We do know that the impact of abuse is long-lasting and it affects people in all areas of their lives, so we do want to look at what might be available. We do not have the full answer for that just now, but we do need to look at that and in most of the services we already have. We have made some enhancements.

The Chief Minister:

We do not want to go into individual cases, but there are some people right now who are receiving off-Island services paid for by the States who could not and do not feel comfortable with States-run services. Susan and her team are looking at can some service like that be more permanently available or flexibly available on a draw-down type needs basis.

Deputy M.R. Higgins:

What sort of numbers are we looking at?

Managing Director, Community and Social Services:

They are not massive numbers just now. I do not have an exact figure. I think it is also one of those things that once you establish something and people know about it, the numbers are likely to rise in a kind of: "If you build it, they will come" kind of way. I do not have a complete number at the moment.

Senator S.C. Ferguson:

Do you have programmes to break the cycle?

Managing Director, Community and Social Services:

I think that is an internal tension, is it not, because we do know that for some people it will be something that stays with them for a long time, some people may not feel ...

Senator S.C. Ferguson:

No, I am talking about from generation to generation.

Managing Director, Community and Social Services:

Yes, I know you are. I think for some people, they manage to go and live a reasonably successful life. Sometimes people will need support at this point or that point further down the road. How we break that is dependent on people coming forward, us having things in place, us being able to identify the individuals. For some people, that will be parents that we come into contact with through their children, who may be experiencing difficulties. As Deputy Higgins says, for some people it is very historic, so we are on a generational thing. But again, the cycle is not a straightforward thing to do. I think just there, that is partly why we are investing in things like early help and early intervention for young adults now, but in terms of going back, it is a much more difficult proposition. I am not sure anybody anywhere has really cracked it.

Deputy M.R. Higgins:

Just one other question on that, obviously when they are adults, I think your department and other departments take the view they should approach you and many of these people will not approach you because of their various conditions. How do you deal with it or help those who, for whatever reason, will not engage with your department?

Managing Director, Community and Social Services:

I think that is a very difficult issue, because we cannot force or compel anyone unless there is a legislative imperative to take help. I think it is about creating conditions that reduce stigma, that

allows people and encourages people to come forward. I think that is also one of those things where word of mouth in the community about somebody's positive experience of services can help. I think it is also about trying to create a range of support and helpful services, so a kind of early stage, a preventative stage right up to an intensive stage. But there is no easy answer because it is up to people to make a choice. What we can try to do is create the conditions that that becomes an easier choice. I think a lot of the work through the mental health strategy has assisted some of that roll forward.

Director, Children's Policy:

We have created quite an interesting space in the mental health system - which is about recovery. I think that has allowed people to, just based on a kind of self-determined journey which is individual to them, and that space people are using more and more. It has got quite good traction and I think that the model, if you like, which is beyond the States, beyond Government, and much more connected and grounded with what people feel they need and is in that community sector, voluntary sector is much more akin to some of the work that is needed around this area. It is back to what you were talking about earlier, which is about trust and about credibility. I think that is what we have got to work on.

Senator S.C. Ferguson:

The consultation around Haut de la Garenne, what form will that consultation take?

Director, Children's Policy:

We are currently planning that consultation, so we are still working on that. It is likely that we will try to use a mixed methodology, so we will have more than one opportunity or one way of communicating the key issues. There will be something written for those of us who do not like computers and there will be something via internet; there will be some opportunities for some people to come and talk. We are working hard with various key people to try to put the relevant facts. Haut de la Garenne has got quite a long history and there are a number of different ages to that building in terms of it is protected, so all of these things will need to be considered for people to give a view. We are very much in the planning phase, but very much trying to think about different ways that people can express a view.

Deputy M.R. Higgins:

Although people can express their view, what sort of things are you planning on consulting on? What are your main objectives? What are the options?

Director, Children's Policy:

The Care Inquiry talked about demolishing Haut de la Garenne, so our consultation will be very close to that particular question.

[14:15]

The Care Inquiry also talked about if it was going to be used, to be extended as an outdoor centre, which is what it is being used for at the moment - I am not directly quoting, but paraphrasing - that the building should be unrecognisable, it should be bespoke. We will be looking at that demolition/not demolition piece and at the same time we will be offering some opportunity for people to give an idea of what it may be used for. That is the kind of tenor, that is the kind of outline of what that consultation would look for.

Deputy S.Y. Mézec:

Is there going to be a specific angle in this consultation directed at former residents of Haut de la Garenne separate from ordinary members of the public, who might not have had direct experience of that building?

Director, Children's Policy:

Part of the reason for using a mixed methodology is understanding the key stakeholders, people with particular views, so people who can see it from where they live, some people who are in the same parish, people who have lived there, people who have worked there, to try to give consideration to those different people who may want to express a view and try to make that as easy as possible.

Deputy S.Y. Mézec:

Anything else on legacy? Moving on, this I think we have asked about previously, so it is largely just for an update, but this is recommendation 3, inspection of services. Chief Minister, could you just update the panel as to the progress that has been made in preparing an inspection of Children's Services?

The Chief Minister:

I brought all these guys with me because we are getting into the operational everyday stuff. Of course I have met with the Chairman of the Care Commission and discussed with him about some of the work that they are undertaking. Ruth, you can ...

Director, Social Policy:

In terms of where we are with the inspection, there are a few places with all the work that is going on with the community inspection at the moment, the first of which is inspection of children's homes.

That was a piece of work that was planned anyway under the Regulation of Care (Jersey) Law. The Care Commission are currently working on developing the regulations that will allow for that inspection to go ahead and we are looking at how we can source an individual with the right skills and knowledge in order to take forward the inspection of children's homes. As you will be aware, the Care Inquiry made a recommendation about a requirement for independent inspection. The Care Commission met yesterday with Ofsted (Office for Standards in Education, Children's Services and Skills) to talk to them about the development of terms of reference of a one-off inspection of children's social work services. Those terms of reference should be finalised over the coming weeks and I would hope that they would be available for the end of this year, by the end of the month. That is an inspection that has been commissioned by the Chief Minister using a power under the Regulation of Care (Jersey) Law, which allows the Chief Minister to ask the Care Commission to undertake any form of inspection which may be deemed as necessary. I think what is important to understand though within that is that the Chief Minister does not dictate the terms of that inspection; the Care Commission is an entirely independent organisation and hence that is the reason why it is representatives of the Care Commission that have been meeting with Ofsted to determine the scope and the review of that particular inspection. In addition to that, there is some work going on, which is about scoping an inspection of our youth justice services. That will take a slightly different approach in that it will take a start to finish approach and it will follow young people from the beginning of the process to the end of the process through all our youth justice services and where they touch services. Work on scoping that is currently underway at the moment and we will expect that inspection will be brought forward in 2018 as well.

Deputy S.Y. Mézec:

You mentioned the Regulation of Care Regulations. Is there any timetable at this point for when that might come before the Assembly?

Director, Social Policy:

Yes, we have done consultation on some of the draft regulations and we are anticipating that they will be lodged hopefully in February or March time so that the law can come into force certainly by mid-2018. There is one of the quite significant pieces of work that we need to do, which is we need to go out to consultation on the new fees under the Regulation of Care (Jersey) Law. The draft consultation document is written and we would expect to go out to consultation on the draft fees very early within the New Year. At the point at which we have the fees in place and we have the first tranche of the regulations in place, the first tranche of the regulations looking at regulation of care homes, domiciliary care and adult day services, the law will come into effect. In the meantime, however, we are already working on starting to scope the regulations for the inspection of children's homes, so we are, even though the first set of regulations are not yet in effect, already working on a second set of regulations to come up behind.

Deputy S.Y. Mézec:

Given the amount of work that needs to be undertaken to achieve this, Chief Minister, are you confident that the Care Commissioner has the sufficient budget that it needs to be able to achieve all of this?

The Chief Minister:

That is a good question. They are doing the work that I have asked them to do around the children's home inspection and the work they are doing with Ofsted. The fees issue is an issue which basically funds them and it might be - although Ruth has a timetable of going out for early consultation with the fees - we have to think of an interim funding solution, but it is too early yet. I have not seen that fees paper. I have had an initial discussion about it and the timing, which I think is probably difficult for States Members in the run-up to an election, so we might need to think about some interim funding so that that work does not stop, but we have not had the discussion, not having seen that paper yet.

Deputy M.R. Higgins:

In terms of fees, it is a point I am going to come back to in a moment, but you are talking about fees for what?

The Chief Minister:

For the inspection work of care homes.

Deputy M.R. Higgins:

Who will be expected to pay the fees?

The Chief Minister:

The care homes.

Deputy M.R. Higgins:

Including States-owned care homes?

The Chief Minister:

It is a standard model, yes.

Deputy M.R. Higgins:

Going back to the question I was going to ask, you mentioned Ofsted and I think you mentioned an interim sort of inspection. Are we talking about a one-off, are we talking them coming in, having a look and then they will be regularly inspecting the homes?

Director, Social Policy:

What we are talking about in the first instance is a one-off inspection of children's social work services to be delivered by Ofsted and that was in response to a recommendation of the Care Inquiry. Once that inspection has taken place, one of the areas Ofsted will be asked to look at is what future inspections should look like. We will be going to the experts and asking them what a regime of future inspections should look like and we will be taking their advice on that. What we are talking about for now is a one-off piece of work, but we are anticipating that will help us to understand what the future inspection of all services for children, not just children's social work services, should look like as we move forward.

Deputy M.R. Higgins:

Who do you anticipate will be carrying out those inspections?

Director, Social Policy:

I think it would be pre-emptive to answer that. That is part of what we will be exploring with Ofsted and others as we move forward.

Deputy M.R. Higgins:

But it would be independent of the States?

Director, Social Policy:

Absolutely independent. The decision as to who undertakes those inspections does not rest with the States of Jersey, it rests with our Independent Care Commission. There is independence absolutely flowing through this.

The Chief Minister:

Just like we have not chosen Ofsted, the Independent Care Commission has. They will be the ones that choose the continual inspection body.

Deputy S.Y. Mézec:

We move on to recommendation 4, building a sustainable workforce, which Deputy Vallois will start by asking questions on.

The Deputy of St. John:

Recommendation 4 suggested that there were certain actions that you were going to take with regards to building a sustainable workforce and one of them was with regards to the future use of Jersey Property Holdings' existing stock. When is a decision likely to be made on this?

Director, Social Policy:

We are doing a lot of work with Jersey Property Holdings at the moment around how we better use the stock that we have. This is obviously tied into the future hospital and the decamps of staff that need to be done around the future hospital. It is a complex and ever-moving jigsaw, as I am sure that you can imagine, and we have a certain number of plans or provisional plans in place, which we are just testing. We do need time to finalise that, but I would anticipate that we will be able to come back to the special scrutiny group in the early New Year with some more definite plans. We are just crossing some t's and dotting some i's as we speak at the moment. But we are actively looking at this. I think the important thing to note though is that the work that is being looked at at the moment is around use of existing stock. It is absolutely very clear that we have some challenges, much more fundamental challenges, around the key worker accommodation as we move forward. We know that key workers - and when I use "key workers" in this sense, I am talking about social work, nurses and policemen - simply cannot afford to buy in Jersey in the lower quartile of our house prices. We know that we have some much more fundamental issues that we need to deal with about how we house key workers moving forward if we are to both recruit key workers in the first place, but also if we are to retain key workers. We are working on the development of a key worker policy as we speak at this very moment. Within that we will be delivering some very short-term changes to better facilitate our ability to recruit key workers, but there is also some interim work that needs to go on to better understand the problem and then there are some longer-term solutions that we need to deliver.

The Chief Minister:

Basically it is a difficult problem that we have not been able to solve for decades, so do not hold your breath that we are going to be able to solve it in short time.

The Deputy of St. John:

I am not suggesting you are. I was just wanting you to account for when you said you were going to provide something.

The Chief Minister:

You are right to pinpoint it. We were discussing on the way here, Ruth used to be at Planning and Environment. What year was it that you developed the decamp plan?

Director, Social Policy:

2007.

The Chief Minister:

2007 she worked on a detailed decamp plan for South Hill and guess what?

The Deputy of St. John:

The States are bringing a proposition to create ...

The Chief Minister:

They are still there.

The Deputy of St. John:

... Property Holdings and have a property plan. But is this not a fundamental issue in terms of the stock that we have, which is quite a significant amount of stock that the States own, whenever somebody comes up and says: "We will sell this" or "We will sell that because we no longer need it" and then there are arguments around the room that say: "We could use it for this"? There is no overarching plan about how we can utilise things better. Property Holdings was set up 10 years ago and I think it has been an argument on and on again. Is it not something that is of higher priority than what it has been given previously?

The Chief Minister:

Yes, because some of the problems in the service are about the buildings that those services are operating from and just how inappropriate they are and have been. Let us not start talking about mental health services either. They are a prime example of operating some of these services from woeful buildings, absolutely woeful buildings, and all it does is reinforce those individuals' views of themselves and it has to change. One of the short-term aims of the incoming C.E.O. is to have a more co-ordinated office strategy as quickly as possible and that I think might help to unlock some of the Property Holding's strategy. It could also help unlock some of the key worker policy needs as well.

Senator S.C. Ferguson:

But there was an office strategy; I have seen a copy of it.

The Chief Minister:

Yes, Sarah, you do have a theme, you keep asking me about things that were, that have never happened.

Senator S.C. Ferguson:

No, I mean I have a copy of the office strategy. What intrigues me then, if we are talking about key worker accommodation, the accommodation available at the Limes looks to be for far fewer people than are accommodated in Westaway Court. Then there is the office strategy crossing that, so how are you going to co-ordinate it and where are you going to put the extra that are decamped from Westaway Court?

[14:30]

Director, Social Policy:

As I mentioned, we are trying to resolve those issues with Jersey Property Holdings at the moment and we are trying to find solutions. We do hope that in the early New Year we will be able to provide more detail on those solutions. I think the really important thing to note is that when we talk about key worker accommodation, the answer does not lie in Jersey Property Holdings alone, it lies in a whole package of measures that we need to bring forward. There are key workers who, because of the nature of their job, the provision of short-term accommodation or rented accommodation is absolutely fine for them. There are a whole cohort of key workers who are families who come here who want to settle and make a commitment to this Island in the longer term. Jersey Property Holdings does not present any solutions for them. The solutions for them are about support by models or about access to a bespoke social housing gateway just for key workers and that requires though there to be accommodation available on the Island. Unfortunately, as so often happens when you talk about accommodation and you talk about housing issues, ultimately the answer at the end of the day is one of supply and that is what we need to address. We all know that supply is a long-term issue; that is not something that we can do next year or the year after. We are, however, looking at how we can do that in the longer term, so we are about to just commission a long-term review of housing demand in the Island and we will be, within that, looking particularly at the issue of key workers.

Deputy M.R. Higgins:

Who has undertaken that report on housing as a whole?

Director, Social Policy:

We are just working on the tendering document at the moment. We will be tendering it as a piece of contract work for external experts on housing demand and housing supply to come to the Island to undertake the work, but we do not have on-Island expertise.

Deputy M.R. Higgins:

What about a timescale?

Director, Social Policy:

The timescale is ...

Director, Children's Policy:

By 2018, commission and publish strategic housing market assessment report by December 2018.

Senator S.C. Ferguson:

By which time Westaway Court may well have been demolished.

Director, Social Policy:

As I said, there are a number of different issues. There is how we are dealing with Westaway Court, how we are dealing with the Limes, which will be short term, and we will be able to provide you with more information about that in the very near future. But then there is how we deal with things in the longer term in a much more planned manner and a strategic demands housing needs assessment is absolutely critical to us being able to do that.

The Deputy of St. John:

Can I just ask you then to explain, you have explained to us the long term and it makes sense, but in terms of what it means in the actions within the response, is this short-term solutions? With regards to Andium being responsible for redeveloping the Limes site by December 2020 and refurbishment of Andium's stock to be used by key workers complete by December 2019, is that just to fill a gap in the meantime until there is a brought together plan?

Director, Social Policy:

Absolutely that is short/medium term, but we also need to deal with the longer term as well. We know that we are going to need more key workers working on the Island. We have an ageing population. We have the issue of how we deal with current challenges with this treatment in the short to medium term and then we also have the longer-term challenges where our demand for key workers is going to increase, not decrease. What is set out in the report is short and medium-term solutions, but we need much longer-term solutions.

The Deputy of St. John:

Just quickly then, Chief Minister, on that particular issue, the key worker side of things seems particularly important in order to drive this forward. You have just released the migration policy document. I know it is off the point, but the first thing that just came into my head, talking about needing key workers, the ageing population, what consideration of the key worker issues that we have with this was considered when building the migration policy?

The Chief Minister:

I will not say what first came to mind, but I am sure it was considered because of the 2 people who were doing the consideration of the 2 particular issues, so it was considered. There are other faster possibilities, but we need to give them further consideration before we can talk about them for further supply of key worker accommodation, but yes, they were considered together.

Director, Social Policy:

Just with regards to migration, the population policy, the migration policy, one of the areas of work within that is doing a piece of work which is around social inclusion and integration and looking at parity of access to States services, because we know at the moment that is a problem for us and that different States departments make decisions a different way. Ahead of us doing an overall review with regard to all migrants coming in, we are already starting to make some interim short-term changes for key workers. For example, we are bringing forward changes to the Control and Access of Housing, Control of Work and Housing (Jersey) Law to allow for cohabiting partners of key workers, rather than just spouses and civil partners, to be exempt from the controls relating to work. We are looking at changing the current restrictions from the age of 16 for key workers' children up to the age of 18 and we are looking at amending Health and Social Services policies on access to non-emergency healthcare to ensure that cohabiting partners rather than just spouses and civil partners are included from day one. So already there is a longer-term piece of work, the migration policy, which is looking at social integration, access to services in the round, but we know that there will be some issues that bubble to the surface. When those issues are relevant to key workers, we are picking them off one by one now and we have been doing that work in the last few weeks.

The Chief Minister:

Paul made a decision a fortnight ago today, I think it was, for the law drafting to give effect to some of these changes.

The Deputy of St. John:

So these changes will have to come to the States?

The Chief Minister:

Some of them will.

Director, Social Policy:

Yes, the changes with regard to Control of Housing and Work (Jersey) Law are via Order, so will not come to the States for debate, but obviously can be debated by the States if it gets chosen.

The Chief Minister:

They are drafting the Orders?

Director, Social Policy:

They are drafting the Orders as we speak.

The Chief Minister:

So it is not coming to the States; it is an Order.

The Deputy of St. John:

Right, so it will be under the Minister for ...

The Chief Minister:

He has made the decision and instructed the drafting of the Orders to give effect to these changes. Is the decision in the public domain?

Director, Social Policy:

The decision should be in the public domain. Yes, absolutely it should be, because it was done by M.D. (Ministerial Decision), so it should be in the public domain.

The Deputy of St. John:

Just to finish on the issue of the States Employment Board side of things, I know that you are not running the States Employment Board at the moment, but ultimately you are culpable, in law the Chief Minister is in charge. We did write with regards to the apparent nature that human resources did not feature in the actions in the responses at the beginning. We received a response back and the bullying and harassment review was placed into this. Do you, Chief Minister, think that an independent review is needed of the human resources function within the States of Jersey?

The Chief Minister:

The transition team are doing a review of pretty much all of the centralised functions, so finance, H.R. (human resources) and technology. Somebody who is an expert in that is doing that. That will then inform changes that are needed. I have not yet seen it, but I know it is underway.

The Deputy of St. John:

How do you see the current independent review that is being carried out on bullying and harassment fitting in with assisting in building a sustainable workforce?

The Chief Minister:

Do you know what, as much as it pains me to say it, Sarah, I think it comes back to some of the things that Sarah was saying earlier about a change in culture. Having a proper plain English process that can be followed when somebody feels as though they are being bullied is really important, because currently it was not a policy written by Tom, but it might have been for the language that it is.

Chief Officer, Community and Constitutional Affairs:

Yes, even though the policy itself is only a couple of years old, we still felt that it was appropriate to do a really early review of it and take a fresh look, because the policy has an important role in supporting our efforts to try to tackle any such behaviour and to support employees that find themselves in that position. Even though normally we might wait 4 or 5 years before reviewing and refreshing a policy, we just thought in this instance that we have had a couple of years to try to bed it in as the policy and now we should review it early, get some external support in, take a good look at it and talk to some people and take some evidence and try to do a feasibility if we can. Although having said that, I think that naturally the policy is only part of it. Having the policy written down is of course ...

The Deputy of St. John:

That is why training is so important.

Chief Officer, Community and Constitutional Affairs:

It is a support, but yes, and also some cultural issues and people being confident that action will be taken. I think when you look at the evidence around bullying and harassment, what the evidence base says is that quite often it is not the quality of the policy, it is the confidence of the person that something will be done, that action will be taken. Whether that comes out in their favour or not, it is just that something will happen. That is a bit like the evidence that has come up around crime, is it not, where the laws and the sentences do not prevent anyone committing a crime, it is the probability of apprehension.

The Deputy of St. John:

Because my understanding of the bullying and harassment review that was being carried out was due to issues that had been raised with the States Employment Board of bullying and harassment. I know for a fact that bullying and harassment policy has changed numerous times over the last 9 years.

Chief Officer, Community and Constitutional Affairs:

It is exactly the point we have just been talking about: we have a policy, it looks great, we have had it for a couple of years. Is there something that we could do better in terms of policy or procedure

or is it broader than that? I think if you look at the evidence in this area, it suggests that the quality of the policy is only a small part of the overall picture and tackling this is around other factors. The review will help us develop those other important factors that will increase everyone's confidence as employees in this area.

The Chief Minister:

To be honest, you cannot separate it, which I think is where the previous policies have gone wrong, from performance management, because where does performance management tip over into bullying and harassment? If you do not have a performance management system, everything appears as bullying and harassment and some of that is about the way it is done. It comes back to Sarah's point, if somebody is shown to have bullied somebody - and so let us imagine the policy does work and they are shown to have bullied somebody - what is the outcome of that? Is it that somebody then gets sacked or is it that they are moved or they are supported or they put their hands up and say: "You know what, I am sorry, that was inappropriate. I should not have done it, you were right" and maybe you separate them out as a line manager or something like that. You find a way through it rather than just saying: "We cannot really afford to lose that person, so we will not deal with the underlying issue." It is that last bit that has really been the driving force of lots of issues that I think have come to the surface and that is not a good way of dealing with it.

Deputy M.R. Higgins:

What is the scale of the problem? How many people have been alleging harassment and bullying?

The Chief Minister:

We are an organisation of 6,500 people, so you can imagine it is ...

Deputy M.R. Higgins:

Do you have any figures?

The Chief Minister:

I do not have the figures, no. But the other question is you might have a set of figures, but do they tell the whole picture anyway? You need a different way of reporting it as well.

[14:45]

Chief Officer, Community and Constitutional Affairs:

There are some differences as well, so we have asked for the comparison because we would like to get a feel for how we compare with other public sector organisations, so that is one of the things that the specialist is looking at. But in my meeting with the people that are conducting the review,

they did say that they were very struck about the particular challenges of dealing with these issues in such a small close-knit community. I think some of the people that had experienced bullying and harassment, we have encouraged them to come forward and talk to the specialists that are doing this, have tried to articulate to them the interconnected nature and the background: their children go to school together, their partners might work together, they see each other frequently in lots of different contexts. I think the specialist's view is it is very, very different to how it might be if you live 50 miles away from where you work and travel in and out every day. It is a much more isolated thing to deal with in the work environment than it is in our community, where you have to deal with it in the community context, not just in the work relationship, because of the connectedness. I thought that was quite interesting. I think if we are going to do a really good job of this, we are going to have to think about that aspect and not just a straightforward: "This is what you do if you work and everyone travelled 50 miles in and out to work every day." That will not work for us.

The Deputy of St. John:

But that has been the problem in the past, you can rewrite all the policies you like, but unless you support people and train them and help them to understand they are working together rather than bashing each other over the head, it is not going to improve things.

The Chief Minister:

You are absolutely right. The other thing we do in a small community, which annoys me no end, is we say: "It is just them." We build up this narrative about individuals and we say: "That is just how they behave" rather than taking seriously if they have a complaint or there is an issue that they are bringing forward and we do it all over the place. It is a wrong approach.

Deputy M.R. Higgins:

I have had a recent complaint involving Infrastructure, but I will bring that up at the appropriate meeting. Moving on now to ...

Deputy S.Y. Mézec:

Recommendation 6, corporate parent.

Deputy M.R. Higgins:

Will the Chief Minister explain the reason for the consultation that will be undertaken with members of the public on the Children and Young Persons Plan? Why are you going to be consulting on the Children and Young Persons Plan?

The Chief Minister:

It is the guys that are doing it, but my view is because it is so fundamentally important. This is a plan that is going to affect everybody, so of course we want to have the community at large first of all know about it and have input into it, because we are all going to have to live it.

Deputy M.R. Higgins:

Have you been having any discussions with P.P.C. (Privileges and Procedures Committee)? Any proposal that is brought forward by them in respect of this recommendation will be in place after the election, so what discussions did you have with P.P.C.?

The Chief Minister:

Officials have been having the discussions with P.P.C. officials about the things like the oath and how they are going to deal with that.

Chief Officer, Community and Constitutional Affairs:

Yes, we have.

Deputy M.R. Higgins:

How far have you got with it?

Chief Officer, Community and Constitutional Affairs:

I am not a member of P.P.C. so I am not privy to their discussions, but I have discussed the matter with the Greffier and his team and I understand that there is a way forward and that P.P.C. will be taking it forward. I think they are planning to take it forward in a slightly different way to the way the recommendation was raised. I think the recommendation was to amend the oath and I think that P.P.C., as I understand it, have seen value in doing a slightly wider piece of work that interprets and defines the oath, which would include the corporate parenting component. But we are currently discussing that with the Greffe and his staff and trying to understand better what P.P.C. are proposing to do.

Deputy M.R. Higgins:

Just moving on to the next question, we have been having a lot of discussion ourselves on this topic, but has the Chief Minister discussed with the Attorney General the legal definition of a corporate parent in relation to States Members?

The Chief Minister:

I have not personally discussed with the Attorney General the legal definition. Officials have and you know that currently it is not clear. There is no definition other than it is the Minister for Health and Social Services as such. But there are obligations and we have had some discussions at the

Improvement Board about what sort of definition we would want to consider in the future bringing forward in law. Susan and Andrew, you have been doing that thinking.

Deputy S.Y. Mézec:

Is it appropriate in a Government system that is an executive system for all States Members to be considered corporate parents?

The Chief Minister:

I am not sure that we would be thinking that is the approach that we would take. But you do need to have a corporate parent and States Members need to understand what their responsibility is, because I think States Members can have responsibilities without being the corporate parent and working through that is what we are doing.

Director, Children's Policy:

That links back to the Children's Plan, which is about a description of intent, of how our gaze is all children and how we are, as a collective endeavour, ensuring that children and young people grow up in Jersey in a safe way and they thrive. I think the broader responsibility around a corporate parent, whether I am a teacher or whether I am a social worker or whether I am a politician or a Minister, there is a commonality and an important role. That is some of the aspiration around our thinking about the corporate parent, it is that much broader definition and set of responsibilities that we share as a community.

Senator S.C. Ferguson:

Are you thinking of this then, rather than calling it a corporate parent, are you thinking of it as in loco parentis, which is slightly different? Are we having a very loose translation of the Latin?

The Chief Minister:

I was never very good at Latin, but obviously I know what that phrase means.

Senator S.C. Ferguson:

No, but on that basis ...

The Chief Minister:

It is a good question and I think they come together. There is something in that phrase.

Deputy M.R. Higgins:

But there is a distinction though between someone having a responsibility in law as a corporate parent and States Members. It also goes, as we mentioned, to members of the public, it is the fact

that if any of us see abuse or anything else going on we all have a duty to report it. States Members have been very active in raising matters in the States where we see abuse or failures and I would see that as part of the wider corporate responsibility rather than the corporate parent.

The Chief Minister:

I agree with you, I think it is all tied in. Again, let us be honest, what the inquiry report showed was that if you take your analogy about anybody in the community seeing a child in danger and reporting it to the police, that was not enough, was it? You saw the child in danger, you reported it to the police and then you knew nothing had happened and you carried on. It is like the parable of the good Samaritan, you just carried on going anyway. The systems in place did not work and that is why we need to think about these issues in the way that you are thinking about it. Because just raising a question in the States over those decades did not work and that is why it is such an important area that we need to try to get right and improve.

Director, Children's Policy:

Other jurisdictions are ahead of us in that and I think Scotland in particular ...

The Chief Minister:

You are going to talk about the Scottish model.

Managing Director, Community and Social Services:

I think it is also about being much more on the front foot. Rather than seeing abuse and a child coming to harm, it is much more about promotion of wellbeing and how the different bodies and components within the broader system work together. It is distinct from the parental responsibility that is set out in law for the Minister at the moment to a broader sense of our responsibility to looked-after children. It is in law in other jurisdictions and it has been in law in Scotland since 1995/1996. It has been relooked at and extended, so previously it was the local authority, including politicians, elected members and local authority, a much broader scope of who should be considered a corporate parent, including other public bodies and national bodies as well. But it is trying to get on the front foot about the promotion of wellbeing, so being a bit more proactive, rather than a deficit model of avoiding abuse.

Senator S.C. Ferguson:

Surely that is implicit already in the oath that we give, but it applies to the population as a whole.

The Chief Minister:

I am going to sound a bit like you here, Senator. The world in which we live has over time become much more focused on rights than responsibilities. This is about changing some of that back to we have responsibilities for each other and the community in which we live, redressing that balance.

Deputy M.R. Higgins:

We will move on to the next one.

Deputy S.Y. Mézec:

Next one.

The Chief Minister:

We are thinking - and it is very early days - and we had a fascinating meeting earlier this week about going up to Scotland to do some learning and meeting with policymakers, care leavers, people in the social services sector and doing some hands-on learning. It occurs to me that you might want to, as a scrutiny panel, send somebody to come on that. It is not just going to be Ministers and officials, it is going to be a wider section. We might liaise with you about that because it is covering some of these areas.

Deputy S.Y. Mézec:

Yes, please keep us up-to-date on that. Moving on now to ...

The Chief Minister:

He does not want to go on a trip, Mike, I can see.

Deputy M.R. Higgins:

No, I was just wondering when you were going to do this, because obviously we have an awful lot of work to do between now and May, finishing things off. When is that likely, next year?

Director, Children's Policy:

End of January.

Senator S.C. Ferguson:

Unless it is thick snow.

Deputy S.Y. Mézec:

Moving on to recommendation 1, Children's Commissioner.

Deputy M.R. Higgins:

The question again is for the Chief Minister. Can you update the panel on the progress that has been made in appointing the Children's Commissioner?

The Chief Minister:

I can, but I am going to be circumspect because you will know that part of the process was that we went and spoke to the Children's Panel. They were part of the informal interview process and I gave a commitment to them that I would refer back to them before I said anything public about how those interviews had gone. I am due to do that a week today, but good progress has been made, I will simply say that.

Deputy M.R. Higgins:

That sounds like a positive note. Can we expect someone to be appointed next week?

The Chief Minister:

Yes.

Deputy S.Y. Mézec:

We will find out in due course.

The Chief Minister:

That is the answer I cannot give you right now.

Deputy S.Y. Mézec:

We were going to ask about how the young people have played a role in this. Could you elaborate on that?

[15:00]

The Chief Minister:

Yes, they spent a day together thinking about what they would want in a Children's Commissioner. Then they spent part of that day, I think a full afternoon, speaking to the 4 short-listed candidates and then the interview panel, which I was on, we went and met with the young people and they spent an hour and a half or so with us feeding back their thoughts and their views of the candidates.

Deputy S.Y. Mézec:

Thank you. Is there anything more we can ask on this?

Deputy M.R. Higgins:

I would just like to follow up: the interview panel was made up of young people?

The Chief Minister:

There was a young people's panel and they went through that process.

Deputy M.R. Higgins:

Where were they drawn from, institutions, in the care of the States or ...

The Chief Minister:

That has been done by the Youth Service. There were some members of that youth panel who have been looked-after children, but not all of them. I have just used the term "looked-after children" and what a lot of this work is showing to me is what a ridiculous term that is, all children are looked after or should be, that is what we are aiming for, and yet we use these terms that separate them out and divide. I know why we do it in professional terminology, but it just ...

Managing Director, Community and Social Services:

It was a change about 20 years ago to bring less stigma to calling people "children in care." But children themselves would suggest they do not really like the term.

The Chief Minister:

Looked-after children, children who have left care, what is all that about? Anyway, that is another issue.

Deputy S.Y. Mézec:

Just very slightly conscious about the time, but there is only one other recommendation we wanted to look at, which was recommendation 5, new legislation, which I believe Senator Ferguson was going to ask a question on.

Senator S.C. Ferguson:

Yes, because what is the current status of the Safeguarding Partnership Board? Is it a statutory service? Is it possible that in light of the views of the Care Inquiry, are the proposals to make it a statutory body?

The Chief Minister:

It is not statutory. It is possible, but I do not know where we have got to in that consideration.

Director, Social Policy:

What we have just done is we have just commissioned a review of the Safeguarding Partnership Board. The Safeguarding Partnership Board was established almost exactly 5 years ago and an interim chair was appointed 5 years ago. As coming with a bit of practice would dictate, we are doing a review of the way in which the Safeguarding Board does currently work in terms of the structure and in terms of their operation and in terms of their practice. That review will be due to report at the end of February, the beginning of March and on the back of that review we will be making decisions about current structure and also about whether or not the Safeguarding Partnership Board should or should not be incorporated in legislation. Different jurisdictions do that in different ways because they do not put the board in legislation, they put functions of the board, such as the duty to co-operate, within legislation, so we will be looking at that. In order to assist us with doing that, we have obviously got the review going on, which I have just mentioned, but we will also be looking at a fundamental kind of wholehearted review of all our legislation that relates to children and we will be scooping up within that the law changes that we need to bring forward with regard to the Safeguarding Partnership Board. We will be doing that alongside looking at the statutory duties of the Children's Commissioner in law as well. We are not dealing with this as a simply piecemeal issue, we are looking at it in the round as part of the whole structure.

Senator S.C. Ferguson:

Presumably it will be a good thing to wait until we have got the Children's Commissioner in.

Director, Social Policy:

Absolutely, yes, which is why the timing of the review is now, so it will be reporting as the Children's Commissioner starts.

The Deputy of St. John:

In actual fact, we are listening today and there is more being done than what is in the response.

Director, Children's Policy:

The response is a point in time and it just shows ... for me, thank you so much, because ...

The Deputy of St. John:

No, because it is just looking at what is in there in terms of the actions, the key milestones. That is our job, to hold the Chief Minister to account, to make sure that these things are happening. But what you have said is above and beyond. That is good and that is right, long-term thinking, because a lot of the times I have had to go: "Hang on a minute, that is not in here" and just trying to ...

Director, Children's Policy:

Deputy, as we go forward, the gaze will be more and more about the whole population of children, priorities will be captured within that Children's Plan. The Care Inquiry, if you like, is our springboard into that and we will be focused more and more, as well as completing and finishing the task we said we would do, as well as to the Care Inquiry. We have 4 different engagements be around the Children's Plan and absolutely doing our best for all the children on the Island.

Deputy M.R. Higgins:

Can I ask a question of the Safeguarding Partnership Board? Can it look at failures in any one department or is it looking at failures across a number of departments?

Director, Social Policy:

The Safeguarding Partnership Board, its raison d'être is to look at multi-agency working. It is where agencies come together and where essentially people fall down the cracks of those agencies coming together. It is also looking about the processes and the systems which ensure that those multiple agencies work together in the most effective way. It is not set up to look at the failings of one individual agency. Individual agencies have their own systems in place. For example, if it was in a healthcare setting, the Health and Social Services Department has got a serious untoward incident process and that is the process that comes to play in those particular cases.

Deputy M.R. Higgins:

But that is not independent, is it, unlike the Safeguarding Board itself?

Director, Social Policy:

A serious untoward incident review is not independent, unless there is a point at which it is deemed that there should be some form of independent review. We see those through things like Verita and there are independent reviews that take place.

Chief Officer, Community and Constitutional Affairs:

Of course, the membership of the board are essentially public officials. There is an independent chair but the rest of the board membership, if you look at it, are the responsible officials with each of those separate departments.

Deputy M.R. Higgins:

But again, the chairman does not have the power to compel, does she? She can make suggestions or talk to them and try to encourage them, but she has no real power.

Chief Officer, Community and Constitutional Affairs:

No, she is not an inspector or anything like that. It is a multi-agency forum where the senior public officials come together under an independent chair in order to tackle issues where people fell down the cracks between agencies.

Senator S.C. Ferguson:

Perhaps there is a need to have statutory ...

Managing Director, Community and Social Services:

There is a memorandum of understanding everyone has signed up to where it is quite clear what the roles and responsibilities and the expectations are. That is based on the Working Together guidance that operates in England and Wales.

Deputy M.R. Higgins:

Could I ask you to send us a copy of that, please?

Managing Director, Community and Social Services:

I beg your pardon?

Deputy M.R. Higgins:

I would be interested to see a copy of that, if you ...

Managing Director, Community and Social Services:

Of Working Together?

Deputy M.R. Higgins:

No, the M.O.U. (memorandum of understanding).

Director, Social Policy:

Yes, that is fine. Yes, absolutely, no problem at all. We can arrange that.

The Chief Minister:

I think it is in the public domain. As I say, it is not currently on a statutory footing but it mirrors what happens elsewhere.

Deputy M.R. Higgins:

Do you think there is a case of statutory basis?

The Chief Minister:

Do you know what, there probably is, but we need to do the work.

Director, Social Policy:

I think the review will recommend that and it will say what should or should not be on the statutory basis that would help us make those decisions and have that thinking.

Deputy S.Y. Mézec:

Is there anything else you would like to ask on the point on legislation? In which case, could I ask, Chief Minister, we currently have P.108 on a future Order Paper scheduled. How do you see that debate going?

The Chief Minister:

I shall be reiterating what I said, I think, at the last States sitting and asking that we have an in-committee debate on that proposal. They are sitting in January. The Greffier informs me I can simply ask the States or get the States to acknowledge that it moves from a proposition to a report and then have an in-committee debate on it.

Deputy S.Y. Mézec:

Excellent. Thank you, Chief Minister. Is there anything at this point that you would like to update us on that we have not asked? Is there anything you cannot believe you have gotten away with, without us asking you or anything you would like to confess at this stage?

The Chief Minister:

None of the above, but I would like to say something. I am obviously grateful again for the hearing and the work that you are doing as a panel. I am going to be controversial and say I am disappointed that there are no members of the media here on such an important issue, but I am grateful for those members of the public who have turned out on a Friday afternoon to hear about the work that is going on and you holding us to account to deliver on the recommendations of the Care Inquiry.

Deputy S.Y. Mézec:

Thank you, Chief Minister. Can we thank you and all of your officers for your time this afternoon, for your helpful responses and to all of those who are paying keen attention to this? Thank you.

[15:10]