



## Care of Children Review Panel

### Quarterly Hearing

## Witness: The Minister for Children and Housing

Tuesday, 19th November 2019

#### **Panel:**

Deputy R.J. Ward of St. Helier (Chair)

Deputy K.G. Pamplin of St. Saviour (Vice-Chair)

Deputy T. Pointon of St. John

Deputy M.R. Higgins of St. Helier

#### **Witnesses:**

Senator S.Y. Mézec, The Minister for Children and Housing

Mr. M. Rogers, Director General for C.Y.P.E.S. (Children, Young People, Education and Skills)

Mr. A. Heaven, Head of Children's Policy

[14:01]

#### **Deputy R.J. Ward of St. Helier (Chair):**

Welcome to the quarterly hearing of the Minister for Children and Housing with the Care of Children Review Panel. Just quick introductions. I draw your attention to the information about Scrutiny hearings, which I am pretty sure you are au fait with. I am Deputy Robert Ward, I chair this panel.

#### **Deputy T. Pointon of St. John:**

Trevor Pointon, I am the Deputy of St. John, and I am a member of the panel.

#### **Deputy M.R. Higgins of St. Helier:**

Mike Higgins, a member of the panel.

#### **Deputy K.G. Pamplin of St. Saviour (Vice-Chair):**

Deputy Kevin Pamplin, vice-chair of this panel.

**The Minister for Children and Housing:**

Senator Sam Mézec, Minister for Children and Housing.

**Head, Children's Policy:**

Andrew Heaven, head of policy.

**Director General, C.Y.P.E.S.:**

Mark Rogers, director general for Children, Young People, Education and Skills.

**Deputy R.J. Ward:**

Okay, thank you all. We thought we would focus on the report of the Independent Jersey Care Inquiry; the second report. So the main question would be around the areas of recommendations, so we can delve into them a little more. So the first thing, Minister: can you outline what your initial thoughts were on the Care Inquiry panel's 2-year report, that you have seen.

**The Minister for Children and Housing:**

It was a long-anticipated day. We had known since the Care Inquiry's first report came out that that moment was going to come and so in the 2 years leading up to it we had anticipated having to be ready to hear what our progress had been, whether it was going to be good progress, whether it was going to be not as much as it ought to have been. My instincts when I read the report was that I was very pleased with a lot of what was in it. I was pleased that it recognised areas of progress that I was also recognising on my day-to-day work. I was particularly pleased that they highlighted a few individuals as having done very good work, which I thought was very good of them to do that. But also the areas where they indicated progress was not as quick as it ought to have been, I was not surprised by any of that, and we have always said right from the very start of this journey that some of the stuff is going to be really difficult to do. In particular, the areas of recommendations that are less tangible than some of the others things that are practical things you put in place or procedures you trained ... things like the "Jersey Way" for example is intangible in many respects. So I was not surprised by any of that. We, at this point, do not have our finalised document that says exactly in depth what our response is, including a breakdown of the recommendations and what action is therefore to follow; that has still got to be compiled and authorised by the Council of Ministers. I have seen the drafting process. So when that is published that will give some concrete steps of what we are doing to proceed following on from those recommendations. Although a reasonable proportion of that is simply carrying on from what we were doing after the first report anyway. So I was pleased with the report. I did read it and felt ... it was uplifting to feel the vindication for some of the good things that is going on, but at the same time helpful for shining a

light on the areas that we are not making progress quickly enough because that makes us more aware of those issues but, more importantly, makes everybody else more aware so they can hold us to account. So I was pleased with it.

**Deputy R.J. Ward:**

I think we will come back to some of those issues a bit more in depth. One of the things we asked about early on, it was made clear the 2-year review was the final piece of work for the Independent Jersey Care Inquiry but they did recommend mechanisms for future review are brought forward, a semi-quote there. What thought has been given at this stage as to what that is going to look like? What these future reviews will look like because that is a really important thing for us as well.

**The Minister for Children and Housing:**

Sure. So I see 2 elements to that. One of their initial recommendations was about allowing independent inspections of Children's Services, which we have had 2 of now. I think you had a briefing on the second review. It is not out yet but will be out when the Care Commission publishes it. So that procedure, getting that put properly in law, so it just becomes a thing that we do. We invite independent inspectors in as a matter of course is something we have got to do. But a lot of what the Care Inquiry focuses on was not just focused on Children's Services but about some of the wider issues as well. So I think our thinking at this point is that there may be a mechanism which we can have follow-ups based on our reporting to the United Nations on the Convention of the Rights of the Child, which we want to incorporate into Jersey law and there is obviously work going on to achieve that. But they assess their jurisdictions which are signed up to it, and have got their measure of doing it and so we are thinking that could be a way of doing it. I do not know if I have missed anything on that particular point that Andrew is aware of or if that makes the point clear.

**Deputy R.J. Ward:**

It is just those areas where they said that progress has not been made and the intangibles as well, whatever we call them. Those more difficult areas. It is obvious that there needs to be some sort of future reference back, if you like, to those areas to see what progress we make and how we can make progress because, to be quite frank, the Care Inquiry originally recognised those. Two years on we recognise there has not been progress again. I know we are going to come to it later but it is clear that a future review process has to take that bull by the horn, so to speak, and deal with them. It is just that mechanism. Do you have a picture in your mind of that mechanism as to how that might be addressed?

**Head, Children's Policy:**

Some of that mechanism needs to be some of the checks and balances that have been put in place since 2017; so I agree with the Minister in that some of the Children's Commissioner, the inspection,

these are all independent challenges that sit across the system and when you read back to the 2017 independent inquiry that was one of the things it picked up loud and clear. These overarching independent of government checks were not there. They were largely absent or sometimes at the invite of the Executive so therefore at their heart were compromised. So I think there is something about making sure what we collectively have put in place works and is enabled and continues to work. So that is the first thing, I think.

**Deputy R.J. Ward:**

Will you take account of the recommendations we made in our review because we made exactly those sort of recommendations in terms of the Public Service Ombudsman and a system of support for those who have not had redress, which is such an important issue, we have to address and as quickly as possible.

**Head, Children's Policy:**

So the Public Service Ombudsman falls into that same category of entities that would oversee. So that is a third actor, if you like. The issue around redress, I know the Council of Ministers will be receiving a paper soon around a different way of thinking about looking at redress, having looked at internationally how governments are responding to their historic legacies, if you like, around abuse. I think that is coming. I do agree with the Minister in relation to the role of the U.N.C.R.C. (United Nations Convention on the Rights of the Child) and United Nations being an international body. I think the Care Inquiry panel left us with this. They were independent. They came into town quite literally and were not beholden to anyone, were they? I think their challenge to us as a community is about where else can you find that device? I think some of the answers sit within our obligations that we have stepped forward to make around the Convention. I think we could make more of it. I think we could, given our ambition to incorporate, become much more ambitious and use that process as a real leverage for change and a real opportunity to hold the mirror up to us all, no matter how well we are doing for children and children's rights. Then my final point, if I may, is that as we go forward Scrutiny becomes as important a role in the big debate around how well are we doing. So I think Scrutiny in terms of this place becomes increasingly important to hold feet to the fire.

**Deputy R.J. Ward:**

You talked about publishing a response, just quickly and we will move on. When will that be published that response? Because that is obviously going to be a key document as well as we move forward in the next piece of work we are doing.

**Head, Children's Policy:**

We are hoping to take it to comment early January. As the Minister has said, we have drafted it and we just need to get a place on comm before publication.

**Deputy K.G. Pamplin:**

Just before we delve into the recommendations on a broader look overall, a result of the 2-year report and what played out. Minister, I am curious to follow up: the unfortunate interjection by the former Bailiff and his speech to the Assembly that got broader attention. First of all, just to reinstate your opinion on that and the possibilities that could have done for where we are today. Secondly, if we look at points 6 and 7 of their review, where they explain what they did where over a 2-week period in May we met with more than 200 people including young people, the front line staff and their phases when we met, even we as a panel we met with them publicly, privately, individually, we operated under the same independent principles of working without fear or favour be done during the Inquiry. So with all that stated and with all our experience, do you have an understanding of what went wrong and why an interaction did not happen between, as the former Bailiff was alluding, his office and the Greffier, with them, for him to then lead into that statement?

**The Minister for Children and Housing:**

Let me choose my words carefully here. I have no sympathy with his position whatsoever. I thought his comments were outrageous and, worst of all, I believe that his words, he impugned the integrity of the Inquiry. He talked about preconceived perceptions and things like that, which is a clever way of impugning the integrity, saying somebody was not reaching independent decision making, which I think was wrong. So I do not have sympathy with his position. I think that interjection, as well as being unhelpful, I think has been harmful in that I have had communications from some people who are very emotionally connected to this subject because of their own lives, who have been very, very upset and their journey to dealing with their life experience has been made harder by those interjections. So I made forthright comments at the time and I repeat them here, that I simply think he is wrong and I think we are worse off listening to such ill-informed remarks.

**Deputy K.G. Pamplin:**

That is why I go back to my point because it is clearly stated in it how they went about in contributing to this follow-up review and I made the point that we met them and it was a very open process. So therefore I have been struggling to find out why that interaction never happened. Have you given much thought? Have you inquired further, like we have?

**The Minister for Children and Housing:**

It was down to the Inquiry to decide who they spoke to on what terms they spoke to. Our job was to do nothing but help facilitate them being able to do that and they made their decisions.

[14:15]

The Bailiff has a problem with one of the recommendations in this report because he simply does not accept the principle of the separation of powers. The reason the Care Inquiry reached their recommendation on the separation of powers is because they were right. It is fundamental to democracy and fundamental to the welfare. Not just for children but everybody in our society. He does not understand that and is clearly a bit bitter about this recommendation. So I do not think he would have ever been happy with the process. I think he was unhappy with the result.

**Deputy M.R. Higgins:**

I think it is fair to say that just as we and other citizens in the Island could go and meet with the Care Inquiry and had every opportunity to; had the Bailiff wanted to speak to them he no doubt could have arranged to speak with them.

**The Minister for Children and Housing:**

Also, I do not know what documents they read behind the scenes but they, in their report, both first and second, made specific reference to the Carswell review. If they read the supplementary documentation to the Carswell review they would have seen the legal advice that was provided by Jersey Law Officers, by the person who was Bailiff at the time of those remarks and who, at the time, was Attorney General, their legal advice at the time, they would have had access to that and if they disregarded that advice it is probably for the right reasons not because of any sort of conspiracy that he may think.

**Deputy K.G. Pamplin:**

Thank you, good to get your opinion on that. So we are delving into the recommendations now. I am going to start with recommendation 1. They made a number of additional recommendations in relation to its initial recommendation, relating to the point of the Children's Commissioner. They suggested that: "Further consideration should be given to ensuring the post of Children's Commissioner is attractive to high-calibre candidates", especially given the issue of housing qualifications, which I know you know a little bit about; what consideration has been given to this matter at this stage and where we are at?

**The Minister for Children and Housing:**

I should just say on the point of housing qualifications, believe it or not, that is a matter in law for the Chief Minister not Minister for Children and Housing, which is ...

**Deputy K.G. Pamplin:**

You have a view.

**The Minister for Children and Housing:**

I have views on it, that is for sure. How that is brought about in future, particularly with immigration policy, will be part of that because we will need high-calibre people coming in to do these roles, not just Children's Commissioner but Comptroller and Auditor General, other important ... can you complete the rest of the question please?

**Deputy K.G. Pamplin:**

Yes, it is just what consideration has been given to the matter of this, that in their recommendation ... they go into more detail and number 11 is a bit of a concern for them, to continue the consistency. We do not want to have an exceptional candidate but then thinks to stall because you would like to get another candidate at the same calibre but there is an issue with housing and all those sort of things. You want to pre-empt that, not deal with it in the time.

**The Minister for Children and Housing:**

That is right, okay. So we are ... maybe lucky is the right word here, in that we have an incumbent who took the role before it became enshrined in law, who has, I think, managed the transition very well and has jumped straight into Island life very effectively. We are lucky also in that it will be a long time before the next Commissioner will have to come in and take that role. So we have got some flexibility here on how we deal with that. The consequences of the immigration policy will be important in this because in determining what is the distinction between someone who is entitled and not entitled, where does a work permit fit in on this? Different categories will have different access to different housing and employment rights, some of which are yet to be determined and some of which I have got very strong views on what direction they should go in. That will help inform that but, as a matter of course, we need to review the entirety of the Children's Commissioner's Law in the term of office of the first Commissioner purely to see if it has worked. Because it is the first time we have had legislation like this. We will need to hear from her, where her experience of bits and pieces are not working. So that gives us a springboard to be able to consider some of the specific points that were made in this recommendation. At this point, I am not pre-empting it simply because that formal decision has not been made by the Council of Ministers yet but we are in a good position to be able to deal with that. I think the fact is that we were always going to be in this position. Having done this new thing for the first time it was always going to be the case they would need tweaking as we just see how it works in practice. But the point of attracting a high-calibre individual, we cannot take it for granted that we happen to have a high-calibre individual take it up first time round. We have got to make sure that that is not just luck, that that should be systemic. That just should be what happens.

**Deputy K.G. Pamplin:**

Point 12, it was and remains their view that the appointment of the Commissioner should be made on the basis of the appointee serving no longer than a 6-year term of office consistent with other

U.K. (United Kingdom) commissioners. Is that something you are also saying that would you agree with, given this is the first time that does make a lot of sense in going forward, working with the current Commissioner on this?

**The Minister for Children and Housing:**

Sure. I think the reason that we went for longer than 6 years was to match what exists in other posts that we already have on the Island, which made sense and is a fairly reasonable thing; the distinction between 8 years or 6 years we have to think about. But we will think about it in the course of looking at this.

**Deputy R.J. Ward:**

Do you think part of the attraction of high-calibre candidates is showing that the Children's Commissioner has access and powers the same as she has? It is such an important ... as you know, we have been very keen to ensure that there is proper access to the information that she wants, for example. We do seem to have a protocol where the relevant legal advice will be made available as a matter of course, as opposed to might be. That will be the first test perhaps in order to attract future high calibre.

**The Minister for Children and Housing:**

That is right. The people who you want to hold this office are people who are going to want to do the job because they find it challenging and exciting and see opportunity in it to make a difference. If it transforms itself into a role that does not present an effective opportunity to defend and promote children's rights then it is not going to attract people who are ambitious. Our first Children's Commissioner played a part in drawing up the proposals that led to this law so she, as a person, was ambitious to want to do that. If the law is good and does provide a strong office that is capable of doing that job it will attract people who will go for it because they know it is not going to be easy but they will be going for it because it is challenging. That is why they want to do it.

**The Deputy of St. John:**

I heard today from a fellow politician that there is an opinion rife that suggests that she has too many powers.

**The Minister for Children and Housing:**

Well, people are entitled to their opinion but I do not share that one.

**Deputy K.G. Pamplin:**

Moving on to point 15 in the report where they say given the impact which Children's Services can have on lives and the future well-being of children and families, they go on about their view of why



they consider it a statutory right to raise a complaint about any aspect, where a Children's Commissioner should be introduced, laying out timescales, responses, and a mechanism for further review. What is your response to that and where that could lead us?

**The Minister for Children and Housing:**

Is this leading on to the Public Services Ombudsman?

**Deputy K.G. Pamplin:**

Yes, they go on to touch about that. But they do separate the difference of that role to what they are suggesting is needed within the Children's Services as well as that.

**The Minister for Children and Housing:**

Of course, yes.

**Head, Children's Policy:**

Can I make a couple of points? The first point I would make is that our Children's Commissioner, it is part of her law. She has a role there in terms of supporting complaints. That is the first point, and we wrote that in. That was in part to make it easier for children to negotiate the system, so to speak, and she does that and has done that from day one. I think the second thing I would want to say is that the Government of Jersey has looked at and recently introduced its feedback and complaints system, and that is in place. Now I think that under the work that the Ombudsman is doing we are looking at some of the other jurisdictions and how they differentiate between a general complaint and a much more specific complaint, which is very much to do with how Children's Services discharges its function. So in the Children's Act 1989 there is a special complaints procedure, which is quite ... I do not mean it in a negative but it is quite specific about and provides very specifically for children, families, providing a complaint, which is particularly about a judgment that has been made in the context of the Children's Services. What is challenging in relation to the Care Inquiry panel is that they just talk in general about a complaint. So it could be fixtures and fittings but it also could be substantially around a particular judgment. So they are very different things. Just to say that as a part of the ombudsman work we are looking quite carefully at the Children's Act and the special complaints procedures because I think that is what the Care Inquiry were talking about and alluding to. I know something similar is in place in Scotland. Mark, I will hand over to you.

**Director General, C.Y.P.E.S.:**

I am probably just going to repeat things that Andrew has said in that case but the appetite that the Inquiry have for a statutory complaints system is shared. So I think that is an important starting point. Exactly what the wiring diagram turns out to be I think is still being discussed but there are opportunities to put it into Children's Law here. There are also opportunities to put it into the law

that relates to the Public Service Ombudsman and/or both because there might be a complementary set of functions sitting in Children's to create and administer a statutory complaint system and then you have got some options around the Ombudsman as to whether it is just then that is like a further appeal mechanism and/or you give the Ombudsman the powers to determine the statutory complaint system.

**Deputy M.R. Higgins:**

What is the timescale on the ombudsman?

**Head, Children's Policy:**

The consultation has happened. We are responding to those consultations and I anticipate that the law drafting will happen in early 2020 to bring a proposal back.

**Deputy M.R. Higgins:**

There is a danger with the Ombudsman Law that we will throw everything into it and it will be delayed. Have you identified areas that can be brought in in stages as opposed to one big one? For example, the U.K., the health service bringing that in has complicated things compared to the original ombudsman.

**Head, Children's Policy:**

I think that is part of the work that is going on at the moment. Having had that consultation is understanding now where some of the edges are on that and how an ombudsman would work with existing or future law, in this case particularly Children's Law. I think that level of detail is what we would look to bring back to Council ahead of any law drafting.

**Deputy K.G. Pamplin:**

Just to be clear, and I think the point that they are making with this, is it is important for Children's Services to have such a mechanism in place to allow for both informal and formal resolutions of complaints before referral to an ombudsman. So we do not get that blockage, that this can be dealt with inhouse. But then the statute rightly allows people to know how to do it, where to do it, and also for compliments or good feedback and all that sort of thing. Further to Mike's question: when could this be sort of coming into place alongside the ombudsman?

**Director General, C.Y.P.E.S.:**

I think the first point to make is that there is a new corporate compliments and complaints policy. So the Children's Service, along with every other bit of government has to follow that 3-stage process. So I think there has already been some strengthening generally of the necessity for encouraging both complaints, concerns and ... I think it is all 3; complaints, concerns and compliments to come

forward. So that policy can be relied upon. The new director is keen to see whether, without unduly changing that new policy, there are things that can just be strengthened now around Children's Service. So he wants to have a look at that and see whether there are some extra bells and whistles maybe that are added to give parents and carers, as well as young people, greater assurance that that process will work for them. I then think that we do need to progress a discussion that says who is going to set out the statutory complaint system? Is it the Ombudsman or is it another piece of legislation? That has to be decided. We are not at that point yet. But that can be the next step, it would seem to me, to make that decision which direction that is going in. Because then it also answers the question about whether the ombudsman is just ultimately a kind of Court of Appeal, so to speak, about complaints that are not considered to be managed satisfactorily.

**Deputy K.G. Pamplin:**

You do not want the ombudsman bombarded with things that he does not need to be so you can deal with the more pressing urgent issues. He is not getting things that are just going to ...

**Director General, C.Y.P.E.S.:**

A professional view from me in relation to the Care Inquiry's own view about this is, it is absolutely right and proper that the service itself, building from a corporate policy on complaints, concerns and compliments, has a very strong well-recognised credible complaints function. Because I just think it is really important that the service is informed by the feedback that you get from administering that system from within, but you always need then, I suppose, the added protection. If that does not work or there is an issue that just cannot be resolved in that context you can go somewhere else with it. So I guess that is a personal professional view. But it works really well when there is a strong service based statutory process.

[14:30]

Then there is a third party to whom you can go to if you are still not content. That would be my advice.

**Deputy M.R. Higgins:**

Who is the director you refer to? You said the new director.

**Director General, C.Y.P.E.S.:**

Mark Owers started 2 weeks ago as the director for Children Safeguarding and Care.

**Deputy M.R. Higgins:**

He is full time?

**Director General, C.Y.P.E.S.:**

He is the permanent new appointment, yes.

**Deputy K.G. Pamplin:**

The panel made a number of recommendations that suggested amendments to the legislation governing the Commissioner, which the chair touched on just previously there. What consideration has been given to these amendments that they suggested?

**The Minister for Children and Housing:**

That has to be determined yet in that we have not formalised our response to these recommendations but all I can say is that it is going to happen that when we review the Children's Commissioner's Law we will have regard to what the Care Inquiry has said. It has raised some important and valid points. There may well be other points we want to consider alongside that but it will be part of our thinking; 100 per cent.

**Deputy K.G. Pamplin:**

Again, the chairman said, is there an intention to revisit the protocol for information sharing between the Law Officers' Department and the Commissioner, especially given the findings of the panel, especially our involvement in that whole process as a panel? Now we are a bit further along, we have had a little bit of time to settle. Is it going to be something you will be looking at bringing to revisit this going forward?

**The Minister for Children and Housing:**

Not only is it something we will consider doing, we are required to do so in the terms of that protocol but there is meant to be a review of it. We were due to have a review of how it had worked in practice roundabout now but the Children's Commissioner informed us that she has not had to invoke the protocol yet. I say "yet". In an ideal world she will never have to because she will just get the information as and when she needs it, which has been happening. So she has not had to invoke it yet so she has not had an opportunity to examine whether it would work in practice, based on what we have theoretically put together. So we cannot, at this point, revisit whether the protocol ... the terms for dealing with issues of passing information on when there is a difficulty because that has not arisen because there have not been any difficulties. So that is a good thing. But if something happens in future where she feels dissatisfied that she has not had information quickly enough or anything else like that, it will have to be revisited because that is what we signed up to.

**Deputy K.G. Pamplin:**

Curiously, does that not make the stronger point of the work that we did do to make sure that protocol was there and what we originally were not happy about it could be working in the sense that if ... and what would be the alternative if that had not been there? Maybe she would be encountering problems so it could be a positive thing that we push for this.

**The Minister for Children and Housing:**

Yes, and as I said, the ideal scenario is that you have these rules to empower people to get information as and when they need it, that you just never need to invoke because it is just a thing your organisation does. "Oh, the Children's Commissioner has asked for information; we just give it to her. That is just what we do." As it stands, it has not appeared to be a problem so far, which is a good thing, but what we do not want to happen is one day in the future hit a problem and not be properly equipped to deal with it. So that is why we will have to think this, when the right moment comes.

**Deputy K.G. Pamplin:**

Very quickly, last one from me on this recommendation. Are you going to be reviewing the appointments process the Commissioner's advisory groups and also the process for removing the Commissioner from their post; worst case scenario?

**The Minister for Children and Housing:**

We have to.

**The Deputy of St. John:**

We are going to move to recommendation 2 and consider the recommendation in relation to Children's Rights Officer. "We note the plans to increase the scope of the Children's Rights Officer function, including the appointment of Children's Rights Assistants. We also know that the role of the Children's Rights Officer is currently under recruitment." Is this in addition to the current post or to replace the person currently who is doing the job?

**The Minister for Children and Housing:**

The person currently doing it was I think on a ... is interim the right word?

**Director General, C.Y.P.E.S.:**

Secondment.

**The Minister for Children and Housing:**

Yes, secondment when the role was first established. So the incumbent was seconded to that role and now it is the process of making that permanent.

**The Deputy of St. John:**

Right. So the current tenant, if you like, will have the opportunity to apply for, is that the case?

**The Minister for Children and Housing:**

Yes.

**Director General, C.Y.P.E.S.:**

Indeed, yes.

**The Deputy of St. John:**

If there is a replacement can you explain why this relatively new role is already subject to recruitment? Well, you have partly answered that. Was it not possible to say: "Well, you are suitable; yes, you will do?"

**Director General, C.Y.P.E.S.:**

That is possible but I think I would always like to have, even if it is only an internal ring-fenced competition say to Children's Services or in the department, I think it is always healthy to have competition and improvement process. People perform better as a rule and you get to understand more of their potential. So briefly to reprise, so when the recruitment was undertaken last year it was on the basis of it is a new role, we will need to develop it so we had a secondee into it, and it is a secondee from within the Children's Services doing the Children's Rights Officer role. We are now in a position where we understand enough about the role that we want to formalise it and therefore that is why the recruitment is taking place. So rather than just convert the secondment into a permanent role, yes, because this role reports to me I felt it was appropriate to put it out to competition. There will be other people who are interested in this and it will be good to see who is best for the job.

**Deputy M.R. Higgins:**

Can you tell me what matters have been brought to your attention by the Children's Rights Officers? What issues do they raise?

**Director General, C.Y.P.E.S.:**

A range of case work related matters that the Children's Rights Officer's primary responsibility is to be able to advocate on behalf of children.

**Deputy M.R. Higgins:**

Yes, but what sort of issues has there been raised?

**Director General, C.Y.P.E.S.:**

Placements, children who are concerned about their presence or intended placements. Children who may be concerned about whether they have enough choice in who their social worker is. Children who might be concerned that there have been changes in social worker or other workers. Those kinds of issues are what are brought to the officer's attention and, therefore, ultimately to mine if I need to intervene.

**Deputy M.R. Higgins:**

Have you intervened?

**Director General, C.Y.P.E.S.:**

Yes, twice.

**The Minister for Children and Housing:**

She is also involved with the Corporate Parenting Board as well, so by virtue of holding that role she contributes in that way as well, which is very helpful.

**Deputy R.J. Ward:**

I think it is an important question because the context is ... that is useful.

**Director General, C.Y.P.E.S.:**

I think Deputy Higgins' question is doubly important because, as I alluded to, I am the direct line manager for the Children's Rights Officer because this is intended for there to be a high degree of independence to this role within the Children's Service. Yes, while I am overall responsible for the Children's Service, it does not report to the director, it reports to the director general to ensure that issues can be escalated if they need to be.

**The Deputy of St. John:**

So one step removed?

**Director General, C.Y.P.E.S.:**

Yes.

**The Deputy of St. John:**

The work of Children's Rights Assistants, what is that going to be in support of the Children's Rights Officer?

**Director General, C.Y.P.E.S.:**

There are going to be 2 of those roles. I think probably 3 aspects to them. So the first is we know that the Children's Rights Officer role presently does not have sufficient capacity to ensure that we can be confident that all children, both in the Island and off the Island, if they want her support and advice, we are not confident that we have got enough capacity should there be high levels of demand. That is why there are those 2 extra roles. So the first thing they will be able to do is provide some of that extra capacity. Secondly, they will be able to work with the Children's Rights Officer on particular pieces of project work so maybe that there is an activity that we are looking for, for some youngsters, to give their views on about, say, scheduling the service or whatever. The assistants will be able to do that. I think thirdly, they will develop their own capability in due course to provide just more learning and development in the service arising from the work of the 3 Rights Officers. So it is back to complaints, compliments and concerns. It is about the feedback loop into the service.

**The Deputy of St. John:**

It is really an unfortunate fact that we have to send some children off the Island because we cannot accommodate them here.

**Director General, C.Y.P.E.S.:**

Yes.

**The Deputy of St. John:**

How often are they going to get a visit from a Children's Rights Officer?

**Director General, C.Y.P.E.S.:**

So it is not ... are you okay if I continue?

**The Minister for Children and Housing:**

Yes, of course.

**Director General, C.Y.P.E.S.:**

It is not formulaic. If you think of the Children's Rights Officer as being potentially one of 3 people who could be contacted by a child, who wants somebody to advocate for them or support them to be able to advocate for themselves, that is - sorry to use the language - but that is kind of demand-led. So it is not that they are going to make 3 visits or 4 visits or 5 visits, as a matter of course to all the children off Island. It will be ensuring that those children that want this particular officer's support to speak up, to help them speak up, get that. So some youngsters could be visited quite a number of times. Some other youngsters might go: "Actually I do not need anyone at all or maybe I want to



...” It is an issue that is more relevant to the Children’s Commissioner or an issue that is more relevant to Jersey Carers.

**The Deputy of St. John:**

How will Jersey Carers fit into that support network?

**Director General, C.Y.P.E.S.:**

I kind of started so I will finish I suppose really. So it is really clear, to me at least, that there are 3 organisations or bits of organisations that are now available to children to help them with advocating their views. The 3 organisations which is the office of the Children’s Commissioner, Jersey Carers and the Children’s Rights Officer, are in the process of agreeing, I suppose a memorandum of understanding or protocol, around respective roles and responsibilities. That is already becoming clear. So Jersey Carers has been commissioned by the Government in the first instance. So the first piece of work it has from us is to provide advocacy for children who are presently in the care of the government or are leaving its care; so-called care leavers. So it is a very specific service to support those youngsters if they want to be helped to speak up about their needs.

**The Deputy of St. John:**

So when do you anticipate that M.O.U. (memorandum of understanding) to be up and ready to go?

**Director General, C.Y.P.E.S.:**

So I have asked for it to be completed before Christmas. Some initial work was done in August where some facilitated work from Professor Mike Stein, who is a professor in the right stuff in York.

**The Minister for Children and Housing:**

Professor in Social Policy and Research at the university.

**Director General, C.Y.P.E.S.:**

So there is a really good day session that I took part in the morning of where the debate was had about who does what. There is a draft in other words, so I have said: “Can we please have that before Christmas?” So before Christmas.

**The Deputy of St. John:**

Good. Okay, we move on to ...

**Deputy R.J. Ward:**

I will be short with this because we sort of touched on about there are some projects in the Government Plan, a number of them, to inspection of Children’s Services. What additional plans

are you considering for a statutory inspection process for the services, as mentioned in the second-year report from the I.J.C.I. (Independent Jersey Care Inquiry)?

**The Minister for Children and Housing:**

Is that in our legislation transformation?

**Head, Children's Policy:**

Yes, it is. Do you want me to just ...?

**The Minister for Children and Housing:**

Yes.

**Head, Children's Policy:**

So phase 2 of the ... the Minister set out a programme of work around our legislation for children and one part of that is the Jersey Care Commission work to broaden its scope and focus as that Commission will be our systems independent kind of inspector. At this moment in time, work is on with developing phase 2 of the Care Commission's role in relation to children's bedpan inspection and work is focused around definitions at the moment, around extending independent inspection into adoption, fostering, what I would call field social work. So non-residential. C.A.M.H.S. (Child and Adolescent Mental Health Services), children's contact centres and also children's community healthcare services. So some of the work there. I mean there is some home care too on the children's side, if you know what I mean. So as you can tell from that list, very ambitious. But at this moment in time we have got policy officers working on that and we will look to be drafting law in 2020 around this phase of the Care Commission.

**Deputy R.J. Ward:**

Part of that is the plans to improve fostering service, which is quite integral to the Government Plan, for the children's part of it anyway. How are you going to seek to gather the views and feedback of foster carers as part of that process? Because you can wait for an inspection process which may be sort of at the end of telling you what you have missed but it seems to me that there is an urgency to improve those foster care services. So how are you going to engage in order to get that information to how you mould what is successful in the future.

**The Minister for Children and Housing:**

I know those working in the service have good communication, as they have to, with foster carers and that obviously provides an opportunity to hear feedback. Some of the things that we will be enhancing in the Government Plan, in terms of out-of-hours support and that sort of thing will enable

another type of feedback, so come back to us as issues are raised then. I know that there are other foster carers who have raised concerns.

[14:45]

I was due to meet some recently but could not in the end, and I am tempted to get another meeting with them when the Government Plan is over, to hear from them as well.

**The Deputy of St. John:**

It has rather hampered our activities as well.

**The Minister for Children and Housing:**

Yes, it is. It is a real nuisance.

**Head, Children's Policy:**

It came up in our Corporate Parenting Board and it was one of the things that we said we would do.

**Deputy R.J. Ward:**

There was also a suggestion that the J.F.C.A.S. (Jersey Family Court Advisory Service) should be included in any future inspection processes. What conversations have you had with them about the service so far and where are you with those conversations? That would be quite integral I would have thought as well.

**Director General, C.Y.P.E.S.:**

I think at this stage the head of the Probation Service, who ultimately kind of takes responsibility for the inspection of J.F.C.A.S., to shorten it, like ourselves, will need to engage in the dialogue with the Care Commission about how all of this is integrated in the future. So at the moment we essentially have 2 separate sets of activity over which the Care Commission obviously sort of has oversight. I am expecting that the chair of the Care Commission is going to start to complete some discussions about how to create a more integrated system of inspection in future. So it is not just what is going into phase 2 of the Children's legislation transformation programme that is important. It is about thinking through the different kinds of inspection, the sequencing of them as well that is going to be important.

**Deputy R.J. Ward:**

There are a lot of plans there with inspection. When are you going to see a tangible difference? I have always thought that inspection is one thing but seeing difference and seeing action right on the

front line is the key to any of that. Otherwise you just end up with a process whereby inspection is there as the end point to point out what is wrong, but the wrong has still happened.

**Head, Children's Policy:**

It is only one part of an improvement methodology, is it not? That is the thing I always think about.

**Director General, C.Y.P.E.S.:**

So we have had an improvement plan following the first inspection in June last year. The new director - there will be a lot for the new director for a while - has already taken responsibility for thinking through what needs to be in the next improvement plan. I think he will probably call it a service development plan because it is not just about raising the quality of social work, it is also about some of the changes that need to be made as well. So there will be a new service development plan soon, we are just trying not to get ahead of ourselves because the process here is slightly different from other jurisdictions. We have to commission our steps through the Care Commission and until it formally publishes its own report on the report we are kind of doing this quietly in the background, trying not to look presumptive about what we might say. But basically in future you will be able to ... obviously the Minister for Children and Housing will look at the actions that are put into that development plan and how they are primarily going to be focused on raising and then sustaining high standards of social work practice.

**Deputy R.J. Ward:**

We will move on to recommendation 4 because I am conscious of time. Do you want to have a couple of those?

**Deputy M.R. Higgins:**

Which one, C4?

**Deputy R.J. Ward:**

Yes.

**Deputy M.R. Higgins:**

Yes, basically we would like an update from you on the number of social worker appointments that have been made since the start of the Let's Be Honest campaign.

**The Minister for Children and Housing:**

Well, 22 new social workers have been recruited and 15 of them have already started their roles, 2 are beginning imminently and the further 5 are in the final stages of that process.

**Deputy M.R. Higgins:**

How many of them are agency staff or are they full-time appointments?

**The Minister for Children and Housing:**

These are permanent, yes.

**Deputy M.R. Higgins:**

Okay, and how many agency staff do you have as well?

**The Minister for Children and Housing:**

Is that 34, which is 39 per cent.

**Deputy R.J. Ward:**

What was that?

**The Minister for Children and Housing:**

It was higher than 39 per cent recently.

**Head, Children's Policy:**

The trend is down, is it not?

**Director General, C.Y.P.E.S.:**

Yes, the trend is down, so we have at times been as high as sort of 55 per cent to 60 per cent, although that varies team by team.

**Deputy M.R. Higgins:**

How short are you still?

**Director General, C.Y.P.E.S.:**

So we are not short in that we have not got posts that are not filled, but not all of those posts are filled by permanent staff.

**Deputy R.J. Ward:**

I think that is what we are trying to get at.

**Director General, C.Y.P.E.S.:**

So sometimes, particularly in the media, there is a view that when we say we have only got X percentage of permanent workers that the other posts are literally vacant, as in nobody doing the job. The job will be being done by somebody on an interim contract.

**Deputy R.J. Ward:**

So that is 34?

**Director General, C.Y.P.E.S.:**

I think probably if I could just quickly add one other thing, because this is always a moving feast. So we have some successes very recently, not just in a new director, permanent, on site working, we have also appointed 2 ... sorry, I am stealing your thunder now, Minister.

**The Minister for Children and Housing:**

Yes, I wanted to say this bit. Thank you, Mark. We now have a permanent senior leadership team, those roles were filled at the beginning of this week or end of last week, I think we interviewed ... yes, some of the process went into last week but the 5 senior leaders are now permanent which is the first time that has been the case for a while in Jersey, so that is good news.

**Deputy M.R. Higgins:**

What sort of experience level have these new appointments got?

**The Minister for Children and Housing:**

Very extensive. I know the C.V. (curriculum vitae) of the head of safeguarding was published when it was announced that ...

**Deputy M.R. Higgins:**

No, I am not talking about the senior people, I am talking about the people on the coal face.

**The Minister for Children and Housing:**

The whole back service, yes.

**Deputy M.R. Higgins:**

The actual social workers you have recruited.

**The Minister for Children and Housing:**

Yes, some of them are newly qualified; I do not know the breakdown.

**Director General, C.Y.P.E.S.:**

It is a variety of levels of experience, so we have taken in a good cohort - I think it is 12 at the moment - of what are called A.S.Y.E.s, (Assessed and Supported Year in Employment) so they have an assessed and supported year in employment, it is a probationary year, in other words. So there are a good number of newly qualifieds who have come in, but equally the remaining staff have a range of experience, it would be 3, 4, 5 years out at least in their experience.

**Deputy M.R. Higgins:**

What mentoring are you doing for the new ones?

**Director General, C.Y.P.E.S.:**

There is a programme of support that we are required to have and they will all benefit from a structured programme of accredited support, as all A.S.Y.E.s are expected to have.

**Deputy M.R. Higgins:**

Just moving on to the B.A. (Bachelor of Arts) Social Work course; can you give us an update on what the position is on that at the present time?

**The Minister for Children and Housing:**

Yes, there are 12 students who are currently studying towards it. As we know, it was oversubscribed and there were other people who wanted to be involved in it. The future trajectory for that, because this is the first group to go through that, is our on-Island ability to deliver that course will improve as we have taken on the advice from the mainland. It is a few months into its first term but there are 12 students on that degree.

**Deputy M.R. Higgins:**

No dropouts yet?

**The Minister for Children and Housing:**

Not that I am aware of.

**Deputy M.R. Higgins:**

The Let's Be Honest campaign, how has that addressed the recruitment and retention issues with social workers? How successful has it been?

**The Minister for Children and Housing:**

Well it won a national award recently, I do not know if you saw that publicised; we are very pleased with that. In terms of the engagement that it led to with a large number of people, it was well received. It was a very different sort of campaign in how it was toned and what the focus was on.

It has led to people coming here to work on permanent contracts so that has got to be a good thing. I am trying to remember if the most recent employment fair ... it was the last one for this ...

**Director General, C.Y.P.E.S.:**

Last one for the year, yes.

**The Minister for Children and Housing:**

Yes, last one for the year, so there was a very recent one after it was recognised by that award. So we are incredibly pleased with it.

**Deputy K.G. Pamplin:**

I was going to say there is a very good written question being lodged about this by a Deputy so ... but just curiously - sorry, I cannot help myself here - there is a success of the campaign which is, I would agree was ... from my perspective I thought was a brilliant, well put together campaign, it deserved its recognition in an award setting. However we are dealing with the actual rewards of what it is determined to do and bring in the social workers that the Island needs as of now. The concern could be that by it being so successful you have brought on some very fresh-faced young social workers at the beginning of their career, but I think we could argue the point that we are in a very complicated situation which is why we have the care reform, that the standard social worker, because of the turnover, we need some really strong experienced social workers as of now. So the measuring of success of this campaign will not be about the awards of the campaign, but have we got the right social workers for what we need right now, experienced in some very complicated issues that they will inherit because of the failings of the past? I just want to clarify the successes.

**The Minister for Children and Housing:**

Well it will always be the case that we will want diversity in the workforce in that department, and that will mean a range of experience and having newly qualified people in there is a good thing because these will be people who will be very up to date from their learning and what modern practice is and theory underpinning it. It is obviously the case you do not want a service that is overwhelmed by newly qualified people. You do want people with experience in there but I think the fact that we now have very experienced people in the senior roles is a good sign that has shown that people wanted to do those jobs - as I said before about the Children's Commissioner - because they are challenging and wanting to do that. I mean, I am satisfied that we have got a good mix and that trend of how many agency workers there were before having reduced is a good thing because if you think of it from the child's perspective, if you are going through that service and you go through 5 different social workers in a short space of time who happen to all ... they may well be very experienced but there for a very short period of time. How would that measure against having one social worker in that period of time who is less experienced but who gets to know you, gets your



trust and works with you that way? Well in that situation I think it is obvious what the better option is, so the stability will help improve the service.

**Deputy K.G. Pamplin:**

That is where the training is key because it is a daunting prospect in our core system and the way things ... and there is so much change going on that if the training is not there to get them to a place where they can deliver that standard that we deserve, that they could ultimately go: "Well, I have had my training, I have had my first few years since graduating, I am now going to take that experience off the Island." So it could be counterproductive and I guess, going back to the previous question, why that training and support is critical so we keep them on the Island because we do not want to get into the same scenario, they come here and then go.

**Director General, C.Y.P.E.S.:**

So there is a graduation, is there not? There is an induction which is needed for everybody of course but it is particularly ... it can be particularly comprehensive, as we told you, but it is all the more comprehensive for those who are at the beginning of their career. For them it also moves into the A.S.Y.E. programme. We are getting some expert input to make sure that is the right set of learning and development opportunities, but also for everybody else you need that graduated learning and development programme as well. I do not think any of us would want to kid you that ... you know, we are building the aeroplane in flight still but it has got some wings, propellers and stuff on it now, but there is much more still to do, so that is coming. I think where you may be interested is our focus has very much been on recruitment and we continue to need to focus on recruitment because we want to get the best balance or blend between permanent and non-permanent staff. It gives me another opportunity to say that it will always be a balance between the 2, it will never be one or the other; that is just the way it is in terms of the market. But you can still have stability with interims because they can stay a long time and be very good, which is a message I kind of sometimes have to keep giving as well, because there is a bit of a sort of permanent/good, interim/bad thing going on here. So we need to continue to focus on the recruitment to get to the right balance but then we need to move our emphasis really into so what is the overall learning and development and reward framework, whether you are at the start, middle or towards the end of your career; and some of this is about progression for folk. The bit of thunder I nearly stole off the Minister but did not, I can complement with some interesting other information for you, which is as we stabilise the senior leadership with permanent appointments it still creates some vacancies that we need to fill lower down in the organisation because 2 of those 4 heads of service are people who have been working here for some time and have now been successfully promoted into more senior roles. We have some team manager vacancies coming up now, so while we sort out one bit we then present ourselves with some recruitment challenges elsewhere, but again it gives us a real opportunity to

build that strength and depth across all of the leadership levels and wrap around it the professional development that those people need.

**Deputy M.R. Higgins:**

Your analogy, by the way, worried me, building an aeroplane in flight. For those who do not like flying it is not a good thing. Can I just say ...

**Director General, C.Y.P.E.S.:**

It is better than building a submarine on a mission though, is it not, I think that one is probably slightly more risky.

**Deputy M.R. Higgins:**

You have managed to recruit these people, and we all know about the high cost of living, housing problems and everything else. How have you alleviated that so far as these new recruits are concerned? How confident can you be that they are going to stay, because if they find the cost of living is too high or if you have not got housing, how long are they going to stay?

**The Minister for Children and Housing:**

So, wearing a different hat momentarily, we have a key worker accommodation review that is ongoing. We had a first report and there is a subsequent one I think February we are looking at for that one. So I have come under a bit of flak for rearranging some of our social housing stock at the same time as getting a net gain in social housing from other developments, to try and construct an offer for people who are coming in for these key roles to have landing accommodation that they ... it is different when you are on the mainland, you can jump on a train on a Saturday and go and see an estate agent to try and find a place to live when you are taking up your contract. You cannot really do that in Jersey.

[15:00]

If you are here for an interview you will not have time to do anything else, so having an offer for those people when they arrive so that they have the ability to set up their life and be comfortable from day one, and then present further options for then enabling them to get somewhere that is a bit more long term for them, or even permanent if they want to buy a house, try and facilitate those options for them.

**Deputy M.R. Higgins:**

So being clear then, the ones you have recruited, you have ensured they have got accommodation and that they are being briefed about what is going on in the Island and so on?

**Director General, C.Y.P.E.S.:**

Yes, so we have an on-boarding arrangement basically, so the whole point of going to the recruitment fair in mainland U.K. was in order to kind of give the sort of information that you need about everything to do with coming to Jersey and then to ensure that if you were interested and progressed an application that was successful, you were supported in being able to access them. I will not deny that there have been ups and downs, we have definitely had some teething troubles around some of those arrangements, but there is a growing capability here to bring people into the Island in a much more effective way that stops them having a kind of “Oh my goodness, it is like this, is it?” moment when they get here. But it is challenging ... I mean, some of that is challenging.

**Deputy M.R. Higgins:**

So they all have good housing so they can start off, they do not have to worry about that aspect, is that correct?

**Director General, C.Y.P.E.S.:**

Yes, we predominantly provide key worker accommodation, as the Minister has just described. Sometimes people will be able to make arrangements of their own. But everybody has somewhere to live, yes.

**Deputy R.J. Ward:**

I am conscious of time so if we can quickly go through 5 so we get on to 6 and 7.

**Deputy K.G. Pamplin:**

We obviously have addressed a number of the following points with our most recent updated report. What is the Minister’s assessment of the recommendation that the Parish Hall Inquiry has just done: how interactive children should be reviewed?

**The Minister for Children and Housing:**

We have the ongoing youth justice review which is not just me obviously but the Minister for Home Affairs as well. I had not necessarily anticipated the focus on that recommendation, but it is a very unique Jersey thing and something that in the Care Inquiry’s first report there were very mixed views from lots of the submissions they had in it, but I personally think that it is something that needs to be looked at to make sure that it is not just fit for purpose but something that resembles what that system should look like in the 21st century.

**Deputy R.J. Ward:**

Well there is a very handy recommendation 1 in this report that might be able to help you with that.

**Director General, C.Y.P.E.S.:**

It is about putting children at the centre, it puts children first in all aspects of our court system, including the actual inquiry.

**Deputy K.G. Pamplin:**

The panel also gave a particularly damning view of Greenfields, an area I know we have touched upon many times. What is your response to their finding?

**The Minister for Children and Housing:**

I was surprised at the specific recommendation to knock the building down. I had not anticipated that. I anticipated that they would not be particularly complimentary about Greenfields. I have been up there myself and it is not a pleasant environment and there are big difficulties, as I know this panel is very aware of, with that. So we have money put aside in the Government Plan for looking at what can be done. Is there another report to come, coming up soon?

**Head, Children's Policy:**

There is a particular working group going to pick up the issues around Greenfields as part of the sufficiency strategy.

**Director General, C.Y.P.E.S.:**

So there will be some further reporting to come. I think because, as the Minister said, there was ... probably one of the few surprises about the report was the demolition of Greenfields, there has had to be some kind of pause and reflection because the direction of travel previous to the inquiry's report was, to use that dreadful expression, repurposing. Some reflection needs to be had around its demolition what is required. Of course it brings us back to Haut de la Garenne as well.

**Deputy K.G. Pamplin:**

Also specific reference was made to the need for ongoing training for all involved with court decision-making processes surrounding children. Can you elaborate on what this would entail at this stage, if you can, and how are you going to ensure it takes place? Again there might be another interesting written question being lodged that might ...

**Director General, C.Y.P.E.S.:**

Sorry, just repeat the first bit of the question, Deputy?

**Deputy K.G. Pamplin:**

So basically this is the specific reference made for the need for ongoing training for all involved with the court decision-making process surrounding children, so could you elaborate what this would entail?

**Director General, C.Y.P.E.S.:**

Indeed, so some work has already started on that so there was a new practice direction - I think it is probably 3 or 5 months old at least now - which is all about being better at both pre-proceedings and proceedings. So essentially trying to move the process forward so that all the prep is done well in advance of ever lodging anything with the courts around care proceedings, and there is significant training around that that involves certainly the Law Officers' Department, the courts themselves and the Children's Service, and it is intended that that practice direction is both reviewed and then developed further. I think the biggest focus that we have got here is that the average time it takes for proceedings to complete here is significantly longer than other jurisdictions.

**Deputy K.G. Pamplin:**

Yes, again which was the point I am building to.

**Director General, C.Y.P.E.S.:**

Yes, I wondered if that is where we were going.

**The Deputy of St. John:**

Would you be able to say why that is?

**Deputy R.J. Ward:**

Is it resourced based?

**Director General, C.Y.P.E.S.:**

No, I think it is because the practice here has not been to focus on what is called pre-proceedings, the practice has been to get to court, have your hearing date and then do the work as you get to court, and clearly that means that should somebody then say: "We want some expert advice on this, that or the other because there are psychological considerations that we want to know more about" you then end up doing more work than you need to while the court process is live. So I do not think it is a resource issue.

**Deputy R.J. Ward:**

Or if there is a delay in the court date. It could be as simple as that.

**Director General, C.Y.P.E.S.:**

Yes, potentially, Chair, but I think if I am honest with you, the focus has just not been on a process that starts with: "Let us get everything done" before you try and lodge your first hearing.

**Head, Children's Policy:**

So at this point in time that ...

**Director General, C.Y.P.E.S.:**

Then the Royal Court bats you back and says: "You have not done enough prep."

**Head, Children's Policy:**

The practice direction is live and there have been workshops and we have been at those, and the intention and ambition is very much to carry on those kind of interprofessional relationships, build them up, build up the practice. As part of the children's legislation transformation programme the intention originally was to scope to see whether there was a need to bring in regulation to address this kind of issue which is about the length in court proceedings, but what we have felt is we want to give a practice direction and all of the other changes in the system a good run at, and see if it can make a difference. So what we have planned to do is evaluate whether the practice direction and other initiatives have had an effect, and that effect being shorter time for children going through court proceedings. I noticed anecdotally the numbers of children going through court proceedings has dropped off dramatically, so that is a challenge for us in terms of what we evaluate, but it is a busy area and there is a lot of working going on and a lot of commitment around improving that particular part of such a practice.

**The Deputy of St. John:**

I am presuming that the courts are heavily involved in this discussion and formulating their own procedure or arrangements to ...

**Head, Children's Policy:**

Exactly, yes.

**Director General, C.Y.P.E.S.:**

There is clearly collaboration between all the interested parties, somewhat surprisingly, at least to me if nothing else. It was only recently - and you were poorly unfortunately so the Minister could not open it - but we had the first for a very long time, as I understand it, tri-party workshop between the Children's Service, the Law Officers' Department and between advocates who are operating in the courts. I mean, it was surprising that we have not done that before but that has started. I think it was quite challenging, the initial session, but we will build out from there because clearly things like practice directions can only be effective if you have got the 3 parties in agreement with them.

**Deputy M.R. Higgins:**

Could you supply us with a copy of the practice direction and any notes from the consultation you did for the background work on that?

**Head, Children's Policy:**

Yes, of course, yes, I can do that.

**Director General, C.Y.P.E.S.:**

We will cure your insomnia, if that is what you suffer from.

**Deputy M.R. Higgins:**

It is an area that I am very interested in.

**Director General, C.Y.P.E.S.:**

It is a really good read. I do not often say that but it is a really good read because it is intended to create an upstream approach to proceedings. It is brilliant.

**Deputy K.G. Pamplin:**

Just to finish off on this: are you concerned, therefore, about this 26-week timetable and the effects in Jersey? Because obviously this is a big issue in the U.K. as well, but are you seeing a significant concern in the Jersey court system, where in the Ministry of Justice in the U.K. figures show the average length of time for a care or supervision case to conclude is 28 weeks and only 57 per cent of cases were concluded within the 26-week prescribed recommendation. We all know the concerns that brings - and I am just picking up from what you are saying - are you concerned at what you are seeing here in our courts?

**The Minister for Children and Housing:**

We know that things are not good enough and that they have got to improve, and there are multiple ways you can go about doing that but you want every single difficult process involving children to be made less difficult. Not just decisions to be made sooner but the right decision to be made and also support given to provisions and support that will not let things escalate so that even becomes an issue. So I know that things are not good enough and they have got to improve definitely.

**Deputy M.R. Higgins:**

What things in particular do you find not good enough?

**The Minister for Children and Housing:**

The process is often not very child friendly. That is something that has been told to us several times. I think as the Deputy was pointing out, the length of time that things take is not good enough. Work being done to end up in court as opposed to focus on what is right in the here and now and to hope you do not end up in court or that situations can be made better is a focus that has got to have more emphasis on it in the service, rather than the presumption just being: "This is Jersey, this is how we do it and that is the way things go."

**Director General, C.Y.P.E.S.:**

My concern a little while back, Deputy, was that because we had relatively high turnover in the service we were not necessarily inducting or inducting well enough new people into the Island, that they then have to grapple with the court system here, which is not the same in the jurisdictions they have come from, and sometimes we would not equip ourselves as well as we should have done in court. I think that situation is improving. The focus is now moving to let us also change the system so that there is much more pre-proceedings planning, because that is just in the interests of children and it is likely to reduce delays further down the line. I think the other thing I probably ought to say, as you are obviously as familiar with the English figures as I am, the intention in England clearly was to speed proceedings up because average times taken were far too high, 50, 60 weeks and sometimes even worse. Speed is not everything of course, and some of this is about making a good judgment as to how much more assessment is needed in order to reach the very best decision in the court. However, the sooner you can make decisions the better. So it is a guideline for me, not a target.

**Head, Children's Policy:**

Yes, and I think that is the balance of the conversations and discussions that were going on in those workshops.

**Deputy K.G. Pamplin:**

You are not getting any resistance, or are you?

**Director General, C.Y.P.E.S.:**

I do not believe we are getting any resistance. What we are working on is the fact that historically these 3 parties, the Law Officers' Department, Children's Service and advocates have not spent lots of time with each other jointly working outside of the actual legal processes going: "What is in the best interests of children?" There needs to be much more of that, in my view.

**Deputy M.R. Higgins:**

Were there judiciary involved in the discussions?



**Director General, C.Y.P.E.S.:**

The former Bailiff attended the workshop. So, sorry, maybe it was a 4-legged stool and not a 3-legged stool, judges, advocates, Children's Services and Law Officers' Department.

**Deputy R.J. Ward:**

Can I ask, just in regards with number 6, and I will be quick because we want to talk a bit about 7, and without pre-empting your response to our fabulous report, just in terms of corporate parenting what are your initial thoughts on the Care Inquiry's recommendation on care and corporate parenting? Things that we have talked about in regards to corporate parenting, and the things that are so obvious about corporate parenting, but just very quickly your initial sort of response to that. I mean, you may want to give away some responses, it is up to you.

**The Minister for Children and Housing:**

Which specific onus because they talk about the fact that there has not been appropriate corporate parenting training given to States Members, do you want me to focus on ...

**Deputy R.J. Ward:**

That is a good place to start, yes.

**The Minister for Children and Housing:**

I will upset him for saying this, although he knows my views, I was not particularly impressed with the chairman of P.P.C.'s (Privileges and Procedures Committee) statement in the Assembly following the publishing of this report because I think it missed the point, and I need to re-engage with him. What support States Members get is not a matter for the Minister for Children and Housing, it is a matter for the Assembly as a whole and P.P.C. lead on that, but I need to work with P.P.C. to help them understand some of this.

[15:15]

I know there are some difficulties in how you make training mandatory for people who before they take office are not officeholders by definition; you are not a politician until you have stood in the Royal Court and held your hand up and sworn your oath, so how do you mean something mandatory before then? I do not think legally you can so there is some discussion that has got to be had about how the support package is enhanced for Members when they take office. We are lucky in that we are in a good position with the Government Plan where support for the States Greffe office is being drastically increased. Some of that will be from Scrutiny, some of that will be from wider support for Members, so we are in a good position to work out how you facilitate that training. I personally do not accept the excuse that changing the States Members oath has to wait until there is corporate

parenting legislation in place; I think that is wrong and I think it is a misunderstanding of what corporate parenting is. Yes, we have got to work on this legislation and eventually get it passed, but you do not need a piece of law that tells you how to treat children and how to fulfil what is frankly a moral responsibility to care for children and make sure that every child you encounter in your day-to-day life is cared for and you take an interest in their safeguarding. So I am disappointed that there has not been that much progress on this, but I need to re-engage with P.P.C. on this and at this point I have not yet done that but I do need to.

**The Deputy of St. John:**

It brings to mind a conversation I had with a parishioner, who happens to be a teacher, who was totally surprised that we had not all undergone this training that had been mentioned in the early part of our tenure in the States.

**The Minister for Children and Housing:**

Yes, I think if the public knew what little support States Members got in general they may be surprised. There is not adequate support on a whole host of levels and this is one of them.

**Deputy M.R. Higgins:**

Number 7, the "Jersey Way".

**The Minister for Children and Housing:**

I have been looking forward to this one.

**Deputy M.R. Higgins:**

First of all, we are obviously talking about the negative "Jersey Way" because we have to distinguish between what is good and what is bad. There are some good aspects, even though they are not always recognised, but there is still plenty of bad. So will you tell us what ... obviously the panel were asking if you are going to introduce a mechanism to check all future policy and legislation for the potential to create a further perception of the "Jersey Way". Are you checking what you are doing to make sure we are not going to be accused of a negative "Jersey Way" and maybe the good aspects are discussed?

**The Minister for Children and Housing:**

I personally am, I am very cognisant of this "Jersey Way" view. It is a view that I have shared about how many of Jersey's institutions are run since before I got into politics, in fact frankly since I was a teenager looking at the system and not trusting it and thinking it was interested in me and people like me at the time. There are a few things we have got to do, and this is incredibly difficult to overcome and there is not one answer to each component part of your question. So various things

that we need to do, we do need a Public Services Ombudsman, we do need that facility for people to benefit from that when they think that there is an issue that they need to complain about, and not having an adequate version of that process in place now contributes to the “Jersey Way” because you will get people who will not bother complaining because they will think: “What is the point?” That is not good, we want people to have faith that they can engage with our institutions and that their rights will be upheld in a fair way, so that has got to be done. We spoke about the United Nations Convention on the Rights of the Child and how we need to incorporate that in Jersey law, which will provide a statutory requirement to Ministers, to organisations, to politicians to consider what impact their actions have on children’s rights and produce an impact to rights assessment that outlines what the implications are, and that will fundamentally change how we do things and change people’s way of doing things when it focuses on children. The 2 other issues that were raised specifically by the Care Inquiry do not directly fall within my remit, although I will be active on the areas. The dual role of the Bailiff; I will keep going on about this until we have a separation of powers. It is not good enough that we do not have a separation of powers and some politicians need to wake up and smell the coffee on that point. It just is not acceptable. I think it is known at this point that I will be asking the Council of Ministers to move on this subject very soon; I think at our next meeting I am due to make that representation to the Council of Ministers to proceed on this. We will see how that goes. Our democratic system as a whole is a shambles and ought to be reformed upon modern democratic principles so that people have faith that their Government is built on sound democratic grounds and is representing them and their interests and that cannot be said for the current system, and this is no wonder that people do not want to engage with it.

**Deputy M.R. Higgins:**

One of the things that concerns me, and it is not just at a high level and the “Jersey Way”, as you know I phoned you yesterday regarding an emergency. I am not going to go into all the details here but the point is there was a perception that someone, if they reported a serious crime, that they would end up having Children’s Services on their back and they would lose their children. Because of that I do not think they have gone to the police, and it is a matter that should be before the police. I might add there are also other cases that I and some other deputies have been having recently where there does seem to be a tendency - I am more talking about more than one case or 3 - where single parents in particular are very worried about losing their child and they feel that the department is being overzealous. Now, again, I would ask you to look at your department and this area in particular, because if your officers are being overzealous then they are contributing to the “Jersey Way”. So I just make the comment that I think the whole question of taking children into care needs to be looked at very, very carefully.

**The Minister for Children and Housing:**

I have started that discussion with the new permanent head of safeguarding, had that discussion with him to let him know about these views that service users have and what we as a department need to do to ensure people have trust in the decisions that are being made and trust that when they have got concerns they will be listened to. So I have started that discussion with him and we will see how that goes.

**Deputy R.J. Ward:**

I think, just to step in, we missed the question where part of the Independent Jersey Care Inquiry Panel raised a concern that the approach to social work in Jersey was more about process rather than care, which is quite a worrying finding, perhaps what you are seeing is a tangible example of that. How is that being addressed? Because to me that is an expression of that negative “Jersey Way” as much as anything else there.

**Director General, C.Y.P.E.S.:**

So maybe as the kind of most senior professional leading this, I ought to comment on this subject as well. So the overarching thing that is being done about the way social work is approached is through the development of a practice model. Jersey has not had a defined model of social work that when you come here or when you are already here you are appraised up, developed in, and I guess appraised against; it has just not been the case. When I arrived it was a notable absence. So since the back end of 2018, November I think, we have been working with a partner experienced in supporting jurisdictions - principally in England but never mind - in this kind of work. The key bits of a practice model are that it is underpinned with some very important principles which will start to make a real difference to the sort of challenges that you make, so principles of restorative practice for example, principles of relationship-based practice, principles of asset-based practice. All of those things will be endemic to the new practice model and they will find their way into induction, into the A.S.Y.E. programme and into the ongoing professional development of social workers in particular, and that will start to make a difference. But there are also complexities and it is often the case that when a case worker is brought to somebody, whoever that may be, that it is presented through a particular lens and that there are other lenses that also need to be brought to bear on that case work. So sometimes one finds that social work intervention is required because there is already some other action that has been taken that says if that action is undermined then there is a risk presented to that child, and we have a responsibility to look at the level of risk that is involved there and whether we should intervene. Clearly I am not going to discuss case work of any kind in here but I think sometimes I feel that what is quite difficult to recognise is that clearly when somebody is in distress and they are distressed from their own perspective and from their own experiences and that is entirely legitimate, but there may be other factors that have to be taken into account that are not what that person would like to be taken into account or acted upon.

**Deputy R.J. Ward:**

I think what you are saying there, the difficult decisions that have to be made. But can we say then that it may well be the absence of those structures that you have talked about previously that could have led to the concern about the model of social care being process rather than care? Will another process solve that problem with process rather than care? I am just trying to get a picture of it.

**Director General, C.Y.P.E.S.:**

No, that is really helpful. I am really clear that what the practice model needs to be about, first and foremost, is those approaches to social work, those restorative, relational, asset-based approaches. We know that those create the kind of environment with families in which social work can be done to the best of the individual's ability, even if sometimes the decisions taken still are not the ones that the family wants taken. The issue around process versus quality, and at some point you will see it in the Ofsted report as well, is that again because of the change that there has been here, there have not been consistent, long-term approaches to policy, procedure, process. So, for example, we are still introducing - it is called Mosaic - a case management system into the Children's Service here, but frankly it is shockingly behind where everywhere else is that I have ever worked. So of course we have had a kind of focus on things like that because until you can have a case management system which is literally in real time and you can record into it and you can look up who the last person was that had contact with whom and what the police have been up to or what health has been up to, then we are going to have to spend some time on that. But where we need to get to is that those things become invisible because they are in place, people know what is expected of them and they use them, and they can stop spending all of their time - although it is not all of their time - on those things and they can spend much more of their time thinking about: "So what does it take to be professional and yet restorative in approach for a family that is in distress?" Those are the places we need to get to, but frankly I could ... you know this, last year when I came we could not, without cobbling together half a dozen spreadsheets probably, tell you how many children were in the care of the government and then break that down by in-Island, off-Island, residential fostering or whatever. So I have a huge amount of sympathy with people who like to move from process, but if I cannot even tell you ... well I can now of course, I feel better about it, but I could not tell you without going: "I hope to goodness we are telling you the right numbers" do that last year. So we have had to really focus on some of the basics as well. The wiring needs to be put in before we can turn the lights on.

**Deputy M.R. Higgins:**

Where are you at the moment on that?

**Director General, C.Y.P.E.S.:**

The Government Plan debate next week will tell me what is going to happen around the investment, and that Mosaic system is in so we have a live case management system, it is giving us good data, both at kind of strategic level and worker level; that is good. We are clear about some of the processes we should be following, we have referred to the practice direction earlier, those things are coming into place. But again ... indeed my father also would kind of go: "That is not a good analogy to talk about building aeroplanes in flight" but nonetheless these things are still being built.

**Deputy M.R. Higgins:**

What are you doing about the quality of the data that you have already got in the system, because I can give you an example of a woman who was told that she had a baby in 1997 and she did not. I can tell you about other records that are totally false what is in them, or people are making judgments as if it is the truth but there is no supporting evidence in the records. I have been fortunate in the sense I am helping people where we are looking at records, so what are you going to do about the quality of what is in your records? What are you doing to vet and make sure that the information is correct?

**Director General, C.Y.P.E.S.:**

That is a really tricky question. My focus is on getting it right from now and going forward, but from time to time when we have to look back, particularly when we have to look quite a long way back, a huge amount of work needs to be done by some of our colleagues in information governance about (a) finding these records, and (b) deciding what kind of shape they are in to hand over to other people. There is a massive legacy of a form of record keeping which the Care Inquiry surfaced, which is reprehensible, but it is so extensive that I do not think up to this point that any commitment has been made to go back through all of that stuff and somehow remediate it. My concern at the moment is to make sure that those children and families who are presently known to us and receiving services from the government experience a good system but, more importantly than that, good social work. That is where my focus is.

**Deputy M.R. Higgins:**

It is one thing focusing on the present but if the judgments today are being based on what has happened previously ... will you consider allowing people who have got social work records, you can redact the names of the individuals who have given the information, but will you consider letting the customer, in a sense, the people who are affected by your service, have a look at their record so they can point out what is accurate and what is inaccurate?

**Director General, C.Y.P.E.S.:**

I am more than happy for that to happen but the triaging of records that occurs when somebody makes a subject access request to see their historic records is kind of the redaction around

confidentiality in terms of third parties and redaction for harm. So those are the 2 processes that this government follows, however, if then after that the information that is provided, having been through that process the person says: "Well my recollection is that this is not correct" that is a different matter. I am sure that a conversation needs to take place about that. I guess until somebody makes that request and until we take those 2 processes forward around confidentiality and harm we do not know; we just do not know whether those records are correct from way back in the 1990s, 1980s, 1970s, whenever you want to go back to.

**Deputy R.J. Ward:**

I appreciate your time, we have gone over a little and so that will be the end of the hearing, but thank you very much for your time and I am sure we will come back to it and we look forward to your response to our report.

**The Minister for Children and Housing:**

Absolutely, thank you.

[15:23]