

STATES OF JERSEY

OFFICIAL REPORT

IN COMMITTEE

THURSDAY, 6th JULY 2017

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[9:29]

The Roll was called and the Acting Dean led the Assembly in Prayer.

PUBLIC BUSINESS

1. Report of the Independent Jersey Care Inquiry (R.59/2017) (consideration in committee)

The Greffier of the States (in the Chair):

This meeting of the Assembly has been called to debate in committee the report of the Independent Jersey Care Inquiry, which was published on Monday. I think it would be helpful as much to people listening to these proceedings to say a few words about how an in committee debate works and the arrangements for today's debate. With in committee debates there is no proposition on which Members will be invited to vote at the end of the debate. Furthermore, Members may speak more than once. However, although Members may use their contributions to raise questions, this is not question time. Generally speaking, I want to call Members to speak for the first time before inviting Members who have already spoken to speak again. Members may refer to any of the matters in the Inquiry report and may mention the name of individuals quoted in the report. However, the Assembly normally operates with discretion when it comes to naming individuals and should do so today. The Inquiry worked strenuously to protect the anonymity of individuals when it was appropriate to do so and that anonymity must be respected. I envisage that this will be a general debate on the full report. I have been asked whether the debate could be divided into separate chunks, perhaps focusing first on the report's findings and later on the recommendations. I think this would be difficult to do because I suspect many Members will want to link the 2 in their remarks. However, it is ultimately a matter for the Assembly and if there is a consensus that the debate should be organised in some way, that could be done informally as we go along. The Chief Minister will make the opening speech and he will also close the debate. We have today and tomorrow set aside for the debate, so there is plenty of time for everyone to speak. When the Chief Minister is called to make the closing speech, there will be no scope for further contributions.

Deputy S.Y. Mézec of St. Helier:

Is it okay at the beginning if I just get some concerns on the record that I expressed to you before this debate? We spoke beforehand when this sitting was announced and I confirmed with you that you are still the Care Inquiry's accounting officer. I made my view clear that I did not like the perception that could be taken by some members of the public for a debate on the Care Inquiry's report to be presided over by somebody who is the Care Inquiry's accounting officer. Others will judge that differently and I want to make it clear that that is not a personal judgment on you from my part. That is simply objective on roles that are held by whoever here and those above me have judged that it is not a great enough conflict to warrant having a different arrangement, but at the beginning of this debate I just wanted my concerns out there that I did express concerns about this proceeding and I am uncomfortable with it but will continue nevertheless.

The Greffier of the States (in the Chair):

Thank you, Deputy, and thank you for giving me notice that you would raise this point. It is true that I am the accounting officer for the money spent directly by the Care Inquiry. I was appointed to that role in December 2015 and that means I have formal responsibility to this Assembly and particularly to the Public Accounts Committee for the Inquiry's expenditure and the overall framework of governance under which it operated under the Assembly's Standing Orders. However, this debate is about the Inquiry's report, not its expenditure or its governance arrangements. I had nothing to do with the contents of the report which, like everyone else, I saw for the first time on Monday afternoon. I have no responsibilities for Children's Services and,

furthermore, before I took up my role as Greffier at the end of 2015 I had no links whatsoever with Jersey. For all of these reasons, I do not think there is any conflict of interest which stands in the way of me chairing this debate effectively and impartially. Deputy Noel.

Deputy E.J. Noel of St. Lawrence:

I would just like to inform Members that unfortunately I have not been able to rearrange 2 medical appointments that I have, one this morning and one tomorrow, so I will be absent for as short a period as possible from this Chamber.

The Greffier of the States (in the Chair):

Thank you, in which case, Chief Minister.

1.1 Senator I.J. Gorst (The Chief Minister):

On Monday, the Independent Jersey Care Inquiry published its report on their 3-year investigation into failings in our care system, failings that should never have occurred. We have now all had some time to start absorbing the full truth of those findings, to read of the harrowing experiences of children abused in a system that was supposed to care and protect but instead exposed them to the cruellest of treatment and immeasurable hurt and damage. The Inquiry report is painful to read but read it we must if we are to understand and agree what we must do as an Assembly, as a Government and as a community to make sure that we do not fail children again. I want to thank again this morning all those who gave evidence of their own difficult childhood. I particularly want to pay tribute - they know who they are - to those who had courage to come knocking on my door and to tell me of their own experiences, the most personal of experiences, in some cases involving themselves, in other cases involving members of their family. To this day, they bear the scars of the way they were treated by our institutions. They have shown courage; we must show courage in our response. I have already stated that I believe we should implement all the Inquiry's 8 core recommendations, but that is a decision we must take together because, as so clearly articulated in the Inquiry report, we are all corporate parents. Every child who is in care in Jersey is in our care. This Assembly and every Member is responsible for ensuring that they are safe and that they receive the best possible care and support. The Inquiry focuses attention on us as corporate parents. One of its recommendations is that we change of our oath of office. I know that the chairman of P.P.C. (Privileges and Procedures Committee) already has this under consideration because I along with other Members - I know Deputy Maçon as well - have made contact with him to drive that recommendation forward. In addition, officials are already actively engaged in considering how we may develop a stronger common understanding of the associated responsibilities. I said on Tuesday that I will bring to this Assembly in October this year a detailed and costed response to the 8 core recommendations. In developing the report, we will give consideration to the 659 other recommendations referenced by the Inquiry. I will be asking Members in our role as corporate parents to agree the action to be taken and the investment to be made. In support of this, I am in the process already of establishing an advisory panel consisting of Members of this Assembly whose role it will be to advise me and other Ministers on the actions required to deliver the Inquiry's recommendations. Yesterday, I invited Deputy Doublet, the Deputy of St. Ouen, the Constable of St. Martin, Deputy Maçon and Deputy Mézec to sit on that panel. In addition to that advisory panel and as Members already know, I have met with representatives of some care leavers and they have kindly agreed to work with us to consider how best to deliver the Inquiry's recommendations, including those that relate to a permanent memorial and the potential demolition of Haut de la Garenne if care leavers wish that to happen. I will also be meeting with representatives of children's charities and campaign groups over the coming weeks to ask for their help. I know from conversations that have already taken place this week between them and key officials that they welcome the Inquiry's recommendations, in particular those relating to legislation, to a sustainable

workforce and a voice for children. They are very clear that there have been failings both at a service level and at a political level. Indeed, it is clear from the Inquiry's recommendations and from the responses received to date that we must work collectively and that we must provide clear leadership both in short to medium term as we respond to the Inquiry and in the longer term.

[9:45]

The Inquiry describes: "The lack of a culture of corporate working across departments and services." It goes on to say: "This is a matter which requires firm and visible leadership from Ministers and elected Members and senior managers." I have, therefore, agreed Senator Routier's proposal that a new Council of Ministers sub-group should be established to provide political focus and oversight of all social policy matters. This will include matters directly related to children such as safeguarding and the modernisation of children's legislation and those matters which impact children because they impact families or professionals who work with children. For example, matters relating to housing policy, our benefit system, potential changes to licences for key workers and their families, divorce reform, disability, substance misuse, violence against women and girls, sexual offences and so forth. This sub-group, which will be known as the Council of Ministers Community Group, will act as an enhanced Children and Vulnerable Adults Policy Group. It will be chaired by me and it will include key Ministers and other States Members. I have already asked the Comité to nominate a representative and I have already invited Deputy Hilton to sit on this group. She has agreed and I am grateful for her agreement. **[Approbation]** The community group will be supported by special interest working groups. As these are established, I hope that more Members of this Assembly will choose to be actively involved. We have all recognised the need for a more inclusive, a more collaborative approach to addressing the challenges we face. The community group provides that opportunity. I already chair the Children's Social Services Improvement Board and over the coming weeks I will be seeking an invite to meet with children in residential care homes. I would like to speak with the children who are in our care; of course, if they wish to speak to me. I will also be asking the Youth Service to consider how I might best engage with other children. I want them to know that as Chief Minister I have an absolute duty to uphold the principles of the United Nations Convention on the Rights of Children, which Members know we have had extended to Jersey. The Youth Service are already putting together plans for a voice project, one which will help ensure that we give children a voice and that we listen to it. They are arranging for a Members' briefing on 18th June. The Inquiry is clear. We must give children a voice. This morning I signed a Ministerial Decision to appoint a children's commissioner. I did so with the support of fellow Ministers. The recruitment for the commissioner starts next week with the development of a detailed role description produced in consultation with relevant stakeholders and experts. This will include seeking the advice from U.K. (United Kingdom) based commissioners. I expect the adverts to be in place by the end of this month. The children's commissioner's prime function will be to protect and promote the rights of all children and young people in Jersey. It is envisaged that this will include reviewing our laws, our policy and our operational practices to ensure they uphold the rights of children, providing an independent complaints and investigation service, ensuring children can access and participate in all aspects of Jersey society, bringing to our attention any matters they believe are relevant. The children's commissioner will hold us to account for hearing children's voices. As suggested by the Inquiry, it would also be the responsibility of the children's commissioner to invite the Inquiry panel back to Jersey to review our progress, and I fully support that invitation. Members will need to consider and approve legislation setting out the commissioner's statutory duties during the course of the next year, but I do not intend to wait until that work has been done. I will move to appoint as soon as possible. The commissioner will then be in place to help us scope the necessary legislation. Members will remember that we agreed in the Medium Term Financial Plan to invest an extra £4.9 million in initiatives that support vulnerable children. A significant proportion of that funding

has already been allocated to initiatives such as the family support workers who help vulnerable families to build essential life skills; the Baby Steps universal antenatal provision, which supports new parents to build parenting skills; the development of a special sexual assault referral centre, which provides a holistic service to victims of rape or sexual assault irrespective of age; adding staffing for the police public protection unit in order that they may continue to investigate cases of child abuse; and the children's change programme, the dedicated, experienced officials who will work to deliver the Inquiry's recommendations. Further to that, I have now asked the Minister for Treasury and Resources to allocate the remaining £1.8 million to a number of other projects, all of which support the Inquiry's findings. Approximately £96,000 will be set aside to ensure that children and their families, care leavers, service users, community champions and representatives of the voluntary sector can actively engage in the development of a new children's plan for Jersey. This plan will be brought to the Assembly for approval. It will place the Inquiry recommendations into a broad strategic context. As recommended by the Inquiry, it will set out exactly how we will ensure that the children for whom we are responsible achieve and fulfil their potential. It will do so, of course, for all other children as well. Just over £850,000 will be used to fund additional specialist children's legal advisers. This will allow us to respond to the increased number of children's cases that must be prepared for consideration by the court, cases that are arising as a result of the improvements starting to take hold in Children's Services. The funding will also allow Law Officers to invest more time into the development of children's legislation. We will also invest an additional sum of £195,000 in the development of an on-Island social work degree course and will look to cover fees for 12 students starting in September 2018. As we know from the Inquiry, it is imperative that we build a sustainable workforce. £170,000 will be invested in a specialist therapeutic service aimed at supporting families where the parent's mental health or other complex problems prevent the parent/child bonding so critical to the well-being of children. We will also invest in a new outreach service for children with special needs who attend mainstream education and provide an extended youth inquiry service. There are other areas that we will need to find money for and invest in if we are not only to deliver the recommendations but to build upon them, areas like mental health provision, areas like trauma counselling and advice for those whose lives have been damaged by the abuse that they have received. Earlier this week a Member in this Assembly asked what action should be taken with regard to the "Jersey way". As we know, for some the Jersey way is seen as positive in that it references culture of community and voluntary involvement. For others, unfortunately, the term "Jersey way" speaks of secrecy, a lack of openness, a lack of independent review and assessment, and a failure to be transparent. One of the areas that the panel ask us to consider is the separation of powers as recommended by Clothier and Carswell. As I said on Tuesday, I am on record as supporting that position, but to date this Assembly has not agreed that that needs to take place. As I say, the Care Inquiry has recommended that further consideration is given to this matter. They did so because they felt it had to be addressed despite acknowledging that constitutional issues fell outside their terms of reference. I have, therefore, already taken steps to establish a Members' panel to advise on how to take this forward. I know that Deputy Tadier has already lodged a proposition, but I have asked Deputy Tadier, Deputy Brée and Senator Ozouf to form this panel. I am sure that Members will agree that that truly has a diverse opinion sitting upon it. I will be asking their advice on the detail of proposals to be brought before this Assembly setting out the future role of the Bailiff and the future role of a Speaker. The Inquiry also makes very clear recommendations relating to the need for independent inspections. Last year, it was agreed by the Children's Service Improvement Board that we would introduce regular 3-yearly inspections of our Children's Service by an independent body. Discussions have already take place and the Minister for Health and Social Services will confirm details in the near future. However, in light of the Inquiry's report and recommendations, I will be seeking these inspections on an annual basis for at least the next 3 years. In addition, as

Members will be aware, our residential children's homes will be regulated and inspected by the Independent Jersey Care Commission from early next year.

[10:00]

We are in the process of setting up the Care Commission and tomorrow I will announce the appointment of a fifth commissioner, a local resident with direct experience of our Island's care services, who will help ensure that people's experience and the way they have been treated is at the heart of the commission's work. Today I believe is the day that we start a process of collective consideration of the Inquiry's recommendations. It is an opportunity for us to discuss the content of the Inquiry report, as difficult as that may be. For my part, we stand on the threshold of an opportunity that we should grab with both hands metaphorically. Of course, today, tomorrow, we should talk of the stories of those who have suffered. People should rightly be held to account, be that States employees where processes have already started, be that the work of the Jersey Police Service in picking up those who have come forward and continuing their investigations, be that the work of the prosecution service making decisions reasonably based on the evidence, be that the work of the judiciary. That process has to happen, but if we use this report to simply apportion blame and think that our job is done, we are woefully misguided. For me, that is the historical way we have sometimes treated problems and challenges. Yes, those processes must happen. Yes, individuals must be held to account. Yes, institutions must be held to account. Our job will not be done when those processes are done. Our job is only done when we have implemented the recommendations, when we have raised our heads having held them down in shame, when we have raised our heads and said: "We have a Children's Service that can stand head and shoulders above any in the world" where we can meet those higher standards and where each one of us can be as confident as anyone can be that children in our institutions and in our Island are safe. Let us during the course of our debate today, yes, talk about everything in the report, but at the end of today or tomorrow commit ourselves to working together for change. **[Approbation]**

The Greffier of the States (in the Chair):

Chief Minister, before we move on, you mentioned a Members' briefing and I think you inadvertently said 18th June. Do you wish to clarify it is 18th July?

Senator I.J. Gorst:

I do apologise, yes, 18th July.

1.1.1 Deputy M. Tadier of St. Brelade:

If Members will bear with me, I am just getting up an email which has part of the opening speech and I am having to juggle between these 2. First of all, can I welcome the speech from the Chief Minister?

The Greffier of the States (in the Chair):

If you are having a technological difficulty maybe we should...

Deputy M. Tadier:

I am just there and I do thank Members for their indulgence. What I think is important early on in this debate is to put the voice of those at the centre of this report on the record first of all before we move on to anything else. Because of that, I want to read out publicly the press release that was sent out by the Jersey Care Leavers Association to the media because I suspect not everyone has had a chance to hear that because, of course, there has been a lot that has been going on over the last few days and we have not all been able to keep up with what is in the media. I know certainly I have not. Before I start, of course, the J.C.L.A. (Jersey Care Leavers Association) do not purport to speak for all care leavers in the Island. I think that is important to put on record, but it is also

important to say that they have provided much support over the last 9 years since the allegations broke for those who wanted to come forward and they have been a very valuable ally in some respects when it has come to formulating the terms of reference for the Inquiry: “On behalf of the J.C.L.A. and as a survivor...” that is the person who is saying that: “... I welcome today’s publication of the I.J.C.I.’s (Independent Jersey Care Inquiry) report. We have waited a very long time, not just for this report but to obtain an independent opinion and to understand why so many vulnerable children came to be abused in Jersey for so many years while in the care of the States of Jersey. The report makes for disturbing reading. The Inquiry exposes repeated failures in good governance and good governance management on the part of the States of Jersey. Very often and too often, the term ‘historical’ is applied like a label to the accounts of child abuse. This is both wrong and misleading. Survivors in Jersey and further afield are a living testimony to the fact that there is nothing historical about the abuse they suffered. They are the living proof of what happened and that it is a challenge for today and tomorrow, a challenge in the sense that as a community we have to face up to the failings identified in the report, to put those failings right and to ensure that we have a fit for purpose child protection system in place for tomorrow. The report identifies where the States of Jersey has gone wrong on child protection year-in, year-out. Too often the interests of vulnerable children were secondary and the risk is identified in the report that the lessons that could be learnt from the past will not be. Far too often the States of Jersey devoted its considerable resources on short-term measures to shore up reputations. Those concerned may well have thought they were acting wisely at the time but they were blinkered as to the real issues. Children were being failed and in the worst possible way. Jersey should rightly be proud that it held the Inquiry and credit is due where it is deserved. Those in the States of Jersey and others who supported the creation of the Inquiry and allowed it to go about should be acknowledged. The Inquiry would not have been possible had not so many witnesses come forward and, by no means least, survivors. It took courage and dignity to give evidence to the Inquiry. We must now look to the future. It would be absurd for this report to be allowed to gather dust. It is incumbent on Jersey’s leaders and the States of Jersey to take this report and act on its recommendations made by the I.J.C.I. panel and to ensure that it is fit for purpose for child protection and that a system is in place for children from now and into the future.” I will stop there because I think that is the most important part. They then go on to talk about some context for the J.C.L.A., which I think is more for footnote purposes for the journalists. If I can now read out a statement on behalf of campaigners that I made earlier in the week, I think it crystallises some of our thoughts. There was a hard-fought battle for the Inquiry to have taken place in the first place. I think it is only a few years ago we can remember to that and it was one of those debates which really came down to 2 or 3 votes and then, of course, once the principle was established I think it was overwhelmingly adopted. But it certainly was not without its resistance, including from senior political figures. If it were not for a handful of committed individuals in the States Assembly, the care leavers and many of the citizens media who successfully campaigned for the Inquiry to take place, it would not have happened. First and foremost, we must recognise that systemic child abuse did take place and it was allowed to happen in state institutions and elsewhere over recent decades to some of the most vulnerable children in our society and in our care. For some survivors and those close to them there may never be true justice or closure, but today we can stand with them in solidarity and recognise their pain and their trauma. The 2 important questions that we hoped the Inquiry would address were: how did this happen in Jersey and could it still happen today? Since writing that, we have learnt that worryingly there is a suggestion that children in Jersey today could still be at risk, and that is something we will need to explore and that is something I know the Chief Minister has already given a commitment to looking at and is something which he has been working on, to be fair, during the process while the Inquiry has been going on. During the giving of evidence, many witnesses spoke of the “Jersey way”. By this they meant a culture in which reporting abuse was difficult, where they were not listened to, where whistle-blowing was almost impossible, where the

Island's reputation came before the safeguarding of the vulnerable and where complacency was the norm. There are still examples of some of these failures today. Some areas of the public sector and institutions remain hostile to criticism. Where this culture exists it must be replaced by an active pursuit of honesty, openness and accountability. Where problems exist, staff, agencies and citizens must feel able to raise valid concerns knowing that effective action will be taken in a timely manner. This will, no doubt, also mean better resourcing and investment in areas such as social care, education and training to name but some. We must also be prepared to reform our institutions where they are no longer fit for purpose and tradition can no longer be used as an excuse for not adopting modern best practice. As I was preparing for this debate last night, even though we know things intellectually and we think that we empathise with them, it often comes to us perhaps late at night that we have a new perspective on something, something which is perhaps very obvious but we just seem to appreciate it in a different way. For me it was the fact that children were taken away over periods of decades from their family situation and often, the report told us, this was not because they were being abused at home. It was not because there was anything especially wrong that could be pinpointed at home. It may well be that in some cases there was a neglectful situation because they were with parents or a family situation which did not quite have the wherewithal to cope in some areas. They were put into an actively abusive setting. So they were taken away from something which, okay, was not great in many cases and put into a system where the state should have been looking after them but they were allowed in some cases to be abused physically, sexually but always mentally and emotionally in those cases. In those cases, children had their spirits crushed. As I said, whether it is physical or sexual abuse, there is always a mental and lasting emotional issue in that. I am sure at the time they could not verbalise what they experienced. Even if there was someone there that they could talk to and who would listen, it was not necessarily obvious how they could express that. I suspect they knew it was wrong but we know that often children who are abused end up blaming themselves: it must be something that I am doing wrong.

[10:15]

Most of us know what it is to have to a certain degree a loving and encouraging upbringing at home, at school. We are nurtured. We are allowed to play, to enjoy our childhood, to have fun, to learn, to explore, to flourish, to listen and to be listened to. We experience mutual respect and we learn to become self-confident and we learn to become relatively well-adjusted people, hopefully. But what about some of those who were abused in our society? That is why I think it is important that care leavers said to us: "Do not use the term 'historic' abuse." It is an easy way, I think perhaps for some, to say: "Look, this happened in the past." No, we need to consider that, first of all, their abuse still lasts today but we are all vulnerable. The way I look at it, we talk about vulnerable people. We are all potentially vulnerable because we are all human and that is part of the condition of being human. I want to give you a specific example of someone who will, of course, remain nameless but who is in our society, who was an abuse survivor. She was in care. Her story has been recorded in here, but the problems remain today because of that, and no doubt it is causative. She has developed complex issues. She has struggled with addiction, for example, and I might say that she struggled very well, showing immense bravery in that. She has brought up her own family, not always easy given the fact that she did not have the same tools given to her in order to do that and it has not been a straightforward process. The abuse is not just historic. It is not just something that happened in a state or foster institution in the past. It is that the actual neglect and the abuse remains systemic for this individual. I will give you the example. She is somebody who is in Andium Homes. She relies on that form of subsidy that comes from social housing. She has struggled with health issues. She has struggled with addiction and, therefore, it has been difficult for her to work, but it has also been difficult for her physically. She is not somebody, despite that, who has ever had to have rent arrears, but recently, because she needed to see the doctor more than she usually would in a year, she found out that all of a sudden she gets a

letter saying: "You are in arrears." Very, very worried about that. She has to go down to Andium initially and - I will put it on record - they are not necessarily... I am sure they are still very helpful, but they are perhaps more... they treat their debts with more urgency now that they are an independent, arm's length body than they might have when they were a housing department. So you get this very... I think she called it a threatening letter saying: "We want your money, otherwise we will kick you out within 3 months." Now, what is all that about? She did not know that. Her rent is normally covered. So, we get involved, as I am sure many Members in this Assembly do with casework, to find out that the component has been put towards her medical account because she is only allowed to have 4 doctor visits a year. So we go down to Income Support, get this very difficult meeting with somebody there from Andium who is primarily interested in getting her money for the department. We have the department who needs to look at this and a very distraught individual, an abuse survivor but continuing to be abused by the system today because it is not set up to make sense of that. Now, this needs to be looked at holistically. I personally come from a different political perspective and I think it is absolutely right and inevitable that at some point we do need to bring politics into this because politics is personal, the personal is political. I do not believe in necessarily promoting financial independence over everything else. I personally believe in interdependence rather than independence. I think first and foremost we as individuals in society are interdependent on each other, and as soon as we start going down perhaps the independent route, the individualistic route that was set during the 1980s in America by the Reagan Administration and by the form of conservatism that we had under Thatcher, that becomes very difficult because we destroy some of the links that we have in society that have been built up over centuries. It is okay to say, if you are one of those traditional conservatives with a conscience who says: "It is all about the family unit. There are certain things that the state should provide. There are certain things that the family should provide." But what about those who do not have the family, and that is where it comes back to being germane for this particular debate. Those who have never had that family in the first place, they need the safety net around them all the time. As I have said, we all potentially need that safety net to be around us all the time. When we have an austerity programme that is imposed upon us... and austerity is a political choice and it has been a political choice in this Island really for decades. It is alluded to in the report. I mentioned it the other day when there were comments made by Ministers at the time, former Ministers for Home Affairs, it has to be said. Both Senator Le Marquand and Senator Wendy Kinnard said, quite honestly, and they knew, they said that certain types of legislation and policy get prioritised in this Assembly over others. What did they mean by that? They meant that when it comes to financial legislation it takes precedence over social legislation, over child protection, over protection for the vulnerable. We have seen generations of politicians in Jersey stand for senior positions saying the most important thing is to protect and look after the rich. It will have some kind of trickle-down. Keep taxes low, keep spending low, and everything will be all right. But unfortunately that does not work. We know today that there has been serious underinvestment in Jersey, not just in terms of political will but in terms of the tangible resourcing that we need to run an ever-increasingly complex and cosmopolitan modern society. We have to decide what kind of society we want to live in. Of course, this individual racked up those bills because we have a system in Jersey where we charge for healthcare at primary level. You have to pay often £40 or £45 to see a doctor in Jersey, and that is before you get into whether or not you need blood tests and all the rest of it. How does somebody in that situation, who is on the breadline, who has just seen their income support frozen for the last 9 years in effective terms - coincidentally, it coincides with when we found out about the child abuse - and in parallel we are saying let us freeze the contribution that we give to some of the most vulnerable in our society? That is going along in parallel. They cannot even think about going to the doctor, let alone go to the doctor. They cannot think about going to the dentist. If you want to look at somebody's socioeconomic status in Jersey, just ask them to open their mouth. I know it sounds strange, but you just look at the state of somebody's teeth,

which is a key indicator for their overall well-being. You will see if they are struggling or not. I suspect most of us in here have decent teeth, hopefully, whether they are our own or not. Not everyone out there is so fortunate. The report talks about housing issues, and I am not going to go on too much longer for this part of the debate, but I think it is important to frame it from an early stage. It is about tangible policy. It is okay and is absolutely right some people will say and have said in the past child abuse happens everywhere. It is an unfortunate thing, but it is not unique to Jersey. That, of course, is true up to a certain point, but our concern is how this could have happened in Jersey, a wealthy place, a close-knit, small community, and those questions will need to be answered. What the report found about housing - 2.34, for example, page 20 of the second volume - it said: "Inadequate housing is cited in numerous Education and Health and Social Services Department records as a reason for the admission of a child into care." 2.37: "The result was that by reason only of housing difficulties some children spent long periods in residential care, some of whom may have suffered abuse and deprivation." So this is not because they were being abused at home, as I said. There was no other sinister reason apart from the fact that there was substandard accommodation that put people into the care of the system because they were neglected, they were not being provided with adequate housing otherwise. Then that is where the problem started. That really is tragic. 2.39 says, which is a slightly strange comment: "Restrictive practices by landlords appear to have been a factor in the lack of accommodation for families. Even as late as 1988 some landlords on the Island adopted a no kids rule for let premises." Why even as late as 1988? Even as late as 2017 Deputies on this side and perhaps elsewhere in the Assembly were having to ask the Minister for Housing over the last 8 years, in fact, is it appropriate that we have a policy that says no kids? Will the Minister change it? Even as late as 2017. We are made to feel like we are the bad guys, and this is a theme that is going to come out during the debate. Those who raise their heads above the parapet and ask the difficult questions, be it inside this Assembly or outside, are made to feel like: "That is a bit strange, is it not?" What about rent control? We have raised the issue of rent control because the Island has such a difficult housing situation. We have raised the question about empty properties in the Island which are not being put to use, which could be used to house families on a controlled rent scheme, whether that be properties that are bought by the States or that are bought to be rented out. It is said: "We cannot deal with that. We are only Government." I think the Government needs to start listening to ideas. I do not accept the fact that we need to have groupthink, and perhaps Deputy Mézec will deal with this later on. It becomes dangerous when we are all in a groupthink situation. But when a good idea comes up, when a problem is identified and over decades or years it is not being implemented, then I think it needs to be adopted by Ministers because I do not see any action. These problems remain the same. They are not historic. They are the same today. I will finish this part by saying I do welcome the swift action that the Chief Minister is taking on implementing the children's commissioner recommendation. I will put this delicately because I do not think this is a day for yah-boo politics or point scoring, but it has to be said that in 2009 a former Deputy of this Assembly, Paul Le Claire, did bring a proposition and amendment - I think it was via the Strategic Plan - saying implement a children's commissioner. This was in 2009. It is when we knew about the child abuse. It is when we knew that child protection was an issue. The current Chief Minister was not in the Assembly. I suspect he was away on States business because he was excused attendance. But other key Ministers, the corporate parents of the time, opposed that proposition and it was lost by 23 votes to 21. What that says to me is that there have been 8 years now where we could have had a children's commissioner. It has been proposed that a body is being set up, a working group of Ministers, who will no doubt comprise most of those Ministers because they remain the same. I do not need to name them; they know who they are and it is a matter of public record. But I would question whether or not it... but it is good, better late than never. As I have said before, the best time to plant a tree is 20 years ago; the next best time to do it is now. But one has to question whether or not we are likely to see the fruit of that, and I hope we are. I would also

like to see what is going to be done for vulnerable people generally. I am not proposing that we have a vulnerable persons commissioner, but I think it needs to be accepted that it is fine to look after children, absolutely right, but unless you are looking after the parents and those who are vulnerable, both through the income support system - which I think urgently needs to be updated so that at least the drag that has taken place is put right - but we fundamentally look at how we look after the most vulnerable in our society but also the care package that we put around them. For example, was a social worker offered to every abuse survivor that came forward if they wanted one and, if not, why not? Do we know who those individuals are, like the person I named earlier? Do we know the struggles that they have on a daily basis? That was somebody who had the bravery and the support of a family network to be able to come forward and talk to some of their representatives and ultimately that got resolved fairly swiftly, although it was a regret that they should have had to have gone through that in the first place.

[10:30]

But how many people are struggling on a daily basis? They have no one to turn to and they do not have the emotional wherewithal to be able to cope with that. I would suggest that there are many in our society. I would also like the Council of Ministers now to firmly consider a wider Civil Service Ombudsman because when issues are identified, when there are problems in engaging with departments, it is important that there is also an independent person to go to because these issues and the departments are all interlinked.

1.1.2 Deputy R.G. Bryans of St. Helier:

As a Minister, I would like to say that I fully endorse what the Chief Minister said earlier and the idea that we use this Inquiry as a catalyst for change, but I would also like to credit Deputy Tadier for his resilience and tenacity, his compassion and empathy, in working with the care leavers to bring us to this point. All of us have now heard and read a vast amount of information about abuse being committed by members of our community, preying upon those who are the most vulnerable while in our care. All of us have found it difficult to comprehend that something so dreadful could happen around us without us being aware, and we feel the inherent guilt that comes from being ashamed because we simply did not do something. This Inquiry has gone some way to rectifying the wrongs committed by giving those people a voice, breaking the silence and secrecy that surrounds the abuse they have suffered, and getting some justice for what happened to them. This Inquiry, detailing decades of systemic abuse, has provided the opportunity to reveal the truth and bring the perpetrators to justice. This is an historical moment for the Island and a time for everyone to come together and say no to the abuse of children. The perpetrators of abuse must realise that children who have been abused grow to be adults and once they regain control of their lives will speak out against their abusers, who will be punished. They are saying what you did was wrong and you are no longer going to get away with it. We have heard the Chief Minister accept the findings and explain as a Government what we intend to do moving forward. As Minister for Education, I want to talk about what we as a department are doing now and our intentions for the future. It was Elizabeth Butler-Sloss, the retired senior judge who chaired the Cleveland child abuse inquiry in the late 1980s, who coined the phrase: "Listen to the children." For me, this is the key to unlocking further abuse. We must not only give every opportunity for a child to have a voice but for those voices to be heard, listened to and actions taken that resolve their fears. Forgive me for reading something of a list, but it is important that Members hear about some of the work Education has undertaken in the last few years to address those concerns. D.B.S. (Disclosure and Barring Service) checks: it is fair to say there has been a recent overhaul of the checks to identify if there are any gaps in the system, rectify that position and make sure checks and balances are in place for the future. I sit on and am a member of C.A.V.A., the Children and Vulnerable Adults group that has recently at my request undergone a review to make sure that we not only have a clear

oversight of the various groups that fall under our remit but that Ministers can hold members accountable for their actions. M.A.S.H., the Multi-Agency Safeguarding Hub, was started in 2013 and has proved to be a formidable tool in dealing with troubled children and vulnerable families. In June 2013, teachers worked on the task and standards of conduct and their commitment to safeguarding. Everyone now receives in-house training. In 2014 we introduced a safer recruitment policy, making sure, as an example, that detailed references and other sources are asked for and verified before a post is filled. We pioneered this. We have a policy review looking at dealings and allegations against employees of Education. R.P.I., the Restrictive Physical Intervention, the law is now lodged. Working with the unions, we are providing for all our staff, teaching teachers about physical intervention and restraint reduction, protecting both teachers and children alike. The Jersey Premium: this is the major education initiative to address disadvantage, already proving its value in giving the highest rate of additional funding to those children who need it most in the most effective way. In 2015 the Early Help Approach was started, creating a new collaborative pathway for helping families before the problems that they are experiencing get worse. Just last week we reached the culmination of a great deal of cross-departmental multi-agency work creating a set of documents, a template, that will help everyone and provide a clearer understanding of what help can be given and recorded and how to access that help. This year we committed to funding and introducing 6 new family support workers. For those who did not attend the last serious case review presentation, it was indicated there that the help now being provided by a family support worker was crucial in helping resolve the problem and rehabilitating the individual concerned. In terms of well-being and mental health, every school has one if not 2 E.L.S.A.s, emotional literacy support assistants, trained with specialist skills to spot the signs of problems early on and to give any child the opportunity to be heard by someone they can trust. It is an initiative developed and supported by educational psychologists who apply psychological knowledge of children's social and emotional development to particular areas of need and recognises that all children should be nurtured in accordance with their individual needs. Through the Medium Term Financial Plan, as the Chief Minister has already stated, we have committed substantial funding to the Y.E.S., the Youth Enquiry Service. Of all the projects to sit under the umbrella of the Youth Service, this is the one I have most keenly supported because it offers that direct contact for anyone who is lost or troubled and wants to be listened to. It is trust that lies at the heart of this service. Children know who have approached the Y.E.S. project that their trust is never broken and they will not be let down. The Youth Service has recently been trained in dealing with runaway children and works closely alongside the police providing a crucial intervention for children and parents alike. Teachers on this Island are among the most highly trained professionals, who are closely attuned to the children in their care. They see them on a daily basis and act as first responders with their finely-tuned radar to spot problems early on and deal with them efficiently and effectively. It is in their D.N.A. (deoxyribonucleic acid). They understand that early intervention is crucial. The lessons we have learnt from the mistakes which have been made and resulted in children being subjected to the most horrific crimes is a necessary and solemn undertaking. We are committed to ensuring these mistakes are identified and never repeated. Like a lot of Members who are parents, and even for those who are not, we have found the devastating truth of what happened deeply disturbing, and I cannot imagine what it must have felt like as a child to have suffered mental and physical abuse and the awful depravity they were subjected to. I would suggest none of us can. The indelible mark of abuse cannot be erased or forgotten but we can, using our powers as politicians, make sure that this does not happen in the future. Realistically, I am aware that the task is almost impossible. Abuse in all its forms surrounds us daily. When you are abused you are stripped of any power and control and you find it hard to trust others. There are too many abusers out there, especially people in positions of power who feel they are above the law and can do what they want. But we can heighten the awareness, put in place opportunities for voices to be heard and act effectively when it is discovered. We can never draw a line under what has happened, but we

can as corporate parents face up to our responsibilities and make potential perpetrators aware that abuse will not be tolerated. It will be discovered and those who have abused will be held to account and justice will be served. I do not know how to stop someone abusing. They are usually suffering some kind of pain themselves provoking the abuse and trapped in a cycle that must seem limitless. I do not know how to teach people to be more compassionate or empathic in their lives so that they can appreciate what they are about to do and stop before it is too late, ruining their lives and the lives of others for generations. But that does not mean I cannot try and within our education system attempt to educate and eradicate abuse before it takes place. Finally, I want to assure the Assembly that while I am Minister for Education I will do everything in my power to create a caring, empathic, compassionate society that aims to eradicate abuse in all its forms and within our schools give our children the highest level of trust and respect they deserve. Within that environment not only will they be nurtured and thrive, but they will know we will have done all we can to protect them as if they were our own.

1.1.3 Deputy M.R. Higgins of St. Helier:

It is my intention to speak a number of times during this debate on different issues, so I am just going to concentrate on one at the very beginning. But before I do that, I also welcome the remarks made by the Chief Minister, what he said and what he proposes to do. However, they are many fine words and proposed initiatives but at the moment they are merely words and we need action. Now, I know he has indicated one action today or one or 2 actions today, but I agree with Winston Churchill. It is action this day. There is a lot more that can be done even today, and I am going to be calling upon the Chief Minister and the Minister for Health and Social Services to do something today which will prove their sincerity in what they are saying. Now, over the 9 years that I have been in the States I have pressed Ministers relentlessly or their departments where they have failed or attempted to cover up their failures and scandals. For example, I have repeatedly attacked the States of Jersey Police for their failings to properly investigate allegations of criminality and their downright obstruction of people seeking subject access requests to deal with their perceived wrongs and actual wrongs. I have attacked the Data Protection Commissioner and her staff for failing to hold the police to account for their data protection failures. Although constantly attacked by Ministers and others in this Assembly for bringing these things out in public, my attacks were vindicated in the recent Police Service of Northern Ireland report into the case of Mr. Roy Boschat and others, which found that police failed miserably in their compliance with the Data Protection Law. I was also one of a small number of Members who challenged the suspension of the former Chief of the States of Jersey Police, Graeme Power, which has been shown in the Care Inquiry's report to be based on a lie and lies. I and others in this Assembly and people outside the Assembly... and I particularly want to mention former Senator Stuart Syvret, who was pilloried inside this Assembly and outside for bringing up and out into the open the abuse in the care system. His reputation was trashed. His beliefs caused... I should say not only his beliefs but also the determination and his desire to get the matter out also caused him to be jailed for various periods of time, which I think is scandalous in itself. There are other former Members of the States who brought up the case of the various abuse that has happened. I would mention also former Deputy Bob Hill, who was relentless in trying to get the truth and to try and get justice for the abuse survivors. That also extends to former Deputy Daniel Wimberley and Trevor and Shona Pitman. These are the people who raised the issue and kept on going on about it and were vilified and people in this House stomping their feet when people attacked the fact that we were raising the issues. So, I pay tribute to them. So, it is not just me; I am just mentioning this as an example. We also fought for the Independent Care Inquiry into the abuses, which existing and former Members opposed, and there are still some in this Island who are not saying: "Yes, it is disgraceful what we have seen" and everything else, but they are going on about the cost of the Inquiry. They opposed it when they were in the States. We have the Inquiry and the first thing they do before the Inquiry

results are out is start talking about the millions that have been spent on it. There are also people still in this House who I think will oppose the measures being proposed by the Chief Minister, and I and others will be relentless in pointing that out to the public. They have failed people before; we have got to make sure we do not fail again. I have also raised in this Assembly the case of a family comprising of a mother and 2 children who have been engaged with the Department for Health and Social Services Department for 21 years. All 3 are autistic and all 3 have been failed by the Department for Health and Social Services throughout their time. Allegations of sexual, emotional and other abuse that was perpetrated while they were in the care of the state.

[10:45]

This particular family was not largely covered by the Care Inquiry report. Why? Because the abuse occurred just after the end period. I know I have raised this with the Chief Minister and these matters can be investigated, even though it is later, and I know the police are aware of these examples, but the people concerned have been so damaged by their experience at the moment they are not necessarily in a position to be interviewed by the police to get the facts. That is how badly they have been treated. I got involved with this family I think it was 4 or so years ago and I was called by the mother and asked to go to Orchard House where her daughter was being assessed. She had been sectioned. The purpose of my going was because she could not cope with all the professionals. You get about 6 doctors or specialists all around, and they were just overwhelmed by it. I went along and I was disturbed by what I heard from the doctors concerned. The young lady concerned needed specialist treatment in the U.K. They were going to approach her about going to the U.K. but at that time we were at the height of all the spending cuts. I asked how much it was going to cost for this person to go to the U.K. establishment where they thought she could receive help. It was £200,000 per year. At that time we were watching every penny and the question I asked was: "Have you got the funding?" They said no. I said: "Well, why are you actually going to the girl and saying: 'Will you go to the U.K.?' and what happens if you do not get the money? She is going to be let down again" as she has been let down many, many times by these people. I was so disgusted I said: "I want to go and see the Minister." I left the building. I had only met the mother that day and she was handing over documents, papers that she had. One of the doctors went by as we were having this discussion outside the institution, and she could see the papers being handed over and so on. What happened? There was a phone call made from Orchard House, or somewhere else, to one of the senior people in the Department for Health and Social Services and they raced down to Orchard House to see the girl, who they had never met before and said to her: "Do you want Deputy Higgins seeing your records?" A number of points: Firstly, I had not met the girl. Her mother had not had a chance to tell her that she asked me to try and help her and the family. Secondly, the person concerned had never met her either. He went straight down; a senior official of the Department for Health and Social Services goes straight down to Orchard House and says: "Do you want Deputy Higgins to have your records?" I had not even asked for them at that point. What does that show you about the openness and transparency of our civil servants, or some of our civil servants? All I can say is, it just shows the Jersey way: there is obviously something there, cover it up. I might add, others who have been involved with this case since that time also believe there is something being kept behind, and certainly the abuse part of it is part of what I think is being kept behind. In addition to this, a social worker offered the vulnerable mother a meeting and then did not deliver it. This has gone on, and I have been trying to get a meeting between the social worker concerned and this vulnerable woman to find out why the meeting was offered and never took place. Since that time, I have had all sorts of obstructions put in my way. To give you examples, I was told: "The social worker is afraid of this vulnerable woman." I said: "What is the problem? I will go with the vulnerable woman, the head of the department can go with her, no problem." "No, we cannot do it." In this House, some of you may remember when I raised with the current Minister for Health and Social Services, Senator Green,

about the fact that the health officials were saying that their duty of care to their staff was greater than the duty of care that they had to the people they are supposed to be helping, the vulnerable people of this Island. In addition to that, the current head of the Children's Service wrote a letter to me when I was seeking a message, and the letter was highly defamatory, in my opinion. I would love to put it to a court because I think it was damning. The lady concerned who I had been helping was accused of harassment, of harassing the social worker at work, at her home; of harassing the social worker's family; of harassing her on social media. I asked the Head of the Children's Service to justify the remarks that she had made in her letter, or apologise. I did not get an immediate response, so I sent an email. I basically said: "Either produce the evidence you had when you wrote the letter you had, which you should have had if you were going to write this sort of letter you have, or are you manufacturing the evidence?" Lo and behold I get a letter back first of all saying: "I stand by everything I said in the letter with the exception of the harassment at her home." Then what happens? The police get involved. The social worker, after my complaints about the defamatory statements and the allegations which were false, goes to the police and makes an allegation of harassment. The police came down, and fortunately for this lady I also managed to get a Legal Aid lawyer who was very good in this particular case. The police came down to her office. We pointed out to them what was going on and we asked: "When was the harassment claim made?" After I had made the statement about: "Produce your evidence or are you manufacturing it?" The police statement contains nothing really to substantiate anything that was there. For example, the harassment at her home was a statement made by this vulnerable woman: "I know where you live." Well she does know where she lives. Her harassment of her children is not even mentioned in the police statement. The harassment on social media was a statement that: "I have seen your Facebook." We have a situation where I have been trying to get this matter dealt with and I have been opposed repeatedly. I am still being opposed. Certain documentation from the Department for Health and Social Services: I know that the Minister, I will give him his due on this one, recently said that I should be entitled to see information that the law officers have been withholding or have withheld for over a year. What I am trying to say is: we talk about historical abuse, we have a case at the present time which to me has to be dealt with now. I am fed up of being fobbed off, basically obstructed, constantly, over. I say that if the Chief Minister is serious about what he is saying and if the Minister for Health and Social Services is serious about what he is saying, this case will be addressed immediately. All information that has been withheld regarding the whole family history in care which the family and the children have all consented to be released, be released. I also say there should be an investigation into the defamatory statements that were made and the cover up and the constant delays. I am talking about a letter that was written in March last year and still we do not have it dealt with one way or another. I am saying that the Jersey way still exists, that criticism of abuse, whether it be emotional or sexual or whatever, is still being covered up at the present time. We need to get an open and transparent system, as the Chief Minister says we are going to have, and I challenge him now, and the Minister for Health and Social Services, be open and transparent on this case. Let us get it resolved; 4 years is far too long.

1.1.4 Connétable M.P.S. Le Troquer of St. Martin:

I am pleased that I signed the request asking for the in committee debate to be held today. I do not believe the debate is too soon, because it is likely to be one of many that we will have in the coming weeks, months and probably years; probably into the composition of the next Assembly. I have to tell you, simply, that I have not completely finished reading the 3 books yet, the volumes, but I have tried. I congratulate, and I think that is probably the wrong word, but commend the Inquiry team. I think there is one issue that can be laid to rest from the very beginning, that it was independent. I also thank the Chief Minister. I thanked the Chief Minister from the onset that he has supported this Inquiry, despite the concerns of the cost of the Inquiry, what it would achieve.

His persistence has carried on and I welcome his immediate response this morning. The documents will be read many times over, I am quite sure. Some areas will be referred to many times, some will be part of the focus of reference. Of course, it is difficult to absorb everything; 1,000 pages spanning 70 years and trying to put something together to speak this morning in this debate. There has been much reaction already. We have had the Chief Minister's statement on Tuesday; the extensive media reports, which have been thorough; the interviews that have been thorough throughout this week; statements from 2 Members of the Assembly earlier in the week, and today's in committee debate. I am sure there are many issues that will come out as we re-read the report. I think the question raised by the Deputy of Grouville on Tuesday was unanswered, unfortunately, because there was a lack of time. It was probably the crux of the matter and one of the most important. What went wrong? That is answered in the report. Ensure that it does not happen again. We should be addressing that in many ways, in different ways, over the coming years, and very shortly by the sounds of this morning's Chief Minister's address. The Deputy's question: "Why did it go wrong, who is still answerable?" Those answers never came out because we ran out of time and maybe the Deputy might be bringing those again today. It is not those who abuse children; they are criminals, we all know that. They are criminals. But who failed to address it? Many are no longer with us and will not be answerable, sadly. It is difficult to read the documents and speak in this debate today because there are so many aspects spanning over such a long period. There are 3 areas I just want to make comment on if I can? The Jersey way: I understand the comments that have been made regarding the Jersey way and of the interpretation that some people have put on it, and I thoroughly agree. There is no place for that definition and those people's interpretation of the conduct. They are absolutely correct. That conduct must never take place. It should never have taken place. It is illegal too; it is corrupt. Of course, I also have, and many others do, my definition of the "Jersey way". What the report states is the maintenance of proud and ancient traditions and the preservation of Island's way of life. Totally. Of our welcome, how I see it, to people from different communities. The French community; me: my great-great grandparents coming over to the Island. The welcome to the Italians and then later the Welsh, Scottish, Portuguese, and more recently the Polish, and of course many others. Our welcome to them: that is the Jersey way. The Jersey way is those living on the Island, giving of their time, supporting others, their communities, the many charities. Supporting their neighbours. The Jersey way. The Parishes maintaining their unique individuality, but at the same time trying to support their parishioners. An Island that continually tries to make things better for all, and the hospitality and warmth we extend to others who come over to our community, and the sadness when they leave. I am sure that there is a Jersey way that many have referred to in the past when talking of this Jersey way, and on the other, the darker side, the other Jersey way referred to by some. I will quite happily stand at the front of the queue with a banner calling for the stop, and for heads to roll. If we are to seek to have a new Jersey way, which is inside the report, I think it is one that we already know and love and one that I think of when people have referred to it in the past, but it has been taken out of context. I am just sorry that others have had experiences of what is not the Jersey way, but one that is wrong and that one is corrupt, criminal, illegal and to be deplored. I was very concerned to read some of the comments within the report that indicated that in some management of our system, problems continue to exist to this time. That is still noted in the report now; we still have trouble, we still have problems and it is right through to this current time, even while the Inquiry was taking place. That has to be wrong. I will not speak long on that, because that is going to be addressed, I am quite sure of it, but it must worry the Chief Minister and the Council of Ministers, and has to be addressed immediately. The third issue I would like to touch on is the Haut de la Garenne complex and the recommendations to demolish the building. Members will know that the complex is in my Parish. Today is not the day that we are going to be making decisions about its future, but if I can just make Members aware of a few points and just tell them that, during this debate, because people will be listening and it has already made a lot of media

comment for both sides, we know that the building has not been used for a couple of decades as a children's home. It has been used for the States police for training purposes; the firearms team, I believe, used it; search teams used it. It has been used as a depot for military bands when the military bands used to come over the Island was able to put them up; the Department for Economic Development, Tourism, Sport and Culture put them up in hotels, and that stopped because of the cost. Then they went to Wesley Grove Chapel and sat there for the week. That is when we used to have military bands in Howard Davis Park every night. Then they eventually, because of cost, ended up in Haut de la Garenne. I have searched it many times as a police search officer. For those that do not know it, it is being used as an activity centre, an accommodation unit, and is fast-growing. It has not been an empty site. We, as Members, were all invited to attend Haut de la Garenne, I think it was last year. I went up; some of us took the opportunity to visit it.

[11:00]

We have a local firm trying to establish a business which recently applied for and was granted a liquor licence as well for their guests. Many people would have wished not to take on a project, but an entrepreneur has tried it and he has taken it on, and it is successful. I have just obtained some of the information, and I know we are not making a decision today, but just to let Members know and the public know. In 2016 they sold 7,500 bed/nights, which roughly equates to 3,500 visitors to the centre. The majority were school trips from the U.K., Guernsey, France, totalling around 50 schools. We have had visiting sports teams staying there, giving local sports groups additional competition. They were host for Team Minorca at the last Island Games. Two teams from France and Italy for the European Touch Rugby Tournament stayed there. Seven local schools on adventure activities. Le Rocquier, Grainville, Mont a l'Abbe, St. Michael's, Beaulieu, Victoria College, and Haute Vallée. The local brownies, cubs, beavers and rangers groups use it. It hosts the Annual European Dog Agility Show with visitors from 9 different European countries. In 2017 so far, 17 children's birthday parties have been held there, 35 outside catering events are scheduled. The indications of the 7,500 beds from last year is set to increase in 2017. The centre has 9 members of staff, 3 of whom live on site. It provides £5,500 business to Jersey Heritage in entrance fees, a greater figure for the local coach company for coach transfers, cleaning contracts to local companies and laundry arrangements to local companies. As you can imagine, and Members can imagine, their worries and, of course, their loss, should the building be razed to the ground. I think it is fair that we should reflect on this situation and the worries for those who are now benefiting. I just wanted Members to be aware and the public to be aware that when we do move forward, we can look at the other side for the Haut de la Garenne complex. I do not want to belittle anything that took place in the past, but razing it to the ground, and I do not think we can compare, and I am still reading the report but I know of the incidents at Haut de la Garenne, but you cannot compare it to the Fred and Rosemary West building in the U.K. I am not making light of that now. There is light at the end of the tunnel; the persistence of Members over the past 6 years and longer, and with the proposition from the former Senator Le Gresley for an independent inquiry and other Members, and despite the cost. I can remember my speech, in fact I looked it up this morning, of March 2013 suggesting to the Chief Minister that the £6 million was likely to be exceeded and possibly doubled. Then later, at this Assembly, Members will remember that we had to move to the Town Hall because of the fire alarm, and we continued and authorised further money to be put into the fund for this Inquiry to continue. I think it was the persistence of the Chief Minister, and I congratulate him this morning on his speech. It was only 2 weeks ago we were standing in this Assembly with a no confidence vote against him. The Chief Minister has asked if I would sit on the proposed advisory panel. He asked me yesterday. I am very pleased, and that is probably the wrong word, to accept that invitation. I hope I can offer something to that forum, despite the comments that I have said this morning, and none of them this morning are meant to be negative; I am trying to be positive. I was excited, and that is probably the wrong word too, last night to be

part of this corporate parenting, and I did attend those presentations that were given to the new States Members in 2011, 2012 on corporate parenting. Some Members and some of the public may think I am conflicted because of the group. It will be looking to achieve the recommendations and not investigate incidents of the past; that has been done. I am now looking forward to the future. I do not believe I am conflicted, despite these comments I have made today. The other things I should tell the Assembly, and I am sure the Members know, I was a police officer in the States Police for 30 years and my knowledge of a good police officer... and I am very sorry for Deputy Higgins' comments about the police. You have different people in all walks of life, but my knowledge and my experience of police officers is that they want convictions; they do not want to turn a blind eye to things, especially the abuse of children. We have seen different policing methods, how policing methods have changed. Members will recall the way investigations were carried out throughout police forces and the change that you saw in rape investigations following the Thames Valley documentary on how they used to treat victims. You may think I am conflicted because on my retirement from the police force I worked for the Prosecution Service at the Town Hall for nearly 9 years before becoming Connétable, and that was after my retirement. I was there when some of the decisions were made whether or not to prosecute some of the offenders, alleged offenders, at that time, which had not gone to court. They would come to the Prosecution Service for the attention of the Duty Centenier. The other grounds on which people may think I am conflicted: I lived in the grounds, in a flat, a little house, at the Sacre Coeur for 25 years, from the age of one until I got married. I grew up and I played with those children at the Sacre Coeur Orphanage throughout that time. Many were friends; I still see some of them all that time. The difference was I went home in the evening to my loving parents, to their house. They were in the orphanage. Times were different to that time but never once did one make a complaint to me; I did not know what was going on behind the scenes. I do not think I am conflicted because I want to put this behind everything. I want to move forward. As I said, I really appreciate the Chief Minister asking me to be on the advisory panel and to bring out the recommendations. I recalled something last night; some Members will remember the Desiderata and I wrote out the Desiderata the year I got married. You will find it online, probably. At the end of it I wrote it out, because it was a present to my wife. That was the end of the beginning and I think the report that we have had now is the end of the beginning. We are going to move forward. I have been lucky; I was able to go home, as I said. Going forward, after that, engagement and marriage 40 years ago, I have had 2 children and I have got 4 grandchildren and I hope they have had a loving family to look after them and I am sad for those who did not have that opportunity. I want to work together with the Chief Minister and with the Ministers and with all Members, going forward, and also with the victims, and also with the staff at the activity centre at the former Haut de la Garenne site. I hope there is some use in my comments. **[Approbation]**

1.1.5 Deputy A.E. Pryke of Trinity:

I will be taking the opportunity of speaking twice today. Firstly to describe my time as Minister for Health and Social Services in the context of the Inquiry report. Later I will reflect upon the implications of the report in relation to my current responsibilities as Minister for Housing. Before I do that I would like to thank those who came forward and told their harrowing stories to the Inquiry panel. I cannot begin to imagine what they went through but now, with the evidence recorded forever, we can begin to understand and learn from their experiences, and I sincerely thank them. Earlier this week, in her summary statement, the chair of the Independent Care Inquiry, Frances Oldham Q.C. (Queen's Counsel), described how the States of Jersey proved to be an ineffectual and neglectful substitute parent. "Ineffectual, inadequate, inexplicable, inexcusable." These are the words that Frances Oldham used to describe the services provided here in Jersey, services for our vulnerable children. They are difficult and sad words to read, but they ring true. When I became Minister for Health and Social Services in 2009 I was the fourth Minister in as

many years. The position was frequently referred to as “a poisoned chalice.” A week or so after I was elected I had to decide on the future of Family X. This tragic family had been let down by the corporate parents, the Children’s Service, and over many years by the department, and it also appeared in court in relation to their care. The decision was on their future. Do these children stay here on-Island for therapeutic care, or go off-Island to a specialised centre? They had been damaged for many, many years. The advice given to me by the staff then was that they should stay as the cost was too much to send them off-Island. Yes, it was costly; nearly £800,000 each year for many, many years. I also had evidence from the children’s lawyer and guardians to let them go off-Island where they would see the care that they desperately needed. I challenged all that advice I received. To this day, a week or so into ministerial responsibility, I know I made that right decision. **[Approbation]** They received the best care and treatment for them and that was off-Island. It was a hard one to make but it was right for the children, and money certainly did not come into it. I wish to acknowledge now how willing and supportive the then Minister for Treasury and Resources, Senator Ozouf, was at that time, bringing to the States under Article 118 of the Public Finances Law a proposition that not only provided for those children specialist therapeutic off-Island treatment for Family X, but also at the time urgent refurbishment costs for the Brig-y-Don Children’s Home. As you see, it still lives with me today. Returning to the first days in the Department for Health and Social Services, as it sets out in the Inquiry report at page 302, it struck me how Social Services was the poor relation in the department. It was also clear to me that the Children’s Service in particular had an unwieldy management structure, and the corporate parent, it was a shambles. Leadership in the department was ineffectual, the buildings in which the hardworking staff had to deliver vital services were inadequate, the department was struggling with many complex issues with no workable plan to resolve them. At that time I think the Council of Ministers underestimated the problems and, looking back, I could have done more, I should have done more. I want to say to all those affected, sorry, Sir... affected by the abuse they have suffered, I am sorry I did not do more. We must all reflect on our roles and responsibilities in the light of this report. The most important and fundamental change I undertook quite swiftly was that of management and new appointments of a new chief executive officer, who took and is taking the department forward through the P.82 White Paper to provide a safe, affordable and a sustainable service for all Islanders and that very much includes children’s services. The chief officer continues to drive the department forward today and I thank her for it because she has got a difficult job and she needs our support.

[11:15]

Prior to her appointment I had to deal with the ramifications of the untimely and profoundly sad death of a patient, which necessitated an independent external review of Verita. The situation the department found itself was inexplicable and the actions of some inexcusable. The findings led to 30 recommendations and, subsequently, 7 months later I asked Verita to return for a progress review into these recommendations. That is why I fully, fully support one of the recommendations, to bring the panel back again, to make sure that the recommendations are in place. Also, at this time the Williamson Review into the care of vulnerable children had been published with 32 recommendations. Also, the Corporate Parent Group, before I became Minister, had not met for many, many months. I was charged with overseeing the implementation with the support of this Assembly at the time, a £3 million investment. We introduced the Family Court Advisory Service, strengthened the role of the Jersey Child Protection Committee, created an independent Board of Visitors to monitor standards in all our children’s homes on a regular basis, provided funds for The Bridge and the N.S.P.C.C. (National Society for the Prevention of Cruelty to Children), introduced the first independent reviewing officers with who to provide check and balance and challenge to child protection meetings, funding for an emergency duty system, funding for Youth Service and the development of a whistle-blowing policy. I also instigated the first external independent

inspection into looked-after children's services. Over my term of office we replaced old residential facilities, such as La Preference - Heathfield too - working with the Variety Club and Lions Club to refurbish Oakwell Children's Respite facility, working the Shelter Trust to move old premises on St. Mark's Road to Strathmore and, in doing so, enabling young people to access support beyond 16 or 18. At that time, say 18, you left care; now they are supported up to the age of 25 or beyond because, as every parent knows, the responsibility of a parent does not stop when the child reaches 18. I am ashamed to say that was the case before. There were other things, like Reciprocal Health Agreement, Brig-y-Don Children's Home upgrading, within the hospital maternity units, special care baby units. The corporate parent evolved, I am pleased to say, into a children's policy group and that group developed, as recognised in the Inquiry, as a positive step. I, alongside the Ministers for Home Affairs, Education, Sport and Culture, published the Children and Young Person's Strategic Framework for Jersey. If we are to successfully respond to this Inquiry report we need to breathe air and life into that document and get behind its implementation. Oversaw the introduction of M.A.S.H., the M.A.R.A.C. (Multi-Agency Risk Assessment Conference), the J.N.A.P.A.C. (Jersey National Association of People Abused in Childhood), all integral to safeguarding children in our Island. Was it easy? I can say, no, at times it was not but the culture was beginning to change. Some of my last actions as Minister for Health and Social Services was to recruit an interim director for Children's Service and a chair for Children's Policy Group, another small step forward. We also oversaw the extension of the United Nations Convention on the Rights of the Child to Jersey, which should have been done many, many years ago. There are issues in that that we will never, ever meet, we know that. But unless you ask that question you do not know what the answer was. We asked that question eventually and we were able to sign up to that convention. Both of these actions, I hope, have secured a brighter future for vulnerable children in Jersey because they do matter. As a member of this Council of Ministers and the Child and Vulnerable Adults Group, I am determined to support the Chief Minister to deliver a brighter future, a good future for all our children and young people. I know most of the staff, it is their priority as well and they do have challenges, we know that. I fully support all the recommendations set out in the Inquiry report. This must be our number one priority for the Island. It is our duty to do so because every single child does matter and they are our future. I firmly believe that everybody wants what is best for children wherever they are. They are our future. We need to show them that we care, we nurture and we will listen to them, not only a role for Ministers and this Assembly but for the whole Island. Our apologies, my apologies will be hollow if not followed up by action, action that we all need to take together as a community. Children just need to know very simply, it is so difficult sometimes to give but they are loved. **[Approbation]**

1.1.6 Senator A.K.F. Green:

The Independent Care Inquiry Report is an important milestone for us here in Jersey, its reading is both shocking and upsetting and nobody who read these reports - I have read most of it - could help but be moved to tears. Let me be clear, children have been failed by the very institutions that should have been protecting them, nurturing them, loving them as our own and I am truly sorry for that. It is clear that when children raised concerns in the past that they were not heard and this must be changed. All of us must learn not only to listen but to hear what the children tell us. We cannot undo the hurt or the damage done to the survivors but as well as saying sorry to them, which I do again, we can help to support them, support those that we failed in the past and we must do this. There are facilities available and, if it helps, there is a free phone helpline available today and the number is 0800 735100. But, equally, the most powerful apology, I think, that we can show survivors is to demonstrate that this time we have heard, this time real changes will be made, this time that children in our care today, tomorrow, in the future, in whatever form within the Island, are as safe as we can possibly make it. The Chief Minister has already given our commitment to adopting the recommendations and I confirm my commitment to this. We must come together with

vigour, vigour that we have never seen before to grasp the opportunity that the Chief Minister referred to. The report talks a lot about culture and cultural change but I suggest cultural change starts here in this Assembly. I had hoped that we would have a mature debate and not the mud-slinging that we had from Deputy Higgins with comments which he knows are not totally correct. The young lady concerned got her treatment in the U.K. once she consented to it and once that process was followed through. She had her treatment in the U.K. and I am pleased about that. Deputy Higgins did make an accusation of abuse on behalf of adult children in my presence. I immediately got up, and I will not name the senior police officer, and reported it to the police officer. I know that that police officer followed that up with Deputy Higgins. With regard to the information that Deputy Higgins has asked for, I asked that it could be provided but it cannot. To be fair, Deputy Higgins does not know this, I only heard this on Friday, it cannot be provided because one of the children with capacity has refused 4 times for their information to be released and I am legally advised to ask them again would be tantamount to harassment. There is no cover up. When I first became Minister, and I am pleased to be following the Deputy of Trinity, it was clear that Social Services had for many years been the Cinderella service and under-resourced for decades. The Deputy of Trinity, as she said earlier, when she became Minister started work earnestly to correct this and I was pleased to be able to build on her work. We did not wait for this report and I think I can use the name because it is in this report, with the help of Joe Olsen, who was appointed by the previous Minister, we started to make changes in the management team to put in new resources, new systems but, most importantly, cultural change was underway. When we talk about cultural change I used to lecture at Highlands on change and, for me, cultural change is understanding the way that we do things in a particular organisation or setting. That cultural change that has to happen here has to be one of trust, honesty, professional challenge, just to name a few. Changes to developed services would ensure the welfare and protection of children are in place. There can be no greater priority for any of us but particularly for me, as Minister for Health and Social Services, than the care of our children. I think, at this stage, it is appropriate for me to also apologise to the staff at Social Services who, in many cases, did what they could do with inadequate resources, who were not heard when they made the case for further resources until the Deputy of Trinity heard what they were asking for. We let them down as well and I am sorry. I know, we all know, that there will always be vulnerable children in Jersey, as in every society. These children require the protection, the care and we must ensure that we identify those children and respond effectively. But, better than that, we must do that but better than that with the work that the Minister for Home Affairs is doing on 1001 Days, we must get in earlier and ensure we have less vulnerable children, that families are supported at the right time. When I say “we”, I mean all of us in our Island because while my department has a particular lead role, the protection of our children is the responsibility of all of us; not just all of us in this Assembly but all of us in the Island. We have started to correct that under-investment services. We have invested millions of pounds in recent times. Over the past 2 years we have established 20 new social workers, 29 residential care officers, 4 family support workers, 3 intensive support workers, an officer to assist with recruitment of foster carers and adopters, 5 new posts in Child and Adolescent Mental Health, including qualified family therapists, a young people’s mental health primary care workers and we have provided funding to establish early health approaches.

[11:30]

We have also provided funding for the N.S.P.C.C. service, letting the future in to help children and young people recover from abuse. I hope that one day we might have to reduce the service if we get our work right. We have provided individuals some packages to support children and families but that is not enough; that is merely a start. It is important we do not just get the correct staff on the ground. Yes, they need to be there but they need to be the right staff with the right experience, with the appropriate professional qualifications, with the competence and attitude, irrespective of

whether they come from Jersey or elsewhere and they need to be helped and supported. The issue of recruitment and building a sustainable workforce has been highlighted by the Inquiry. Indeed, in its recommendations this is a priority it has given my department. I believe that the people of Jersey want to contribute to the well-being and support of our children. As the Chief Minister was talking earlier, as part of building a sustainable social workforce service, we are developing with partners on and off-Island a social work degree course. This means that we will be able to grow our own professional social workers while students live in Jersey and, as the Chief Minister said, we anticipate we will start that next autumn. We must recruit the best people for Jersey's children but, once recruited, we must keep them. Staff who work in Children's Services must be committed, must be passionate about the protection and welfare of children. It is incumbent, as I have already said, on me, on all of us to ensure that they have the means and the support to deliver for our children. Part of that support is recognising the value of working in partnership, not in silence, partnerships with our other colleagues in other departments but particularly education; partnerships that include though the children, the young people and their families. I am always saying, as a family member, when my son had his accident that the families have a lot to contribute when planning for care or work to be done around a child and I want to see that instilled in the work that we do. We must listen but, as I have said before, above all we must hear what our children and young people tell us about our services, about what makes a service good, so we can repeat that, about what we can do better, if you like, what we are not getting right, so we can stop doing that. If they raise a complaint or concern it must be investigated. We must be absolutely committed to properly and thoroughly investigating it. Another commitment I will give in line with the report's recommendations, I commit to provide an annual report on complaints received and outcomes. Of course, it will be anonymous but that should be provided for our children and young people. Involving children and young people in planning services and policy development works. We have seen it work. We have had experience of it recently with the Mental Health Law; the mental health strategy that developed the Mental Health Law and the Capacity Law; that was working with parents, working with sufferers and working with the community; it works. We must repeat that experience with our children. I was heartened recently and it was very recently - it was only within the last month or so - when parents and staff from other departments at all different levels came together to progress the development of what they call the Jersey practice model for us to use for all services that work with children and young people in need of support. I guess that is a bit jargony but in layman's terms if everybody is speaking the same language, then when concerns are raised they are understood. If somebody from Education is speaking the same language as somebody in my own department or a parent or a child, that we are all talking about the same thing but, more importantly, listening to each other, then they will be understood and problems will be sorted. The group spent a week working together to agree the pathway to be used to support children and families. They agreed a format of assessment and a child's plan, not an education plan, not a social work plan but a plan wrapped round the child that looks at every aspect of their life. This will reduce duplication, so departments all do their own thing. Streamline systems but, most importantly, make it easier for children and families to get effective support, support that we have failed to give so far. The development of the shared model will help us address many of the issues highlighted in serious case reviews, in relation particularly to the sharing of information, to ensure effective communication, putting the child and, where appropriate, the family at the centre of everything that we do. A start, much more to do, but we all know how effective partnership planning can be and what a difference it can make to the lives of our children. The Inquiry has stated its concern that some children may still be at risk in Jersey, based on evidence up to spring last year. As Minister and a member of the Children's Service Improvement Board, chaired by the Chief Minister, I am well versed in the improvements that we have made. I have scrutinised and challenged officers on their progress. As Minister, I have been assisted by an independent social work adviser, an experienced senior professional and former Ofsted inspector. We have made

improvements. We are in a better position than we were but we have a lot more to do. Some of those improvements included strengthening the leadership and management by getting permanent officers in post. We have a Managing Director for Community and Social Services, an Operations Director, a Director of Children's Social Work, a Head of Safeguarding, Head of Looked-After Children, Team Manager for C.A.M.H.S. (Child and Adolescent Mental Health Service), team managers across the services and recruitment underway of further core residential registered managers. We have strengthened the out-of-hours management oversight and the child protection response arrangements. We have introduced Ofsted's quality standards framework. Residential care units are now fully staffed. There are regular quality assurance visits to children's homes carried out by independent reviewing officers, case audit and review is part of business as usual, evidence of improving practice for outcomes of children. We have procured a new I.C.T. (information communications technology) system and discussions with independent bodies to carry out, as the Chief Minister mentioned, that scrutiny and inspection. There has been much staff training and development. We have made more effective use of the law, although there is still more work to do. Young people involved in the criminal justice system are now considered, for the first time, to be looked-after children, not offenders; they are looked-after children. We owe them a duty of care as well. Members may be pleased to hear that we have, at last, identified new premises for C.A.M.H.S. to continue to build and develop their specialist services. A total restructuring of social work is underway. We have to strengthen access to services. We have to ensure, alongside that, consistency of work. I do hear that relationships are built up with a child and the social worker and then the social worker changes. We have to have consistency in the support for the child and the family. We must prevent, wherever possible, children even needing to progress through a strategy system. I am not complacent, I do not want this Assembly to think that I think everything goes right. Our children are in a better place than they were a while ago but we still have a lot to do. We have not reached where we need to be or where we want to be. An improvement programme on the scale that we have embarked on is never delivered overnight but when it is completely delivered it must be sustainable. It must be able to respond to increasing referrals to M.A.S.H., which the Deputy of Trinity referred to, where people concerned about children can go to the service. One of the things that I suggested yesterday to the team was that I do not think many people would even know how to contact M.A.S.H. or the single point of referral. Those are the places that people who have concerns, the public, States Members... Teachers may know their way round but the public and States Members may not, so we are going to look at how we can get M.A.S.H.'s contact details out into the public domain. I have not approached them yet but I am seriously considering the one thing that we all have in common, very often on the breakfast table is the milk container, maybe we could start with an advert or a sign on the milk container saying: "Concerned? Contact M.A.S.H." and put the details there, something for the future. Further investment will be required. The changes and improvement in practice must be continuous but they must be open and inclusive. But the biggest changes I referred to when I started must be culture. You can tick all the boxes you like, you can have as many wonderful efficient processes but without cultural change our children will never get the services that they deserve, services which we, as an Assembly, can be proud of; that is what we want, services that will stand up to scrutiny, services that will protect vulnerable children, nurture them, services that develop our children to their full potential. Moving on, it is not just about keeping them safe, it is about ensuring that they achieve their full potential and become valuable members of our community. To be honest, I have talked quite a lot but, in short, I do not think it is anything other than what we would expect for our children or our grandchildren. This is our duty. This is the role of the corporate parent. It rests with all of us, as States Members, and it must be taken seriously and that starts, in my view, by cultural change in this Assembly, about working together and us making a public declaration to this effect in our oath of office.

1.1.7 Deputy S.Y. Mézec:

I sat down yesterday to try and write a proper speech for this debate and I found it impossible to do so; there are so many issues to try and compact in a space of time and try and coherently put across. I have some notes in front of me and, hopefully, will be able to string something coherent together from them. This first point might sound irrelevant but I do think it is relevant and it is to talk about an issue that I paid quite a lot of attention to that has been in the news a lot, which has been the Grenfell Tower tragedy in the U.K., where we have witnessed an appalling tragedy that should never have happened and which saw a woeful response from the authorities afterwards. There were residents who had complained many times previously and who were ignored. These were poor people in an affluent part of London. When you look at what has happened there, I, myself, have been heartened by the response of many ordinary people who have gone out of their way, communities coming together to support the people, stepping in where the local council and the National Government have clearly failed. What I have also been impressed with there has been the fact that initially some politicians stood up after the tragedy and said: "This is not the time for politics, this is the time for sympathy." People said: "No." People said: "Absolutely not, this is the time for politics." The reason it was the time for politics was because what happened with Grenfell Tower was not an accident. What happened was enabled because of the lack of protections there were in place and the failures of the institutions to deal with complaints that were made to them and to put in systems in place to stop this sort of thing from happening. They were motivated, frankly, by their lack of interest in the people who resided there and people recognised that the only solutions to that are political.

[11:45]

It is not good enough to rely on charity, it is not good enough to rely on goodwill. The Government must step in and it must provide solutions, both in the form of active support in response to tragedies but also in the form of trying to stop things from happening in the first place by having appropriate safeguards and procedures in place. I have seen many people, some in Jersey, some in the U.K. as well, who have never expressed a political view at all, who have been politically awakened by that tragedy and it has helped to shape their view of what they expect governments to be able to deliver. I was 16 years old when the revelations about Haut de la Garenne were made public and it contributed to my own political awakening because I saw appalling events that should never have happened, followed by a woeful political response, so that is why I make the comparison with Grenfell Tower there. That was the moment for me where I put together my views about what it is the Government should be doing in society, who it should be looking to protect and how institutions should work to stop many of those things happening in the first place. I do want to say that I am quite optimistic today about how we can move forward on certain elements of this. When I was reading through parts of the report over the past few days, the remit of this Inquiry was to look back all the way to 1945 and when you look about some of the examples of abuse that occurred in the early years that the Inquiry was looking at, you read of all sorts of appalling things and you get, I think, an impression of how different attitudes were back then, things like our attitude towards corporal punishment, for example, has completely changed in decades recently where now the vast majority of people accept that it is wrong for adults to use violence against children; that is big people hurting small people, that is what that essentially is. Attitudes have changed significantly. Our understanding about mental health problems has changed a lot, particularly in recent years and that is a positive thing that can, hopefully, shape our response to some of these issues. But I do still have very, very serious concerns about how we can move forward and those concerns are largely based on what I have seen in my 3 and a bit years in politics. I was at the report launch on Monday and there were some points that were made in the statement that stuck out at me quite a lot. Those were points about social deprivation in our society, those were points about the priority that has been given to finance legislation and to the neglect that has been given to social legislation. There were points made about investing to ensure

we have better services looking forward and also comments about the political institutions and their ability to respond. Those, I think, are the main things I wanted to focus on in what I have to say and I will refer to parts of the executive summary because that it is the easiest place to quickly find some of the points I want to reference. From page 51, starting at point 12.3, the next 3 sections in the summary are, firstly, about the failures that they identified. It then talks about lessons to be learned in the future and then it goes on to the recommendations. I am not going to go through every single point that is raised here but there are some that I want to just highlight before I go into making my main points here. The second point in the fundamental failings, it talks about the: "Failure to have in place an adequate legislative framework that prioritises the welfare of children in need or at risk." It says: "While the States of Jersey has always been able to provide sufficient resources to keep pace with developments in international financial law, Jersey's childcare legislation has lagged behind other jurisdictions in the developed world, often by decades." I personally cannot see how anybody could possibly deny that that absolutely has been the case for decades in this Island. On to point 4, it then talks about: "The absence of government initiatives to tackle the causes of social inequalities and deprivation or to promote the welfare of children." Those are the 2 main points that I am then going to draw upon in what I say after. Looking at the lessons to be learned, point 4 under that section: "Independent scrutiny is essential." It says: "While in Jersey persons involved in such work should avoid even the perception of conflicts of interest or partiality." Point 6: "Investment is essential. Every child in Jersey is key to securing the Island's future, prosperity and international standing." That is a key one, international standing as well: "But that will not be achieved without according the Island's Children's Services priority comparable to its financial services." Then it moves on to the recommendations but I want to draw on those points first. The Island has changed a lot in decades gone by in many respects but there are some things that have been the same for a very long time, some things that have been the same for hundreds of years here. I am talking about the Jersey way here and I was glad that the Inquiry spoke a lot about the Jersey way because I think it can be used to sum up not just the institutions in the Island where they failed but also the attitude of people in power towards those institutions. I make, I think, 2 observations of points that I think we need to accept so that we can move on. The first observation is that the best political environment to deliver the best services for children and for child protection is proper democracy. There is no other system of government that can deliver States services in as an effective and fool-proof way than a proper democratic system and that means everything that goes with democracy. It means proper transparency, it means proper accountability, it means full separation of powers, it means the ability to whistle-blow, it means everything and for too long Jersey has cherry-picked what parts of democracy we would like to have in this Island. We spoke weeks ago and this is not necessarily that important to this part of the debate but none of us in this Assembly are elected in a fair system to be here in the first place. I do think that is a problem because it is part of what contributes to the public perception of the Jersey way, them not trusting the Government, them not trusting the States, them not wanting to engage in the process and consultations because they feel like the system is stacked up against them from the start. I do think that is an issue and it causes distrust from members of the public, particularly vulnerable members of the public who, as well as not liking the political institutions, may themselves have also been let down by way of Housing, by way of Social Security, by any other issue, it causes that distrust. When there is distrust the Government will be less well equipped to then go on and deal with instances of injustice where they recur. Separation of powers, this is a particularly frustrating one because the issue of separation of powers has not just been a talking point since the Carswell Review. This has been a talking point for a couple of hundred years for some people, frankly. The principle of separation of powers where you have the branches of government sufficiently distancing themselves from one another so that they can provide accountability to one another, the ability of courts to criticise governments when they do something potentially illegally or incompetently or in a way where a member of the public needs redress

through the court systems from the actions of the Government against them, we do not have that safeguard built into our system. It is not just the fact that this Assembly is presided over by the Island's Chief Justice; that I was taught very literally on my first day of my law degree, that is wrong to have that system in place and it does not go with the basic principles of democracy and those democratic principles are essential to safeguarding people's interests in society. It is not just that element, though that element is important. I think the more important part of it is the role of the Attorney General. The Attorney General wears multiple hats. He is not only the Government's legal adviser, he is also the Parliament's legal adviser. I think that, in itself, is wrong. He is Scrutiny's legal adviser, head of the Honorary Police and Chief Prosecutor. If you are the Government's legal adviser and the Chief Prosecutor, what happens if the Government does something criminal? That system is simply not built on sound foundations to deal with a potential circumstance where a government does something criminal, not necessarily intentionally; sometimes accidents are made in the process of administration. I strongly believe and it is part of the 659 or so, I think, recommendations made, it comes up several times having a split between the roles of the Attorney General and having an independent prosecution service, I strongly feel that that is absolutely paramount to moving forward and I think we should be looking to establish something along those lines very quickly to show our commitment to having proper procedures in place, so that people can have faith in our institutions; their impartiality, their lack of conflicts, to be able to deal with injustices when they come forward. There is another element of democracy that I am worried is going to be forgotten in this process. I will be honest, the Chief Minister himself has said things that have made me worried about this. There has been a lot of talk about, in the wake of this report, the whole Assembly coming together. I agree that we all should come together in terms of our ultimate objective, which is that we do all want to see institutions and procedures in place to make sure we have the best child protection services in the world. We do all agree with that but that does not necessarily mean us politically coming together. What I say is that in whatever happens moving forward, as this report said in lessons to be learned, part 4, it talks about independent scrutiny. That word "independent" is incredibly important here because proposals have been made, in my view, which will take Scrutiny's independence away from it by suggesting ... **[Approbation]** I would not make this point in this debate if I did not feel so strongly about it. Having Members of the Executive on Scrutiny takes our independence away and it is not right and I hope that idea is dropped in the wake of this report because I think it will be counterproductive. The other element of that is political opposition. Jersey does not quite have the tradition of political opposition in the way that many other jurisdictions have it. We have it a little bit now in that there are at least 3 Members of this Assembly who consider themselves to be opposition, rather than any other sort of role in this Parliament. I think greater consideration needs to be given to having a more clear idea of what opposition in this Parliament is because opposition provides, I think, alongside Scrutiny, which is evidence based, opposition can be more political. It provides something different that I think this Island would benefit from. Opposition is not just about simply opposing everything the Government does for the sake of it and we do not do that. On Tuesday those of us who consider ourselves opposition supported the Government because we thought their policy on that particular aspect of education funding was the right thing to do. But to have Members of a Parliament who are not joined-up in any sense with the Government is incredibly important. There must be Members of a Parliament who cannot be said to be complicit in mistakes that are made because the current Council of Ministers and Chief Minister have said they accept all the recommendations and the Chief Minister this morning outlined his view on how progress can be made. I accept that his intentions are entirely noble and I am very glad with much of what he said. But the point has to be made that both this Chief Minister and any future Chief Minister are human beings and sometimes humans make mistakes. In the process of the recommendations being followed up, there must be political accountability from people who have

not been complicit in any of those potential mistakes, who are free to stand back and say: “Right, this was nothing to do with us. We have no conflict here.”

[12:00]

We can stand up and criticise them for their attempt to implementing something, maybe with the right motives but just practically did not pull it off effectively. That, I think, is incredibly important to safeguard, which is why I am grateful that the Chief Minister has suggested setting up advisory panels and invited some of us to be on it. I will have to, myself, give consideration whether I take that invitation up. I may or may not; I have not made up my mind at this stage. Part of me wants to because I did not get into politics to be in opposition for ever. I got involved in politics because I wanted to make a difference. I have views about how I think child protection could be improved in the Island and I want to see those enacted and make progress. But the other aspect of that is that, like the Chief Minister, I am also human and I am capable of making mistakes and I want to know that if I make mistakes I will be held to account for it as well. I worry about anything not being complicit, potentially in mistakes and there then being no opposition to criticise my role or criticise anything that I was involved in. I worry that by taking part of that, that there would no longer be opposition and I do think that is a serious consideration. It is also why I will oppose any proposal, like I will oppose the proposals to take away Scrutiny’s independence, I will also oppose propositions to weaken the Troy Rule because I think that will undermine political opposition in this Assembly. I happen to believe that Executive Government works well and it works best where there are alternative executives waiting in the wings ready to take over if one executive does not do a good job. I think scrapping the Troy Rule and moving to some sort of part-committee structure, part-executive structure, I think, would go back to some of the bad elements of the old days where the States of Jersey was more of a club than a democracy. I think if we are genuinely to look forward, we should be looking at having a completely modern structure of government, not one based upon principles that I think have been proven simply to not work and to make governments less of a democracy, make them more of a club because that club mentality means the old Jersey way. People will look out for each other, we will all be complicit in something together, not having those voices of opposition that are necessary in a democracy. That was the first of the main observations. The second observation, which, again, is picked up in several points in the Inquiry’s report, is this very basic truth; everything we do to improve child protection in future is going to cost money. We are going to have to talk about where that money is going to come from. We need a serious political discussion and many of us will disagree on the ins and outs of where this money is going to come from but we have to stop policies that cause greater social deprivation in our society. The report spoke about the inextricable link there was and still is between poor housing conditions, poverty, health issues and the prospects that gives young people for their lives, their chances of ending up in care, their chances of ending up in trouble or anything else like that. For me, this is fundamental. Our society, the more we are prepared to tolerate poverty, the more we are prepared to tolerate cuts to services that vulnerable people rely on. We are shooting ourselves in the foot and we are causing greater problems longer down the line and it goes completely against what I perceive is the ethos of this Inquiry. Deputy Tadier spoke about the housing issues; let us not forget that, according to the Income Distribution Survey, it is housing costs that are the single biggest contributing factor to poverty on the Island. I am glad the Chief Minister nods his head but this is why I am going to come now to page 56, paragraph 13.1, the very first line of the recommendations where it says: “Many recommendations made over the years in previous reviews have focused predominantly on developing processes, structures and procedures, instead of identifying and setting out a roadmap for pursuing desirable outcomes and for transforming service users’ experience.” In the States a few weeks ago when we debated the vote of no confidence in the Chief Minister, I made that same point; I phrased it very differently. I spoke about how the Government loves forming strategies; we have loads. We have housing strategy, the disability

strategy, all sorts but when I read them I struggle to find clear points of them of tangible positive outcomes that the strategies can be measured against. **[Approbation]** I am glad that some people stomped their foot to that because when I brought it up in the last debate I saw some Members scoffing. I remember thinking at the time that is the Jersey way then, criticising the way that the Government goes about something, it produces these strategies, they look great, the documents are usually designed really well, nice paper but what do we get out of it? The housing strategy is the one that concerns me the most because I remember reading that. I will admit it has been a while since I last read it, frankly because it is not really worth reading again. But when I first read it, it talked about all these great ambitions, be great for everybody in the Island to have a nice decent home which they can live in, be great if more young people are able to afford their homes to buy, so that they have that to look forward to and the security that that provides. But I did not really see any clear proposals for how we can get the Island to that situation. What I want to come out of this Inquiry's report is a clear understanding that in politics in Jersey platitudes are no longer good enough. We have had a lot of platitudes over previous years. That is not to say that everything the States of Jersey and the Government has done has been bad. There have been some, I think, important improvements. One example is the Pupil Premium in schools, great idea and great to see that on its feet. But in many instances our Government has lacked leadership and has not come up with proper proposals to take things forward. Again, leadership is something that is spoken of in this report, which is why I think that our politics should move away from being so focused on personalities and lip service and platitudes and looking good for the camera whenever it is pointed at us and instead to focus our debates on policies, what impacts they would have if they were implemented, what side effects it would have that would need to be addressed, how much it would cost, where the funding mechanisms would come from. If that is what our political debate is centred on, then irrespective of the type of government we have, whether it is a government of the right, of the left, of the middle, a coalition, of all sorts of different perspectives, the quality will improve. That, I think, would also go some way to having the public have faith in their institutions, their democracy, their government, even if they might not like everything the Government does or they might want to vote for somebody else next time, to at least know that the system works, that they will get action, they will not just get platitudes and that the people who occupy those roles can be held to account, not just by the public but by other politicians who disagree with them, by the Scrutiny system, by the courts, if necessary; that would go some way, I think, to helping erode the Jersey way. The Jersey way and how to respond to that is recommendation 7. I spoke about this in Question Time in the States on Tuesday and I have a view on this that I would like to elaborate on in this format instead. The Chief Minister has spoken about having consultations on many of the recommendations that are in, I think, volume 3 that has got hundreds and hundreds of recommendations, many of which do not have a lot of detail behind them and how, if we choose to adopt some to those, we will need consultations just to work out the detail and work out how they can be implemented. The problem is the States of Jersey does lots of consultations already and a large proportion of the public do not ever feel like consultations are worth engaging with because they do not feel like their voice matters. This is sad but it is true. There are large numbers of people who do not like it and they often have good reason for not liking it, with standing here in an Assembly that twice has ignored a referendum result, so you can understand why people do not have much faith there. We look at the People's Park debacle where somehow somebody somewhere along the line thought it was a good idea to include the People's Park in a consultation and the only reason it was taken off the list of proposed sites was not because of engagement with the consultation, it was because of an external campaign led by civic society coming together there. In looking at the attitude that a large part of the public has to government system and the consultations, I believe that if we do not address some of those issues brought up in recommendation 7, then we risk having consultations that end up being a waste of time because people do not have faith in the process and they do not want to engage with those consultations,

which is why I believe that serious consideration must be given to changing some of our institutions, how they work and how government works before we get on to the more important of those consultations. On some of the minor aspects it might not be such a problem but for some of the larger recommendations I think we need to basically put our money where our mouth is and say, right, before we embark on some of the other issues, we are going to deal with some of the very clear-cut issues immediately. The most obvious of those is the separation of powers because the report says very clearly that further consideration needs to be given to the recommendations of the Clothier and Carswell Reports. Thanks to Deputy Tadier this Assembly has the ability to deal with that relatively quickly and vote to adopt a separation of powers for this Assembly in September. I really, really hope this Assembly will take that opportunity because it will send a message out to the public, we have had this report, we accept what it says and we are serious about listening to its recommendations and we are serious about having institutions in place that are truly democratic and that are truly accountable and that the public can have faith in, are built upon a sound structure so that they can get justice out of them. It has to be said that this particular issue, we have not had an easy ride on this previously and part of that has been a lack of political leadership previously. I am sorry to say that but I think that is the case. I think that with this first challenge that we will have in September when this proposition comes before the States, the Government has its first opportunity to show its commitment to these recommendations. The Chief Minister rightly has said that he fully supports the recommendations and I am glad to hear that. I am interested though in how many Members of his Council of Ministers are committed to all of those recommendations. There are members of his Council of Ministers, even if I may not politically agree with on anything, who I do admire as in people and who, I am sure, share the Chief Minister's commitment to some of these recommendations, there is one Member of his Council of Ministers, however, who we know does not. There is one Member of his Council of Ministers who has done his best to frustrate the process of getting this Inquiry, giving the Inquiry the funding it needs to get on with the job and just, I think, at the last States sitting even tried to delay this very debate. I said in Question Time on Tuesday that I believe that there are going to be instances where even if the Chief Minister wants to be as open and inclusive as he can, he will find people who are obstacles to his intentions. He will find people who, attempting to work with, will do more damage than it will do good. He will find people who, at some point, he will simply need to cut ties with and say this person is too obstructive and I am so serious about getting these recommendations through that I need to ask that person to step aside and get somebody who is committed to those recommendations. That person is sat on Senator Gorst's right-hand side. That person has for a very long time been against having a proper democratic separation of powers in this Assembly and he has had a role in previous ventures which were not considered by this report but which make me believe that he is not a right person to be in government, to be trusted, to be able to see these recommendations through.

[12:15]

I think one way that the Chief Minister could show leadership is say to his Council of Ministers: "This is now government policy to implement the entirety of this report. It is your choice now whether you are committed to that and if you are not then it is your time to go and we will get somebody who can be trusted, who is committed to those recommendations" and then I think we will see a much clearer path to getting the long needed reforms in place so that we can be sure that people out there will have faith in our systems, that children will be protected and that we have clear democratic and judicial systems in place that people will know will do what they are meant to do, where people can get justice when they need it and where politicians can be trusted to deliver good quality public services, funded properly and that is another difficult discussion that the Island is going to have at some point because frankly we cannot expect to have good services on the cheap. It is just not possible. At some point we will need to find ways of getting in more revenue

to fund those better services because if we do not it means cuts in more other areas, it means more cuts to vulnerable people, it means more cuts to support. It will mean we are less able to make those improvements to housing, education and health that we all know are necessary and that will cause problems in the long run. But this report now means we will have no excuses for not being aware of them because it said so very clearly. In this first instance I think that is all I have to say at this point. I will listen to other Members who I am sure many will want to disagree with many of the points I have made and I will be ready to respond to those when they do.

Senator S.C. Ferguson:

Sir, is it appropriate to refer to other Members as not being trustworthy?

Deputy S.Y. Mézec:

To clarify, I do not think I used the word “untrustworthy” in isolation, I think I said could not be trusted to deliver on recommendations because they are not politically committed to it. If you are not politically committed to something that is grounds for not trusting someone to deliver something, purely on pragmatic grounds.

Deputy S.G. Luce of St. Martin:

I listened quite carefully to what Deputy Mézec said. He used the word “trusted” on 3 occasions, the middle occasion he did separate the word “trusted” from then going on to trusted to do something and I would ask him to withdraw that.

Deputy S.Y. Mézec:

Absolutely not, I think what I said was right and I will not withdraw it.

The Greffier of the States (in the Chair):

I think it is down to me in the final instance. I listened very carefully to the speech and I listened to the Deputy’s clarification. I always listen very carefully because the Deputy was treading a line, I felt, but my overall view was that the criticism he was making was in a political context and it was of the political difference of the Minister concerned and I did not hear anything which was not in order. The Constable of St. John.

1.1.8 Connétable C.H. Taylor of St. John:

May I start firstly by apologising for this afternoon, I have the Parish branchage and so I shall not be here as this is a longstanding engagement. I have not had the opportunity to read the entirety of the report but I have read some and so at this stage I am making no judgments but would like to make a number of observations. I hope you might humour me for a minute and allow me to ask a question. Who in this Assembly has a degree in politics? Hands up. One. In 30, 40, 50 years’ time no doubt an Assembly in here will be ashamed at how we had unqualified politicians sitting in this Assembly. The reason I bring this up is because there is mention about the Connétables who are referred to as local Connétables instead of Parish Constables, or Parish Connétables, not being qualified in the roles that they performed. If you go to page 5 of the Executive Summary. “Following an incorporation of Westaway Creche, Haut de la Garenne was providing care for up to 67 boys and girls who ranged from weeks old to school leaving age. We discussed the routes and reasons for children coming to state care, including a significant proportion of children who were admitted at the request of the local Connétable. In 1959 the Constables gave up the position of admitting children into care.” It then starts the next sentence: “In 1986 Haut de la Garenne finally closed.” Now, there is an enormous ambiguity there which I am very uncomfortable with because the Constables, as so quite correctly, on the radio the chairman of the Comité des Connétables pointed out that this was something that we gave up as Constables in 1959. The Howard League has been over and examined parts of the judicial handling of children and has been highly

complementary of how the Honorary Police and the honorary system has kept many juvenile offenders out of the courts and out of the judicial system through the Parish Hall Inquiry. I think it is important that this is recognised. There has been a lot of good work in the past and we need to be aware of that. I will give a personal experience of some very good work from the Children's Office. My eldest son was about 2 years old and had gone for a swimming lesson with my wife and as they walked around the side of the pool he slipped, and holding his hand unfortunately dislocated his elbow because as he fell it stretched his elbow. He was taken to hospital and extremely well treated, the surgeon gave a quick tug and twist and put his elbow back into joint. About 2 weeks later we were playing a family game called Crocodiles. This is a game where I crawl on the floor and the children jump on the furniture. If the children go on the floor I as a crocodile can catch them, pull their shirt up and blow a raspberry on their tummy. It is a wonderful game and they loved it. But on this occasion I cornered my son behind the settee. He held up his hands: "Rescue me" and my daughters promptly grabbed hold of his arms and pulled hard and out popped his elbow again. It was a few days after that that the Children's Service came knocking on the door. He had been to hospital twice, this was obviously a family in which things were not quite right and they came to check. Needless to say the embarrassment did not end there because that very morning he had run headlong into door and had a great big bruise in the middle of his forehead. These are personal embarrassments, but I wish to just say that as a family we found the Child Service were keeping an eye. I wish also to put on record that I have 4 children now, all over the age of 21 and as far as I am aware not one of them has ever had so much as a parking ticket, and this is a tribute to my wife and to the upbringing that they had. I am very proud of my children and I wish every child could have that sort of upbringing, but in doing so I do point out that the Children's Service was there in the background and I have given an example of that. If we go back a generation to my upbringing, which again I would never criticise because it was excellent, but I do just at times wish to point out that there has been a monumental culture change in society. Forty years ago, an offender was sent to jail, an adult offender, and we had long sentences in order to punish them for their offences and we had sentences that were deterrents to stop people going there again and to stop others. This has now changed and when individuals now have a custodial sentence they are given education, they are given counselling, they are given help so that hopefully when they come out from a correctional institution they do not reoffend. This has been a cultural change in society. Unfortunately, on the children's side Jersey has been a little slow in adopting a similar change to children that we have had with adults. I say this because when I look at page 215 in the main report it says: "WN340 was admitted in 1959, gave an insight into the life at the home in the early years of its operation. The daily routine began at 7.00 a.m. awakening followed by breakfast. If she was late for breakfast she had to see matron and forego breakfast. On return from school children would do chores or watch television, sometimes they would be locked in the lounge to watch television for up to half an hour." The first school I went to, when I arrived I had to change into school uniform. If I was late for any meal I would forego that meal. If I chewed my fingernails I would have to stand in front of the entire school during meal time with a dummy around my neck because that boy chewed his fingernails. These were standard routine punishments. That was the way of life in an expensive private school in those days. So to make a comparison with that type of culture in those days in today's context I find you have to tread with caution. I put a footnote, I am not defending what happened, I am merely pointing out that it was the culture in those days. I would like to congratulate the Constable of St. Martin for bringing up the changes that have taken place at Haut de la Garenne. We need to tread very carefully. Haut de la Garenne has changed beyond all recognition and is now being used as the Jersey Accommodation and Activity Centre and in a way should be held up to what a wonderful institution it really is. Jersey was occupied during the last war and we have a lot of gunning placements around the Island. We did not knock them all down and they are here as a reminder of what has happened. In the same way, I think perhaps we need to look carefully at Haut de la

Garenne and not have a knee-jerk reaction we must knock it down. Perhaps what we need to do is keep it as a reminder but also to use it to show how we can change, how we have changed and how in the future we will be able to say: “Well, yes, this now is how we have changed” and show that we have done the right thing. Finally, the issue of finances. I believe the finances are there and will be provided. I do not believe that that will be an obstruction and I was very interested to hear the Deputy of Trinity say that she was able to make a decision and she did it on the grounds of evidence and not of finance. Sometimes you can employ somebody who does not do a good job. Sometimes you employ a person who does an excellent job. They are both on the same wage and so throwing money at it is not necessarily the correct thing, it is getting the right person, the right training, the right education and the right experience to do the job.

[12:30]

Yes, that may be a little more expensive but not necessarily. I would like to say I congratulate the Chief Minister on already taking steps to appoint the very first recommendation which is to appoint a Commissioner for Children. This clearly is the very first step, it is the first recommendation, I strongly endorse it and look forward to moving forward on that. But going through the recommendations, recommendation number 6 I am afraid stuck very firmly in my throat. Francis Oldham says: “We recommend that following every election there should be a mandatory briefing for all States Members as to their responsibilities as corporate parents for looked after children and new States Members would be unable to take their seat until this had been undertaken. We are politicians requiring a very broad set of knowledge from accounting to children to adults to technical services to I.T. (information technology) services and to then be sat down and have a responsibility of each and every topic I think is beyond us. The electorate elect us according to our ability and if we take a ministerial position in certain areas then, yes, those people must have this necessary training. But it goes on in the report: “We firmly believe that the symbolism of this would be a powerful demonstration to move from failures of the past and to emphasise the importance of this responsibility we recommend that reference is made to this specific responsibility in the oath of office taken by Members of the Assembly.” I stand here representing everyone of all ages and to specifically pick out children above pensioners, the disabled, young mothers, single parents, I find unacceptable and I cannot support that one recommendation because I am here representing everybody equally and I would hope that Members see the common sense behind that. These are a few of my observations and I look forward to listening to the rest of the debate and making a decision in due course.

1.1.9 Deputy P.D. McLinton of St. Saviour:

I am saddened to the fibre of my being over the contents of this report. I am saddened that I have grown up in an Island and grown to know some of the people mentioned in this report, to know the names, put faces to the names. I am saddened to have grown up in a society on this Island where both at La Moye and Les Quennevais Schools, where I went as a child, corporal punishment was absolutely accepted and is talked about to this day. That to somehow cause pain to a child was a way of sorting them out. I am sad to have grown up in a society which treated children as a problem to be solved and are somehow worth less than the adults at that time. There is no wonder that when being treated as worthless people grow up to be adults who consider themselves worthless, that is the root of the word. I am saddened to have grown up in a society where the upper echelons of that society have the emotional intelligence of a breeze block and treated the Island like a series of numbers rather than beautiful wonderful people that should be nurtured and grown. I am saddened to the fibre of my being that the children of our Island had their childhood stolen from them in our care. I am saddened at the comments that Haut de la Garenne has changed beyond recognition. I guarantee you that if you put somebody who had their childhood raped in that building, in front of that building, that they would recognise that building for what it stood for

for them. They will not see it in its present context, they will see it for its past, a monument to the robbery of their childhood. I truly believe as you see it through the lens of the emotion that you hold for it now you must remember that the people who should decide the future of that building are the people whose lives that building trashed and what it means to them. So do not project your feelings about it now on to that building. What it represents should be taken into account by the people that building represents what it does. I am saddened that I grew up in a society where the expression “children should be seen and not heard” was used regularly. “You are worth less than us adults, shut up, stay still.” I am saddened that as a child when driving along Rouge Bouillon sometimes my mother would point at Sacre Coeur and say: “If you do not behave you are going to end up in there.” It was used as a threat. I am saddened that there was an undertow of knowledge that something was not quite right. That it was not my business to do anything about it. That is left to the emotionally vacuous upper echelons of the Island at that time to not sort out, none of my business. I am saddened that I went to Les Quennevais School with a number of the people who are doubtless mentioned in this and it was known there was a sort of undertone. I am in mourning for the lost childhoods in this report. This not the place for sabre rattling right now. That is like having an argument at a funeral and there is too much of it going on now. This is about this and the contents this and this alone and it is not about standing up and saying: “My ideas are better than your ideas.” This is about us drawing a line in the sand and moving forward using the contents of this. I beg you, no more nonsense, no more you said, he said, she said. No more. That is why we got ourselves into this mess in the first place historically. Let us move forward. So, yes, recommendations contained in this report absolutely but what I would ask Members to do right now is listen to these further recommendations. I want you to listen to these not only in the context of how we can move forward of the tear of the beautiful people born on to this Island and arrive on this Island, the young people. But I want you to listen to these and look back and see how far the contents of this report are from these recommendations. U.N. (United Nations) Convention on the Rights of the Child: “Article 1: Everyone under 18 has these rights. Article 2: All children have these rights no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or a girl, what their culture is, whether they have a disability, whether they are rich or poor, no child shall be treated unfairly on any basis. Article 3: All adults should do what is best for you. When adults make decisions they should think about how their decisions will affect children. Article 4: The Government has a responsibility to make sure your rights are protected. They must help your family to protect your rights and create an environment where you can grow and reach your potential. Article 5: Your family has the responsibility to help you learn to exercise your rights and to ensure that your rights are protected. Article 6: You have the right to be alive. Article 7: You have the right to a name.” Remember in here some people are known by their number. Children known by their number. This should be recognised by the Government: “You have a right to a nationality, to belong to a country. Article 8: You have the right to an identity, an official record of who you are. No one should take this away from you. Article 9: You have the right to live with your parents unless it is bad for you. You have the right to live with a family who cares for you.” Those who have read that report know that that was trampled all over. “Article 10: If you live in a different country than your parents you have the right to be together in the same place. Article 11: You have the right to be protected from kidnapping. Article 12: You have the right to give your opinion and for adults to listen and to take it seriously. Article 13: You have the right to find out things and share what you think with others by talking, drawing, writing or in any other way unless it harms or offends other people. Article 14: You have the right to choose your own religion and beliefs. Your parents should help you decide what is right and wrong and what is best for you. Article 15: You have the right to choose your own friends and join or set up groups as long as it is not harmful to others and you have the right to privacy.” I make no apologies for reading this all because it is in this. Everything is in all of these. “Article 17: You have the right to get information that is important to your well-

being from radio, newspaper, books, computers and other sources. Adults should make sure the information you are getting is not harmful and help you find and understand the information you need. Article 18: You have the right to be raised by your parents if possible. Article 19: You have the right to be protected from being hurt and mistreated in body or mind. Article 20: You have the right to special care and help if you cannot live with your parents. Article 21: You have the right to care and protection if you are adopted or in foster care. Article 22: You have the right to special protection and help if you are a refugee. Article 23: You have the right to a special education and care if you have a disability as well as all the rights in this Convention so you can live a life. Article 24: The right to best health care possible, safe water to drink, nutritious food and a clean and safe environment and information to help you stay well. Article 25: If you live in care or in other situations away from home you have the right to have these living arrangements looked at regularly to see if they are most appropriate. Article 26: You have the right to help from the Government if you are poor or in need. Article 27: The right to food, clothing, a safe place to live and have your basic needs met. You should not be disadvantaged so that you cannot do many of things other kids can do. Article 28: The right to a good quality education. You should be encouraged to go to school to the highest level you can. Article 29: Your education should help you use and develop your talents and abilities. It should also help you to learn to live peacefully, protect the environment and respect other people. Article 30: The right to your own culture, language or religion, any that you choose. Article 31: You have right to play and rest. Article 32: The right to protection from work that harms you, is bad for your health or education. If you work you have the right to be safe and paid fairly. Article 33: The right to protection from harmful drugs and from the drug trade. Article 34: To be free from sexual abuse. Article 35: No one is allowed to kidnap or sell you. Article 36: You have the right to protection from any kind of exploitation, you have the right to be taken care of.

[12:45]

Article 37: No one is allowed to punish you in a cruel or harmful way. Article 38: You have the right to protection and freedom from war. Article 39: You have the right to help if you have been hurt, neglected or badly treated. Article 40: You have the right to legal help and fair treatment in a justice system that respects their rights. Article 41: If the laws of your country provide better protection of your rights than the articles in this Convention, those laws should apply. Article 42: You have the right to know your rights. Adults should know about these rights and help you learn about them too.” As a therapist I have sat opposite so many people who have been affected by the contents of this report. I have heard these stories, some of them, I know their lives have been shredded. I know that they have been in tatters, they have been trying to build themselves a future. I know them to still be lost children walking around in adult bodies without adult responsibilities but still lost and trapped in that time. This is a time for reflection. This is a time for emotional intelligence, this is a time to truly take care of the poor lost children of this Island that we were supposed to be responsible for and that we all take our parental responsibility for them seriously. It should no longer be what are they going to do about it. It must be what are we going to do about it.

LUNCHEON ADJOURNMENT PROPOSED

Senator P.F. Routier:

I might just leave a moment there, Sir, because that was very good. May I propose the adjournment.

The Greffier of the States (in the Chair):

The adjournment has been called for. Since the Assembly agrees we will resume at 2.15 p.m. this afternoon.

[12:48]

LUNCHEON ADJOURNMENT

[14:15]

The Greffier of the States (in the Chair):

We can resume the debate. The next speaker is Senator Bailhache.

1.1.10 Senator P.M. Bailhache:

He is not here, but perhaps I could say that I was not offended by the intervention of Deputy Mézec. I respectfully agree with your ruling and although I do not agree with many of things that Deputy Mézec said, I am certainly not going to be deterred from expressing my point of view in accordance with the freedom that we all enjoy in this Chamber to express ourselves. The *Jersey Evening Post's* headline on Tuesday read: "Jersey shamed." I am not sure that that headline was correct or fair but I am not going to argue with the sub-editor about that. But what the headline did do was to lead me to ask myself who exactly has been shamed? Or to put it another way, who is or who was responsible? Well, the States of Jersey has been shamed, certainly in previous incarnations, some Committees of the States and some Ministers have been shamed, the Government of Jersey has been shamed. Some of our officials have been shamed. Things have gone seriously wrong in some respects over the years in some of our care homes at different times. The important thing it seems to me is to put in place structures that minimise for the future the risks to children in care. I think it is important to record that despite some extravagant claims which were made by some people, the Inquiry found no evidence of any attempt by politicians or by the Government to interfere with the police investigation and no evidence of a failure by prosecutors or the judiciary to deal with matters fairly and objectively. I think those findings are extremely important. But reverting to the need for structures to be put in place for the future, it seems to me that we need to know where responsibility lies for ensuring those outcomes. Statements that we must all take responsibility are true up to a point but will ultimately not help to achieve those results if we are not clear. If all are responsible then no one is responsible. That is why I have some reservations about the idea of corporate responsibility for children vesting in the States. I agree with the Chief Minister that we all have a shared responsibility for ensuring that children in care are safe. We have the same shared responsibility for ensuring the well-being of elderly people, and the same shared responsibility for ensuring the well-being of the vulnerable in our society. We have, as States Members, indeed many shared responsibilities but the duties resting on each of us in relation to children in care are different. The primary responsibility for children in care rests of course with the Minister for Health and Social Services. The Royal Court assigns legal responsibility to the Minister whenever a care order is made in court. I think personally that there is a case for the appointment of an Assistant Minister to assist the Minister for Health and Social Services with specific responsibility for children. It would be the responsibility of such an Assistant Minister, together of course with the Minister himself to ensure that structures within the Children's Service were fit for purpose and up to date with current thinking. They would have a duty for the effective operation of the Children's Service to ensure that childcare officers and social workers who are on the front line are properly trained and adequately remunerated to ensure that a career in the care of children is attractive to the best people. It is there on the front line that resources need to be applied. We can have a dozen children commissioners and supporting civil servants but the real work is not done by such people with important titles but is done by those who have daily contact with children in care. The ministerial responsibility for ensuring that those people are properly supervised, encouraged and supported by more senior officials is different from the ministerial responsibility which attaches to other Ministers. The Minister for Planning and Environment, the Minister for External Relations and indeed all other Ministers have a collective

responsibility for the performance of the Minister for Health and Social Services as Members of the Government of Jersey. But this is different from the direct responsibility of the Minister of Health and Social Services. The Health and Social Security Scrutiny Panel clearly has a responsibility for scrutinising the actions of the Minister and for ensuring that policy is appropriate and that legislation is up to date and so on. Again, perhaps there is a case for the establishment of a separate sub-Scrutiny Panel with specific responsibility for children. Members of this Assembly who are not Ministers nor Members of the Scrutiny Panel have a general responsibility by asking questions and reviewing legislation to ensure that it is fit for purpose for Jersey. The important point is that these functions are all different. I think I echo in fact some of the comments of Deputy Mézec. We should not remove tensions that are implicit in these different functions because that is the way that people, but in particular the Minister for Health and Social Services, can in future be held properly to account. I want to make it clear that I think that this Minister and indeed his predecessor did make considerable progress in improving outcomes, but some of their predecessors were not held to account for gross political failures. We need, I think, to be careful that our political responses to the report are not mere gestures but are directed to ensuring that outcomes in future are different for children in the care of the Minister for Health and Social Services. We need to ensure that we make practical efforts to lay the foundations of better systems, better checks and balances and investment where it really matters. I have not had time to read the report in full. I have certainly had no time to reflect upon it or to discuss it with colleagues. The Council of Ministers has not had the opportunity of considering the report together and having a collective discussion about it. I may well support many of the recommendations at the end of the day but at present I want to reserve my position on all of them. In particular, I do not think that any Member should be compelled to declare support for recommendations when there has been no opportunity to think through all the implications. The Inquiry took 3 years to arrive at its recommendations, we have had the report in our hands for 3 days. Insofar as one of the recommendations in particular is concerned, I have received strong representations from a number of individuals including those whose livelihood would be removed by the demolition of Haut de la Garenne and I have strong reservations about accepting that recommendation. That is obviously not for discussion today. We need to think about it and think through the implications much more carefully, but I log my position on that. The Inquiry has done a remarkable job in assimilating a mass of material and in presenting it in a coherent and a comprehensible way. The fact that I might not be able to accept all their recommendations without demur does not in any way detract from that. It is just that in my view it would be irresponsible to reach a conclusion on important matters affecting the future of children in care in our Island, without being given the opportunity to read the report upon which the recommendations are based, nor to reflect fully upon them. That is my position.

1.1.11 Deputy G.P. Southern of St. Helier:

On this little bench here we had this morning a little argument as to who was going to go first and who was going to go second and I lost. The risk being that what I say, because we are a party, is likely to reflect what the members of the party have said and risks repetition. However, I do think the main thrust of what has been said from this bench is correct and bears some approach which might use different words. My starting point is page 29 of the executive summary where it talks about the developments, the changes, in development of childcare practice over a long time. It says, and it says very strongly, the development of childcare legislation in Jersey has been influenced and modelled on U.K. legislation and in particular that is pertaining to England and Wales. The introduction of legislation in the Island tends to be behind that of the U.K. often by many years. For example, the Children (Jersey) Law 1969 mirrored the U.K.'s Children Act 1948.

[14:30]

Twenty-one years to get an approach adopted elsewhere adopted here. This is the first place where I note J.W. (Jersey Way) in the corner. J.W. in my notes, the Jersey way. It struck me on reading that that has often been in this House ... and I have been here for quite a few debates where the first thing you do when you propose something whose example is found in the U.K. is wait for the: "Why do we have to do what the U.K. does?" First reaction often time and time again. We should not be slavishly following the U.K. One has to ask, why not? The answer is we should do it the Jersey way, which often means waiting 21 years to get some legislation in place and delay is one of the prime factors in what happens here. We are talking about a review, a report, which covers 70 years. It has taken us 70 years to get here with the report. It goes on, and again I think this is illustrative because of the way it is said and the choice of this particular commission, to exemplify in this way. It says: "Richard Whitehead said that in the very small jurisdiction of Jersey some major changes just take a long time because there are not many people working on them." One is looking there at some form of list of priorities and other speakers have spoken about it. Social Services, Children's Social Services a minor branch of the big behemoth of the Health and Social Services Department, where the big money is in the Health end and the small money is at the child end. Former Minister Ian Le Marquand said, however, that the priority for the States and the electorate was and remains the maintenance of the low tax status on the Island. Here we come to a point where already I find difficulty joining together with the Chief Minister, despite his encouragement, in order to do something together because that maintenance of the low tax status we have repeatedly said is a broken economic model. Most often we say it cannot be low tax, low spend because of the increase inevitably of the elderly population where the spend is going to go up. We have to be honest and say that will mean sooner or later, and we are prepared to bite that bullet, the raising of taxation in order to do that. Now, we have got a second arm here saying: "And you are spending less than you ought to be because this all costs money on protecting vulnerable children" and on children as we shall see as we go along in general. The Chief Minister, Senator Ian Gorst, told us that it was not fair to suggest that financial legislation received greater priority than childcare legislation. Not fair to say that. Not many in the room here when we introduced L.L.P. (Limited Liability Partnerships) legislation to help the finance sector almost - almost - overnight, rushed straight through like a train passing. Boom, we must do this, we will do it, we have done it. Just like that. That is the reality. When push comes to shove we will do financial legislation first. It is top of the list. Others with experience of the political system disagreed. Wendy Kinnard, the former Minister for Home Affairs, told us that legislation relating to the finance industry would definitely take priority due to the influence of outside agencies such as the I.M.F. (International Monetary Fund). Similarly, Deputy Higgins thought, and has often said, that legislation relating to financial regulation was certainly top of the pile. So our priority list, whether we like it or not, usually starts with finance and then goes down. How far we go down before we find childcare, I do not know but it is a long way down. Then the statement at 6.4 - and this is very strongly put, and I am pleased it is strongly put because it needs to be strongly put - we consider that the delays in Jersey in adopting good practice and legislation informed by modern thinking can be explained only - note "only" - by a lack of political and professional will. Political and professional will. This is a report which is capable of wide interpretation. In putting down to political will one has to ask why would there be no political will to protect our young and vulnerable children? How could that happen in any political system? It happens because often those responsible know that they will not be challenged. The next election there will not be another challenger in place, does not have to face an election, does not have to justify anything. Lack of political will because in our system - and I hate to go on about it, but I will - there is no political accountability. Before the Chief Minister gets elected, we stand with some exceptions - minor exceptions - as individuals. We might say: "I will do this, I will deliver this, I will enact this." But in doing so we would be telling lies because no single person in this room, except the person who becomes Chief Minister - and that is not elected by the public at large - can say what the policy is

going to be. The policy is formed after the people are elected. There is no political accountability. Since this is a free-for-all discussion, the Chief Minister can, instead of mumbling protest at me, have his speech later because he will get another go if he wants. Please stop mumbling. I move then ...

Senator I.J. Gorst:

Will the Deputy give way then if that is what he ...

Deputy G.P. Southern:

No, the Deputy will not give way. There is a whole afternoon when you can make your own points, Minister ... when the Chief Minister can make his own points. I then move to page 56.

Deputy K.L. Moore of St. Peter:

As a point of clarification, we do often hear murmurings from this side of the House. **[Approbation]**

The Greffier of the States (in the Chair)

I had hoped we had left that behind so we could just get on with the speech, Deputy.

Deputy G.P. Southern:

Fair point. **[Laughter]** Chapeau and well expressed. Does that go on Hansard? I am still standing. It does. Where it talks, at 56, about recommendations, many recommendations made over the years in previous reviews have focused predominantly on developing processes, structures, procedures instead of identifying and setting out a road map for pursuing desirable outcomes and for transforming service user's experience. We have sought to avoid this and have also set out in the report some features that we believe should be part of an approach by the States of Jersey to these recommendations. Here I think the authors are pre-empting a little of what we have heard today where we have already started talking about processes, structures and procedures that the Chief Minister wants to put in place. His report is saying: "Hang on, that is common place." We have also said that key changes required are not procedural but cultural. The States of Jersey must commit to and invest urgently and vigorously in a new approach to overseeing, supporting, developing, delivering and scrutinising its services for children. There we are talking culture: what is the culture; how do you change that culture? Well, the question what is the culture, I am afraid it is the Jersey way. Again, we lock ourselves into, and I make no apology for saying this because I have heard it time and time again in this Chamber: "Why can we not do it this way? We have always done it this way." That is the Jersey way. It is a refusal to be told by anybody else how we might proceed and in some cases it is a jolly good thing to be that obstinate. In protecting our young people, I would suggest it is the very worst thing that we should be indulging in. Still on page 56, the report itself talks about the Jersey way. The Jersey way should be one of intolerance of poor performance, having high aspirations for every child in the Island, commitment to securing the best quality services to enable disadvantaged children to have equal opportunity to fulfil their potential and creating a culture - again that magic word - where staff development is valued and promoted. We should be looking for, developing, working on a new Jersey way that we can be truly proud of and not the one which I would argue gets in the way of change, because intrinsically this Chamber is a small "c" conservative institution and the block is mentioning the word "change". Backs get straightened, as you say, so let us change the way we do things. People adopt rigid positions. That is a change in culture that we could do with, which leads me on to pages 60 and 61 of the executive summary where we are talking at recommendation 7 about the Jersey way. I am glad, it is absolutely vital I think, that this report has focused on this aspect of our culture, the Jersey way. It is not just when I first arrived on this Island - as I used to joke I got here as quick as I could even though I was not born here - to be told; "Well, if you do not like the way we do things

there is a boat in the morning.” Well, there used to be. “There may be a boat in the morning, you may be able to get it” is nowadays what is said, perhaps. It is not just that. It is not just being told with a look and a tone of contempt that you are just a come-over; I believe the words were “a dirty come-over” and that was used by a Member of this Assembly about me: “You are just a dirty come-over.” I am sorry but that is... I can bear it, I do not like it. It is more than that. It is more than that. Think of the choice of words of all the words that might have been expressed about the Jersey way that the authors have chosen to isolate on page 60 and listen carefully: “We also have the impossible situation of the non-separation of powers between the judiciary and the political.” The impossible situation; very strong; chosen by the authors.

[14:45]

“There is a lot of secrecy, non-transparency and a lack of openness. This brings with it the lack of trust, the fear factor that so many have spoken about, and contributes greatly to the Jersey way.” This is the joy of this report, that it is capable of wider interpretation. The lack of trust and the fear factor contributes greatly to the Jersey way and that is highlighted by the non-separation of powers. It goes on to say: “This lack of trust must be addressed. We, therefore, recommend that open consideration involving the whole community be given to how this negative perception of the Jersey way can be countered on a lasting basis. While constitutional matters are outwith our terms of reference...” so they acknowledge that, because it is so important they have had to go outside their terms of reference in order to make the point because I believe it is central to the lack of trust “...we are of the opinion that this matter cannot be addressed without further consideration of the recommendations made in the Clothier and Carswell reports.” They use a milder word, “consideration”, but then refer directly to the recommendations of the Clothier and Carswell reports and they say end the overlap, the dual role of the Bailiff and the Chief Judge. That must happen. If we attempt to alleviate this lack of trust without doing that I believe we are doomed to failure. We have heard today already from some of the Ministers about actions that have been taken over the years in order to deal better with our children and particularly our vulnerable children. The Minister for Education in particular highlighted the Pupil Premium and said: “What we are doing, we are directing money at the most problematic of our children in the following way.” But one has to ask where did this additional support come from? Well, typically of Jersey, it came from another pot, directly or indirectly, so the Pupil Premium, laudable though it is, came on the back of a £10 million cut in the benefit of poor families. In particular it came in a massive cut in the income support for single parents, over half of whom live on low income, we know, and are now receiving a cut to their benefit of massive proportions. So, on top of the 16 per cent reduction, the spending power of their benefit, which in the case of a single parent who was on £132 a week for their own single parent allowance that amounts to over £20 a week, in addition to which they have already lost a further £20 and are about to lose a further £20; £60 in all over a 2-year period. Single parents out there live off £60 less than you were receiving 2 years ago. That is what it amounts to. What is £60 per week, apart from a lot of money? Do the multiplier. It is something like a third of £1 million off the total budget, so the third of £1 million being scraped from the poorest households with children in our society, some of which, perhaps all of which, was delivered in the pupil premium.

Deputy S.J. Pinel of St. Clement:

Excuse me, Sir.

Deputy G.P. Southern:

No, I will not give way.

Deputy S.J. Pinel:

It is not. It is a point of clarification and it is £40 a week over 3 years not £60.

The Greffier of the States (in the Chair):

I think points of clarification are at the end of a speech. They are requests for the speaker to clarify something, not for a Member who makes the point to intervene and make their own clarification.

Deputy G.P. Southern:

Ignoring inflation gives you £20, a further £20 already taken away, and my maths might be a bit flaky but I can add that together and the £20 taken over 3 years in addition adds up to £60 a week in my book and that amounts to something like a third of £1 million, which is taken out of the pot of the poorest and given to some children in order that they should do better at school. Very laudable but it avoids the issue. One part of our population has to pay because we will not touch the tax rates. We will not accept that the economic model is broken, so in order to spend more somewhere we have got to take money from somebody else; in this case it may be the same kids. It may be without £60 a week coming into their households they are going to school without breakfast. I do not know but that certainly does not help them. Before I finish, and I will finish shortly, let me just examine a further aspect of what I believe within this House is the manifestation of the Jersey way. The way this House often acts is that it accepts, after years of pressure, that there is a problem here. So, with great to-do, it has a consultation on it and says: "We have got the magic answer. We are going to do this." This will not be put into regulations, it will not be put into law; it will be put into a code of good practice. Why? Because that way this issue, those people in charge of it, may do something about it or may not and if they do not do something about it we will wrap them over the knuckles and say: "Naughty boy, you have not obeyed the code of good practice", not: "You have broken the law." Not only that, but having established something which may or may not work to address the issue, with a loud hullabaloo: "Look, are we not wonderful, we are doing something about it" that something is then ignored for years and years and years and let slide away through inflation until whatever it was that you were doing is now worth next to nix, nothing, nada, not worth claiming. This House is very good at pretending to do something or doing something and then letting it slide away, drift away, so that the correction that has been made fades away. I sincerely hope that this aspect of the Jersey political way of doing things we can break and we can break now and whatever recommendations we end up following, supporting and pushing through, whether it is 6 recommendations or the full 632 or whatever it is recommendations that we follow through with, we actually do something meaningful and this does not end up back on our plates 20, 30 years down the line because it has just been let go, just slipped off the list of priorities again. That aspect of the Jersey way we can break and we can break now and let us do it.

1.1.12 Deputy J.A. Martin of St. Helier:

I had already earmarked a few paragraphs that have all been read out by Deputy Southern and Deputy Mézec and probably a few of the Ministers.

Male Speaker:

They must be right.

Deputy J.A. Martin:

No, they are in a report but they are right. I will not read them again. I want to go back 6 weeks or more. I was called in, like a few other Back-Benchers and a couple of Ministers, to discuss whether we should hold this meeting and there was quite a rigorous discussion around the table: is it too early; is it not early enough; do we wait? At the time I was: "Maybe next week." It is a massive report. We all knew it was going to be a big report but I am glad we did decide to have this debate today and possibly tomorrow and, at the rate of some speeches, possibly Saturday and Sunday, but if it is what it takes it is what it takes. My problem today... and I welcome the opening speech by the Chief Minister and I welcomed his quick reply on Monday. He had obviously studied the main

recommendations and he agreed with them all and he would implement them all. The problem I have is... and I welcome I think it was you, Sir, for your paper but your paper only goes back to 2010 and it starts with Williamson. I was here when Kathie Bull... and you think this is a big report. She had about 7 of these volumes I think she used to wheel round in a trolley to get from department to department. So we had Kathie Bull. We had excellent other reports. We had, he was then Deputy Breckon, he was before he left Senator Breckon. We had a fantastic report from Scrutiny, which was then the Deputy of St. Mary and, respectively, the Deputy of St. Lawrence and they had the Constables of both of those Parishes. It is all as Deputy Southern has said; unfortunately bits have been done but it is joining it up and it is making sure that this train just does not start going slowly out of the station, that is really now gathers the speed that is needed. You see, I wonder when I heard Senator Bailhache speak. I was the Assistant Minister for Health with no powers, no delegated responsibility for children, for 6 years. I visited all these children's homes on a regular basis. I know these children's names to speak to and it took a lot of time to get their trust, so I welcome Senator Gorst to say he will go round there but you will be very, very lucky if a lot of these children will speak to you. I do not mean that disrespectfully. You have to build up their trust and even now they are in an institution and you have to go in after hours. You have to go in in your trainers. I was lucky because I had children around the same age, teenagers, so they could relate and some of them went to the same school. I have seen them really prosper, some of them, and they have gone through and they have gone for further education and they have done the Prince's Trust and they are excellent young people now and they are really doing well, but was that because of us? I am not sure. We did make changes. We were up against it and this is my real problem. What have we done? I was promised - and Williamson said it, Kathie Bull said it, and I will just highlight about 3 places but I am still pushing - professional foster carers and these are the people we need who do not need to work or take on a one-to-one child who has been let down, either at home or in our facility but they have been let down.

[15:00]

They really have emotional needs and, do you know what, sometimes they can remember things back as far as 6 months old and it does not manifest until they go through puberty and then become, in the eyes of this, many, many years ago, little rebels, but they are not. We let them down and we have still not done it. Money was put aside. You need these professional foster carers, people who are dedicated. They will train but they need to be there for the children. They cannot do another job. We were not firm enough. So we have that. Senator Breckon - I will call him that because that is what he was when he left - had a great saying: "Do we put a fence at the top of the cliff or a safety net at the bottom to catch?" What we need to do now is have the money, and it does come down to money and political will, to do both because you have already got the children or older people now and children going through. It is not a nice place to be. Reading a line here, we literally did take children from their home that we thought, or the services at the time thought, were not good enough and we placed them in somewhere that was even worse, and that is what we cannot do. I am not sure if we do it now. As I say, I made... it took me a lot of years to build up the trust. Some children would never speak to me and they were always offered me alone and I would go wherever they wanted, in the dining room, out in the gardens, went there, and got on well with the staff as well and I will tell you why, because the staff would be able to say to me there are certain little things. At one point I had a really quite senior member of staff pulling their hair out because they were organising rotas and I am: "What are you doing?" I was able to go back to my Minister, it was the Deputy of Trinity at the time: "This is mad." So you do need that little bit of in knowledge as well, and it got sorted, it did get sorted, but it should never have been their job. We have not got that one thing, the professional foster carers for which we were supposed to have money. The children in foster care are getting on great with their foster carers and money seems to cut off at a certain age. They are quite willing to keep them but because the law says... wrong. I

heard somebody say: “We now do better because we keep them up to 25.” Do we do better or is it because our law does not give them rent until they are 25? You have to be very careful on this one. I have helped children who have left who have come to me personally because they know me and they have been put in bedsits. Does this still happen? I have asked questions. I do not know. I am not in there now and I am certainly not shirking any responsibility. I was there for 6 years and anything that happened in that 6 years I take full responsibility for and if anything did happen that I did not know about I apologise, but I do not know it did because we tried to get there. My question is to the Chief Minister and I want him to answer this, I know he is going to sum up whatever day it will be: how do I know? I do not know whether I am going to be here next year, I do not know whether he is, I do not know of any intention, but what we put in train today... and I know he said about bringing about independent inquiries having a look for the next 3 years. I do not want another 3 independent inquiry reports ending up on shelves somewhere gathering dust. So I need to know that this... there will be money and commitment. It does not matter, we need something flagged-up all the way along that this is what we will do and this is how we have got it. Was this too early to have it in committee? I think today we should put a date in our diary and it should be at least 6 weeks before the next election and we can look the Ministers in the eye and say: “What have you actually done and what is there for the next House? What is there?” because whoever is in these places it cannot happen again. I have written that down again. It was in your report, Sir, about the foster carers. They are disheartened. Some are leaving and we are finding it hard to recruit. Whichever way you get the money and however political you are one way or the other, we cannot let these people down. There are people... I hear a lot of talk about professional social workers and more. We need more and need more support for families and care leavers. I speak to the care leavers. I know most of them personally; some of have left their jobs now. What they do for these children, these youngsters when they have moved on, they will take them for their C.B.T. (Compulsory Basic Training) test on a Saturday morning and make sure they get there. They will move them if the accommodation does not work out. This is not in their job. This is something they do. As it says in here, we have dedicated staff and it is about time we really started valuing them and not say: “This is another report. It is a lot of pages long.” I will not get emotional here because I have to say this. The Constable of St. John, we agree on a lot of things but politically we are different, but his response about the recommendation that he would not swear an oath because he represents everybody; we all start out as children, so if you start on that premise you cannot go wrong. **[Approbation]** I would swear that oath tomorrow and any other day.

1.1.13 The Deputy of St. Peter:

An essential read for everyone in Jersey. That was the description that the chairman of the panel used to introduce their work on Monday. I thank her and the panel members for producing this weighty volume for us and I agree with the main recommendations. As I read the report, I could not help but reflect on the works of great authors of social literature, such as Charles Dickens or Victor Hugo. They would surely have read this with great interest and probably a sense of despair. There are many characters in this volume who would have been worthy of their attention. The accounts that have been recorded here for us all to absorb are a powerful indictment of our social history but of course these stories are fact. They happen to people, people who are in Jersey’s care and many of whom still live alongside us all today. The fact that this document contains such recent history makes it all the more shocking. I am truly saddened by its contents and feel profound sorrow for all those who have suffered abuse. Some writers do not simply use their pen to entertain or to document moments in time. They write, as Hugo and Dickens did, to encourage others to think and to promote social and cultural change. The report has at last given a voice to those who have suffered and children in Jersey will be safer as a result of this publication. I pay tribute to those who told their stories and I hope it is some comfort that following the publication of this report your experiences cannot and will not be forgotten. I agree with the previous speaker that we

should revisit this as an Assembly and check up on our progress as that is, I think, in the emphasis of the report. It is of primary importance that every member of our community takes time to read and reflect upon the contents of the report. In our privileged positions as parliamentarians, it is our duty now to respond to its findings and recommendations. People refer to our roles as powerful. That is because we do have powerful tools available to us, the tools to develop policy, governance and legislation so as to ensure we do not fail our children and their families of the future. For my part, I accept the findings of the report. I acknowledge the failings in Jersey's care system and I commit to doing everything in my power as a Member of the Government and of this Assembly and of our Island community to ensure that we learn from the lessons highlighted here and implement the recommendations as soon as we can. The report highlighted a failure to tackle a silo mentality in the public sector and we must now take steps to ensure that we are all working together in the best interests of children and indeed all members of our community. Soon after the Assistant Minister and I were appointed to our roles, we were asked to consider the future of the Home Affairs Department due to the impending departure of the then chief officer. I am grateful, as I have been every day and week of this term of office, to the Constable of St. Lawrence for her hard work and good advice because together I think we have found an excellent solution. The Community and Constitutional Affairs Department was established in order to break down the silo. It will continue to be held as an example to others and to play a part in developing a culture of corporate working across the States and I hope that other colleagues will find similar synergies in their work. The 4 Ministers who are served by C.C.A. (Community and Constitutional Affairs) will work wherever necessary with other departments and agencies, especially through the newly strengthened Children and Vulnerable Adults Working Group to ensure their interests are at the forefront of the Government's work and policy. The strength we have is that bringing together of policy officers, particularly focusing on social policy for children, vulnerable adults, housing and the newly appointed Children's Change officer strengthens everything that we do. Since publication on Monday morning, 4 people have come forward to report historic offences that were not previously known to the police. Although it is of no doubt to any of us that those stories hold deep personal pain, I hope that it is a sign of the trust and the confidence the public have in the work of our police force. The people of Jersey can be reassured, I hope, by the encouraging findings of the report in relation to the work of the current senior management team of the States of Jersey Police, particularly in the Public Protection Unit and their teams. The Council of Ministers, with the support of this Assembly, has recently boosted the funding for the Public Protection Unit. We did so because we realised that it is an important area of policing. Along with the Jersey Police Authority, I will ensure that there is sufficient resource available to deal with these new investigations and any others that may be reported in the days and weeks to come, because of course there were already ongoing investigations being carried out. Inter-agency work is also well established now to strengthen public safety. Other colleagues have referred to the M.A.R.A.C., the M.A.S.H. and M.A.P.P.A. (Multi-Agency Public Protection Arrangements) processes. They are staffed by professionals from different departments who work together to protect people who are vulnerable in our community. Funding has also been secured and a sexual offences referral centre recently opened. This now provides an independent place for victims of rape or sexual assault to receive medical and emotional advice and support. I recommit today to continuing to support the work of our senior police officers in leading and further improving the protection of children and vulnerable people in our community for the years to come. The report raised concerns about the state of legislation in place to support children and I will support all initiatives to bring our legislation up to modern standards. Specific recommendations were made regarding the Criminal Justice (Young Offenders) (Jersey) Law 2014. I accept the advice of the Inquiry and will bring forward the required amendment to this law in order to further protect the position of young people within criminal justice system. Members will also be aware of the section of the report regarding the process of suspending the police chief in 2008. Earlier this year, the Assembly approved the

States of Jersey Police Force (Chief Officer and Deputy Chief Officer) (Jersey) Regulations, which provide a clear process for the appointment, suspension and dismissal of the chief and deputy chief officer. My department has also been working on several pieces of legislation which, while not directly relevant to the work of the Inquiry, will add to our protective legislation, including that of children and young people. At the forefront of my mind in this regard is the Bail Law, which will be debated by this Assembly at the last sitting of this session, and the Sexual Offences Law, which will come forward before the end of the year. These important laws will ensure that Jersey is in line with modern and best practice in other jurisdictions, a key general lesson which we should all take from the report. As laws do, they will shape our culture. We must all think about culture and work to build a new culture here in Jersey, one of openness and transparency and trust, and I will play my part in that effort. On this matter, a further significant change that has occurred in recent years is the establishment of the Jersey Police Authority, who I have already referred to. They strengthen the oversight of the States of Jersey Police. Regular tripartite meetings between the police, the authority and the Minister now take place to ensure that the police priorities and targets are being met and appropriate resources allocated. I acknowledge that here my focus has been on communicating with the chairman and the vice-chairman. The J.P.A. (Jersey Police Authority) of course includes 2 States Members, which has led me to wonder why I have not engaged with these Members regarding their roles on the J.P.A. very often. I commit today to doing that on a regular basis. The report noted that the costs associated with recruiting from the U.K. were prohibitive, with U.K. employees leaving quickly due to the high cost of living in Jersey, particularly of housing.

[15:15]

It is not going to be straightforward, but we must look closely at addressing those issues which prevent us from attracting those with the necessary skills to work in our Island and particularly the Children's Services. Attracting and retaining the best people to work with children in our care is too important a matter for this not to be resolved. On a related note, there is, perhaps understandably, a desire to see local people progress as far as possible in all professions in Jersey. We must, however, avoid future scenarios where an individual is recruited or promoted just because they are local or just because they have been in the department for a long time. We must always recruit the best people and they must be suitably qualified for the role. I am conscious that this may well be a salient matter in the near future with regard to Chief and Deputy Police Chief of Police. Questions are often asked as to whether we will be appointing a local officer to either of these roles. We have a succession plan in place for senior roles within the police and I wish to make clear today that we will only ever appoint someone to the role of chief or deputy chief if they are suitably qualified and experienced, regardless of their place of birth. While I have not myself used the phrase "the Jersey way" it has been highlighted in the report and we must do all that we can to counter its negative perceptions. This will require some difficult decisions by Members of the Assembly and we must take the lead in this regard. My position and record on supporting the separation of powers is, I believe, clear for all to see. We can no longer tolerate any scenario where there is a hint of conflict of interest and too close a relationship between what should be demonstrably separate institutions. I will therefore continue to support the separation of powers between the legislature and the judiciary and encourage Members to reflect on recommendation 7 when considering their own position on this matter. I am also reminded of Deputy Hilton's prescient question regarding the structural relationship between the prison and the Probation Services and ensuring our standards of democracy and oversight meet those of other jurisdictions. I have raised this question with others, including the Scrutiny Panel, but I see that now is the time to step up the tempo on this matter and I will work with Members to ensure that the culture of corporate working extends to those services as well and the arrangements in Jersey can be said to have kept up with other jurisdictions in terms of integrated offender management and proper

democratic accountability. Members will also be aware that the current Government, with the backing of the Assembly, is committed to supporting the 1001 Critical Days manifesto, another initiative that requires cross-departmental and service working. The Chief Minister has already referred to the Baby Steps programme and today I am delighted to announce that we will invest in a new service, offering specialist parent/infant psychotherapy, known as P.I.P., and it is recommendation 58 that you can all see in volume 3. The parent/infant bond and interaction is known to be a significant factor in a child's mental health and development of the baby's brain. This model is an example of the direction in which policy in the U.K. and internationally is turning, and early results show promising improvements following this early intervention work, giving some, who may have had a poor experience of their own childhood, as parents the tools to parent well. It is encouraging that Jersey is at the forefront of change in this area, although we have to acknowledge that further improvements in our adoption of modern legislation and new policy ideas must be prioritised. Since the publication of the report, 4 more people have come forward to report the abuse that they have suffered. Our message to these brave people and anyone who is thinking of reporting abuse is clear: you will be listened to and the police will investigate. In concluding, I hope that I have made clear where I stand on the issues raised in the report and where my priorities will focus in the months and year ahead. The greatest tribute we can pay to those who had the courage to speak out and campaign for this Inquiry is to implement the recommendations and ensure we change for the better. We often talk about the generosity of spirit that characterises the vast majority of the Island. Now is the moment to galvanise that spirit and bring about the changes and reforms that are necessary within our community, in our politics, our services and in our culture. At a time like this, words are important, but in the months and years ahead it is on our actions, not our words, that each and every one of us will be judged. Let us not confine this document to the shelf, let us revisit it many times, like a much-loved book, and rise to the challenge that these stories provide us for the sake of this and future generations. I will end just with a comment regarding a previous speech, which Deputy Martin may have done so already. I was exactly going to reiterate her words, that we have all been children ourselves and children all grow up. [Approbation]

1.1.14 Deputy J.M. Maçon of St. Saviour:

This for me, as with many Members, has not been an easy process to go through. It has not been an easy document to read and of course in the coming weeks and months, the full impact of this report and its implications of course will come to us. In some ways, there is so much that could be said, that should be said, that we do struggle where to begin, although I was crossing out a lot of what I had to say when Deputy Martin was speaking, so perhaps that might speed me up somewhat. But I would just like to echo the issue around foster carers needing to start professionalising that and give salaries to them is, for me, a critical improvement that is needed going forward from this report and something that has been called out for time after time after time, but there are other things which we need to do in order to improve. As the Chief Minister has said, he did contact me, along with other Members, to help advise him into how we can take the recommendations forward into a proper action plan so that this is not just a report that sits on the shelf, and certainly within that I would expect to see, as Deputy Martin has mentioned, a R.A.G. (red, amber, green) status document produced online in an open and transparent manner that any member of our community can see, how each of those streamlines would work, are going to be progressed, who is responsible for that work so that we have proper transparency and accountability. For me, that is key. I know not everyone likes masses around process, but for me this is a very important one. Turning to the recommendations of the report, there are some which... in some ways, some of the recommendations are general and are open to interpretation, to how they could be implemented. Others, however, seem to me quite straightforward and I cannot see the difficulty in implementing them. Recommendation 3, for example, inspections of services, to commit to annual or - is it

biannual or twice annual - 2-yearly inspections, scheduled inspections, and to put it on a statutory footing. I can see absolutely no reason why any Member of this Assembly cannot sign up to that today. It is not something which we should even be thinking about, it is something that should just be done, but a word of caution: it is not simply enough to do that, we also have to make sure that when these reports are commissioned, the terms of reference as to how these reports are brought in need to be open, need to have input from outside bodies, because even in my time in the States, when Ministers and departments issue reports and things like this, it is critical as to how the terms of reference are formulated so that when perhaps departments know there are tricky areas will formulate the words so that these certain things are not included. So what I would say, in taking that recommendation forward, it is key to make sure that there is input from... as throughout this report, all the recommendations, there should be some oversight either from people who have been through the Jersey Care Leavers Association, however that should be done, but there needs to be people outside of the Government, outside the elected Members who contribute to that process. Also coming to recommendation 8, and the Chief Minister already spoke about this, I have already put questions into P.P.C. (Privileges and Procedures Committee), because this is aspects under recommendation 8, part (c). No, not part (c), it is part 6, I beg your pardon. Yes, recommendation 3 under the corporate parents, again Deputy Martin talked about this, amending the oath of office and incorporating that. Again, that is something that can be done quickly. That is something which can be done and it is not simply putting it as fine words. Again, it is, I think, because I want to talk about this, if you look at the executive summary on page 23, section 4.47, it talks about how there was no political interest in defining and promoting standards of care and performance of residential care and no will to invest the resources required in childcare services. I think going forward, why it is important to put it into our oath of office is simply because of the decades of failure that have occurred and it is something which we need an order. It is not just tokenism, it is so much more than that. Again, it is to change the culture, to make it shown that this issue, which has been part of community for so long, has been recognised, has been realised that change and action is required and that at the highest political level there will be change. That is why I think the Inquiry put that into their report and put it as a recommendation. I see absolutely no reason why that cannot be done. Following from that recommendation, and while of course on Scrutiny, I have been heavily involved in education, I have been involved in doing what we can to support young people, vulnerable young people, for almost all of my time in this Assembly. When you are looking at the role of the corporate parent, if that is something which now is a responsibility of all States Members, instead of just - well, in part - the Ministers responsible, I absolutely support the recommendations that training and safeguarding, *et cetera*, for States Members needs to be implemented. Again, I do not see why anyone cannot sign up to that. I do not see why that is a difficult recommendation for people today not to sign up to it. There are other aspects when looking at the wider aspects of the recommendation, recommendation 1, *et cetera*, and how we can improve services. One which I want to pick up and talk about is the whistle-blowing policy or the serious concerns policy, because again, if this is about trust, this is a difficult one which we have struggled with. How do we treat those within our civil service who want to whistle-blow? How do we change the culture, that these people are able to come forward when they have serious concerns, often about their colleagues, often about the people who manage them, who are above them? Because that is not an easy thing to do in our society, and previously - and it is mentioned in the report, so I think I can use his name - the way in which Simon Bellwood was treated when he came forward with his concerns, which is no shining example. It just shows, and then again this ties-in to the Jersey way, when someone comes forward with a concern, how they are treated. Again, then it ties-in to the other recommendations. It is all interwoven, it ties-in to the recommendation about retention of staff. Those people that come forward who are whistle-blowers tend to be those who care the most. They tend to be the people you want in the service, because they are the ones who see the issues and the problems with it and want to make it better, but instead of supporting these

people and giving them a way in which, from their experience, they can implement improvements, time and time again it seems to be that we hound them out and then people are surprised with what happens. When it comes to the Jersey way and how that can change, of course it is one of those sayings which depends on where you stand. The Chief Minister spoke of many words. I could have summed it all up in one, which seems to be corruption. Sometimes it is synonymous with that phrase, depending where you stand, depending from your perspective, when those people who should have done things who did not. That is not a comfortable thing, I know, for some people to hear, but I think it needs to be said.

[15:30]

Again, going back to changing our oath of office - and not everyone will agree with me, perhaps this will be a bit controversial - again looking at where there was no political interest in defining or promoting the standards of care and performance of residential care and no will to invest the resource required in childcare services, why again I think it should be put in our oath of office is... it is not just Jersey, but campaigning for Social Services, campaigning for vulnerable children is not always a vote winner. I know that is not going to be something which will be popular to be heard, but the thing is, if we want to change things, we have to change not only how we in this Assembly view these things, there has to be a change within the electorate as well. We need the electorate to be asking candidates, because this tranche of work is not going to be done in just one term, it may take several, so we need a culture change within the public to ask their representatives how are they going to make this happen? Now, always a dangerous thing for a politician to be criticising the electorate, but we will see how that one goes. Again, we have heard other Members talk about the issues around financial legislation versus social legislation and where the priority has been in Jersey, and again very different perspectives on this, but certainly Jersey has always marketed itself as a quick and nimble jurisdiction when it comes to financial legislative matters. It is something we actively go out and promote ourselves out there to be able in order to do. As has been pointed out by other Members, this has been at the detriment and consequences to social legislation. Now, to be fair and to be balanced, certainly under the administration of Senator Gorst, this has changed to some degree. In fact, Senator Gorst has received criticism from Islanders about how much social legislation has been brought to this Assembly and how the focus seems not have been on business and financial legislation and schemes. Certainly while I have been in this Assembly, it seems to demonstrate itself when I recall the Depositors Compensation Scheme, again something which was called out for years and years and years, something we... but it was written off. It was said: "Oh no, oh no, we should not have this, we should have this." Then of course the financial crash happens and oh, my word, how that was turned around within 6 months and had to be rushed through this Assembly and it was essential. Deputy Higgins - because I sat on the Scrutiny Panel at the time - wanted to make sure that it was fit for purpose and it did what it did, pulled it into Scrutiny to look at the legislation and faced a vote of no confidence. Thankfully, looking at the past, that was ruled out of order by the Bailiff at the time for various reasons, but it does show that the culture change within Jersey, which manifests itself in this document, has been a shift, the financial legislation has been prioritised over social legislation. We are starting to see that change and what I would ask not only the Chief Minister but all Members of this Assembly, is how we... in order for this to be a success and for these recommendations in order to be implemented, we need to hold our resolve in order to achieve the recommendations. Again with Deputy Martin, I agree that in 6 months' time we need to have another debate on this or however it should be done, because this... and definitely through the next term, again, it should be a feature that we have regular debates on the progress of this report and its implementations. I recall the Williamson plan in my time, I recall the Vulnerable Children Review that Scrutiny did, and again, many of their recommendations, which can be found in the supplementary 659 recommendations, founded in volume 3. Number 8, one which some Members may recall, was trying to be championed by Deputy de Sousa at the time, which was to

ensure that there was an advocacy service for children. Now, again, how many years ago was that and why did it not happen? Funding. There was not enough money to do it or money needs to be prioritised elsewhere. Now, during question time, during the questions when the Chief Minister made his statement, again I agree with Deputy Martin, much of this and the success of this will come down to funding. I am sorry to be so brutal about it, but that is how it works. I asked the Chief Minister whether we should be preparing our community for tax rises in order to support this. Now, the Chief Minister's response is, from what I understood it to be, was that there was enough resource in order to do that. I remain sceptical, because if you look at the 600-odd recommendations, a lot of them come with a significant price tag and a lot of them we need to do, and in order to achieve that, we need a commitment from every Member of this Assembly to stand up and say: "Not only do I support the recommendations, I will support mechanisms in order to fund them." Because Deputy Mézec in one way was quite right in saying we come up with strategies, but what we do not always come up with is the funding in order to implement those strategies. If we look back to the Sustainable Transport Policy, it is a key example of that. Scrutiny looked at and said: "You are £1 million short and you are not going to achieve what you want to do" and 5 years, 6 years down the line, are the targets being met, are the aims being met of that strategy? No. We need States Members to commit to fund these things, but not only that, we need a commitment from States Members to fund these things fairly. I do not want the Council of Ministers to come back with their health charge, which was rejected in this Assembly because it was deemed to be unfair because it targeted those in the middle. If they are going back with methods in order to support the financing of these recommendations, they also need to be fair and I think States Members also need to make that clear to the Council of Ministers today, unless the Chief Minister, when he sums up, can tell me that he has got enough resource in order to implement all of this, in which case obviously what I have just said can be cut, but I do not believe that to be the case. Certainly throughout this reading within this report, and certainly I went to the presentation when this report was presented, it was shocking for the chairman of that report, endorsed by her colleagues, to say that a States Member had lied to the States Assembly and to the Inquiry. It certainly left me gobsmacked and of course we know that the A.G. (Attorney General) will be commenting on that soon, so I will not go any further. Now, turning to the final recommendation within the report, there is something which I did want to touch on. The future of Haut de la Garenne, which we know is being commented on, but I just want to read the recommendation: "The panel recommends that the States of Jersey consider negotiating to secure unrestricted ownership of the site and to demolish the Haut de la Garenne buildings. Given the associations of the site, no States of Jersey services for children or victims of abuse should be located there in the foreseeable future. The site is a prime site in the Island and is suitable for a range of developments. Should the site be retained for youth/outdoor activity these opportunities should be provided in a modern facility with no resemblance to the original buildings." I understand that Members are expressing concerns for the current operators of the site, but the recommendation does not say that this site should be closed down for ever more and nothing should be used there. Again, it could be interpreted that this could be a pitch to build improved facilities on that site in order to support that activity today. Again, as I said before, this report in some ways is open to interpretation, so we should not see it necessarily, this recommendation, despite the headlines of the media, saying that Haut de la Garenne should be closed down, it does not say that nothing in that area cannot come forward instead. I think that is important to bear in mind. Now, many of these recommendations coming forward, the inspections are of course for children in our care today, but as I began my political career in 2008, when all of this kicked off I said from day one what we need to do is remember the victims and survivors, whatever word you want to use - and I hope I am not using the wrong term here - and how they should be remembered and they should be kept at the forefront of our minds at all times. Again, going from this report, what I would expect talking to those individuals, we need to learn how we can support them better going

on forward, however that is going to manifest itself, because again, while this report focuses on children, we have to remember those who are still with us - not all of them are, unfortunately - we need to know how we can best support those individuals going forward as well and it is not just enough to produce a plaque. What these people need most likely is probably real practical financial help within their lives, therapy, whatever that needs to be, and that needs again to be funded in some way. States Members need to stand up and say that is what they are going to support, because that is what I think we, as a community, as Islanders, owe to those people.

1.1.15 Deputy T.A. Vallois of St. John:

I was contemplating on whether I would be able to speak on this particular report without reducing myself to tears. It is a horrendous report to read and my heart and soul goes out to all those that have been affected. I can only apologise on my involvement, of being a States Member for the past 8½ years, but I know that apology will not mean a great deal to many, because there is still a great deal of work to do. I thank the Chief Minister for his comments this morning, his speech and all the commitments that he is giving to ensure that we go forward with action rather than words. I hope that this time we are fruitful in carrying out those actions. Where do I start? I think that is the issue I have here: that I have read numerous reports during my time in the States and there are so many recurring themes that go through this report, various children's reports, financial reports, audit reports, various reports that have been written and it sickens me. I know I am only one person, I am only an individual and there is only so much that I am capable of doing. This is why it concerns me that if we are not working as a team in an absolute open and transparent manner that I will find it difficult to believe anything that is said in terms of taking action. I think many people out there will feel the same way. When I look at this report and read all the information... well, as far as I have managed to get through it, I have not quite finished all of it yet, but I am pretty much on the way there. So the ultimate question when I am sitting there, as a States Member, as a person that has been elected by the public of this Island to do a job, I know we are only in a particular constituency, I have to question the role of this Assembly and how this all interlocks and how this all works, because a lot of the time we rely on the advice and the information and the reports that are provided to us in order to make decisions in this Assembly. We cannot, no matter how hard we try as independents or even a party, know everything about everything and I think back to... because recently there was a ratification of the United Nations Convention on the Rights of the Child in Jersey and I took up the opportunity to go and speak to the officers at the department about this ratification and took the understanding of that particular convention. Everything in there, we do not necessarily absolutely have to put in to all of the legislation. It is a best practice model.

[15:45]

It a good conscience type of thing to do. I took 5 minutes out of my reading of the whole report into the Jersey Care Inquiry and I took a moment to read back to the preliminary report that was issued to the U.K. for the United Nations Convention of the Rights of the Child. I will not go through the specifics of that, but what does concern me is there were specific things in here that we suggested we were going to do, we were going to achieve, we were going to commit to and never... I do not think this Assembly has been reported back in terms of what has been achieved from that, when it was achieved, why the reasons, if there were any delays. This comes back to my issue of having that ultimate trust and that ultimate confidence in the ability to carry out what is being asked of us in these recommendations. I do not believe anything is impossible. I think we are in this position and we have a great deal of responsibility to ensure that some of these horrendous situations these people have been through never happen going forward to another child in our jurisdiction and that we protect and we serve in the right manner. Reading through the report, it says that information that was provided to Members in the past has not been correct and it concerns me when I hear the Chief Minister. I understand why he wishes to establish an advisory board. He

needs the support, he needs assistance and I do not doubt that one bit. Three of the people he has asked to go on his advisory report serve with me on the Education and Home Affairs Scrutiny Panel, so any legislation that comes forward on Education or Home Affairs, I am unable to do that on my own, because we require a minimum of 2 people to do that work. Scrutiny is, as far as I understand it, the only open and transparent model we have got to inform the public at this present time, because all meetings of advisory boards, all meetings of ministerial oversight groups are held behind closed doors. Most minutes are 'Part B' minutes, not 'Part A' minutes. The way that we communicate with the public is about press releases rather than the actual communication of how it is felt how we are going to deal with it and show the action into delivery. I have to say: are we going to get the change that we are so passionate and we believe so much in? The reason why I say that is because it is the same people that are advising us, it is the same people that are supporting us. You get to the point where we have some very good people, but they are overworked and sometimes undermined. The thought I get in my head is: "Is it probably more appropriate if we are going to deliver, if we are going to get action, to invest not £1.8 million to get the professionals, on that group come in and work through all of this information and do it in an open and transparent manner and drive it forward more quickly?" Because I do not believe that we can place everything else that is expected of those people that they are currently doing as well as all of this on top and get it right. I just do not believe that. Not everything is perfect and it is not going to be right first time and we are going to have to learn from other mistakes, hopefully not as bad as these mistakes. I am trying to find all my comments that I have written down. I do not know whether I can go through it all, otherwise we might be here all night. I think I need some form of commitment from the Council of Ministers as a group to work together. I need some commitment from the Council of Ministers as a group as to how this is going to be done openly and transparently, and when I mean openly and transparently I do mean so that people are informed, they understand, they see it, they know that it is meant and it is going to happen, because the issue is we are going to have this in committee debate and then every now and then we will told things are happening. Sometimes many of us are extremely busy and we want to believe it is happening and we want to hope and put some trust and faith in those that we have elected into ministerial positions to carry out those roles. Unfortunately, from my point of view, time and time again I feel I have been let down. I do not mean that nastily in any way, but in the 8½ years in this States Assembly, every single time we have had a cuts programme, every single time we are cutting back on what we are spending in services and there is a point where you have to say have we done the right thing and are we addressing value for money or are we just cutting for the sake of cutting? Sitting on the Education and Home Affairs Scrutiny Panel and seeing some of the difficulties that the Home Affairs Department and the Education Department have had to go through in terms of cutting, and these are fundamental to this report. We have asked them to make severe efficiencies in their areas and yet we expect them to carry on delivering what they were delivering before, but deliver even more. I think we are being irresponsible to think that we can cut any more. I think it is about time we woke up and seriously looked at what value for money really meant, and it is not just about the number on a sheet, on a balance sheet, on the reports and accounts, it is about the quality of the services that we provide. I want to understand from reading this report how we cut through this culture that we have in the States, this culture where it does not matter how many policies and procedures we put in place, it becomes just a tick-boxing exercise, that anyone can say anything as long as it sounds good, to make it look like we are doing something. I grew up living in social housing and Housing's response to making somewhere look nice was repairing the outside and maybe tidying it up a bit, but not dealing with the structural problems. I think that is exactly what has happened with our social services and our actual system in terms of social care and social legislation in the States of Jersey. I think we paint a picture to try and make things look like they are nice and try and make it look like we are doing something, but in reality, those people who are directly being affected by the services, whether that be Income Support, whether that be Housing, whether that be

Mental Health Services, are day-to-day struggling and finding it difficult to cope and look to us; they may not believe us, they may not trust us, but they do look to us to resolve the problems. I am sure many people have had casework from constituents right across the Island, members of the public who have had cases with Income Support and cases with Housing and it is a nasty situation for some people to have to go through. No matter how much they try to get out of that system, they are pulled back again and again and again. We are not doing them any favours, we are not giving them confidence to be independent and we are not giving them confidence to be able to look after their own children and we are not giving them that care and attention that they need. In certain areas I think it is very much to do with a lot of people we depend on to deliver some of these professional services are over-worked to the point where they have no capacity left to do any more or they have been burnt out and they have left because they just could not... it is too detrimental for them to carry on. The issue of accountability is one that I struggle with, not because I do not believe in it, it is because I do believe in it. The reason why I struggle with it is because time and time again, it does not appear to be understood. The one response you get from the members of the public, who see things happen in the States of Jersey, they are working in their own areas, in their own business or in other businesses and they turn around and say: "If that was me, I would have been sacked. If that was me, this would have happened." The same thing does not seem to apply in the States of Jersey and that is where the distrust comes from. There is this kind of culture where if you are not of a particular person or come from a particular area or are known to certain people or certain areas, then your complaint is not justified until at least another 10 people come forward, and only if some of them have some form of calibre with someone or something. There is a phrase that has been said throughout my lifetime growing up in Jersey: "It is not what you know, it is who you know" and it is very prevalent still today, which people say that to me. You know, I like to turn around and say: "It is not true. You are worth something, you are valued. It does not matter where you come from, what you did, what your family life was like. It does not matter if you were in care or what happened... well, it does matter what happened to you, but it does not make the person that... it should make the person that you are. You are an individual." We should be supporting each other as a society, as an Island, because that is the Island I like to believe I have grown up in. I am an extremely lucky person, who has had an extremely supportive family. There needs to be a recognition from all sides in terms of the demands of the public and the aspirations of the public and the actual, real costs to those demands and aspirations and the ability for us to deliver. I think the one issue seriously I have with... what comes out of this report for me and what I have heard from the Chief Minister so far is where is this... how is this openness and transparency going to happen? How are we going to drive through that cultural problem in the States of Jersey? How are we going to achieve that? I am not suggesting... and that is why I say "we", I am not suggesting it is just the Chief Minister's role to do this, I am not saying it is just the Council of Ministers' role to do this, but this comes back to the issue of openness and transparency and being able to hold each other to account, no matter which role we have in the States Assembly. One area that I would like... I think that there has been failure is legislative scrutiny and I take responsibility for that as the former president of the Chairmen's Committee, even though I tried to change the system, and I understand where the Chief Minister comes from. Sometimes, no matter how much you try to change something, others know better. We have an ability here with... I do not know whether the Deputy of St. Lawrence, John Le Fondré, is going to speak, but if he does, I would like to hear from him in terms of how Scrutiny is going to approach this, in terms of how, if we are going to establish a review panel to look at whatever comes out of the Council of Ministers coming forward, to make sure that we ensure that accountability and ensure that openness and transparency, because I think that is where most of all we have got that responsibility. I would question the capacity time and time again of the law officers and whether they have got enough capacity to carry out the tremendous amount of work.

[16:00]

I know we have invested in the law officers, but I think the amount of work that we have got coming forward in terms of social legislation, especially even just from this, is going to be enormous. To be able to have that drafted and carried out from not only the Council of Ministers' side, but from scrutinising it as a Scrutiny Panel, it is not going to be an easy task, but I am 100 per cent there and willing to do what I can to try and make the difference that needs to be made. On a final note, I have had, over many years, people who have approached me, whether it is to do with Children's Services, whether it is to do with Income Support and whether it is to do with Housing and I would say to them there are people here, and I would say to all those that are still finding it difficult or do not trust the departments or do not trust the people in charge that there are people here that want to help and there are people here that will help and assist and make things happen. I would encourage them to speak to us and I would encourage them to open up, if they can, even if it is through another individual, so that the awareness even is there and people in our positions can take that forward so things can change more rapidly. **[Approbation]**

The Greffier of the States (in the Chair):

Attorney General, are you indicating a wish to speak later or do you need to intervene at this point?

Mr. R.J. MacRae, H.M. Attorney General:

No, I will speak whenever you want me to.

The Greffier of the States (in the Chair):

No, you can wait. **[Laughter]** We have had 15 different Members contribute to the debate following the first speech by the Chief Minister, so I think it is not unreasonable to allow second speeches at this stage. Deputy Tadier has indicated that he wishes to speak. I would say, Deputy, we have now got 6 other Members who have not spoken, including the Attorney General - 7 in fact - who wish to speak, so I do not know how long you wish to speak for, but perhaps you could bear that in mind.

Deputy M. Tadier:

With the Assembly, I know that good fair practice would say that because I have spoken, another Member should speak first, so I am happy to defer. I will be introducing new themes and I think it is only fair that we go in strict order.

The Greffier of the States (in the Chair):

In that case, if you wish to reserve your second speech until a little later.

Deputy M. Tadier:

If I can go first after everyone else who has not spoken.

The Greffier of the States (in the Chair):

In that case, I call Deputy Le Fondré.

1.1.16 Deputy J.A.N. Le Fondré of St. Lawrence:

In fact, I think I am glad to follow the last speaker, but it was a very powerful speech and it is very difficult to match that. To an extent, I want to build on some of her themes, because one of my key issues is going to be it is about the culture of the civil service and the public sector. Some things have been identified in the report; it is also going to be talking about some of my experiences generally. What I would like to say before I go there is if there are any individuals I refer to, please do not try and determine who they might be. I will be referring to a period of about 30 years and who they are, apart from one instance which will be pretty obvious from 30 years, is not relevant. It is the matter that is under attention. Just to address the Deputy of St. John's comments about

what the Chairmen's Committee may or may not do, we are meeting at the end of next week. I think this will be very clearly a matter for the agenda and I think it is something we are going to have to be looking at. There is an issue of capacity already on Scrutiny. We know that, because just bluntly, at this stage we know we have the budget coming down the line and we know we have the hospital coming down the line and we know we have Brexit coming down the line. Those are all issues that are coming through before Christmas, but also just to clarify we have put proposals to P.P.C. on legislative scrutiny and hopefully they will be considering them and hopefully, if they are approved, the Assembly will be supporting them in due course. As the Chairmen's Committee, we think they are an improvement on where we are the moment. Where I would like to start, and I am a bit like other people, I did not have a formal speech ready, it is a combination of notes I am going to try and find my way around. I certainly start commending the Chief Minister particularly on the issue around appointing the Commissioner for Children or the setting in motion of the process for the Commissioner for Children. What I would like to say though is unless people can learn from failing in the past, then no matter how the words are, we are not going to achieve the substantial changes in culture that in my view we think that are necessary and we need people who know what good looks like. I think it was the Chief Minister made reference - I wrote it down at some point this morning - it is about secrecy, a lack of openness, lack of independent review and assessment, a failure to be transparent. He did make a point I slightly disagree with, not hugely, which is he said: "Our job is only done when we have implemented the recommendations." I do not think the job will ever be done by this Assembly, because it is going to be ongoing, because it is that important. What I am concerned about - it is not a big concern, it is a medium concern at this stage - that this issue could be used by generally... not generally, to achieve own political agendas. To an extent, I endorse comments both from Deputy Mézec made earlier this morning and also from Senator Bailhache, because we have got to make sure we get this addressed and done properly. What I would look to talk about... and this is the reference to 30 years ago, and it is relevant as we go through, I hope, because it is about how things are dealt with and how people portray themselves. My secondary education was at Victoria College and in my early years I was taught by a particular maths teacher and I thought he was very good. Sometime later, I temped at Education for a few weeks and that particular individual, there was a minor incident. It was interesting. They did not think particularly well of him. He had done something stupid; that was it, nothing more. One of my hobbies, I teach sailing to youngsters and a conversation occurred whereby somebody claimed - this was reported to me from someone who had been on a C.C.F. (Combined Cadet Force) trip - to find that teacher's hand down their sleeping bag. Somewhere around that time I had received a call from the police, because I might have been a victim. I have to say absolutely, for the record, I was not and I have never experienced any such problems personally in my life. My only response at that time I could give, that the only experience I had of that teacher was that I thought he had been a good maths teacher. Even at that point, I was wondering if this was just a child having a go at a teacher for various reasons, which at that point in the media was what was talked about sometimes. Now, some years later in this Assembly, sitting in one of those seats over there, I read the police report circulated by the then Senator Syvret. It was graphic, it was awful, it was revolting and no untrained individual should ever have to deal with those types of issues. I constantly think: "There but for the grace of God go I" because if I had gone into a different cadet section, would I have gone on a different camping trip? The point here is that during my time at school and up to that phone call from the police, I never heard even a whisper from any of my contemporaries or younger friends of any problems. So the issue that comes out of that is people who are abusers and also bullies are very clever at disguising or justifying their behaviour and people will not necessarily pick up on it. I also want to identify some other aspects of how things have been handled which I have encountered in my professional career, and it is purely as an example. They are from the joys of the accountancy world, so they are a little less contentious. I had one client where they had a systems error. They had been under-paying someone for a huge number of years.

I identified it, took it to my boss, yes, we agreed it. We went to the client, no issues whatsoever. They sat and did a mountain of work, which cost them a fortune, and went back to the client and said: "Here is the problem. We have sorted it. Here is your cheque." There was no issue whatsoever. They were at fault and they addressed it. Many years ago there was what I call the Jersey's Bearings thing, which was a TSB Channel Islands issue. The bank in those days lost about £9 million. People high up in the structure were held accountable and were held responsible, even though they were not directly responsible, they were deemed responsible. More recently, I had not directly a client, but some years ago, which was an individual that used the company's own funding for fraudulent purposes, hid it from his bosses, spent money on taking his then fiancée to somewhere exotic first class to propose to her and apparently later on was also using the card to pay for prostitutes, and funnily enough ended up in jail. The point I am making there is that there are people who are stupid, there are people who are careless, that are foolish, and there are also people who are malevolent on this Island. It is how one deals with those individual levels, because you can have people who make genuine mistakes and you will have people who have far more sinister backgrounds. There was an incident in the U.K., the one I could think of, I think it was Barrow-in-Furness, which was about Legionnaire's disease and a number of people died as a result of poor maintenance. The prosecution went to the highest level of people responsible. Bearing in mind those examples of how one deals with things, because each of those instances have been dealt in different ways, I want to talk about the culture I have encountered in the public sector. I am going to quote from 2 public reports. As I said, I am trying to anonymise people as much as possible, because it is about the issue. There was one, where a quote from the report was: "A review was intended to be used as the basis for obliging a civil servant to leave the States without compensation by threatening their professional reputation." There was another, a different report referred to a meeting between 2 Ministers and 2 civil servants and the atmosphere was described as bullying and harassing. Two of the people present at the meeting described it that way. The person did not demur from this description and in fact later subsequently confirmed that in a tribunal context, the behaviour in the meeting could be described as bullying and harassing behaviour. So for 3 of the 4 people present described it as bullying. The fourth person described it as assertive. He was one who was described as the person doing the bullying. The point there is these are public comments. But further comments, again from a different civil servant: "Over the last 2 years, a sustained period of interference and harassment by a politician" and I am not saying if it was in my time or before my time: "which has made it impossible to do my job to the best of my ability. I have raised each of the issues with a senior member of the Executive and asked them to intervene. I have suggested numerous options, including mediated meetings with the individual. Nothing has been done." But a separate conversation of at least 2 Ministers bullying chief officers to the extent they have been reduced to tears. I have heard members of the public telling me of sitting in receptions in departments and hearing the shouting coming through closed doors. As individual Members, we have seen comments from senior civil servants over the culture in the service. This is not about politicians, this is at a senior level within the civil service. I have had 2 examples quoted to me directly in the last couple of years with people leaving the organisation because of the culture. Bluntly, one person left, I have understood - I do not know directly - at a senior level because remaining in Jersey would have damaged their career. It was that bad. So those are themes about culture within an organisation and that is relevant. I will pick up a bit from the actual report which is directly the Care Inquiry, but if that culture is across the entire organisation, which on the basis of what I have seen and experienced I think it is, certainly in deep pockets, that culture is what needs to be addressed fundamentally, because if we do not get that culture and if the tone from the top is wrong, then it is partially what contributes to what we have had here in this hideous set of circumstances, because if people cannot complain and if nothing is done, then that culture continues. What I do want to say - I will go directly to the report shortly - but I wanted to make one observation, which is about the Bailiff. I would caveat I have not read the entire report, like

many people, because funnily enough, it is a rather long document, it is 1,000 pages. But my reading of the situation so far is that he, in a different role, continuously stressed the need to avoid political inference in the process and he has been independent and rigorous. My take at this stage is he is perhaps one of the few that comes out - I do not know if it is the right word - well from what I have read so far. I would also like to talk about... I said personal experiences. An issue I had to deal with, I was on the periphery of it, which was a potentially abusive situation, children were involved, messy divorce, C.A.M.H.S., M.A.S.H., *et cetera*. I am sure I am not unusual among Members who have dealt with some of these things. The individual concerned eventually appeared in front of the Bailiff. This was not a trial. I am not sure of the exact... but they were obviously very, very nervous.

[16:15]

The feedback I received was that the issue was dealt with absolutely appropriately, and I stress compassionately, and there was a significant step forward in getting a form of resolution. I think that needs to be said in terms of some of the context of what we are dealing with at the moment. Now, what I would like to do is just refer now directly to the report. As we have said, we have got 8 recommendations, and I said, I commend the Chief Minister on the Commissioner for Children. Now, from my perspective so far, I would say that recommendations 1 to 6 are the most important, because that is the Commissioner for Children, that is giving children and young people a voice, it is the inspection of services. What Deputy Maçon said was absolutely correct. A quote from the report: "We believe that the current plans for an internal inspector are encouraging, but we also consider an external element of scrutiny is required." I mean, an independent inspection is not exactly rocket science, it is something we should have been doing for a very long time. We have had independent inspections, I believe, for the prison for a long time and some of those damning reports came out some time ago and action was taken: "Building a sustainable workforce: we set out suggestions for breaking silo working and developing a culture of corporate working across all public services in Jersey." I will probably feed on that a little more. Legislation, absolutely. Corporate parent: interestingly enough, I do take the points from Senator Bailhache, but those themes are about addressing how we move forward properly. They are going to take a lot of time. What I just wanted to read from, and people may not have got this far, they may not have absorbed it. This is my theme of culture and this is from page 56 of volume 3: "We heard of high expectations being built around the latest appointment of a director of Children's Services. We were therefore concerned to learn after our hearings were concluded that this person had left the service and the Island after only 5 months in post." That is not historic, this is our present culture: "Children and families who feel as though they never see the same social worker twice can hardly be expected to have a trusting relationship with the service." Again, this is our culture: "We heard evidence that senior managers in Children's Services did not find the Civil Service H.R. (human resources) section to be helpful." Again, this is our present culture. Interestingly enough, there seems to be praise for the Probation Service, which is, as far as I am concerned, a separate and independent body within our organisation and seemed to be very well thought of. Certainly limited dealings with them have been very professional and I have always been very impressed. What was interesting is they say: "We were surprised there did not appear to have been any exchange of thinking on what they do between Children's Services managers and the Probation Service." I am thinking that even in our time on Scrutiny in this sitting... in this session, since 2014, in the last couple of years, we have had professionals in front of us raising eyebrows at some of our present practices. I am just continuing going from the report. It talks about: "In phase 3, we formed the view that many of the changes seen as being a priority were solely concerned with process rather than professional practice. We heard considerable dissatisfaction among the Island's foster carers, who felt they were not viewed as being part of the team. Jersey was at the very lower end of what he [it says] would hear from foster carers in terms of practice. We were struck by the apparent lack

of culture of corporate working across departments and services. This is a matter that requires firm and visible leadership from Ministers and elected Members and senior managers. We were, for instance, surprised to hear from the Chief Executive he had not yet visited Children's Services, despite the fact he was giving evidence to the Inquiry. Chief Officers and Ministers do not make it clear by example they expect services to work together and services will continue to operate in silos." How much of a theme have we had, not just in Health and Social Services, about the silo mentality and how long has it taken to try and address that? Because for those of us who have been passionate about the wider reform agenda, the silo mentality has come out again and again and again. It reminded me of something, because oddly enough - and people may laugh, and people working in financial services, hopefully - ethics is meant to be quite a strong theme of what we do when we are professionals. I was reminded from what we were reading of a report that a number of us produced a sub-panel of the P.P.C., I think in 2013, on the machinery of government. I just thought it would be interesting to quote from it, but also to remind people as to how long some of these things have taken to get into place. It is under "Governance", this is R105/2013. We were talking about the concentration of authority in the hands of the Chief Minister and the Executive Members of the Assembly and we said: "To counter this, Clothier made various recommendations, including the introduction of an ombudsman." In that respect, I absolutely endorse the comments from Deputy Tadier. Again, this is Clothier we are talking about. What are we now, 2018? When was Clothier, 2000-ish? Also mentioned F.O.I. (freedom of information) and we have the Connétable of St. Mary, I think, to thank for pushing F.O.I. This was written in 2013: "F.O.I. will only be implemented in 2015, some 14 years after the Clothier Report then. Other recommended checks and balances remain outstanding." This is not about constitutional reform, this is about relatively straightforward stuff of checks and balances. I want to make the comment: "Ethics is about principles [this is a quote we had] values and beliefs which influence judgment and behaviour. It goes beyond obeying laws, rules and regulations. It is about doing the right thing in the circumstances. Ethics is fundamental to establishing trust. The existence of trust is essential to business and society. It enhances the dependability of relationships, facilitates transactions and promotes the effective allocation or efficient allocation of resources. Improving public trust [and this is definitely relevant] must surely be an aim of every States Member." We then went on about... the point is... sorry, just to carry on quoting: "A compliance approach to decision making [so that is ticking the boxes] cannot cover all types of situations and eventualities. Even when a specific circumstance is addressed by a rule, compliance is often with the letter of the rule, not the spirit." Again, this going back to the issue of culture within the public sector. We talked about issues around the self-interest threats, self-reviewed threats, advocacy, familiarity and intimidation: "Intimidation threat is the threat that a politician or a civil servant is deterred from acting objectively because of actual or perceived pressures, including attempts to exercise undue influence over the person making the decision." At that point, we went on in our recommendations about increasing the oversight and the availability of non-executive States Members, improving the appeal options available to members of the public and indeed other stakeholders. Now, some of Clothier came through, but not all the checks and balances have done. Again, this is about trying to improve the culture of the organisation that ultimately we represent. It is critical that we have known... and picking up on some of the comments from the Deputy of St. John, some of the comments I have made, some of the comments made in this Assembly for a number of years, for example, P.A.C. (Public Accounts Committee) reports. We have known and the Council of Ministers have known of a number of these issues for a long time. If we talk about transparency, a really simple thing, nothing to do with abuse, look at Scrutiny. It has been said we are one of the independent checks and balances. That is where I endorse Deputy Mézec's comments. Can it be right that on one of the reviews that my panel was doing, we had to wait for a year to get information? In fact, on a second request - I was adding it up the other day - it took a further 9 months to get another piece of information. That, as a culture, has to be addressed. It is about the

culture of transparency, oversight and of behaviour. It needs a major improvement and that is not by making everyone an Assistant Minister, but where I do agree with... I agree with lots of it, but particularly in the comments in the report, they talk about Members being reminded of their responsibilities and refresh every so often, because people come in and the next day they could be a chairman of a Scrutiny Panel, they could be a Minister. They need to be reminded of their responsibilities because some people do not automatically know it. I was reminded, and I think it is worthwhile making the comment, again it is about recent experiences of the culture of the organisation. I wanted to look at... there was a statement issued by the then Senator Cameron when she resigned and she said: "As a doctor working in Jersey I have witnessed first-hand the way the system deals with those who raise legitimate patient safety concerns. I have faced alarming disciplinary procedures and when investigations into my care of patients have revealed nothing that could be referred to the General Medical Council [I think that is the G.M.C.] then my character was dissected. I consider myself one of the fortunate few to have escaped this process with the career and sanity intact thanks to the amazing support I have received from family and friends." She did make a comment which will not play well with the Council of Ministers but she said: "If the Council of Ministers started answering their own emails and listening like I have [I think this is a crucial point] without officers present because it is the ability of that independent oversight to the many legitimate concerns that exist then things might start getting a bit better." This was obviously last year. I think what has struck me, I will think about how you conclude on that matter... what I am re-emphasising is the issue around silos and it is the issue around the culture of this organisation because if that culture is toxic, if that culture enables bullying, if that culture carries on in that way and does not react to blatantly bad behaviour at whatever level then, as the Deputy of St. John said, if that is seen then that just continually reinforces and encourages further bad behaviour. If someone within Children's Services has an issue and cannot go to their boss because they know it is not going to go anywhere and that is what ultimately leads to this type of scenario. I was remembering a quote, and funnily enough it was former Senator Cohen, it struck my mind. I think it is one of the quotes that have been engraved up by Charing Cross and it is about silos. It is just a completely different context obviously and it is: "First they came for the socialists and I did not speak out because I was not a socialist. Then they came for the trade unionists and I did not speak out because I was not a trade unionist. Then they came for the Jews and I did not speak out because I was not a Jew. And then they came for me and there was no one left to speak for me." That is the problem, is that we have issues here and here and here and they are all dealt separately. There is no view about the attitude and the culture within the organisation that permits this behaviour to take place. That is where the tone from the top, and I think the Chief Minister acknowledges it, it has to come from the Chief Minister, the Council of Ministers, the Chief Executive and us about what we tolerate and what we do not about the commitment to ethics and to dealing with the issues that have previously been ignored. So I am looking forward to seeing the change in culture, that is incredibly important, and, as I said, I make no apologies. Unless people can learn from the failings in the past, no matter how good the words, we will not achieve the substantial changes that this Inquiry calls for. That culture is persuasive and that is what needs to be changed.

The Greffier of the States (in the Chair):

Just going to take the mood of the Assembly. We have got at least 8 more Members who wish to speak for the first time. I have got notice of 3 second speeches and, of course, the Chief Minister to finish. I just want to find out whether the Assembly feels it would be appropriate to adjourn for the evening in an hour or so in the usual way and come back tomorrow. That is useful to know, thank you.

1.1.17 Deputy R.J. Renouf of St. Ouen:

I am sure we have all gone through such a range of emotions since receiving those tomes on Monday afternoon. The first thought I had was it was a daunting prospect to have to cope with reading and understanding and trying to address all of what we were suddenly presented with and then feeling shock and distress at reading much of what we heard, those harrowing accounts of what had gone on for 2 generations now and the frustration and sadness at how time and time again people could see what was going wrong but there were insufficient and inadequate attempts to get it right.

[16:30]

But coming through it all towards the end of my reading... well, no it is not the end of my reading because I have not covered all the ground yet but I hope I have grasped what the thrust of the report is. I felt I have managed to begin to grasp a vision and comprehend the challenge that the Inquiry team were putting before us. I think they were setting a route map for comprehensive reform of Children's Services and that this report will become a seminal work which is seen as forming a turning point for Jersey society for decades to come and which I think will move on from purely Children's Services into thinking about how we deal with social deprivation in Jersey and how that has been affected by the Jersey way. I would like to commend the report writing and the clarity of language which has taken me on a journey of understanding. One phrase I was particularly struck with was that though officers and politicians may have wanted to do their best and may have tried to do their best it was said they did not know what good looks like. They did not know what good looked like. I felt that 3 days after the release of this report we are beginning to see now, our eyes are beginning to be opened, and we can see what good can look like. So the Jersey way, much talked about. I hope that once we have formulated a plan for addressing all the issues put forward in this report we can consign that horrible phrase to the bin because it has such negative and harmful connotations for so many. Do we really need a strapline? If we must have a strapline let us think of something else. Let us have higher standards Jersey but let us dismiss the Jersey way. In a sense I should be proud of the Jersey way because I come from a deep-rooted Jersey family. There were Renoufs in Jersey in the 13th century because they are recorded as archers who defended Gorey Castle when it was a modern carbuncle that the governor had built on the hill overlooking a small port at Gorey. So if they are my ancestors, and I would like to think they are, my family has been in Jersey since that time and I am proud of that. Extremely proud of the culture that we have in Jersey. But I must accept what has happened among many deep-rooted Jersey families and what has been picked up upon by those who often come here and spend their lives here is that we get so immersed in what is special to us, how our roots and the pride we have in a small place which is defined by 4 boundaries; our north coast, west, east and south and that is our special part. When we move beyond that we are elsewhere and those who come in from outside of that come from elsewhere. We have limited ourselves and we now have to accept that Jersey is subject to the same pressures and issues that are affecting populations throughout the world. Throughout our part of the world at least, that we have divided cultures, that we have social deprivation, that we have income inequalities and regrettably that there has been abuse of vulnerable people by those who exercise power over them and that is greatly uncomfortable and distressing things which must be addressed. So as one of those members of old Jersey families we have got to recognise we are not that special. We have a heritage. We have something that is distinctive but we also share with the rest of our nation, the rest of western Europe, perhaps the rest of the world; there are issues of abuse and division and we must go out, out of our boundaries, and we must discover what good looks like and we must not be fearful that we might have to change and that is the difficulty for a Jerseyman, for those of us who felt comfortable in our boundaries that we might have to change, that we might have to accept something that comes in. So this report has said in so many places that: "Well, we should look to England and Wales for our legislation. To update our legislation we should look to England and Wales for commissioning services. We should look to England and

Wales for leadership opportunities and for training opportunities”, and something in me might say: “I am uncomfortable about that because why should we adopt the ways of somewhere else?” But we do not necessarily need to adopt wholesale but what we must do is we must go out and be much more ready to go out and look to see what good likes like. We must do that in a spirit of openness that accepts that others may well have got there before us. May well have discovered right or better ways of doing things. But, as I said, that is not to accept wholesale what is out there because this report refers to a transformation that has happened in Hackney Social Services, the London borough of Hackney. When I get time I would be most interested and I want to go and find out what has happened and how they did it but they seem open to explaining their transformation and sharing their knowledge but they have been very careful to tell the Inquiry team and the Inquiry team visited Hackney and spoke to Hackney officers. Hackney has been very careful to tell them that their model was worked out in their context and it should not be thought that it is capable of simply being transported around the country. Clearly, what might have worked in a London borough council is not going to straightaway fit into the context of our Island. But they transformed themselves and I remember Hackney from the 1970s, was it the 1970s, when I was a... yes, when I was a student studying for my bar exams in London and I used to spend Thursday afternoons in a legal advice centre in Hackney to which I had been allocated. A Jersey boy, brought up on a farm in St. Ouen suddenly thrown into a legal advice centre in Hackney. That was not a learning curve. That was an Everest. But it opened my eyes to social issues, to housing problems, to benefits; all those sort of things. It is heartening to know that I got some brief feel of the problems of an inner city borough but it is heartening to know and I wanted to go and found out more about how they transformed their services. So let us go and learn and let us see what we can take from that learning. So it is not to abrogate our duties as political representatives and say: “We will simply copy.” It is to say that we want to be open. We want to terminate this idea that we can do it by ourselves and we do not need outsiders to shine a light. Let us take their light and let us look how we can make what is good and I would want to go beyond England and Wales and... because I have got some family connections to the Republic of Ireland I understand a little of how the Republic of Ireland works, I would urge that we look at that because that is a much smaller jurisdiction which lives in the shadow of a larger jurisdiction like us. It has undergone a societal trauma in recent decades. They have had there, not just child or abuse scandals but financial scandals; all sorts of things. But it is also a society which has transformed itself from a very narrow conservative traditional society to a modern forward thinking society which is so inclusive and I think we could learn a lot from that, from the Republic of Ireland, and no doubt many other jurisdictions. In the report I felt a particular concern at the comments that there were still children at risk and I have tried to understand what the Inquiry team are telling us and I understand that for residential and foster care placements we are told it is because the management style is not conducive to keeping children safe. So clearly there are massive issues to address there but we know those children because they are in residential and foster care but I want to find out, well, what is happening in the community and the report says that care orders are being used inappropriately or not at all. It says there is a lack of clarity over the assessments that are put together when applications are made for care orders and there is a lack of clarity over the thresholds for State intervention and to families when consideration is given to taking a child out of a family and the results of this, we are told, is that children might be taken into care unnecessarily or other children might remain in environments that are harmful to them. That really surprised me but I take it because this has been reached over much examination of witnesses and documentation but I was surprised because I have got no real or recent direct experience of care orders and the legal practice surrounding them but I know there has in recent years been a great deal of training that has gone into lawyers to give them expertise to present care orders and also to represent families and to represent children and there are a body of lawyers who are now certified in some ways and only

they are authorised to deal with children issues so I could not go and suddenly turn up in court to say: "I am representing a child" because I do not have that expertise.

[16:45]

I had believed that the courts had been able to draw on legal authority and guidance from best practice, particularly in England and Wales, because our legislation on care orders is similar to England and Wales. So I have to ask myself, well, why is there is still that lack of clarity that children might be taken into care unnecessarily or might be left in their harmful environments and I hope the Attorney General might be able to address that to us because this is so important. Children are still at risk we are told and there will be care orders, I presume, in the pipeline at the moment. It may be that tomorrow there will be a care order before the Royal Court because they are usually presented on a Friday but there will perhaps be some being worked upon or there will be cases that are at a lower level where children's officers might be considering the need for that. The recommendation is that we have a statutory framework for this within 12 months but what is going to happen in the interim? Are these children still going to be at risk for the next 12 months until we have got some better legislation in place? So if the Attorney General cannot assist us today perhaps I could ask the Minister for Health and Social Services to urgently take up this issue because it is he who makes these applications. So perhaps we could ask the Minister to write to the Bailiff, to write to the Attorney General, can there be perhaps some practice direction urgently put in place which the court might be asked to adopt to address better thresholds for interventions, to address great clarity over assessments? I really do hope that as an urgent issue we can deal with that. I would just like to say, moving on slightly to a particular recommendation, this was among the fundamental failings and one of them was a failure of the States of Jersey to understand and fulfil corporate parenting responsibilities, about which we have spoken a great deal, but the few words after that including adequate aftercare of children who have been looked after the States and it is that aftercare that we must pay particular attention to. Of course we pay special attention to care from ages one to 18 but those of us who have children we do not say farewell to our children: "Off you go" at age 18 and neither should the States of Jersey as corporate parents and I was interested to hear from the Deputy of Trinity her view of what aftercare has been put in place. But as Scrutiny Panel chair of the Health and Social Security Scrutiny Panel I have seen unfortunately how we fail to do this for children with special needs. Those children who have an excellent service given to them, a great education at Mont a l'Abbé School and much help given to them need to transition at age 18 when they leave their school or leave whatever structure has been provided to them in terms of education and unfortunately the States, as a corporate parent, has failed those children with special needs. Not all of them because some parents have told us, as a Scrutiny Panel, that they have had a good service and it has worked for them but far too many, parents and groups representing parents, have told us that this is a disaster has that been for so many parents and it has been described by many as falling off a cliff I am afraid. One day the provision is there then there is no planning and then there is nothing and the reason has been a lack of a proper strategy, a lack of resources and a failure to deliver and it has caused great distress and harm in many cases. But you might say: "Well, those are children with very special needs and here they are children who, for various reasons, have been taken into our institutionalised care" but of course we have got to recognise, and I am sure we all do, that they will have their needs. Who knows what trauma some of these children... well, we may know now from this report what trauma can be caused. So it is not enough and I hope we would never say to those children upon reaching the end of our statutory responsibilities at age 18: "Well, farewell. You are an independent adult now." That is our challenge because we cannot say, well, we have to apply those funds because we have a statutory duty to do so, aftercare may not come within the statutory framework unless we make it so let us address that when we have the Children's Plan that the Chief Minister is going to bring forward. Let us embed aftercare into that because we would not for our own children just

say: "Off you go" at age 18. We would support them and we want to do that and then that, of course, opens up other issues, if we are providing additional support for children who have been in our care when they are aged 19 and 20 and 21 why would we not provide the same support to other vulnerable young adults who maybe have not been in our institutional care but may still be having difficulties in coping and our income support system does not provide for children under 25 or adults under 25 except in certain cases. That is, as a general rule, no. So I was pleased that the Inquiry gave that special mention of aftercare. Let us get a safe transition plan to independent living which includes resources and delivery of an excellent aftercare service to establish people as they might go on to further education and get themselves work and get themselves set up in accommodation. So important, I believe, otherwise these problems that we have tried to address for up to 18 years just continue into adult life. I think that is in the main part what I have wanted to say at this stage. I am grateful for the Chief Minister's invitation to me to assist him in advising him on the Children's Plan and I want to work with him, with the Council of Ministers as part of this representative Assembly to make sure that we now step up to the mark and we know what good looks like and we will work towards all that is good for our vulnerable children.

1.1.18 Deputy A.D. Lewis of St. Helier:

I would like to touch on some things the Chief Minister said. I would like to touch on some things that other Ministers have said and others too. It is a weighty document. It is a good document. It makes harrowing reading. I cannot admit to have read all of it so far as I think many of us will say the same, but we will. We must. The Minister for Health and Social Services spoke about proper partnership planning. Now, I have seen lots of examples across the States in recent times in my work on the P.A.C. where proper partnerships simply do not work. People are working in silos. Deputy Le Fondré mentioned it on a number of occasions. Those silos must be broken down. When I was first in the States of Jersey in 2006 I was asked to attend a corporate parent group meeting, it was at the hospital. I was asked to attend because I was Assistant Minister for a department and my Minister could not go. I had no briefing. I had no agenda. I had no previous minutes and I turned up at this meeting and really nothing happened. Nothing was spoken about of importance and that was the corporate parent group where we had Education, Social Services, Health; a perfect forum for discussing some of things we are discussing today; in 2006 that this was not working. When I had before me senior accounting officers in a recent hearing I heard them say: "We could not work in the same building as everybody else. We need to be near our people despite those people having up to 6 different locations to look after." They should be on the same corridor as everybody else. They should be discussing things with the Minister for Health, with the Minister for Social Services, in one place in one building so that these things are joined-up and that has not happened. We have been talking about that for many years and still we do not have a complete plan to do it. So in one particular public establishment care homes have been talked about a lot. I had a particularly harrowing description given to me only this week by somebody that I had no idea had been in that home because that person has turned out to be a fantastic, intelligent, well-rounded career-minded, fantastic mother, fantastic person but what she told me was quite harrowing. I will mention something else first before I go on a bit more about that story. I was slightly unfortunate in that when I was in my teens my mother passed away. My father did not deal with it particularly well but I had an extended family and friends around me who were fantastic. I did not have to go into care but others did. This particular individual had that situation thrust upon her and I found out something on Monday that I had no idea about. This particular home, it was not an orphanage, there were people there from all different walks of life. Some had been sentenced there by courts. Some were orphans. Some were just difficult children. The story that I heard was when this person was at school if there was a problem in that school and there was a particular misdemeanour all the children that were at that home were brought out in front of the headmaster and given a dress down because they came from that home. There was an expectation that because you were from there

you were a bad person. Unbelievable. Unbelievable that we mix all different types of people that were in there for different reasons together and then categorised them all the same when it came to a simple disciplinary in a school. Fingers were pointed: "Oh, it is them because they come from there." I was staggered to hear this story. Fortunately I, and most of us here, never had to experience that. I would like to focus a little bit on the recommendations because I welcome them.

[17:00]

There are recommendations about building a sustainable workforce. How many times have we not necessarily employed the best person for the job because there has been issues with the Population Office? I would like to know why. There must be ways around that. We must always employ the best people in our Children's Services. The Commissioner for Children, this has been spoken about for so long as a recommendation. We still do not have it. I am delighted that that is now going to happen. Giving young people a voice. We have all listened to children in different things that we do. It is important to listen to children but when they are in trouble or they are difficult or they are challenging they were not listened to. That is appalling. Now we have a recommendation we put a mechanism in place so that we do. When I heard that inspections of the premises that we have are few and far between, in fact at most I believe the Chief Minister said every 3 years, was one of the recommendations. I was aghast. I would expect to see people inspecting to make sure these facilities are in good order on an extremely regular basis, maybe even less than a year, maybe every few weeks. So I wholly endorse the proposed inspection regime. Legislation. There is absolutely no reason why Jersey should be behind the developed world, lagging behind in legislation in this area when we are one of the most advanced legislators when it comes to our most important industry, the financial services, which have come first. I totally agree with Deputy Tadier when he mentioned that. But it goes beyond legislation to ensure the protection of our children. We have in Jersey relative poverty. The Deputy of St. Ouen has done a recent report on it. So this rich Island has relative poverty. We have a minimum wage which is way below what it needs to be to live in this expensive Island which is why I have campaigned vigorously with others for a living wage and that is why it is important. When you have poverty you will have social problems and the children that are the most vulnerable in those homes where people are living on minimum wage in Jersey. We have a youth justice system. I was a Youth Court panel member for 3 years before re-entering the States. I was harrowed by some of the stories and background reports that I received. I had to sit and read for hours background reports, C.A.M.H.S. reports on children that then came before us. What was most harrowing was of the several agencies that were involved mostly most often neither agency knew what the other agency was doing. People kept falling between the cracks. Do you know where they ended up? In the courtroom I was sitting in because of no joined-up thinking between the agencies. You know the other thing that struck me so much was when somebody came in that was from a children's home, you know what, they were treated differently because they were often late and they got penalised for being late. Well, they did not have mum and dad at home making sure they were there on time. The people that should have been looking after them to ensure they were there were not there. The experience I had on that panel I would sometimes get home to my wife in tears. We were letting people down there. It is not about ticking boxes. One of the Ministers mentioned that there is a process to go through but it is not about ticking boxes. You will hear C. and A.G. (Comptroller and Auditor General) regularly saying: "You cannot just tick the box and move on." This is a human element. It is not about ticking boxes. It is making sure those boxes are ticked, yes, but following up as well. We should have the highest standards in childcare in the world. We are small enough to do it and I think we should and we will. It is a shame it has taken an outside independent panel to tell us to do it. I notice the Chamber is now full because I have come under a lot of criticism during this process and I think that you, as an Assembly, rightly, are entitled to an explanation as to perhaps why that is. I do not wish to run ahead of due process which will be followed by P.P.C. in accordance with Standing Orders but

simply to clarify what I understand has occurred. More importantly, I do not wish to detract from the real issues here which is appalling abuse and failings identified in our childcare services. However, in order to move forward and fully participate in doing everything I can as part of my community to ensure that the recommendations of the report are upheld and acted upon I wish to clarify my actions of the past. It is no surprise to perhaps Members that I am disappointed that the panel have used the word "lie". "To lie would be a deliberate intent to deceive with a motivation to do so." I will repeat that. "To lie would be a deliberate intent to deceive with a motivation to do so." In this case there was no intent to mislead and no motivation or advantage to be gained from doing so. The report refers to 3 occasions when things I have said have been pulled into question. Firstly, during an extended period of questioning in this Chamber under some considerable pressure in 2008 I inaccurately described the name of a report that I was referring to. I have since corrected this on numerous occasions. I have the report in front of me here. There is a big bold title underlined and it says: "Metropolitan Police Review Interim Report." Any of you that wish to see it, you are welcome to. That was on my desk at the time. The second reference is to information I gave to the Napier Review where I stated a date of late October instead of early November when asked about the timeline of the suspension of the Chief of Police of the States of Jersey Police. This was simply a case of inadvertently stating the wrong month as at the time I was not a States Member and I did not have access to the necessary factual information. These are the first 2 instances the report refers to. Thirdly: "A husband and former Minister, which is documented in the report [you are free to read it and I am sure some of you have] thought that he recalled an early discussion regarding suspension at his home but could not provide any independent witness to support his claim." Despite this the Inquiry decided to take this as acceptable evidence which contradicted the date I had already provided. None of these instances amounted to a deliberate intent to deceive. The Inquiry panel had concluded that there is no evidence that I or anyone else attempted to derail Operation Rectangle or cover up abuse by removing the Chief Officer of Police from the operation. So the most obvious motive for deliberately seeking to mislead this Assembly or anyone else simply does not exist. The Napier Report came to exactly the same conclusion. As I have said in this Chamber before, I have not intended to deceive or lie and those Members and others who know me well will lay testimony that this is not a character trait that they would recognise in me. I therefore welcome the process to be undertaken by P.P.C. to examine whether my conduct in this matter has been consistent with the code which applies to all Members and I will co-operate fully. I was convinced then and I am convinced now that my actions and the actions of the Government of the day were fully justified, entirely correct, in the best interest of good governance and the people of the Island and most importantly the victims of abuse. In 2008 I was a relatively junior Minister who was presented with a very difficult situation at very short notice which I did not shy away from. If you do nothing you can never make a mistake. I am not about doing that. I and my family have been subjected to a campaign of abuse and intimidation by certain politicians, commentators of child abuse matters in Jersey for nearly 10 years. This goes far beyond what is reasonable to expect when a person from our community puts themselves forward for public service. Vitriolic political and emotive attacks on individuals and their families simply must stop for the sake of the Island and democracy itself and if we are to successfully implement the report's recommendations we must all work together to do so putting aside political differences. I would like to take this opportunity, if I may, to note my thanks for the humbling support I received in recent days from many Members of this Assembly, my family and friends and wider public during what has been an extremely trying experience for me personally. But I would also like to congratulate the panel for such a comprehensive report to which, for my part, I fully co-operated. We must do everything we can to ensure that justice and the well-being of victims remains at the forefront of people's minds. I hope that the publication of the report allows the Island to move on from this difficult chapter in our history and in short that such dreadful happenings can never occur in our care system ever again.

Deputy J.A. Hilton of St. Helier:

A point of clarification please. I may have misheard but my query is: did I hear the Deputy say that he had the Metropolitan Interim Report on his desk and if anybody wanted to see it they could see it? Was he meaning that he had it on his desk when we had the in camera debate or does he mean he has got it on his desk now and if anybody wishes to see it they can see it?

Deputy A.D. Lewis:

I am happy to clarify. The reason why I was accused at the time in the Hansard minutes, which I have here also, is that I said, this is the thing that has sparked all of this off. I made a number of references to a report. The report was in fact a very long letter in the form of a letter from the Deputy Chief of Police. It was accompanied by a letter from the Chief Executive, Bill Ogley, and in the letter from Bill Ogley it clearly states: "I today received his report [that is Deputy Police Chief] it draws heavily and reflects on the Metropolitan Police Report, his report is attached." It is a report but it is in the form of a letter and I have been criticised of calling it a report when some people think it is a letter. The reason why I was referring to as a report is because that is what Mr. Ogley called it. Now, within that document, and it is quite a long document, there are extracts of the Metropolitan Report and there was a heading here that clearly says... this is not the report that you just mentioned, Deputy. It is heavily redacted extracts of the Metropolitan Police Review Interim Report. That is what I was looking at when I had it on my desk when I was answering questions under pressure in 2008.

[17:15]

So, no, I did not have the report. I have never seen the report. I have consistently said this. Very few people have ever seen that report because it contains Crown evidence. It would have been wrong for me to see it which I am somewhat surprised that the panel suggest that we used that report for disciplinary purposes when they know we did not ever have it because I am accused of saying that I did when clearly we did not because in this document, and the Hansard minutes say so, I say: "I have read an alarming report from the Metropolitan Police." I have clarified this on numerous occasions. If I was to give the full description of what I was referring to it would be the following. It would be a letter from the Chief Executive of the States of Jersey which attaches a report from the Deputy Police Chief which contains extracts from the interim report of the Metropolitan Police. That is, I would think, most people would regard a mouthful which is why I referred to it simply as the Metropolitan Police Report. I regret that. I have said on numerous occasions in this Assembly so to be accused a liar as a result of doing that for 10 years and then compounded by unfortunate errors when I was giving evidence again under pressure. I think most thinking people would regard that as somewhat unfair. I hope that answers the question.

Deputy C.F. Labey of Grouville:

Could I ask a question? I would like to ask a question of the Deputy. When he said: "If you do nothing you can never make a mistake." Does he admit then that he made a mistake by sacking the Chief of Police, Graham Power?

The Greffier of the States (in the Chair):

That is not really a point of clarification and I did say earlier it is really not question time so I will leave it at this stage. If the Deputy wishes to respond that is fine but I do not want to encourage a Deputy Lewis question time.

Deputy A.D. Lewis:

I am happy to respond as the Deputy is quite misinformed. Members will know that the Chief of Police was never ever sacked. He was suspended subject to the proceedings. I left the States

shortly afterwards. The subsequent Minister did not take the action that perhaps he could have done, which is what the Deputy is referring to, he never ever was sacked. I am not talking about mistakes here other than mistakes in terminology I used to describe a report. That is all I am talking about. I have already said in my speech that based on the information I had at the time the right decision was made and I stand by that.

The Deputy of Grouville:

That is a play on words surely. Okay, suspended. Was it a mistake to suspend the Police Chief?

The Greffier of the States (in the Chair):

Well, I do want to be quite firm about this. This is not a question time on Deputy Lewis. Members can make contributions later on where they can reflect on what Deputy Lewis has said and they can pose questions, which he may wish to answer, later but the point of this debate is not to have a question time.

Senator L.J. Farnham:

I just wanted some guidance there from the Chair. I understand, and it might be appropriate following Deputy Lewis's speech, I understand the Attorney General is going to make a statement. I just wondered when...

The Greffier of the States (in the Chair):

Well, I was hoping to call him next which is one of the reasons why I was wishing to move things along a little bit. If there are no further points of clarification I wish to call the Attorney General.

1.1.19 The Attorney General:

I want to address 4 things if I may. Firstly, I would like to welcome the publication of this report from the Independent Care Inquiry. My department and I are committed to improving the criminal justice system to ensure that victims are encouraged to report abuse and when they do their allegations will be treated seriously and with respect and all possible steps taken to bring offenders to justice. We will be studying the report with care to see what further improvements can be made in that respect. Public confidence in the prosecution of offenders is very important indeed. No one is above the law and I was pleased to see the Inquiry found no evidence of any Centenier with the advice of lawyers from my department refusing to charge an alleged perpetrator of child abuse. The Inquiry also found that the police wish to prosecute alleged offenders where there was evidence to warrant prosecution and that in the case of Operation Rectangle the panel said and I quote: "We have no doubt that throughout the length of the operation all policing and prosecution decisions were made conscientiously and properly. Prosecution decisions were reviewed by an independent English Q.C. Nicholas Griffin, Queen's Counsel, commissioned by the Inquiry. He was a witness before the Inquiry and the Inquiry agreed with his detailed assessment and found that in every case he looked at the decision-making process was carried out professionally and appropriately by the prosecution. Members of the public therefore can be confident that complaints will be taken seriously and investigated and prosecuted professionally and victims will always be listened to." The second matter I wish to address is the reference in the report of the Care Inquiry at paragraph 10.42 of the executive summary that Deputy Andrew Lewis lied to the States Assembly and to the Inquiry. The 2007 States of Jersey (Powers, Privilege and Immunities) (Committees of Inquiry) (Jersey) Regulations do envisage at Regulation 8 that persons giving evidence before the Inquiry may be prosecuted for perjury. However, that does not extend to Members of the States. Under Article 34 of the States of Jersey Law no civil or criminal proceedings may be instituted against any Member of the States for any words spoken in front of the States or a Committee of Inquiry established under Standing Orders. This was a Committee of Inquiry appointed under Standing Order 146. Accordingly there can be no question of prosecution

of a States Member for anything said to a Committee of Inquiry. This protection does not extend to members of the public giving evidence but it does protect Members of this Assembly. It appears to be an extension of parliamentary privilege which, as you know, is currently under review. Thirdly, the Deputy of St. Ouen asked some questions about thresholds for intervention and care orders and I think he suggested in the course of his speech that there were some difficulty in the threshold or test applied in relation to taking children into care. It is right that at paragraph 3.11 of the executive summary there is reference to some children being received into care not on a lawful basis but that, when one looks at volume 2, must be a reference to practice some time ago and not since the implementation of the Children Law 2002 which has the same test for making care orders as applies in England and Wales, namely the court can only make a care order or supervision order if it is satisfied the child concerned is suffering or likely to suffer significant harm and the harm is likely to be attributable to the care given to the child or the child being beyond parental control. As to the number of applications that are in the pipeline there are 23 applications for care orders in train; 15 have been issued this year, greater than any whole calendar year save for 2015 in which 20 were issued. Accordingly, it appears likely that more applications for care orders will be issued this year than any other year. Finally, this morning Deputy Mézec launched a wide-ranging critique on the role of Attorney General and in summary said that his roles as adviser to the States departments, this Assembly, potentially head of Honorary Police and Chief Prosecutor may give rise to at least the perception of conflict. This was not something that was canvassed before the Inquiry and is not one of the panel's recommendations in the executive summary nor was it within the terms of reference but it was, of course, looked at in detail by Lord Carswell, who reported in December 2010. As we know, he concluded that it was proper for the Attorney General to carry on fulfilling all these roles. The key to understanding why it is appropriate for the Attorney to remain adviser to Government, this Assembly and Chief Prosecutor is his or her independence. As Lord Carswell says at paragraph 7.1: "The Crown officers are appointed by the Crown which is a guarantee of their independence and freedom from political pressure." The office of D.P.P. (Director of Public Prosecutions) was necessary to be introduced in England and Wales, not in Scotland where a different approach applies, because there the Attorney General is a politician. He is a member of the Conservative or Labour Parties and of course any decisions that he might make could be tainted by political considerations. That does not apply in Jersey. You have, and always have had, an independent prosecutor. There was some suggestion this morning about difficulties in investigating offending by a States department. My predecessors have prosecuted former and existing States Members. I am currently prosecuting the S.E.B. (States Employment Board) who has pleaded guilty to a serious offence and is awaiting sentence. There are various advantages in the Attorney advising both States departments and the Assembly as a whole and government, consistency of advice and cost and the knowledge that the advice you are receiving is always independent. I was present at a Commonwealth conference in London last October, the meeting of Law Ministers and Attorneys General of small Commonwealth jurisdictions and there were 30 or 40 Attorneys and Law Ministers there. The vast... and of course these are younger democracies than ours with a newer and written constitutions, the vast majority of Attorneys were political appointees. They were members of the parties in the jurisdiction from whence they came, often small islands like Jersey. When I explained to the conference the fact I was constitutionally independent and all Members, not many of the government, all Members of my Parliament were entitled to seek advice from me, all who spoke to me afterwards were envious of that independence in that role. Indeed, one of the recommendations, namely that there should be a D.P.P. present and appointed in such jurisdictions was altered and rewritten having heard from Jersey and Guernsey and the closing statement of the conference, which feeds into their main conference for the Commonwealth next year, was that Law Ministers and Attorneys General noted that in a number of jurisdictions the constitutional independence of the Attorney General meant that the establishment of a separate office of D.P.P. was unnecessary. That is a finding of the Commonwealth last year. Ultimately, of

course, what I do and the role of the Attorney is a matter for this Assembly but I am satisfied that these functions can be carried out. I recently gave an answer to Deputy Higgins in relation to the way in which we dealt with conflicts in the department, which is comprehensive. Finally, in relation to the task of acting as titular head of the Honorary Police that too was examined by Lord Carswell who concluded: "Although it may be unusual for a Law Officer we do not think there is any breach of principle in the Attorney General carrying out his functions."

[17:30]

One final remark he made in relation to the appointment of a D.P.P. is that if the D.P.P. and not the Attorney were to be in charge of prosecuting decisions the D.P.P. would not be accountable to the States, to you, in the same way as the Attorney General is now. His conclusion was: "We are of the opinion the Attorney General is the person best fitted by training, experience and standing to exercise the judgment and discretion required in deciding on prosecutions. A D.P.P. would be in no better position and might well be regarded as lacking the Attorney General's degree of independence." So I hope those comments will be of some comfort to Deputy Mézec.

The Greffier of the States (in the Chair):

We have space for points of clarification.

Deputy J.A. Hilton:

I just wanted to ask the Attorney a question about the care orders. I have heard in the past that sometimes there have been delays with regard to the court process and so I wanted to ask the Attorney General, is he satisfied that he has enough resources in his department to deal with care orders in a timely fashion?

The Attorney General:

Yes, I am and we have been given further resources in the last year to do so. That is why I am content with the resources we have.

Deputy A.D. Lewis:

It is in respect of the question of privilege. It perhaps goes against natural justice in that I have not been able to, for example, question or cross-examine witnesses that have put forward evidence against me to make my own case in defence. Can the A.G. (Attorney General) advise if there is any form of appeal for anyone, be they witnesses, victims or any other contributors to the panel's report, that may feel unfairly represented by the panel's report? The right to defend one's self I believe goes back to Jersey Customary Law and is the overpowering principle of natural justice which for all concerned with this Inquiry should receive equally.

The Attorney General:

There is no recourse certainly in the courts as the Inquiry benefits from protection under the regulations I referred to and: "No civil or criminal proceedings may be brought against a member of the Committee of Inquiry in relation to the report produced by it."

The Deputy of St. Ouen:

Could the Attorney General state to the Assembly how he responds to the statement in paragraph in 3.19 of the executive summary: "There has been insufficient clarity about assessment or thresholds for intervention with the result that some children may still come into care unnecessarily and others may remain in harmful environments"?

The Greffier of the States (in the Chair):

Attorney General, I am mindful that this is also not a question time so this is points of clarification on the statement by the Attorney General not a... there is an opportunity for questions in the normal way. I think this is just about a point of clarification. I just want to make that point.

The Attorney General:

I could not answer that properly without taking further instructions and asking further questions.

Senator P.F.C. Ozouf:

I will be addressing the subject of family law issues in my remarks tomorrow but may I just ask, the Attorney General is aware that I have asked questions of his chambers of the time that it has taken for care orders and other such matters to be concluded in Jersey courts. In his statement he seemed to give, I do not think, any comfort to those of us who believe that there is a requirement to consider legislative changes and other changes in relation to the family courts. While I will address these issues tomorrow after having sought his permission to speak about some of the statistics that I have got is he... in his statement one almost got the impression that he was saying that there is absolutely no issue whereas the report that we are debating clearly does raise questions, moreover the statistics that I have sought in advance of the publication of the Care Inquiry Report indicate that there is a very significant issue of longstanding delays and time that the Jersey courts take in relation to dealing with matters and I wonder whether or not he would just... maybe he could respond to my remarks tomorrow.

The Greffier of the States (in the Chair):

Senator, this really is not a point of clarification. It is a contribution to the debate.

Senator P.F.C. Ozouf:

Well, it is because he is saying there is no problem. He is saying that there is no issue.

The Greffier of the States (in the Chair):

I am ruling it is a contribution to the debate so we are going to move on. He can respond to that if he wishes to later but really this is not question time and it is also not an extension of debate time because we are due to finish. So I really just want to hear points of clarification based on the statement that we heard several minutes ago.

Deputy A.D. Lewis:

It is a point of clarification on the issue of perjury. Can I ask the Attorney to confirm that he is not making any remarks on the merits of a perjury claim against me save for that any such claim is legally barred by the operation of parliamentary privilege?

The Attorney General:

Yes, but I am strictly limited... I am limiting my comments of course to the findings of the Care Inquiry in relation to the matters that were said to this Assembly and the matters that were said to them by the Deputy in the course of giving evidence.

Deputy G.P. Southern:

My question is in respect of the A.G.'s statement that he is legal adviser to Ministers and to this House as a whole. Is it not the case that if I were to ask him whether he had given advice on a particular aspect of a Minister's actions he would not be able to advise me what that might have been? He can merely say: "I cannot tell you whether advice has been sought or given on this particular topic." Is that not the case therefore, rendering Scrutiny or myself, Back-Bencher, without recourse to legal advice?

The Attorney General:

Well, yes, that is correct. By the same token if a Minister asked me if I had advised Deputy Southern then I would not be able to answer that question either for all advice is given in confidence that anyone seeking advice from my department will be confident that they will receive advice consistent with advice given to other Members of the Assembly.

Senator P.F. Routier:

May I propose the adjournment?

The Greffier of the States (in the Chair):

Yes. The adjournment has been proposed and I think the Assembly is content to return tomorrow at 9.30 a.m.

ADJOURNMENT

[17:38]