

STATES OF JERSEY

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MINISTER FOR HEALTH AND SOCIAL SERVICES: DISMISSAL

Lodged au Greffe on 28th August 2007
by the Chief Minister

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

in accordance with Article 21(4) of the States of Jersey Law 2005, to dismiss Senator Stuart Syvret as Minister for Health and Social Services.

CHIEF MINISTER

Note: In accordance with the requirements of Article 21 of the States of Jersey Law 2005–

- (a) the Minister for Health and Social Services was given the opportunity to be heard by the other Ministers;
- (b) the majority of those Ministers gave their agreement to the lodging of this proposition on 23rd August 2007;
- (c) the reasons for dismissal are set out in the accompanying report.

REPORT

1. INTRODUCTION

The States of Jersey Law requires that this Proposition has to be lodged in the name of the Chief Minister with the support of the majority of Ministers. I confirm I have that support and that the proposition is supported by all Ministers with the exception of the Minister for Home Affairs, who considers herself to be conflicted, and the Minister for Health and Social Services.

It is with real regret and a sense of sadness and indeed of failure that I bring it to the States. I had hoped and believed that the Council of Ministers would see out its term of office intact and as a team. However, recent events dictate that is not to be, and I have no alternative other than to propose the removal of Senator Syvret as Minister for Health and Social Services. I am doing so entirely due to the Minister's conduct in recent weeks, which is not conducive to the standards I expect from a Minister, clearly breaches the Ministerial Code of Conduct, has undermined his ability to function as Health Minister, and which last but by no means least, has put children more at risk today than they were previously.

Throughout his Ministerial term of office, I have worked hard with and in support of the Health Minister and I have tried at all times to ensure that his well-known individualistic views and policies could be reconciled with those of his Ministerial colleagues and that we could all work together to bring forward and to implement those policies we believe to be in the best interests of the Island. Unfortunately his behaviour and actions of late are not in keeping with the role and responsibilities of a Minister and in my view and that of my Ministerial colleagues it is no longer possible for him to remain in his Ministerial position.

At the request of a majority of the Council of Ministers, I asked him to resign but he refused and stated that he will fight to remain in his position. The Ministers' letter and the Council of Ministers' statement which preceded it are at Appendices 1 and 2.

This is extremely disappointing, particularly as it is all so unnecessary, and could have been avoided had the Minister followed the due process agreed by the States – to which he signed up and to which I urged him to adhere. The right way to ensure that services are as effective as possible would have been to work together with me, his Ministerial colleagues and the other concerned parties to investigate his concerns. Instead he chose, **without furnishing any specific substantiated evidence of current failure**, to launch into a series of vitriolic attacks on the Jersey Child Protection Committee, CAMHS, child care professionals, the Civil Service generally, his fellow Ministers, and many others.

This included a statement that”**my initial response is to sack everyone who works there [CAMHS] and close it down**”.

This despite asserting in his e-mail of 8th August that: **“I am not aware of any immediate danger to a child at this moment”**.

It should be firmly noted that Senator Syvret has been either President of the Health Committee or Minister for 7 years and 8 months, and prior to these sweeping criticisms and condemnations appears to have taken little if any action to correct the structural and individual failings he has now so publicly and so damagingly alleged. Indeed I have been surprised to learn that during this time he appears to have had little direct involvement with Social work staff or services.

The Minister has also been found to have breached the Data Protection Law by disclosing excessive personal data in an e-mail. Another matter is also being investigated.

This is not only unacceptable performance and behaviour by a Minister, it has resulted, more seriously, in the break-down of his relationships with his fellow Ministers, his Assistant Minister, some senior Managers within the Health and Social Services Department and those who deliver our essential child care services. This in turn has created a serious lack of trust, lowered morale, demotivated staff and without question harmed the provision

of child care in Jersey now and into the future. Some staff are traumatised by these attacks and allegations, to which they have no right of response and some are known to be considering other employment. Sadly and of the most serious concern, children are more at risk today, as a result of the Minister's actions, than they were previously.

This requires the most urgent action and that is why the Council of Ministers considered a proposition to dismiss him at its meeting of 23rd August. Senator Syvret chose not to attend the meeting saying that he had not been given sufficient time to prepare his argument. The Council of Ministers considered this carefully and considered that it is in the best interests of Health and Social Services and particularly its vulnerable clients and patients that the current period of controversy and uncertainty is brought to an end as soon as possible. It is important to note that it was the Minister's action in summarily sacking the Chair of the JCPC, without any consultation with his fellow corporate parents or other Ministerial colleagues, and without following any of the due processes to which he had freely and enthusiastically signed up, that initially led the Deputy Chief Minister and I to call a special meeting. Ministers felt it is of the greatest importance that the States should be given the opportunity to judge the Minister's actions at the earliest possible date and to have the opportunity to decide whether or not he is now fit to continue in office.. The meeting therefore had to be held before midday on 24th August in order for the proposition to be lodged in time for debate at the first States meeting on 11th September.

The States of Jersey Law requires that, before I can lodge a dismissal Proposition, the Minister be given the opportunity to be heard by the other Ministers and that a majority of Ministers give their agreement to lodging this proposition. Having taken legal advice and consulted with colleagues I am satisfied that I have complied with the requirements of the Law.

STRUCTURE OF THE REPORT

The Report is broken down into sections as follows –

BACKGROUND

REASONS FOR PROPOSING THE MINISTER'S DISMISSAL

BREAKDOWN IN RELATIONS WITH A WIDE RANGE OF PEOPLE

UNDERMINING THE CHILD PROTECTION ARRANGEMENTS AND THEREBY INCREASING THE RISK TO VULNERABLE CHILDREN

IMPROPER USE OF INFORMATION AND PASSING CONFIDENTIAL INFORMATION TO THIRD PARTIES

FAILING TO FOLLOW THE AGREED PROCESS FOR MAKING MINISTERIAL DECISIONS

BULLYING AND HARASSMENT OF STAFF VIA THREATENING AND ABUSIVE E-MAILS

BEHAVIOUR UNBECOMING OF A MINISTER

BREACHING THE CODE OF CONDUCT FOR MINISTERS

CONCLUSION

2. BACKGROUND

2.1 3-Stage review

The over-riding concern of the Council of Ministers is the protection of Jersey's children, which comes before all else in this matter. The Council has therefore decided that there should be an independent professional review of child protection which should, if the States agree, lead to a full Committee of Inquiry. The intention is a 3-stage review.

As the first stage the Deputy Chief Minister has written to the Chair of the JCPC with 21 questions relating to a specific case, which are set out in Appendix 3. The H&SS Minister's action in sacking the current Chair has undermined this process. However, officers are working to produce the answers as soon as possible. These will feed directly into the second stage.

The second stage, which has now been commissioned, is to undertake a thorough, independent and professionally-led investigation into the standards, structure and performance of the child protection arrangements in Jersey. It is imperative that the current uncertainty is ended and any improvements implemented as soon as possible. An independent and highly qualified person, Andrew Williamson CBE has agreed to undertake the review. He has commenced his initial enquiries and expects to report within 3 months. His CV and the terms of reference are at Appendix 4. In order to identify an appropriate person, Lord Laming was contacted and he has given us his advice. Lord Laming was the U.K.'s Chief Inspector of Social Services and undertook amongst other reviews the Climbié enquiry, investigating the circumstances surrounding the death of Victoria Climbié in the U.K. This is regarded as a very significant milestone in the modern development of practice in child protection.

The third stage will be, if the States agree, a Committee of Inquiry, which could draw upon and benefit from the work of the 2nd stage independent review.

The proposed 3-stage enquiry should ensure that this most serious issue is handled openly and as quickly and thoroughly as possible. We have to ensure, without any delay, that our standards of child care are professional, robust and up to the standards we expect. Then we need to begin the urgent task of re-building confidence amongst our staff, and more importantly amongst our vulnerable children and their parents.

The Minister has refused to support this approach, indicating that he will bring forward his own proposals for a Committee of Inquiry. The Council of Ministers do not agree this one-stage approach, particularly as it is unlikely it could begin work until October at the earliest or report for anything up to a year or more. The allegations made by the Minister are far too serious to be left uninvestigated for any longer than necessary.

2.2 Senator Syvret's involvement with Social Services

The Senator has had senior political responsibility for these functions for 7 years and 8 months. The Council of Ministers was concerned to note the comments of the recently sacked Chair of the Jersey Child Protection Committee that the Minister has not set foot in the Social Services Department during nearly 8 years in charge of it.

Enquiries have confirmed that he has not visited the new Greenfields Secure Unit, although he is one of the 3 Ministers (together with those of Education, Sport and Culture and Home Affairs) who hold political responsibility for the Children's Executive Service.

No one can remember him having visited any of the Children's Homes in recent years. The only visit that can be recalled is to Heathfield around 2002, following the publication of the Kathie Bull Report. He had not visited the homes prior to that date. He has received regular invitations to visit the homes, particularly following the implementation of changes recommended by Kathie Bull.

Managers cannot remember any time that the Minister made contact for discussion, or visited teams or units in the

child protection or child care area. In recent times a vision for the future of the Children's Service has been developed, summarising substantial plans for change and improvement. The Minister received details of this in the form of a presentation e-mailed to him some 2 to 3 months ago, together with an invitation to discuss the data presented and the ideas in development. The Minister was ill at the time, but known to be in e-mail communication on a number of issues regarding other parts of the Department. He did not respond then nor has he sought a discussion on his return to work. This is consistent with his lack of response to many previous such invitations and requests.

2.3 Formally raising concerns

Since the advent of Ministerial Government in December 2005, the Minister has not raised any of these issues formally at any Council of Ministers meetings, nor with me as the Chief Minister.

I have asked the Chief Executive to the Council of Ministers whether he is aware of any formal concerns and he has responded as follows –

"I have not heard of any formal concerns, before the current set of e mails. When I first became aware of the Minister's allegations I took urgent steps to assure myself that services for at-risk children were safe. As Chief Executive to the Council of Ministers and as Head of Paid Service, I called the Chief Officer of the Health and Social Services Department to account and asked him a number of formal questions about these services. I asked him if the Minister had raised any individual cases with him which he (the Chief Officer) had, for whatever reason, failed to pursue. The Chief Officer's response was "no".

As I pursued this course of questioning, the Chief Officer of the Health and Social Services Department said that when he (the Chief Officer) had himself become aware of the Minister's stated concerns about at-risk children he asked the Minister two questions on two separate occasions.

The first question was, "Do you know of any child who is not receiving a competent service from our Department?". The Minister said; "No" in reply.

The second question was, "Do you have information which you are withholding which, if given to me, would allow me to make the lives of a child or children better?" The Minister said, "No" in reply."

3. REASONS FOR PROPOSING THE MINISTER'S DISMISSAL

The report explains the reasons for proposing the Minister's dismissal, which are in essence that the Minister's behaviour, correspondence and comments have breached the Code of Conduct for Ministers in a number of respects and are destabilising child protection arrangements to the point where the risk is increased that vulnerable children may fail to receive the support and protection that they deserve and which the law requires.

In more detail the reasons are summarised below and explained in the following sections.

Reasons for proposing the dismissal of Senator Syvret as Minister of Health and Social Services

(a) Breakdown in relations with a wide range of people –

- The Council of Ministers
- His Assistant Minister
- Senior Managers within the Health and Social Services Department
- Staff engaged in Social Work and Child Protection
- Chair and members of the Jersey Child Protection Committee (JCPC)
- Public service workforce

(b) Undermining the Child Protection arrangements and thereby increasing the risk to vulnerable children by –

- unfairly attacking staff leading to –
 - low morale
 - employment problems
 - sickness, stress, etc.
 - unfairly undermining the reputation of child protection arrangements –
 - without providing substantiated current evidence for his assertions
 - by making extreme allegations and threatening statements.
 - summarily sacking the Chairman of JCPC, without any consultation with his fellow Ministers, and undermining the important role of the Committee.
 - failing to recognise that past problems have been openly addressed and improvements made.
- (c) Improper use of information and breaching the Data Protection Law.
- The JCPC has complained that the Minister had breached the Data Protection Law in an e-mail. The Data Protection Commissioner has determined that the personal data disclosed was excessive and has breached the 3rd Data Protection principle.
 - The Minister has passed a copy of a personal file to a third party and that is also under investigation by the Data Protection Commissioner. It has in any event breached the States policy on the management of personal files.
- (d) Failing to follow the agreed process for making ministerial decisions and refusing to identify the sources of advice on which he relied when making a decision.
- (e) Bullying and Harassment of staff via threatening and abusive e-mails.
- (f) Behaviour unbecoming to a Minister in terms of the language contained in internal and external communications.
- (g) Breaching the Code of Conduct for Ministers which specifically requires Ministers not to commit many of the foregoing acts.

Each of these reasons is explained in detail in the following sections.

4. BREAKDOWN IN RELATIONS WITH A WIDE RANGE OF PEOPLE

A Minister requires the support of his political colleagues, staff and a range of other people and agencies if he is to perform effectively. Senator Syvret has lost the support of a wide range of people and without this support he will not be able to continue to function as a Minister.

4.1 The Council of Ministers

A majority of the Council stated in their letter of 27th July 2007 (Appendix 1) that they no longer had confidence in his ability to remain a member of the Council of Ministers. They went on to state –

“We have regrettably come to this conclusion in the light of, amongst other comments, Senator Syvret’s Statement in an email circulated to Ministers that “I will just have to regard the Council of Ministers as another obstacle and distraction against which I have to fight in order to protect children.....”

This comment was made despite the Council of Ministers clear statement that the protection of children in

Jersey is its primary concern and following its announcement that it is launching immediate enquiries into child care structures and standards in Jersey.

His comments demonstrate that Senator Syvret has no respect for or confidence in, his ministerial colleagues.

Since then the Minister has continued to write comments which reinforce his lack of respect for other Ministers. The following are a few extracts from e-mails sent by the Minister to the Council of Ministers. There are others –

“You have by this demonstrated the validity of my original criticism that the CoM was an obstacle in the path of achieving higher standards in child welfare and child protection in Jersey.”

And –

“You say that you and other Ministers are "disgruntled" – I assume with my various public comments in defence of my enquiries into child protection matters. I am afraid – as even the most brief of acquaintances with the evidence shows – the CoM has been the author of its own misfortune. I have raised legitimate questions in respect of child welfare and child protection. Instead of supporting my efforts to deal with these deficiencies, you have – to the profound detriment of children in Jersey – sided with your good friend Iris Le Feuvre, who in turn is siding with her friend (Directorate manager, Social Services). Or perhaps it's the decayed and fly-blown façade of the Jersey judiciary you seek to protect? Amongst which numbers a man who attempted to humiliate and intimidate child victims of abuse into dropping their claims sits – without irony – in judgment upon a Constable who had the misfortune to have a paedophile in his police force.

It is pretty tragic that – in the year 2007 – old Jersey insularities and networks can still trigger this kind of behaviour. What kind of behaviour? Let this e-mail from you stand as a prime exhibit. You make precisely zero attempt to engage with or address child protection concerns. Instead it's just diversionary attacks on me, and the establishment asserting – once again – its monopoly of power. You and some of your colleagues in the States might still be deluding yourselves that it's still 1982 and your power is as that of 'masters of the universe' (Tom Wolfe, Bonfire of the Vanities. I know you guys don't read, but really, this book would be quite an apposite introduction to materialistic hubris.) Well, it's 2007 now, and being a good Methodist or knowing a few funny handshakes will not persuade the external world into believing that the probably preventable rape of children is less important than “creating distress amongst a wide group of staff and undermining their moral and effectiveness.”

Also –

“I take it from this letter that if an actual child murder were to take place in Jersey when many sectors of the child protection apparatus could have intervened, but didn't – you will, perhaps be ready to shoulder responsibility”.

4.2 Assistant Minister

Deputy Celia Scott Warren, Assistant Minister for Health and Social Services, resigned her post on 17th August. The reason she states is “that I feel I can no longer give my support to the Minister for Health and Social Services, due to recent events”. The Assistant Minister had been very loyal to her Minister and had been standing in for the Minister during his extended absence recovering from a medical procedure.

She has most certainly not deserved the criticisms, which she refutes, made by the Minister in the media following her resignation.

4.3 Health and Social Services Management

The Departmental Management Team has fully supported the Minister in all aspects of his work. Recent events have put increasing strain on this relationship. If the current pressure created by the Minister were to continue, the

Management Team and other senior managers would be unable to continue to effectively manage the Department and serve the Minister's policy requirements. Inevitably something would fail and there would either be an increased risk to patients and clients, or the Minister would find himself unsupported on policy matters.

4.4 Staff engaged in Social Work and particularly Child Protection

The Minister has written confidential e-mails to many staff and open e-mails to a wider circulation and all States Members. In them he questions the ability of individual or groups of staff. The comments are known by staff, who are increasingly affected and concerned by the Minister's attacks. A very small selection of the Minister's comments serves to show what staff are facing –

“What has to be described as grossly inadequate performance of the entire child protection apparatus in Jersey.”

“Could someone please explain to me precisely what the purpose of CAMHS is and give me a good reason why I should continue to spend taxpayer's money on it? Reading this review, my initial response is to sack everyone who works there and close it down.”

“.... Ineffectuality, defensiveness, incompetence, collusion and stagnant culture of mutual support within the Jersey Civil Service.”

These comments are the made more difficult to reconcile when the Minister then makes conflicting statements such as –

“Firstly, let me repeat again my well-documented view that the vast majority of staff in Health & Social Services do an excellent job.”

“I am not aware of any immediate danger to a child at this moment.”

4.5 Chair and members of the Jersey Child Protection Committee

Former Connétable Iris Le Feuvre was appointed to Chair the Jersey Child Protection Committee by the Health and Social Services Committee, after consultation with the Education, Sport and Culture Committee and the Home Affairs Committee. In a 13-page letter sent to all States Members on 15th August the Minister sacked Mrs. Le Feuvre. The 13page letter reiterates very strongly the criticisms of the Child Protection Arrangements, but does not cite any evidence for these deficiencies. One of the main reasons given is that Mrs. Le Feuvre a Chairman has put her name to a letter written by an officer of whom Senator Syvret is critical.

I have asked Mrs. Le Feuvre who was the author of the letter. She has confirmed that although she consulted with and received input from, members of the JCPC, she **was** the author of the letter sent on behalf of the JCPC, in which it was stated that the Committee has no confidence in his (the Health Minister's) ability to hold political responsibility for this critical area of service". The JCPC letter is Appendix 5 and the Minister's letter Appendix 6.

The Chief Officer of Health's advice to the Minister is at Appendix 7. He advised that the Minister should not dismiss Mrs. Le Feuvre for a number of reasons amongst these is that *“such a decision to dismiss will add ‘crisis’ into the system to quote (the Consultant Paediatrician's) advice to me this morning and will be a ‘distraction’ (I cannot think of a better term) from the substantive work of the committee itself.”*

The role of the JCPC is to bring together the relevant statutory and non-statutory authorities to ensure that the arrangements made for the most vulnerable of children is of the highest standard and to ensure that – through “joined up” working – gaps in service between the agencies may be avoided to reduce the risk of vulnerable children being seriously damaged. Whilst staff and agencies will continue to work together if the JCPC becomes ineffective there is a significant gap in the Child Protection Arrangements that must be filled or children will continue to be at greater risk.

The Minister has not brought forward any evidence of failure by the Jersey Child Protection Committee, other than to criticise it for reacting to his e-mails.

4.6 Public service workforce

The Minister's criticisms have been widely circulated and sometimes set out in extremely pejorative terms. They have been aimed at a wide range of staff from different professions and organisations.

The Civil Service Staff Association has written to the Chief Minister and agreed that their letter could be referred to PPC for consideration under the States Bullying and Harassment Policy. The letter was subsequently reported in the JEP and is at Appendix 8.

Public services depend upon the staff who work in and provide those services. No employer can deliver services effectively and efficiently without the commitment and motivation of its staff. At the end of 2006 the States conducted a confidential staff survey and there was serious concern when it reported that only 8% of staff believe that politicians within the States of Jersey support their staff, and only 19% believe they are treated with fairness and respect by politicians. The approach adopted by the Minister is clearly undermining this trust still further.

It is fashionable in some quarters to deride and demean the work of and contribution to the Island made by Civil Servants and other public sector employees. However, it is a fact that the States of Jersey is well served by its staff and unless it is proven that an individual or individuals have under-performed or been negligent, they deserve and need the support of States members.

No group of employees should be subjected to the attacks made upon them by Senator Syvret in recent weeks – particularly when they have no right of reply, and no group of employees can be expected to perform at a consistently high level when they are demotivated and threatened by a politician, particularly one of the influence and position of the Minister.

There are proper processes to address poor performance and they should be followed. If there is evidence that a person's work has been sub-standard, they have been negligent, malicious or displayed otherwise detrimental behaviour, they are subject to strict sanctions up to and including dismissal and the States Employment Board insists that these are applied properly and conscientiously.

It is worthy of note that the Chairman of the Staff Side has stated that it is the first time in 20 years that the Civil Service Forum has written to complain about a politician in this way.

5. UNDERMINING THE CHILD PROTECTION ARRANGEMENTS AND THEREBY INCREASING THE RISK TO VULNERABLE CHILDREN

The Minister's conduct and behaviour is undermining services in such a way that it is increasing the risk to vulnerable children. This behaviour is unacceptable to the Council of Ministers.

Social Work and child protection work are extremely complex and demanding. Workers across all agencies engage with some of the most vulnerable members of society, in environments where challenging behaviour is the norm and where abusers (and sometimes victims) will do everything they can to avoid detection. Staff face heavy workloads, high levels of stress and are always vulnerable to criticism and complaint. Numerous high profile cases (probably most notably the Climbié enquiry led by Lord Laming in the U.K.) whilst highlighting specific deficiencies have served to hone practice and procedures, to achieve continuous improvement and identify good models and practice to protect vulnerable clients and improve their life chances. Jersey's arrangements and practices were designed to reflect good practice in the U.K., but are tailored for local circumstances.

It should be noted that due to its very nature, no system of social work or child protection will ever be 100% perfect and there will always be room for improvement. Jersey is no different from anywhere else in this respect and the system and its performance can be improved. Indeed the Serious Case Review undertaken by the Consultant Paediatrician has identified areas for improvement, but no serious failings. In it he states that he has received good co-operation from staff and agencies.

Judgements on the performance of people and services must be based on current day circumstances and evidence. Judgements are unfair and damaging if they are based on past defects which have been rectified, or are based on unsubstantiated allegations or general criticism not supported by evidence.

Across the U.K. such areas of social work are characterised by high staff vacancy rates and authorities are continually seeking to improve recruitment rates. Jersey suffers a similar problem, although less so than the U.K. As a result of the Minister's allegations, recruitment of high calibre professionals to Jersey will almost certainly become much more difficult.

The Council of Ministers has not seen any objective evidence to significantly call into question current practices. It has noted the recent Serious Case Review (SCR) undertaken by the Consultant Paediatrician. In this highly unusual circumstance an edited version of the SCR (to ensure client anonymity) is attached at Appendix 9. When Senator Syvret received this report he sent an e-mail to a selected group of staff which has been found to breach a Data Protection principle and is therefore not included in full.

The Minister commented –

“Thanks you for undertaking this review. It does not make happy reading. Unfortunately the various deficiencies and failings described in the review are entirely consistent with other information coming to me concerning, what has to be describe as, grossly inadequate performance of the entire child protection apparatus in Jersey.

Indeed, some of the events recounted in the review seem scarcely credible such is the degree of incompetence and lack of professionalism described. Even to a lay-person, it is readily plain to see that certain basic standards and procedures of child protection appear to have gone over the heads off the many “professionals” involved.”

At the JCPC meeting on 11th April the Consultant Paediatrician told the Committee –

“he had found that the services had responded to evidence of abuse emerging in this case in a timely way in order to ensure the immediate protection of the child, and there was decisiveness in taking appropriate decisions which were effective in delivering the Child's security. Particularly with respect to information sharing and co-operation, as well as the duty to fulfil their responsibilities, the response of Jersey agencies was as good or better than he had experienced in the U.K.”.

Yet it is this report which prompted the e-mail attack...

The Consultant Paediatrician has been asked whether there is anything in his report which suggests or justifies the Minister's allegation of grossly inadequate performance of the child protection apparatus in Jersey and whether there was anything in his report which could be said to be evidence of the gross failure of individuals.

He replied. (A full copy of his reply is at Appendix 10).

- “1) No, I did not uncover evidence of grossly inadequate performance in the child protection apparatus in Jersey. As I have stated, I did discover practices and arrangements related to the future safeguarding and welfare of the child which could be improved.*
- 2) No, I did not find evidence of gross incompetence, complacency or failure to cooperate on the part of any individual to protect the subject of this SCR. I did find evidence of a lack of appreciation of the complexities of child sexual abuse and the need for all agencies to receive further training in this area.”*

5.1 Unfairly attacking staff involved in child protection

The Council of Ministers and the States Employment Board has made it clear that it will not tolerate

incompetence or other forms of poor behaviour by staff. However there is a proper process to deal with any such failings. The disciplinary and competency processes are very clear and whenever a member of staff exhibits such failings these processes are applied. The Senator has not provided any evidence of individual failings, nor has he in the 7 years and 8 months he has been responsible for Health and Social Services, made any formal complaint in relation to specific staff involved in this work. Instead he has, in recent weeks, made a number of extremely vitriolic and/or threatening statements directed at groups of, or individual members of staff. This is causing significant upset and distress. Already at least one member of staff has suffered sickness as a result of the stress and many others are voicing their concern and frustration. In some cases individuals have had to be persuaded not to start looking for alternative employment.

In an area where there are already vacancies and high case loads this increases the risk to clients. In the U.K. a major cause of failure is the inability to allocate case workers to individual children. There are some cases in Jersey which do not have an allocated worker, although they are being managed. If staff decide to leave or it becomes difficult to recruit, this will significantly increase the risk to children.

The Minister is a person with significant power and responsibility. His criticism, bullying and harassment of staff have had a very considerable and serious effect.

5.2 Unfairly undermining the reputation of child protection arrangements

The Minister has stated in internal e-mails his statement to the Assembly and in newspaper reports that he not only considers the services to be failing, but that staff are failing in many respects. He says they are incompetent, ineffectual and collude to avoid having to do what is expected of them. If there were any evidence of this culture the Minister would have every right to demand it be resolved. The Council of Ministers would be absolutely as one with the Minister and would do all they could to make sure it is put right. **The Minister has not provided any evidence of current problems; indeed he has stated** *“I am not aware of any immediate danger to a child at this moment.”*

The evidence of recent years shows that when officers or politicians became aware of any failings there has been an open and transparent willingness to find out what has happened and put it right. That is one of the functions of the JCPC using the Serious Case review (SCR) process. The Consultant Paediatrician’s most recent report praises the willingness of staff and agencies to improve. Past experience (see section 5.4 below) shows this has been the case.

The fear expressed by the JCPC in its letter at Appendix 5 is that by undermining the credibility of services it will increase the danger that children will slip through the safety net or people intent on avoiding services will find it easier to do so. It is too early to expect hard evidence of this, but there are reports from some workers that the reaction of difficult clients is becoming more challenging. It indicates how damaging statements can be when they come from someone with the position and power of a Minister. It should also be noted that the Minister was asked to share any specific current concerns **and apart from raising some historic issues has declined to do so.**

He has also, and perhaps significantly, declined to identify the sources he has stated he is relying upon for his allegations. All that the Minister has revealed is that much of his information comes from experts from outside the Island, ex-employees and/or their representatives, and other as yet anonymous sources.

5.3 Sacking the Chairman of the JCPC

The report has already commented in detail on this issue. However, the JCPC is an important part of the child protection apparatus. Sacking the Chairman when there is no evidence that the Committee is failing in its work inevitably increases the risk that services may become less effective and is not the way to effectively deal with the concerns he has raised.

5.4 Failing to recognise that problems have been openly addressed and improvements made

Most of the failings that the Minister cites are historical failings that have been addressed and those circumstances no longer pertain. They are however cited as evidence of severe failings. The language used to describe them is

extremely derogative and they appear to be the basis for personalised attacks on staff and services. Each of them has been and continues to be addressed. The implication in the Minister's pronouncements is that they are either current issues or that the services are guilty of allowing them to persist. This is extremely damaging and misleading. It inevitably undermines the morale and commitment of staff who have worked or are working to improve matters, but are still criticised for the way things were. Four such issues are commented on below. They are –

- The Jervis-Dykes case
- Failings at Les Chênes
- The Kathy Bull report
- Bullying in schools

The Jervis-Dykes case was clearly a totally unacceptable case which should not have been allowed to happen. However, when it came to light the Governing body of Victoria College and the Education Committee commissioned an independent enquiry by Stephen Sharp. Necessary improvements were identified and implemented to ensure the future safety and well-being of pupils. This is years in the past and to suggest that current education and child welfare practices reflect this reprehensible episode merely undermines today's services.

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Failings at Les Chênes. The establishment reached crisis point and corrective action was taken with improvements continuing thereafter. The 'Kathie Bull' reports 2001/2 identified Les Chênes as being inappropriate for use as a secure establishment. Four fully secure rooms which were used when a child's own safety or that of others was at risk were considered by the Kathie Bull report to be unsuitable for the purpose. The Education, Sport and Culture Committee seconded a new manager from the Prison Service to oversee an improvement programme in early 2004. The fully secure rooms were immediately upgraded and an instruction was given to staff requiring that they would only be used under strict criteria following assessment that there was an immediate risk of violence to other residents or staff, or of absconding, and all other methods to manage the situation had been considered.

The new policy also required that, whenever a fully secure room was used, a documented process of re-introduction to the community was immediately commenced, with active support by staff to address the challenging behaviour, re-establish positive relationships, and as soon as safety could be ensured, to re-introduce the young person to the community. Records show that use of the fully secure facilities was substantially reduced on introduction of the new arrangements. This has continued to be the case. Figures indicate that there were 9 occasions during 2006 when the fully secure rooms were used, the majority when a young person was admitted late at night whilst under the influence of drink or drugs. In most cases these young people were integrated into the wider community the next morning when their system was clear of any intoxicating substances and they were no longer considered a danger to themselves or others. Statistics show that the 'fully secure suite' at Les Chênes had become almost obsolete by the time the old unit closed towards the end of 2006. At that time the "new" Greenfields opened and the "Grand Prix" approach ended. The "new" Greenfields provides appropriate accommodation and facilities to meet the needs of young people who are considered either by the Courts or Health and Social Services, to require a secure environment. The Council of Ministers has received a report on these matters from the Director of Education, Sport and Culture, which is at Appendix 12.

Following the Kathie Bull report into Les Chênes, she was asked by the Chief Officers of Education, Health and Home Affairs, with the approval of their Committees, to undertake a wider review of Children's Services. This is not the act of a group of people colluding to avoid dealing with difficult issues. The Kathie Bull report recommended a fundamental revision of services and the Children's Executive was created. This comprises the Ministers supported by the Chief Officers of Education, Sport and Culture, Health and Social Services and Home Affairs. The most significant improvements have been implemented and improvements are continuing.

Allegation of a culture of bullying in schools. The Minister has made e-mail comments which appear to be supporting allegations by a sacked teacher. This is a teacher whose employment was terminated on the grounds of gross professional misconduct. He made (and subsequently admitted) false allegations against other teachers in a text message.

This is not to deny that specific improvements are required, but the severity of the language is extreme. Indeed the report from the Minister's own Department into the health-related behaviours of young people states that bullying in schools (including name calling) is on a par with the U.K. and has remained relatively constant in recent years. The Education, Sport and Culture Department continue to work on this issue, with some success, but that appears not to be recognised.

6. IMPROPER USE OF INFORMATION AND PASSING CONFIDENTIAL INFORMATION TO THIRD PARTIES

The JCPC has complained to the Data Protection Commissioner about an e-mail sent on 11th July by the Minister to various individuals. The Commissioner has concluded that it did breach the 3rd Data Protection principle in that the personal data (in relation to the child who had been abused) was "excessive" in relation to the purpose for which it was proposed.

The second issue is that the Minister asked for and received the only copy of a personal file relating to a previous employee, a Social Worker. He received the file and subsequently met the ex-employee and his Union representative without any officers or politicians being aware. It should be noted that it is the States Employment Board who is ultimately the employer, not the Minister.

The Minister passed the file to these third parties and returned it 11 days after it was requested. This is a clear breach of the States policy on the management of personal files. It is also potentially a breach of the Data Protection Law as it is known the file contained confidential information collected during the HR review process, including some information which could identify specific young people. The Data Protection Commissioner is investigating this incident.

In an article in the Jersey Evening Post on 15th August headlined "Social Worker was sacked for whistle blowing, say Union". The report said that the Minister has described himself as being 110% in agreement with the criticisms levelled by the British Associations of Social Workers (BASW).

The Social Worker referred to in the article whose file was passed to him is pursuing an unfair dismissal case against the States and is being represented by BASW. During his probationary period he was warned several times that his performance was unsatisfactory. He then became ill and made a "bullying and harassment" complaint. This was investigated by the States Human Resources Department and after the proper process was rejected. He also made a complaint about "serious concerns", which was also fully investigated and found to be unsubstantiated. His performance had not improved and his contract was not confirmed at the end of his probationary period.

The Deputy Chief Minister wrote to the Minister on 9th August and asked him to return the file. The Minister's final response was in an e-mail later that day; the following extracts are taken from that email.

"I'm afraid the actions of the Data Protection Commissioner, and as past experience has comprehensively demonstrated, the structural incapability of law enforcement and of the administration of justice in Jersey, demonstrate that no person can stand alone against the inherent stagnation and decadence of public administration in Jersey. At least not from within the island.

It is plain that the highly unusual burning desire to have the files returned is so that any incriminating faked material can be removed, or that they can be, in some other way, altered so as to keep in employment a few profoundly incapable and harmful civil servants. For example, those who have been imprisoning children in solitary confinement – because that is more convenient for the officers. No doubt a few politicians too were rather hoping to cling onto some tatty fragment of credibility.

It is blindingly obvious – and every move of you and of the Jersey Establishment in general goes to the proof of this – that the overriding and driving motivation is the self-protection of the island's Establishment. The maintenance of the veneer of civilisation and respectability. No matter what cess pit boils underneath.

In customary Jersey fashion you have also enlisted the regulatory agencies to your cause, such as the Law Officers; just as with the Data Protection Commissioner.

It's too late now, Terry. The error you make is judging me by the usual Jersey administration standards. I really hope your friends, the civil servants you have all decided to support; the Law Officers and the Judiciary really stick together – as usual – and present a united front. That way things might finally get seen for what they are and get cleaned up.

This might herald what the Nazi occupation didn't succeed in: finally – the cleaning of the stables.

I advise you, as acting Chief Minister, to have statements ready for BASW, The Howard League for Penal Reform, the NSPCC, CSCI and various national media ready within the next few days.”

7. FAILING TO FOLLOW THE AGREED PROCESS FOR MAKING MINISTERIAL DECISIONS

This issue relates to the decision to sack Mrs. Iris Le Feuvre as Chair of the JCPC.

The Minister informed the other two Ministers who make up the Children's Executive that he had taken this decision in an e-mail on 16th August. Attached to the e-mail was a 13-page letter to Mrs. Le Feuvre (Appendix 6). This matter had not been discussed with either of the other two Ministers beforehand. Whilst the Health and Social Services Minister has the legal responsibility, the Code of Conduct for Ministers states –

If a Minister, acting in her or his capacity as a Minister, should wish to make a decision or bring a proposition to the Assembly on a matter that affects another Minister or Ministers, she or he should first discuss the matter with the Minister(s) concerned. If they are in agreement, the matter can then go forward. If there is disagreement, the matter should be forwarded to the Council of Ministers for discussion.

The correct course of action would have been for the Minister to consult with the other two Ministers who comprise the Children's Executive before taking any action. Instead he chose to act unilaterally and thereby undermine the joint work of the three Ministers.

Following the PAC and CAG's review of the "Battle of Flowers case" in 2006, the Council of Ministers agreed guidelines for making Ministerial Decisions which was published to the States on 30th November 2006. The Minister agreed with the decision to adopt these guidelines, but did not follow them. The majority of the requirements had to be fulfilled retrospectively. However, the Minister has stated that he is being advised by some people outside the Department, staff within Social Services and also some professional sources from outside the Island. **He has been asked to name all of his stated advisers but has declined to do so.** Thus he has taken a very significant decision to sack the Chair of the JCPC, thereby suspending the JCPC, and has failed to follow the code of conduct for Ministers and the guidelines for Ministerial Decisions. This does not meet the standards of good governance which are expected of a Minister.

Furthermore the decision would appear to have been taken without firm evidence that it was justified and based upon anonymous advice.

8. BULLYING AND HARASSMENT OF STAFF VIA THREATENING AND ABUSIVE E-MAILS

The letter from the Civil Service Forum, the first such in 20 years, sets out the concerns of staff. There are numerous comments throughout recent e-mail exchanges which may be classified under this heading. However, two specific references drawn from the very earliest e-mails highlight this issue.

In the opening e-mail dated 11th July the Minister makes the following comments in relation to CAMHS (Child and Adolescent Mental Health Service).

“Could someone please explain to me precisely what the purpose of CAMHS is and give me a good reason

why I should continue to spend taxpayers' money on it? Reading this review, my initial response is to sack everyone who works there and close it down.

In respect of the mother, CAMHS was "unable", supposedly, "to see her at that time". This time being the (date edited). Is it not entirely feasible that had (the mother) been given the psychological support at that time, she may have been able to better understand parenting issues, be better equipped to deal with (the child) and thus – again – the whole descent into abuse may have been averted?

But this looks like glowing professionalism compared to the performance of CAMHS in respect of (the child).

"(The child) was seen by CAMHS, but (the child) was reported to be very difficult to engage and (the child's) file was closed." – "File closed". – HELLO! – CHILD WITH EMOTIONAL AND PSYCHOLOGICAL PROBLEMS – DIFFICULT TO ENGAGE – MENTAL HEALTH SERVICE – THAT'S WHAT YOU'RE THERE FOR!

You really couldn't make this up."

The consultant in charge of CAMHS, (the Child and Adolescent Mental Health Service) which has been strongly criticised by the Minister, has felt it necessary to take advice from the British Medical Association (BMA) and the Medical Defence Union. She is so concerned that she has written to the Chief Officer of Health and Social Services to ask for her reputation to be cleared.

The second example follows directly from the first. The Directorate Manager for CAMHS was not copied into the Minister's e-mail of 11th July and when he became aware he contacted the Minister with the following message –

Dear Minister,

Yesterday I became aware of an email correspondence you have circulated on the 11th July relating to a SCR carried out by (the Consultant Paediatrician). There are a number of issues that I feel need to be addressed; but at this moment in time I feel I should inform you that I was most concerned that, as Directorate Manager for CAMHS, I was not approached by you with your concerns prior to the circulation of the email or at the very least should have been included in the email chain. You should be aware that the CAMHS team have my full support and with respect, I feel your comments are inappropriate.

The Minister's response, at Appendix 12, was also copied, by the Minister, to the Chief Minister and Chief Executive to the Council of Ministers given the likely HR implications. In the e-mail the Minister comments –

"It is apparent to me from your e-mail here that you do not possess the most rudimentary grasp of the requirement in this field, nor of the gravity of this particular case.

.....Every recipient of this e-mail should note that I, personally, am drawing up the terms of reference of a fundamental review into all of those aspects of child protection / child welfare in Jersey which presently cause me to be profoundly concerned. I will identify and commission the reviewers myself.

In the interim I would suggest that a significant number of people employed in this field in Jersey should now be considering their positions."

The Directorate Manager then informed the Deputy Chief Officer of Health and Social Services that he considered the Minister's behaviour towards him to be totally inappropriate and threatening in nature.

These examples relate to CAMHS, but there are other social work professionals who feel equally devalued and harassed.

Another example of harassment are e-mails sent to the Data Protection Commissioner.

In an e-mail the Minister asked the Data Protection Commissioner –

“I would be grateful if you would confirm the fact that Senator Kinnard played a role in securing your employment in your present post?”

This being the same Senator Kinnard who, as Home affairs Minister, has a hand in the child protection system, including imprisonment of children?

The same Senator Kinnard who along with Senator Vibert constitutes the other two thirds of the Children’s Executive? The same two thirds who are joining in attempts by the Council of Ministers to defend the civil service and to attack me?

Then in a subsequent e-mail he says –

“As explained in my e-mail to Senator le Sueur, you should also seek legal advice in respect of your attempts to obstruct me in carrying out my clear legal responsibilities to child welfare. This is especially relevant to you given your relationship with Senator Kinnard, who as Home Affairs Minister, will be one of the culpable individuals in the event of any criminal act of child neglect and harm caused to children at Greenfields”.

9. BEHAVIOUR UNBECOMING OF A MINISTER

Senator Syvret has used extremely florid language throughout this episode. However, there have also been occasions when the language and expression has overstepped the boundary of acceptability. The Deputy Chief Minister has asked the Minister to stop using the e-mail system in this way. When requested to provide specific examples the Deputy Chief Minister did so. These examples are set out in Appendix 13.

There are subsequent examples, the most obvious being the letter to Mrs. Le Feuvre. The whole tone of the letter is inappropriate, but there are some very specific phrases that demonstrate a significant lack of respect for someone who has given willingly of her time to fulfil an arduous and demanding voluntary role.

Some specific comments are –

“Whilst you will clearly be completely out of your depth with such concepts....”

“You also clearly do not possess the faintest grasp of the relationship between non expert politicians, and the supposed “professionals” who manage the services for which the politicians are responsible.”

“Your assertion is tragic rubbish. As the literature shows, heightened public awareness, even of controversial issues, leads to increases in early referral.”

“No doubt, your personal friend, Senator Frank Walker will be very grateful for you expressing such views.”

“Instead of the requisite hard examination by the JCPC of service defects, we get nearly two-and-a-half vomited pages of Politics; a horrifying, deficient and disgusting festering mess of sophistry, lies and tribal self-defense – written by an officer – and to which you have committed your signature.”

It is also unacceptable that a Minister should accuse other Ministers as follows –

“You have by this demonstrated the validity of my original criticism that the CoM was an obstacle in the path of achieving higher standards in child welfare and child protection in Jersey.”

10. BREACHING THE CODE OF CONDUCT FOR MINISTERS

The Code of Conduct for Ministers was presented to the States on 10th February 2006. It is based on the Code of Conduct for States Members, but is extended to reflect the role and responsibilities of a Minister. The foregoing sections indicate the major concerns of the Council of Ministers in relation to the Minister's behaviour. The Council of Ministers have concluded that they breach the following requirements of the Code of Conduct for Ministers.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest, or rules on freedom of information, data protection or confidentiality clearly demand.

Maintaining the integrity of the States

Elected members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process.

Public comments, etc. regarding a States' employee or officer

Elected members who have a complaint about the conduct, or concerns about the capability, of a States' employee or officer should raise the matter, without undue delay, with the employee's or officer's line manager (or, if he or she has none, the person who has the power to suspend the employee or officer), in order that the disciplinary or capability procedures applicable to the employee or officer are commenced, rather than raising the matter in public.

Access to confidential information

...In addition, members should not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their duties unless it is clearly in the wider public interest to do so. Ministers must at all times have regard to all relevant data protection, human rights and privacy legislation when dealing with confidential information and be aware of the consequences of breaching confidentiality.

Working Collectively

If a Minister, acting in her or his capacity as a Minister, should wish to make a decision or bring a proposition to the Assembly on a matter that affects another Minister or Ministers, she or he should first discuss the matter with the Minister(s) concerned. If they are in agreement, the matter can then go forward. If there is disagreement, the matter should be forwarded to the Council of Ministers for discussion.

This report does not set out how each has been breached, suffice to say that the foregoing sections show that there have been numerous breaches of the code in all of these areas.

11. CONCLUSION

The foregoing sections have set out in detail how the Minister's conduct and behaviour not only undermines his ability to function as a Minister, but sadly means that children are more at risk today than they were previously.

The Council of Ministers is firmly of the view that there are two separate issues. The first is the issue of claims of failings in child protection and the second is the Minister's conduct and behaviour.

For the sake of completeness I would like to remind members that the Minister has not furnished any evidence of failings in child protection and has stated –

“Firstly, let me repeat again my well-documented view that the vast majority of staff in Health & Social Services do an excellent job.”

“I am not aware of any immediate danger to a child at this moment.”

However, given that the Council’s overriding concern in this matter is child protection, the Council of Ministers has commissioned an independent, professional review in 3 stages. If any evidence of shortcomings is forthcoming then this review process is the appropriate means of judging and dealing with it. Only then will it be possible to form an objective view of these matters.

The substantive and separate question that the Council of Ministers has had to consider in relation to Senator Syvret’s position as a Minister is whether his behaviour is compatible with maintaining good government and securing high-quality services.

On the basis of the advice and evidence available to them, the Council of Ministers supports my view that the Minister’s attacks on staff, services, other agencies and individuals are not justified or supported by evidence and are not proportionate. The Council believes that the Minister’s behaviour is detrimental to the proper running of services, is not in the best interests of clients and is inimical to good government. It is for these reasons and with regret that I am asking the States to dismiss Senator Syvret as Minister for Health and Social Services.

Financial/manpower implications

There are no financial or manpower implications for the States arising from this proposition.

LIST OF APPENDICES

Appendices

- 1 The Letter from Ministers asking for the Health Minister's resignation
- 2 The Statement of the Council of Ministers
- 3 Stage 1 review questions on a specific case
- 4 The independent review, terms of reference and CV for Andrew Williamson CBE
- 5 The Jersey Child Protection Committee letter, which states no confidence in Minister for this critical area of service
- 6 The Minister's letter sacking Mrs. Iris Le Feuvre
- 7 The H&SS Chief Officer's advice to the Minister about the Minister's wish to sack Mrs. Le Feuvre
- 8 The Civil Service Forum's letter asking for the steps to be taken to address the Minister's bullying and Harassment of staff
- 9 The Anonymised Serious Case Review of a specific case
- 10 The Consultant Paediatrician's comment on the performance of services in relation to specific case
- 11 The Director of ESC's report to the Council of Ministers on the Greenfields centre: Grand Prix Incentive Scheme
- 12 An e-mail from the Minister to the Directorate manager of CAMHS
- 13 The Deputy Chief Minister's letter setting out examples of unacceptable use of the email system



27 July 2007

Dear Chief Minister

We the undersigned hereby advise you that, given the recent behaviour, correspondence and comments made in relation to Child Protection in Jersey by Senator Syvret, Minister for Health and Social Services, we no longer have confidence in his ability to remain a member of the Council of Ministers.

We have regrettably come to this conclusion in the light of, amongst other comments, Senator Syvret's Statement in an email circulated to Ministers that "I will just have to regard the Council of Ministers as another obstacle and distraction against which I have fight in order to protect children...".

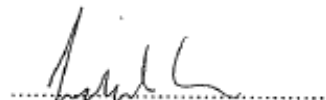
This comment was made despite the Council of Ministers clear statement that the protection of children in Jersey is its primary concern and following its announcement that it is launching immediate enquiries into child care structures and standards in Jersey.


His comment demonstrates Senator Syvret has no respect for or confidence in, his ministerial colleagues.


Accordingly, we ask you to request Senator Syvret's resignation as a Minister.

Yours sincerely


.....
Senator T Le Sueur
Minister - Treasury & Resources


.....
Senator F Cohen
Minister
Planning & Environment


.....
Senator P Ozouf
Minister - Economic Development


.....
Senator P Routier
Minister for Social Security


.....
Senator T Le Main
Minister - Housing


.....
Deputy G de Faye
Minister
Transport & Technical Services

Statement of the Council of Ministers

In answer to a question without notice and in two recent articles in the Jersey Evening Post – one on 17th July and one on 20th July – the Minister for Health and Social Services was severely critical of Jersey's child protection arrangements and of the competence of States' employees.

The Council of Ministers' over-riding concern in this matter is the protection of Jersey's children.

At the meeting of the Council of Ministers held yesterday (26th July 2007) Ministers therefore gave the most serious consideration to the allegations made by the Senator, the reaction of the Jersey Child Protection Committee and the implications for child protection in Jersey.

It noted that child protection is an area for which the current Health Minister, both formerly as Committee President and now as Minister, has held primary responsibility for 9 years. Senator Syvret has stated that he has been unable to effect changes which he considers to be necessary and has stated that in his view arrangements for child protection are failing. This is a very serious situation and one that Ministers believe requires instant and vigorous action.

Accordingly, it has decided on a three-stage investigation process.

Firstly, Senator Wendy Kinnard, Minister for Home Affairs, will chair and co-ordinate together with the two other Ministers directly concerned with child protection – the Health and Social Services Minister and the Education Minister – an immediate review to provide the Council with information on their procedures and the questions they have asked of their staff both in the wake of and prior to Senator Syvret's allegations.

Secondly, as there is a real urgency for all concerned, the Council is to establish as soon as possible a thorough, independent and professionally-led investigation into the structure, standards and performance of the child protection arrangements in Jersey. This investigation will have terms of reference that will ensure the issues are fully and impartially investigated. The Council of Ministers has also committed itself to following up any shortcomings identified by the review without fear or favour.

Thirdly, the Council has decided to accept the recommendation of the Health and Social Services Minister, that a Committee of Enquiry should be established. At its next meeting on 6th September, the Council will consider terms of reference for this much wider review of child protection procedures throughout the States. This Committee, which would need States Assembly approval, would have full legal powers and could assume the work of the investigator appointed to undertake the Council's independent review. It is unlikely that this piece of work will commence before October at the earliest.

The Council of Ministers, the States Employment Board and Chief Officers are fully committed to rooting out and improving poor performance by all appropriate means.

Where a Minister, a States Member or Manager has clear evidence of incompetence on behalf of a States employee, there are appropriate disciplinary and capability procedures for dealing with this. Through these procedures, full investigations are undertaken and, if the allegations are substantiated, appropriate disciplinary action follows. This is a process which all staff understand and accept.

The Council of Ministers also fully accepts the need to protect staff from any unsubstantiated allegations to which they have no right of reply. The establishment of an independent, professional enquiry will ensure the issues are thoroughly investigated and enable areas where good practice prevails to be identified.

Whilst in any organisation comprising people there may always be some individuals who fail to reach the required standards of performance, the Council of Ministers, including Senator Syvret, wish to state that its clear and firm view is that the vast majority of States of Jersey staff are hard-working, diligent and well skilled and the Council

wishes to confirm its full support to these staff.

Council of Ministers
July 07

Chief Minister

Cyril Le Marquand House
St Helier, Jersey, JE4 8QT
Tel: +44 (0)1534 440400
Fax: +44 (0)1534 440408



Private & Confidential

09 August 2007

Mrs I Le Feuvre
La Bercheuse
La Grande Route De St Laurent
Jersey
JE3 1NF

Our ref: TLS

Dear Mrs Le Feuvre

Child Protection

You will be aware that, given the recent publicly expressed concerns by the Minister for Health and Social Services in respect of child protection services in Jersey, the Council of Ministers considered this matter at their meeting on 26th July 2007.

At that meeting, and after considering the letter from the JCPC, the Council concluded that it should launch a three stage inquiry as follows:

In the first instance it was agreed that a sub-group of the Council of Ministers, consisting of the Ministers for Education, Sport and Culture, for Health and Social Services and for Home Affairs, should be formed and that it should meet with the Child Protection Committee in early course to discuss issues arising from the Special Case Review conducted by [REDACTED]. It was further agreed that the 3 Ministers should discuss and agree in advance a series of questions that they could be put to the Child Protection Committee at that meeting.

The second stage of the inquiry would involve the commissioning of a suitably qualified independent expert to commence without delay a full review of childcare services in Jersey in accordance with terms of reference drafted by the Director of Human Resources and approved by the Council, subject to any final adjustments by the appointed expert. Ministers were invited to forward to the Director of Human Resources their suggestions regarding potentially suitable candidates to undertake the review. It is hoped that a suitable candidate could be appointed within the next two weeks.

The third stage would involve the approval and subsequent lodging 'au Greffe' of a report and proposition by the Council in which the States would be asked to set up a full Committee of Inquiry to investigate thoroughly the current standard of child protection services. It was envisaged that the third stage would provide adequate statutory powers to call for evidence and appropriate legal immunity for those concerned with the ongoing inquiry. It was further anticipated that this Committee of Inquiry would be a natural evolution from the second stage previously mentioned, and chaired by the same expert.

I have asked Senator Kinnard, who is chairing this sub group from the Council of Ministers to contact you and agree a mutually convenient time for this proposed meeting, and you can expect to hear from her shortly. Although she will take the lead on these matters, I shall be happy, in Frank's absence, to help in any way I can.

Yours sincerely



Senator Terry Le Sueur
Deputy Chief Minister

direct dial: +44 (0)1534 440215
email: T.Lesueur1@gov.je
www.gov.je

Questions to the Jersey Child Protection Committee

Notwithstanding the examples of good practice identified by the SCR, which is acknowledged, there are some questions arising from the review which the three Ministers (Senators Kinnard, Vibert and Syvret) wish to discuss with JCPC as follows:

1. Why is it that the JCPC does not have statutory powers like those of UK Local Safeguarding Children's Boards (LSCBs)? Is this a defect which requires remedy?
2. As serious case reviews (SCRs) are not designed to identify individual culpability but intended to inform professional practice, what is the vehicle for dealing with any suspected or actual culpability should any be uncovered during the conduct of a SCR? Who would be responsible for reporting such suspected/actual culpability, to whom? Who would be responsible for taking action once such culpability has been alleged/uncovered?
3. A SCR can be used to scrutinise professional practice within departments as well as between departments in interagency working. Why did the SCR focus on the period once a number of agencies became involved while giving less scrutiny to the role played by the separate departments leading up to this point? Is this something that should have been addressed at the time? The narrow focus of the period of the review suggests some further questions which the SCR did not directly address.
4. The subject of the SCR was known to relevant agencies prior to disclosure to Children's Services of possible abuse. Did any such prior knowledge indicate a level of risk or potential risk from such activity? What written and other evidence is there to this effect?
5. If the subject was deemed to be at risk, was the case prioritised by any of the agencies involved? If so, when and how?
6. Why were Health and Education not involved in the initial strategy meeting?
7. Given the nature of the case, why was it not afforded high priority by the Children's Service?
8. What action did the GP take in ~~the~~ 2006 when first made aware of the subject's ~~case~~? What action was taken on the second occasion in ~~the~~ 2006?
9. Why was the decision made to defer the case conference? Who took the lead on this?
10. Why does there appear to be a two month gap between disclosure and action by police and children's services?

11. What knowledge of the subject, level of risk and needs was available to Child and Mental Health Services (CAMHS) at the point at which they closed the file in 2003?
12. CAMHS closed the file reporting that the subject was difficult to engage. Is this standard practice? Should this have been seen as a warning indicator of exposure to risk? What efforts had been made to engage the subject – how and when?
13. When it became known that the subject was to leave Jersey for the summer, when was that information received, by whom and what procedures were in place to ensure that information would be communicated to the relevant agencies? If there were no such procedures, are procedures now in place and followed?
14. Since it is stated that although proper consultation had been undertaken with Health, ultimately the guidance followed was not in accordance with best practice, on whose guidance was the school acting in respect of managing the subject? Will Education be following best practice in the future?
15. How was it that the criminal prosecution became prioritised over risk to the subject and an initial child protection conference was cancelled? In future will such cases be the subject of a child protection conference alongside police enquiries? What procedures are in place to ensure this takes place at the appropriate time?
16. When the criminal case was concluded SOJP withdrew from the case although there were outstanding child welfare issues. What policies and procedures are in place to ensure that all agencies (including SOJP) continue to work together until there is mutual agreement that all relevant issues be addressed?
17. What are the criteria and procedures for a full home assessment? Were these in place at the time of this case and were they followed?
18. Are procedures now in place to ensure direct referral for paediatric assessment and consultation with medical/nursing lead in child protection when a subject presents with a mental health issue?
19. Are procedures now in place in all relevant agencies to secure records and make available people to conduct management reviews?
20. What further training is to be undertaken by all agencies in the issue of sexual abuse, and at what levels of seniority?
21. What further steps have been taken by agencies to address the issues raised in the Serious Case Review?

Senator Wendy Kinnard

Chair of the Council of Ministers Sub Group (Senators Kinnard, Syvret and Vibert)

Council of Ministers – Child Protection Review

“The States of Jersey expect the highest standards of child care and protection so as to give parents of children requiring our care and support and the children themselves the confidence and security to which they are entitled. The Council of Ministers therefore specify the following terms of reference for a review of child protection, as a preliminary to any committee of enquiry to which the States may subsequently agree:

Terms of Reference

To investigate and report upon:

Issues relating to child protection in Jersey

The appropriateness of the policies, advice and procedures provided by the Jersey Child Protection Committee and the Health and Social Services, Education and Home Affairs Departments

The manner in which such policies, advice and procedures are followed by the Departments

The standards, experience and qualifications of staff at all levels and within all relevant Departments

To make recommendations as to any and all actions that are considered immediately necessary to ensure the highest standards of childcare and protection and thereafter to inform any committee of enquiry which the States may subsequently constitute”

Senator Terry Le Sueur
Deputy Chief Minister
9 August 2007.

Andrew George Williamson CBE

Curriculum Vitae

Date of birth: 29th February 1948

Status: Married

Nationality: British

Previous Posts

Chairman	North & East Devon Authority	2000 – 2002
Director	Devon Social Services	1990 – 1999
Deputy Director	West Sussex County Council	1986 – 1990
Assistant Director	East Sussex Social Services	1983 – 1986
Area Manager	Wandsworth Borough Council Social Services Department	1980 – 1983
Principle Assistant	Northumberland County Council Social Services Department	1978 – 1980
District Manager	Coventry City Council	1975 – 1978
Child Care Officer, Social Worker, Team Leader	Hampshire County Council Social Services Department	1967 – 1975

Education

Advanced Management Development Programme	Birmingham University, Institute of Local Government Studies	1982
Certificate Qualification in Social Work, Diploma in Child Care	Oxford Polytechnic	1971 – 1973

Training

Cabinet Office Top Management Programme, October 1993

Membership

Fellow of Royal Society of Arts

Current Positions

- Chair – Cornwall and Isles of Scilly Primary Care Trust
- Consultant

Most recent positions

- **Vice-Chair, South West Peninsula Strategic Health Authority: 2002 – 2006**

During this time I was also elected Vice-Chair of the Post Graduate Medical Deanery.

- **Chair, North & East Devon Health Authority: April 2000 – March 2002**

The North & East Devon Health Authority had responsibility for working to secure the health and welfare of the population of North and East Devon. The particular responsibilities of the Health Authority were to:

- Ensure that those working in the local health service shared a clear vision of how it should develop and understand their role in it
- Empower Primary Care Trusts to develop and drive improvements for local people
- Enable NHS Trusts and Local Authorities to play their full role in improving health and social services
- Take the lead on strategic development and hold the rest of the local health community to account for delivering agreed outcomes
- Support the fulfilment of the vision of a ‘new NHS’

Within this remit, the Board of the Health Authority was responsible for setting strategy and direction, monitoring performance and for maintaining public accountability.

I was also asked to Chair the Workforce Confederation for Devon, Cornwall & Somerset, which was charged with identifying staffing requirements and ensuring a trained workforce was available across both Health and Social Services.

- **Director of Social Services, Devon County Council: January 1990 – September 1999**

When I was appointed as Director of Social services in Devon, it employed over 4,000 people, operating from over 100 locations across a large geographical area and the budget for the Department was £55m. An indication of the rapid period of change that Social Services experienced is evidenced in part by the fact that, at the conclusion of my ten year period as Director, the Departmental budget was in excess of £250 million per annum and employed over 6,000 members of staff. I was required to deliver a balanced budget and this was achieved each year throughout the 10 year period.

During my period as Director, I instituted the major change programmes required for the implementation of the Children Act and Community Care legislation. In 1996, Local Government and Reorganisation required the Department to transfer over 3,000 members of staff and over 70 buildings to the new Unitary Authorities of Plymouth and Torbay. These were both significant management exercises.

I introduced a clear programme of public accountability by the production of the Community Care Plan and Business Plan, and published purchasing intentions across the county, which were used as a measurement of performance for all managers. As a senior Chief Officer of the County Council, I was also required to participate on the Management Board, which is the principle management team of the County Council, and deputise for the Chief Executive in his absence.

Appointed CBE for services to Social Work 1999.

Other roles

During my ten year period as Director of Social Services for Devon County Council, I undertook a number of national roles on behalf of the Association of Directors of Social Services, and was elected Secretary for a three year term from 1996. In 1991, I was invited to serve a three year period as a member of the Criminal Justice Council, which is an advisory body to Government on all aspects of the Criminal and Judicial system. In 1997, I was asked by the Home Secretary to serve as a member of a Task Force, looking into all aspects of Youth Crime.

I have been engaged by the Department for International Development for the past 5 years in developing child protection services in Romania, Bulgaria and Moldova. My work in Moldova was commissioned by UNICEF and required me to spend some time in Family Centres working with local specialists and participating in meetings with Ministers.

I have participated in a number of enquiries in Local Authority Social Services Departments and NHS Trusts in England, Wales and Northern Ireland

From June 2003 to December 2003 I was employed as an interim Executive Director for Liverpool City Council to assist in the process of rebuilding the department's Social Services capacity. During 2004 I advised Staffordshire County Council on the development of an integrated children's service and recently completed a 12 month contract as interim Strategic Director for Adults and Community Services on the Isle of Wight developing an integrated approach to the provision of Health and Social Care.

Andrew Williamson C.B.E.
October 2006

Jersey Child Protection Committee



Senator Frank Walker
Chief Minister
Cyril Le Marquand House
ST HELIER
JE 8QT

Dear *Frank*

Further to our recent telephone conversation, such is my concern about the events we discussed, as Independent Chairman of the Jersey Child Protection Committee I have had no option but to convene an emergency meeting of the JCPC.

At the meeting which took place at 3.00 p.m. today, Wednesday 25th July 2007 the Committee expressed its condemnation of the Health & Social Services Minister's intemperate and ill-considered statements made in the House and to the media which are critical of services and the individuals who lead and provide them. The Committee is confident that the Minister's views are erroneous, and not based in a true understanding of these services, and the complexity of their work. In particular members are astonished that the Minister has brought none of his stated concerns to the JCPC, the body formally constituted by his own Ministry, and that of Education, Sport and Culture and Home Affairs, to oversee child protection services. We are concerned that the Minister has failed to take the advice from those who have knowledge and understanding of the child protection process, even though he openly declares himself to be a 'lay person ... with zero training in this area'. He has not sought to create a dialogue with those whom he needs to rely upon to interpret and help him understand the duties and role of the child protection services, and his duties and role as Minister in relations to these services.

The Committee wishes to state in the strongest possible terms that the Minister's action has increased the risk to those children who require protection from abuse. Public confidence in these services is essential to ensure early referral of concern – the unwarranted erosion of that confidence places vulnerable children at increased risk. The report in the Jersey Evening Post of Friday 20th July is so damaging that the outcome of cases currently before the Royal Court maybe prejudiced, leaving children unprotected. The irresponsible way in which the Minister has expressed his comments, and his failure to use the procedures set up by his own Ministry to manage concern about quality of services is having a serious adverse effect upon the ability of staff and services to fulfil their duties to their normal high standard. Their very difficult job has been made more difficult by his statements and expressed views, both implicit and explicit. He has questioned their professionalism and skill and he has targeted certain

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individuals. In a widely distributed email regarding [redacted] review the Minister stated in relation to the Child and Adolescent Mental Health Service "my initial response is to sack everyone who works there and close it down". In short he has used States privilege to create a climate whereby staff are placed under intolerable pressure, and have no right of reply.

The JCPC gives its unequivocal support to [redacted] [redacted] undertook the serious case review upon which the Minister has based his criticisms of child protection services. The JCPC believes that neither the content, nor intent of [redacted] report justifies the Minister's stated views. At its meeting of 2nd February 2007 the JCPC accepted details of the terms of reference for the review, and received an update on progress at its meeting of 25th April 2007. On 11th July 2007 the Committee heard an overview of [redacted] report. The minutes record that:

"Dr Jones reported that the Serious Case Review had reached a conclusion and a draft report had been produced. He stated that he received full co-operation in response to his enquiries, all agencies providing detailed information regarding their involvement. Because of the unusual circumstances of the review (that is, the review was undertaken by an external reviewer), he said it was pleasing to have such co-operation since such reviews are normally undertaken internally by managers in each of the different agencies.

Before going through the draft recommendations in detail [redacted] stated that he had found that the services had responded to evidence of abuse emerging in this case in a timely way in order to ensure the immediate protection of the child, and there was decisiveness in taking appropriate decisions which were effective in delivering the child's security. Particularly with respect to information sharing and co-operation, as well as the duty to fulfil their responsibilities, the response of Jersey agencies was as good as or better than he had experienced in the UK."

[redacted] elaborated upon his recommendations and following open discussion the JCPC accepted all the recommendations and agreed to proceed on a timely basis and develop a work group to ensure that the outcomes of the review will be delivered. Throughout [redacted] report, and the discussion between members of the JCPC, the right to confidentiality of the child and family concerned was meticulously respected. It is therefore with outrage that the Committee has become aware that the Minister published in a number of emails to a large number of individuals in different agencies personal and highly sensitive information about a child who has been subjected to sexual abuse. This breaches the most fundamental principle of child protection work, particularly so in a small island community. The JCPC asks that this should be formally investigated by the Data Protection Commissioner.

The Jersey Child Protection Committee regards the Minister to have very seriously damaged the good name of services and individuals who are engaged in the very difficult field of child protection, and it has no alternative but to formally state that it has no confidence in his ability to hold political responsibility for this critical area of service.

Yours sincerely

Iris M. Le Feuvre

**Iris Le Feuvre
Chair - JCPC Committee**

**Agencies represented
Child and Adolescent Mental Health Service
Education Sport & Culture
Family Nursing & Home Care
Health Services
Jersey Medical Society
Social Services
NSPCC**

States of Jersey Police representative was present to observe but was unable to contribute the decision of the Committee due to the requirements for the Police Service to remain independent and impartial.

APPENDIX 6

Senator Stuart Syvret
Minister, Health & Social Services
Peter Crill House
Gloucester Street
St. Helier
Jersey
JE2 3ZG

E-mail: st.syvret@gov.je

15th August 2007

CHILD PROTECTION COMMITTEE

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Iris Le Feuvre
Chare
Jersey Child Protection Committee
La Bercheuse
La Grande Route de St. Laurent
St. Lawrence
JE3 1NF

Dear Mrs Le Feuvre

I was recently, in common with other Ministers, handed a copy of the letter you signed to Senator Frank Walker, which, effectively, demanded my dismissal as Minister for Health & Social Services.

It is sad, but predictable, that you should not have had the courtesy to contact me directly nor even send me a copy of “your” letter. Instead you send it to your personal friend, Senator Frank Walker, and then to the media.

But that is by-the-by. The central concern here is child welfare and child protection. As the Minister with legal and political responsibility for this important area of endeavour, I have to constantly reflect upon such matters and consider whether the island’s child protection apparatus is meeting the requisite standards.

The vast majority of staff employed by Health & Social Services do an excellent job. Some - in this case certain managers - however, do not. It is not my wish to cause “distress” to senior management staff. But - note this well – the ‘sensitivities of such staff’ come second in my list of priorities. My first priority is child welfare. Unfortunately, I have grounds for believing that failures may be occurring in the way children’s welfare services are managed and co-coordinated.

I am afraid that if my suspicions of failure required any further evidence “your” letter provides the final, crowning proof of the utter defectiveness of the child welfare and protection apparatus in Jersey.

I will go on to deal with each of the points raised in “your” letter, because the circumstances require that I should do so. Suffice it to say, for the time being, that in 17 years as a politician I have never come across a more ignorant, manipulative, incompetent and cynically dissembling letter written in any official capacity.

Before dealing with the manifest defects of most of the assertions contained within “your” letter, it is important - from a public interest perspective - that I deal with the genesis of “your” letter.

The most important feature of “your” letter is that - you were not its author.

The letter you signed, and I have this confirmed in writing, was, in fact, drafted by [], one of the very managers who carry responsibility for the very defects I have expressed public concerns over. She took advice from other senior managers involved in the social services and child welfare sector before submitting it to you for comment and signature, following an entirely defective JCPC meeting at which the draft letter was merely “read out” to those present, thus depriving them of any opportunity for considered reflection.

It could be argued that the most striking characteristic of “your” letter is that it constitutes the most clear, powerful and un-ambiguous published *evidence* – certainly in all the post-war years – of the ineffectuality, defensiveness, incompetence, collusion and stagnant culture of mutual support within the Jersey Civil Service.

Indeed’ if “your” letter is to have a lasting effect, it will be to prove just why self-regulation amongst the Jersey Civil Service virtually always fails at the higher levels.

Let us be clear about what has occurred here. I, in accordance with my legal responsibilities and powers, have raised some serious questions concerning failures within the child protection and child welfare field. Very serious questions – as is my public duty. Yet the very civil servants - the very officers responsible for any systemic failures - get to author the letter for your signature that demands *my* sacking!

Whilst you will clearly be completely out of your depth with such concepts, it may interest you to know that I have shown “your” letter to a number of independent experts in the child protection field. They have, to a person, found it utterly astonishing and appalling. Indeed, one academic even asked me if they could cite the letter in a paper they proposed to submit to a peer review journal. They described the genesis and content of “your” letter as a “text-book example of the ‘capture of the regulator’”.

In plain English, “your” letter demonstrates how key public services can become stagnant and dangerously defective if the very people whose principle task is to manage or deliver such services succeed in dominating, or even subsuming entirely, any regulatory or oversight structures.

There are clearly a range of significant problems within child welfare and protection in Jersey. Yet the Jersey Child Protection Committee has become utterly dominated by various officers - who are the very people who are answerable for such failures.

Similar observations could be made in respect of a number of different public sector co-ordination or regulatory functions within Jersey. This is what makes “your” letter so historically important.

For decades the people of Jersey have been mystified and angered at the bloated deficiencies, failures, expense, apparent immunity from sacking and near complete lack of accountability amongst the senior ranks of the Jersey Civil Service.

Well, the public need wonder no longer. Thanks to “your” letter, the harsh light of the truth is – finally – shone upon the culture in which Jersey Civil Servants and other senior public employees, collude in mutual protection - to the profound, and even dangerous, great disadvantage of the public good and of taxpayers’ resources.

As I said at the beginning of this letter, the prime issue of concern to me is child welfare. As I have already made plain publicly, I will be asking the States to agree to the establishing of a Committee of Inquiry.

When I take forward for debate the proposition, “your” letter will be ‘Exhibit 1’. It alone – and of itself – constitutes all the evidence one requires to see the festering collusive defects within the present arrangements and the need for profound change.

I will turn now to the assertions made within “your” letter, and, I am afraid, so great are its defects that a detailed response is required.

1: “Your” letter asserts that remarks made by me, both in the States assembly, and reported in the media, were

"intemperate and ill-considered."

- Let us remind ourselves what those remarks were. The people of Jersey – via their elected representatives – have the right to have questions asked and answered by their elected politicians in the island's parliament. I was asked, absolutely correctly, a genuine, spontaneous question during Questions Without Notice. I gave a straight, frank and honest answer to that question when I said I had no grounds for believing we were anywhere near being able to meet the Kathy Bull recommendations in respect of the children's homes, and moreover, I had grounds for actually having little faith in the present child welfare apparatus of the island. These remarks were, perfectly properly, subsequently reported in the media.
- I gave, and will continue to give, honest answers in the Sates assembly. Clearly, the civil servants who drafted "your" letter, you, the JCPC and a number of senior politicians would prefer that Ministers gave incomplete, misleading or outrightly dishonest answers to questions.
- The answers I gave were entirely accurate, necessary and reasonable under the circumstances. In recent weeks even more evidence has come into my possession, often on an hourly basis, of profound concerns in respect of the treatment of 'looked after' children.
- As already remarked, were any further evidence required of structural defects within child welfare and protection in Jersey, "your" letter, authored by the very civil servants under scrutiny, provides all necessary evidence – simply of itself.

2: "Your" letter states the obvious when it says that my remarks were critical of the services and, by implication, the individuals who manage them.

- Yes. And your point is? I have often marvelled at the view held by many, and which you express in "your" letter, that it is somehow the job of politicians to be the defenders of the public sector. This is not the job of politicians; indeed the reverse is the case. As elected politicians, we are the agents of the people. It is, therefore, our job to protect the public interest from possibly defective public services – not to protect those services from public scrutiny and challenge.
- It also needs pointing out to you that the answer I gave in the island's parliament was not case-specific, did not name or identify any specific officer, name any particular individual, and was of an entirely general nature. Therefore the answer given by me met every relevant standing order or code requirement.

3: "Your" letter states that the views I expressed were "erroneous, and not based in a true understanding of these services, and the complexity of their work."

- Had you and your JCPC colleagues had the courtesy to speak with me, you would have learnt that I, in fact, have a good understanding of these subjects – in fact a rather better understanding than is comfortable for some of those employed by the island's taxpayers' to work in these areas.
- As I will explain later, I have, in fact, taken extensive advice from various experts. However, even if this were not so, one does not need to be an expert in these matters to realise that extensive, multi-agency failure to make preventative intervention, and then to compound that failure by failing to detect the sustained sexual abuse of the child victim during an 18 month period – has to be regarded as a matter of profound concern.
- Likewise, one need not be an expert on human rights or child welfare to realise that the routine and standard use of solitary confinement against children for 24 hours upon admission to the secure unit constitutes – by all respectable international standards – torture and child abuse of itself. Such practices including the removal of mattresses and bedding during the daylight hours when a child is locked in "The Pits", leaving the child imprisoned in a stark and harsh environment. It obviously needs spelling out to you that not even adults – rapists or murderers – are treated in this manner.

4: “Your” letter states that members of the JCPC are astonished that I have brought none of my stated concerns to the JCPC.

- This assertion is entirely false. As [] states in his Special Case Review, it was I who asked [] to undertake that review. This he did, and he sent me a copy of his draft SCR report. Upon reading his report, I wrote the e-mail which was highly critical of the services and I expressly asked that he take copies of my e-mail to the imminent JCPC meeting for consideration. He did this.
- Thus the JCPC was asked for its views, moreover, the JCPC was expressly asked by me for its views on this particular case.
- I asked [] to take ~~my~~ file to the JCPC meeting precisely so I might receive a response from that body to the concerns I expressed, and to see what lessons may be learned from this sad case.
- The JCPC was at perfect liberty to respond formally to me saying whether it agreed, disagreed or partly agreed with my views. Even a considered rebuttal of my comments might have constituted a professional approach.
- Instead, what response did I get from the JCPC? Nothing. What actually emerged was a grade A, text-book example of a supposed oversight authority catastrophically dropping its duty – and instead rallying to the defence of clearly deficient services and individuals.

5: “Your” letter accuses me of failing to take advice from those who have knowledge and understanding of the child protection process.

- This assertion simply displays further the ineptitude of the JCPC under your Chairmanship. I have taken extensive advice on the subject of child welfare and child protection. Particularly so recently. Had you and the JCPC responded properly to my e-mail and spoken with me you would know this.
- By way of contrast to the JCPC, I have actually taken advice from a range of *independent* experts – rather than rely solely on those who manage the services in Jersey. These experts include people of national stature.

6: “Your” letter claims that I have not sought to create a dialogue with those whom I need to rely upon to interpret the duties of the service.

- At risk of repetition, I have sought to create such a dialogue in various ways. In this particular case, I asked [] to undertake the SCR. I also asked that he take ~~my~~ file of observations to the JCPC for a response. Your assertion is, therefore, demonstrably utter rubbish.
- You also clearly do not possess the faintest grasp of the relationship between non-expert politicians, and the supposed “professionals” who manage the services for which the politicians are responsible. If there are defects or problems within child welfare and child protection, it is the job of the relevant managers to bring such issues to the attention of the politician. It is not the job of the politicians to have to root around within every detailed area of specialist activity, qualification and skill in order to second-guess or re-direct the relevant professionals. You think, perhaps, I should be marching around the operating theatres, looking over the shoulders of Cardiologists and telling them their job? If there are defects, failings, resource issues or structural challenges within certain specialist areas, it is the task of the relevant officers to bring such issues to the attention of the Minister. That is what taxpayers pay the officers for; to do their job properly.
- I have been a politician for 17 years and I have learnt that it is never a good idea to have only one source of advice – that from within one’s own Department. This episode simply reinforces the wisdom of that position. It is thanks precisely to the fact that I have taken independent advice that I have learnt of a number of serious problems. The advice I have, and am, taking includes that of senior figures in several highly respected national organisations. That is why we find our selves in the position of me fighting for

civilised and competent standards of child welfare and protection – and the JCPC finds itself on the other side; fighting to defend manifestly deficient over-promoted and over-paid individuals who have been pursuing defective practices.

7: “Your” letter asserts that I do not understand my duties and role as Minister in respect of child welfare and protection.

- This is one of the most tragically defective assertions within “your” entire letter. Unlike the JCPC – and if this were not the case “your”, frankly, disgraceful letter would not have been issued – I understand my duties perfectly. I understand very well indeed, for example, the Children (Jersey) Law 2002. It is the responsibilities and powers vested in me by that Law that have caused me to express the type of concerns which the JCPC is objecting to.
- I am carrying out my legal responsibilities to child welfare and protection. By acting in the manner it has, the JCPC is actively obstructing me in the carrying out of those duties. Instead of joining with me in asking very serious questions of certain services, the JCPC has put its name to a letter drafted by the very officers who should be under scrutiny. The JCPC has sided with time serving, over-paid bureaucrats - and against the interests of children.
- Given that you signed “your” letter, one can only assume you do not have the remotest familiarity with the Children (Jersey) Law 2002. I will, therefore, quote a few passages from it.

19 General duty of Minister in relation to children the Minister looks after

- (1) Where the Minister is looking after any child, the Minister shall –
 - (a) safeguard and promote the child’s welfare; and
 - (b) make such use of services available for children cared for by their own parents as appears to the Minister to be reasonable in the case of that child.

35 Causing harm to or neglecting children under 16

- (1) If any person who has responsibility for a child under the age of 16 intentionally or recklessly –
 - (a) causes any harm to that child;
 - (b) exposes the child to a risk of harm; or
 - (c) neglects the child in a manner likely to cause the child harm,the person shall be guilty of an offence and liable to imprisonment for a term of 10 years and to a fine.

42 Minister’s duty to investigate

- (1) Where the Minister –
 - (a) is informed that a child is the subject of an emergency protection order or is in police protection; or
 - (b) has reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm,the Minister shall make, or cause to be made, such enquiries as the Minister considers necessary to enable the Minister to decide whether he or she should take any action to safeguard or promote the child’s welfare.
- It is perfectly clear from these Articles that any person causing harm to, or neglecting a child is committing a criminal offence against that child. These Articles also make it clear that I have the responsibility to

promote the safety and welfare of children – and that I have the powers to undertake whatever enquiries as I see fit, should I have cause to believe any child is suffering or has suffered harm. Attempting to meet these legal requirements is precisely what I have been doing – in the teeth of opposition from the JCPC.

- The JCPC must - given “your” letter - clearly believe that failing to rescue a vulnerable child – for 18 months - from horrifying abuse, or that the routine imprisonment of children in solitary confinement with 23 hour lock-downs, is of lesser importance than protecting the supposed “professionals” who are responsible for child protection?

8: “Your” letter – the one written by one of the key senior officers at least partly responsible for the defects in the service, let us recall – asserts that my “actions have increased the risk to those children who require protection”. This one disgraceful claim alone, and of itself, is sufficient to demonstrate convincingly the validity of my concerns and the utter shameful deficiency of the staff involved.

- The assertion of the JCPC displays yet more truly startling ignorance of the subject matter for which it has responsibilities. I have spoken to a range of nationally recognised experts in the field of child protection, and they have – without exception – dismissed the assertion in the JCPC letter as the manifestly wicked nonsense that it is.
- The claim, to which you put your signature, is a well-documented text-book example of a technique used by defective services when attempting to suppress public scrutiny of their incapacities. It is, frankly, shaming to Jersey that its CPC should allow itself to be used in this way.
- Nothing said publicly by me; no reported remarks of mine, put children at risk. On the contrary, the raising of public awareness of such issues invariably leads to increased vigilance.
- Such public debate also has the effect of stimulating various services to improve their performance. Although things have begun to fall back, we saw the effect that the publication of the Kathy Bull report had upon the somnolent child protection apparatus. That report was, incidentally, given to the media for publication by me – in the teeth of furious opposition from various officers and politicians.
- You should be aware that the fight to improve things for the island’s children is not being conducted by me alone. A number of other individuals, many of them brave and committed professionals, have also been fighting for improvements. People who live in fear of the managers you seek to defend. Should they too have remained silent? We can only assume the JCPC would prefer children to be abused, than that there be any public controversy about the subject.

9: “Your” letter asserts that public confidence in these services is essential.

- Public confidence in such services is, indeed, highly desirable. But it is only desirable if the confidence is well-placed. It is not only unhelpful – it is positively dangerous for the public to be lulled into a sense of complacency that all is well within such services – if, in fact, - those services are defective and failing.
- A range of services that engage in such activity as the routine imprisonment of children in solitary confinement is not worthy of “public confidence”. The JCPC feels, perhaps, that the public should be confident in a collection of services that encounters a clearly troubled child, yet fails to intervene – with the result that the child victim goes on to suffer 18 months of appalling abuse?
- Your assertion is tragic rubbish. As the literature shows, heightened public awareness, even of controversial issues, leads to increases in early referral.
- But in any event, if a collection of child welfare and protection services are so clearly demonstrating defects and failures – then it is entirely correct that the public should have reduced confidence in them. It is not the job of politicians to con the public into believing things are working correctly – when they are not. Instead, my job is to attempt to put things right.

10: “Your” letter asserts that the entirely general comments made publicly by me might prejudice cases before the court.

- This assertion is so contemptibly fictitious as to be scarcely worth bothering with. I am perfectly certain that no public remark by me has risked any such effect upon cases presently before the courts. I’m absolutely certain that if that were not the case, the Attorney General would have been in touch with me by now. The only point in dwelling upon this nonsense is to cite it as yet further evidence as to the self-serving

and worrying capture of an oversight agency by those whose work it is supposed to be overseeing.

11: “Your” letter asserts that my remarks were irresponsible and that I failed to use set procedures.

- You, the JCPC – and the senior officer who wrote “your” letter, clearly believe that the “responsible” thing to do would be to not honestly and accurately express an entirely general concern about child welfare and protection services which are clearly failing? You think it “irresponsible” to raise serious concerns in respect of multi-agency failure to rescue a child victim during 18 months of abuse? Again, one has to remark that that “your” letter can contain such statements is all the evidence one requires of your failure.
- As explained above, but it clearly requires repetition, I did, as a matter of fact – use appropriate procedures. Having observed the extensive media coverage of the case, I asked [] to undertake an SCR. I received the draft SCR report, I wrote the critical e-mail which so frightened the author of “your” letter. I sent the e-mail to [] and others involved in his SCR. I made the express request to [] take copies of my e-mail and give them to members of the JCPC so that I might receive a response. These steps were entirely appropriate procedures.
- The failure to use set procedures is entirely a failure on the part of the JCPC. Rather than responding directly to me in respect of my e-mail, the JCPC, you, and the author of “your” letter write directly to the Chief Minister demanding my dismissal and you issue “your” letter to the media. Perhaps you could show me where – in any set procedure – this conduct is described as appropriate?

12: “Your” letter asserts that my comments have affected the ability of staff to fulfil their duties to “the usual high standard”. You go onto say that I have questioned the professionalism of some staff.

- Nothing done, written or said by me could legitimately or honestly be claimed to be preventing staff from carrying out their duties. Indeed, a number of staff – people at the coal face – have contacted me to say that my observations were correct and that these events had actually improved their ability to carry out their duties.
- Yes, my remarks could certainly be taken as questioning the professionalism of certain senior management staff. And your point is? As the agent of the public, it is not my job to protect highly paid civil servants from a reasonable public expectation of acceptable standards of performance from senior managers. On the contrary – it is my job to question apparent deficiencies. I am in no doubt whatsoever that in the evidence of an 18 month, multi-agency failure to rescue a child from horrifying abuse, the ordinary person in the street would be joining with me in asking very tough questions of the agencies concerned.

13: “Your” letter criticises my remarks concerning the Child and Adolescent Mental Health unit, in that I asked a question as to why I shouldn’t just sack everyone who worked there and close it down.

- As is perfectly obvious to any reasonable person, this question was rhetorical. No individual Minister possesses the power to simply sack staff. There can be few States employees – if any – who are not aware of their rights and the relevant procedures.
- My criticism of CAMHS remains. This service had the victim as a client for a period of 2 or 3 months. This was some time *prior* to the descent into abuse. This was an opportunity to intervene effectively with this clearly vulnerable child. Instead CAMHS “closed the file” on the victim because “he was difficult to engage.” Being “difficult to engage” not being an uncommon characteristic amongst referred clients to this type of service.
- This is akin to the Fire Service being called out to a blazing house – poking around for a few minutes – then getting in their truck and going back to the station “because the flames are too hot”.

14: “Your” letter attempts to imply that I in some way have been critical of [].

- This is completely untrue. In no way do I have any criticisms of [], nor do I challenge the content of his SCR report.
- The concern expressed by me was that the SCR only dealt with the period from disclosure. My concern was, and remains, that a more detailed consideration has to be given to the clear multi-agency failures which occurred in this case *prior* to disclosure.

15: “Your” letter accuses me of breaching the Data Protection Law because of the e-mails I sent which referred to this case.

- As the Minister responsible for child protection and child welfare – with various concomitant legal duties and responsibilities – my issuing of the e-mail in question was entirely appropriate, given the people included all have a role to play in the child welfare and protection field.
- No e-mail or any other thing issued by me identifies the victim or his family. All information was anonymised.
- But in any event, you clearly have no understanding of the Data Protection Law. I will quote some passages which deal with exemptions:

29 Exemption: crime and taxation

- (1) Personal data processed for any of the following purposes –
 - (a) the prevention, detection, or investigation, anywhere of crime;
- (2) Personal data that –
 - (a) are processed for the purpose of discharging functions under any Law; and

30 Exemption or modification for sake of health, education or social work

- (3) The States may by Regulations exempt from the subject information provisions (or modify those provisions in relation to) personal data of such other descriptions as may be specified in the Regulations, being information –
 - (b) appearing to the States to be processed in the course of, or for the purposes of, carrying out social work in relation to the data subject or other individuals,

31 Exemption for sake of regulatory activity: charities, health and safety, protection against financial loss; maladministration or practices contrary to fair trading

- (1) Personal data processed for the purposes of discharging any of the following functions are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of the function –
 - (a) a function designed for protecting members of the public against –
 - (iii) dishonesty, malpractice or other seriously improper conduct by, or the unfitness or incompetence of, persons authorized to carry on any profession or other activity;
- Each of the passages I quote above clearly describes exemptions within the Law – that is, grounds when disclosure of information is permissible – or even a requirement. Any information distributed in this case by me is covered by these exemptions.
 - There are also a number of well established principles that underpin the disclosure of data. I will quote two here:
 - 1: A higher legal requirement. For example, a higher legal requirement, as embodied in this case in the Children (Jersey) Law 2002, is the protection of children, their safety and welfare. If the disclosure of certain information is needed to achieve that legal requirement - then disclosure is not only permitted - *it is required*. I have disclosed data to those who can assist me in carrying out my higher legal obligations.
 - 2: Professional ethics. Any person with a professional involvement with child welfare and safety is *required* to disclose information if it is necessary to do so for the safety and welfare of those children. In

this case it has proven necessary to do so – not least because of the frankly bizarre attempts of you and the JCPC to obstruct me in the carrying out of my legal duties and responsibilities as described in those parts of the Children Law which I quoted above.

- The failure to understand these principles simply serves as yet more evidence – as though more were required – of the utter incompetence of the JCPC under your Chairmanship.

16: “Your” letter approaches its end by asserting that my comments and e-mails have seriously damaged the good name of the service.

- To labour the point, the “good name” of a service should only be protected if the “good name” is justified. I am afraid – as much of this case, the senior management of the services, other cases and the performance of the JCPC is concerned - it is doubtful that protecting a “good name” could be remotely considered to be a prime objective and responsibility of mine.
- For example, although the JCPC obviously disagrees with this view, I do not consider the multi-agency failure to rescue a child from abuse sustained over an 18 month period, to particularly merit a “good name.”

17: “Your” letter concludes that the JCPC have no confidence in my ability to hold political responsibility for these areas of service.

- No doubt, your personal friend, Senator Frank Walker will be very grateful for you expressing such views. However – the evidence, merely some of which I describe above – must lead us to a rather different conclusion.
- Far from not having the ability to hold this post, the actions taken by me demonstrate the reverse; In me we have a Minister who is prepared to ask hard questions; who is not satisfied merely to accept gross failures within the services; who is prepared to speak out honestly about these matters; and who is not afraid to confront precisely the kind of entrenched, self-supporting defective claue that has subsumed the JCPC and is attempting to have me removed from the post of Minister for Health & Social Services.
- For in truth, what then, are we to make of the grotesque failure of the JCPC - as embodied in “your” letter?

CONCLUSION

If any further evidence towards my concerns were needed - that some parts of, and a few senior individuals within, the child protection and welfare establishment in Jersey are incompetent, defective, terrified of scrutiny and ruthlessly self-interested in their closed-rank attempts to fight and oppress those who question – “your” letter provides all the evidence required.

“Your” letter demonstrates comprehensively the well-documented culture of mutual support and closing-of-the-ranks, which sees, especially in the Jersey context, a culture of near invulnerability on the part of senior management public employees. A culture which is inimically hostile to the public good. But unfortunately, a culture you have chosen to support.

The position you have placed the JCPC in – by signing a letter written by criticised staff - is, clearly, simply impossible to sustain. You call an emergency meeting of the JCPC – yet do not invite me to the meeting, nor even inform me of the fact it was happening. You have a difference of opinion with me over the standards and safety of child welfare – yet instead of inviting me to discuss my concerns – and quite possibly allowing us all to share important information that would go towards improving child welfare – you excluded me totally - for partisan purposes. You, and others on the JCPC, have chosen to place self-defensive posturing above attempting to communicate in respect of child welfare issues.

Again, sadly, I have to point out that the conduct of yourself and the JCPC, as embodied in “your” letter, simply

proves – comprehensively – the comment I made in the States assembly concerning a lack of faith in the island’s child welfare apparatus.

Indeed, so defective has been the conduct of the JCPC under your Chairmanship in this matter that I know of a social science journal interested in this gruesome phenomenon; for embodied in this performance by you and your Committee, we find a fascinating conflation of both ‘Groupthink’ and the close-capture through socialisation, of an oversight authority by those it is supposed to be overseeing.

Instead of the requisite hard examination by the JCPC of service defects, we get nearly two-and-a-half vomited pages of Politics; a horrifying, deficient and disgusting festering mess of sophistry, lies and tribal self-defence – written by an officer – and to which you have committed your signature.

If asked to point to one piece of evidence that proves your deficiency for this task, I would refer people to “your” letter of the 25th July 2007. You and the present JCPC embody the capture of the regulator by those supposedly regulated. The near complete disregard you exhibited for child protection when contrasted to your unhesitating and ruthless defence of those whom you should have been questioning says all that needs to be said.

I have carefully checked the legal establishment of the JCPC and its various changes over the years. As a component of the island’s child protection apparatus, it is clear that responsibility for the JCPC, for you as its Chair and the performance of the JCPC resides with the Minister for Health & Social Services. As does the consequent power.

You are, therefore, sacked from the post of Chair of the JCPC and from any further involvement with the JCPC with immediate effect.

I will be restructuring the JCPC in the coming days.

Yours sincerely

Senator Stuart Syvret
Minister, Health & Social Services
States of Jersey.

Health and Social Services Department

Chief Executive

Peter Crill House, Gloucester Street
 St Helier, Jersey, JE1 3QS
 Tel: +44 (0)1534 622285
 Fax: +44 (0)1534 622887

Senator S Syvret
 Flat 6
 Raleigh Court
 St Helier
 JE2 3ZG



16 August 2007

Our ref: JMP

Your ref:

Dear Minister

You have asked that I prepare a Ministerial Decision in respect of the Chairmanship of the Jersey Child Protection Committee (JCPC). That decision is to dismiss Mrs Iris le Feuvre from the position of Chairman of the JCPC with immediate effect.

It is my duty as your Chief Officer to give you my best and clear advice to aid you in your decision making. In formally submitting this advice to you I have myself taken advice from   Consultant Paediatrician, member of the JCPC itself and some one I know you have great respect for.

My clear and unambiguous advice to you is that you should not make a Ministerial Decision to dismiss Mrs Iris le Feuvre.

The context for my advice is as follows;

Distilling the formal terms of reference of the JCPC, its role is to bring together the relevant statutory and non-statutory authorities to ensure that the management of the most vulnerable of children is of the highest standard and to ensure that – through “joined up” working – gaps in service between the agencies do not occur which such children can fall through and thereby be seriously damaged. There has to be clear leadership at all times to ensure that these functions are carried out.

The reasons in support for my decision are as follows;

- You have expressed your dissatisfaction with the chairman and the JCPC in writing following a letter which was sent to the Chief Minister by Mrs le Feuvre dated 25th July 2007. The formal testing of the contents of Mrs le Feuvre's letter to you and your various letters and emails stating your dissatisfaction with the JCPC has not taken place yet. The testing of these matters should - in my opinion - be conducted within the framework of the formal review process (es) which is/are yet to be devised but which I know is the subject of discussion between you and your ministerial colleagues. The allegations and disputations can then be resolved with the advice and counsel of independent authority figures who have standing within this particular professional and highly sensitive domain. Following this formal testing, any decision on the competence of Mrs le Feuvre can then be taken by you on the basis of clear and transparent evidence.
- It is clear to me that if you decide to dismiss Mrs le Feuvre then the work of child protection *will not* collapse overnight – after all the JCPC meets on a monthly basis with the professional work of its constituent members taking place within the respective

Department on a day to day basis . However, such a decision to dismiss will add "crisis into the system" to quote () advice to me this morning and will be a "distraction" (I cannot think of a better term) from the substantive work of the committee itself.

- The dismissal of Mrs le Feuvre will mean that - in the short term at least - the Deputy Chairman will preside. The Deputy Chairman is Directorate Manager of Social Services. You have stated that you have no confidence in this person. Thus there will be no chairman and no interim chairman.
- In your letter of the 15th August to Mrs le Feuvre you state that you will be "re-structuring the JCPC in the coming days". Given the highly sensitive role of the JCPC, my advice is that it is dangerous to take such a decision to dismiss Mrs le Feuvre without having a clear and acceptable re-structuring proposal – a Plan B to use the vernacular – which would be practical and workable. How such re-structuring is even possible in the current context is impossible for me to envision despite giving this a great amount of thought. Most of the members of the JCPC attend by virtue of their professional roles within the respective statutory and non-statutory agencies. Such members fulfill two functions. Firstly, they bring to bear their own professional skill and experience. Secondly, they commit their respective organisations to particular courses of action. The JCPC cannot then be re-structured without the active engagement and enthusiasm of these people – people who are in short supply in Jersey. But these are the very people (with the exception of the SoJ Police Officer members) who co-signed the Chairman of the JCPC's letter to you. At this point I cannot see what would follow – which again urges me to advise you not to proceed with the dismissal decision at this time. You could end up with the worst of all worlds which is no functioning JCPC, no viable re-structuring proposal and the unwillingness of a range of professional and other people to serve in the current climate.
- The people who have advised you on this matter are not known to me and therefore I cannot attest to the quality of the advice you are receiving. Thus advice of this nature and in this form does not comply with the highest standards of governance.

In submitting this advice to you I am clear in my belief that I am honouring my professional code, I am seeking to protect you and your integrity which I have done for the past three years or so now as per our agreement when we first met, and seeking to secure the best child protection mechanisms in the current climate in the interests of children themselves.

Yours sincerely

Mike Pollard
Chief Executive

Direct dial: +44 (0)1534 622285
Email: m.pollard@health.gov.je
www.gov.je

JERSEY CIVIL SERVICE FORUM

STAFF SIDE

c/o Customs & Immigration Service
Maritime House
La Route du Port Elizabeth
St Helier
JE1 1JD

03 August 2007

Senator Frank Walker
Chief Minister
Chief Minister's Department
P.O. Box 140
Cyril Le Marquand House
The Parade
St Helier
JERSEY
JE4 8QT

Dear Chief Minister,

The Civil Service is bound by rules of conduct which in general require its members, who we the Staff Side represent, to behave in a manner which is conducive to good government and which retains the respect and confidence of Ministers, other States Members and the public. The restrictions imposed on Civil Servants are, importantly, complemented by the States' own principles of conduct and in particular those relating to matters of the capability and behaviour of its employees. The Civil Service and indeed States Members are also both bound by rules and law on confidentiality.

It is therefore with much dismay, indeed disgust, that recently we have observed through the media the vitriolic outbursts of the Minister for Health & Social Services aimed at certain groups of members of the Civil Service. We are moreover aware that individual Civil Servants have also been directly on the receiving end of despicable, threatening and bullying correspondence from the Minister. The Minister's behaviour is all the more distasteful because he has targeted employees in the areas of health and social welfare where confidentiality and trust are of the utmost importance. We believe he has abused his privileged position and is using members of the public and employees, for whom he has a prime responsibility, as political footballs.

We make no apologies for referring to Senator Syvret's behaviour as bullying. The States policy on harassment and bullying "recognises the right of all employees to be treated with dignity and respect". Bullying is defined as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means which undermine, humiliate, denigrate or injure the recipient". There is no doubt in our minds that Senator Syvret's behaviour meets a number of the criteria contained in that definition.

The Civil Service Staff Side has neither the desire nor the intention to be drawn into the political and public debate on this matter. Our function remains to protect and support our members through the proper channels and not through the media. While we are aware of the action taken so far by the Council of Ministers the Civil Service looks to you, Chief Minister, and the Council of Ministers to take such further steps as are now necessary to restore the trust, confidence and goodwill between the States of Jersey and its employees which have been

severely damaged by the Minister for Health & Social Services.

Yours sincerely,

John T. Noel
Chairman of the Staff Side,
Jersey Civil Service Forum.

STRICTLY CONFIDENTIAL – FOR ADDRESSEE ONLY

Serious Case Review

**Overview report of interagency working with a
young person**

**Author:
Consultant Community Paediatrician**

presented for

**Jersey Child Protection Committee
2007**

**THE REPORT HAS BEEN EDITED TO ENSURE
THAT THE YOUNG PERSON CANNOT BE IDENTIFIED**

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Background

In order to protect children from serious harm and neglect, agencies need to work together, share information, clarify roles and responsibilities, take mutual decisions and respect one another's professional judgements.

When a child dies or suffers serious and permanent impairment to health and development through abuse or neglect, it is incumbent upon agencies to determine if their professional and interagency practices might be improved, to prevent a further such occurrence.

In England, Wales and Northern Ireland, the process for undertaking such scrutiny is known as a serious case review (SCR) and is described in Working Together to Safeguard Children 2006 (H.M. Govt.)

In response to Lord Laming's recommendations following the Victoria Climbie Inquiry, the UK govt. endorsed the Children Law 2004 establishing Local Safeguarding Children's Boards (LSCB's). These boards were granted statutory powers to conduct SCR's and ensure that any subsequent recommendations were fully implemented or addressed.

In Jersey, many of the practices of protecting children from serious harm and neglect are similar to those which exist in the UK mainland. Indeed, the Children (Jersey) Act 2002 provides legal procedures to protect children much along the lines of the Children Act 1989 in the UK.

The Jersey Child Protection Committee (JCPC) does not have statutory powers like a LSCB. However, by conducting this SCR in Jersey, it is hoped that this will assist agencies in working together and reflect current multi-agency child protection practices in the UK.

Introduction

The purpose of serious case reviews is to:

- establish whether there are lessons to be learnt from the case about the way in which local professional and organisations work together to safeguard and promote the welfare of children.
- identify clearly what those lessons are, how they will be acted on, and what is expected to change as a result; and
- as a consequence, improve inter-agency working and better safeguard and promote the welfare of children.

Serious case reviews are not inquiries into who is culpable. Rather, they are intended to inform professionals and improve multi-agency practices.

Terms of reference

- Criteria for conducting a SCR

This SCR was initiated following concerns raised by agencies and the Minister of Health regarding the outcome for a child who had suffered serious and repeated sexual abuse over an 18 month period. Representatives from Social Services, Health and Corporate Governance met to consider how to proceed. The Chair of the JCPC in accordance with the Children Act 1989 instigated a SCR following this consultation process.

The criteria met for conducting this SCR are found in Working Together 2006, Chapter 8, paragraph 8.6

- **Scope of the review**

Several issues identified at the outset of this SCR are specifically addressed. These include:

- referral and consultation practices of Health with the multiagency Child Protection Team
- child protection practices during simultaneous criminal investigation
- maintenance of confidential medical information.
- procedures and consultation practices of Education in the management of a child with an uncommon infections illness.

- **Period of the review**

Information obtained by the police indicates that the victim was sexually abused up to 2 years prior to the date of disclosure to Children's Services of possible abuse. A SCR examines the professional practices of agencies in working together to safeguard and promote the welfare of children. The time period of this review, is therefore, limited to the date of disclosure of possible abuse until the date of commencement of this SCR

- **Agencies involved**

- HSS
- Police
- Education

Other than the parenting support service, non-statutory agencies are not known to have been involved with the victim or family.

- **Involvement of non-professionals**

There are no known non-professionals involved with the victim or family. Family members were not consulted in conducting this review, as child protection procedures were ongoing.

- **Coordination of this review**

Criminal investigations were completed prior to this SCR. Joint working with legal services was not required.

Contributors

I should like to thank the contributors from Health, the Child and Family Team, Police and Education for their diligence to assist with this serious case review.

Chronology of Events

Ordinarily, each agency undertakes a management review of its involvement with the subject of the SCR, using staff who have had no direct or indirect responsibility in the case. At the same time, the ACPC/LSCB commissions an individual independent of the professionals/agencies involved, to produce an overview report analysing the findings of each organisation and making recommendations.

The following chronology represents a synthesis of events, through the direct investigation by the author, of the involvement of each agency with the child and family. This proved necessary, as it was not possible to identify staff within each of the agencies, who had neither involvement with, nor responsibility for the subject and who had the necessary skills to conduct such a review.

Chronology

Background Information

Analysis

Good practice

It is apparent, in reviewing the involvement of agencies with this young person and family, that there were many examples of good practice. For example;

- Recognising that serious harm to the young person may have occurred, agencies responses were timely, decision-making was effective and opportunities for further information gathering were taken.
- All agencies facilitated exchange of important information to assist in the assessment of the young person's vulnerability and risk of harm.
- All agencies were diligent in the pursuit of their professional responsibilities to ensure the immediate safety and welfare of the young person.

Areas of concern

Communication

- The initial strategy meeting to collect information from agencies and decide how best to proceed with further investigations, took place between Children's Services and the police only, without consultation with Health or Education.
- The decision to defer an initial case conference was not communicated to Health or Education.
- The knowledge that the family intended to leave Jersey over the summer was not shared between agencies. No strategy discussion took place to consider the 's safeguarding and mental health, when this information became known.

Processes

- An initial child protection conference was deferred to avoid the potential for corrupting police evidence through information sharing. This was **unnecessary** and inappropriately prioritised criminal prosecution over the immediate and future risks to the child of significant harm.
- All agencies complied with requests by the young person and mother not to involve other family members. Given the serious nature of abuse and the concerns known to Children's Services about relationships within the family, this placed the (and mother) at potential risk should the facts have become known. The age and competence of a young person to make independent decisions must not override the responsibility of agencies to ensure his/her safety.
- In general, consent should be obtained for the sharing of medical information between

agencies, :

Disclosure of medical information without consent should only take place if such information serves to protect the child from significant harm or abuse, or if it is in the public interest. Such information must be relevant and adequate, but not excessive in relation to the purpose for which it is shared.

-
-
- Health needed to become involved in the processes of protecting a young person. Although informed by the mother that the Children's Services and the police were involved, not all professionals ensured this was the case. When a child or young person is recognised to be in need of protection, health professionals must **actively engage** with other agencies.
- Following conviction of the perpetrators of the abuse, the police allegedly advised the Children's Services that the case was closed to them. The roles and responsibilities of police in cases of child protection extend beyond conviction of perpetrators. All agencies should continue to work together until there is mutual agreement that all aspects of the future safety and welfare of the child have been addressed.

Training

The subject of this review was extremely vulnerable, as evidenced by many aspects of his behaviour. This does not appear to have been adequately recognised either before referral to Children's Services or following initial child protection enquiries.

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-
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Recommendations

1. Strategy meetings in the initial investigation of possible child abuse should involve/inform all statutory agencies and others as appropriate. Minutes arising from such meetings should be provided to each agency.
2. All cases of serious or potentially serious abuse should proceed to an initial child protection conference unless in the course of investigation there is clear evidence to the contrary. Case conferences may occur in parallel with police enquiries. Concerns regarding the corruption of police evidence arising from case conferences must be discussed through legal advisors available to agencies.
3. While it is important to listen to the victim of abuse and his or her family, it is essential for the future safety and welfare of the child, to fully assess his/her home environment and engage all responsible adult members of the family and the carers.

4. When agencies become aware of a child about whom there are concerns of significant harm or potential significant harm, professionals within these agencies have a statutory duty to share information (Article 42 Children (Jersey) Law 2002).
5. Professionals involved in sharing personal information about the subject of a child protection inquiry, should document such disclosure and be prepared to justify their decision.
6. Significant changes in the domestic arrangements of a child under investigation for possible abuse must be relayed to all statutory agencies.
- 7.
8. In consultation with Health, robust processes to ensure the safety and welfare of pupils, need to be developed within Education.
9. Processes need to be developed by agencies to secure records and make available persons to conduct management reviews.
10. Further training is required by all agencies in the identification, protection and care of children and young people who may be suffering sexual abuse.

References

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2. **The Victoria Climbié Inquiry.**
Report of an Inquiry by Lord Laming 2003. London TSO
www.victoria-climbié-inquiry.org.uk
3. **Children Act 2004.**
London HMSO
4. **Children (Jersey) Law 2002**
Jersey Legal Information Board.
www.jerseylegalinfo.je
5. **Children Act 1989**
London HMSO

This Document has been edited to ensure data protection compliance [changes are enclosed within square brackets]

-----Original Message-----

From: [Consultant paediatrician]
Sent: 17 August 2007 18:10
To: Bill Ogley
Subject: RE:

Dear Bill,

I'm sorry if my email seemed obtuse. As you will understand, I along with others, need to be certain that our comments are interpreted correctly and in the context as professionals working for health and social services.

To answer your questions;

1) No, I did not uncover evidence of grossly inadequate performance in the child protection apparatus in Jersey. As I have stated, I did discover practices and arrangements related to the future safeguarding and welfare of the child which could be improved.

2) No, I did not find evidence of gross incompetence, complacency or failure to cooperate on the part of any individual to protect the subject of this SCR. I did find evidence of a lack of appreciation of the complexities of child sexual abuse and the need for all agencies to receive further training in this area.

Bill, I hope this provides you with the clarity you seek.

-----Original Message-----

From: Bill Ogley
Sent: 17 August 2007 06:37
To: [Consultant paediatrician]
Cc: Mike Pollard
Subject: RE:

Dear [Consultant],

thank you for this. I appreciate that you are a relative newcomer and therefore cannot comment more widely. I believe we all share the commitment to ensure that all agencies and the system generally is performing to the highest standards and are not questioning the Minister's intent.

Whilst I appreciate this note it does not answer the question that I asked and I hope you will be able to answer it directly. My question is whether there is anything in your report on the SCR into the specific case which suggests or justifies the Minister's allegation of grossly inadequate performance of the child protection apparatus in Jersey. I would also like to know whether there was anything in your report which could be said to be evidence of the gross failure of any individuals.

I believe that these are two specific questions which I hope you will be able to answer directly.

Yours sincerely

Bill Ogley

Chief Executive to the Council of Ministers and Head of the Paid Service

-----Original Message-----

From: [Consultant paediatrician]
Sent: Thu 16/08/2007 20:48
To: Bill Ogley

Cc: Mike Pollard

Subject:

Dear Bill,

Further to our conversation, you asked if I could provide you with my opinion as to the substantive nature or otherwise of concerns expressed by the minister of health and social services of grossly inadequate performance of the child protection apparatus in Jersey.

Whilst I have some experience and expertise in child protection, I am a relative newcomer to Jersey and do not believe I can adequately comment upon the minister's allegations. As you know, on the 26th July 2007, the Council of Ministers launched a three stage inquiry to seek clarification of this matter.

In my review, I encountered full co-operation from individual professionals and agencies. I discovered many examples of good practice, in particular, agencies responded quickly and decisively to protect the subject of this review, when suspicions of possible abuse became known. There were practices and arrangements related to the child's future safeguarding and welfare which could be improved. These have been addressed in my recommendations.

I have no reason to doubt the good intentions of the minister and appreciate his need to ensure that agencies and individuals providing services to children and families are performing to the highest standards of professionalism.

It is most unfortunate that his concerns were reported in the media, before he, the professionals involved and myself had sufficient time to consult regarding the substance of my report. The Jersey Child Protection Committee, of which I am a member, are concerned about the impact this may have had upon the confidence of the general public in the arrangements for the protection of children in Jersey.

[Consultant Paediatrician]

**Education, Sport and Culture Department
Report for Council of Ministers**

Subject:	Greenfields Centre: Grand Prix Incentive Scheme		
Exempt Clause:		Date:	21 st August 2007
Author:	Director of Education Sport and Culture		

1. Introduction

- 1.1 Senator Syvret, Minister for Health & Social Services, has raised concerns regarding the “Grand Prix Incentive Scheme” that operated at the Greenfields Centre from 2004 to 2006, when it was located in the premises that housed the former Les Chenes Residential School. This leaflet (Attachment A) was provided to children who were admitted by the management of Greenfields with the intention of making them aware of expectations and the consequences, both positive and negative, of their behaviour. Further detail of the operation of the system is provided in the briefing note (Attachment B) which was used to inform staff and others, including the Board of Visitors, of the approach. The scheme was discontinued with the opening of the “new” Greenfields in October 2006.

2. Background

- 2.1 For some years, Les Chenes/Greenfields was under considerable stress, as was highlighted in the Validated School Self Evaluation Report of January 2001, which reflected “the urgent need of substantial improvement to bring it up to standard”. To inform that process, Dr. K. Bull (H.M.I.) was commissioned by the Director of Education to undertake a review of “Principles, Procedures and Practices at Les Chenes Residential School”. Dr. Bull made a series of recommendations for improvement including restructuring, the replacement of the accommodation and consideration of the purposes of the provision.
- 2.2 However, it became apparent that the issues relating to the arrangements for children and young people with severe and emotional and behavioural difficulties extended far beyond Les Chenes. In consequence, a major review was undertaken by Dr. Bull, who was seconded from the Office of Standards in Education (Ofsted) by the Education, Health and Social Services Committees of “the Principles, Practices and Provision for Children and Young People with Emotional and Behavioural Difficulties and Disorders in the Island of Jersey”. This report was completed in December 2002, attracting considerable interest. Following its acceptance by the respective committees, a series of officer working groups was established under the leadership of Dr. Bull to develop an action plan. This, in turn, led to the formation of the Children’s Executive whose recommendations (Attachment C) were adopted in March 2004 and have formed the basis for ongoing reform.

3. Greenfields Centre

- 3.1 One of the major outcomes of the various concerns detailed above has been the development of the new Greenfields Centre, which replaced the inappropriate and inadequate facilities available on the former Les Chenes premises. However, prior to the completion of the ‘new’ Greenfields, there was a well-

documented period when the provision was at serious risk. This had major implications for the children who were placed there by the Juvenile Court (through the use of repeated periods of remand) and Health and Social Services.

- 3.2 To address these concerns, a senior member of staff was seconded from the Prison Service. His role was to implement an improvement plan and, within a relatively short period, the situation was stabilised to the benefit of the children who were placed at the centre and, indeed, the wider community.
- 3.3 The introduction of the “Grand Prix” approach, which had previously operated successfully at the Young Offenders’ Centre at La Moye, was one of the measures which was introduced in order to establish an orderly and safe environment. The leaflet (Attachment A) sets out the consequences of behaviour for the children in stark detail but much time and effort was expended by members of staff to help children to understand the approach and support them through the various stages. “Grand Prix” was one of a raft of measures which resulted in limited use of secure rooms in response to presenting behaviours. During 2006, figures indicate that there were nine occasions when the secure rooms were used. Of these, five related to young people being admitted whilst under the influence of drink or drugs. These children were integrated into the wider community once their systems were clean of any intoxicating substances and they were no longer considered a danger to themselves or others. In the remaining four instances, the policy established in respect of the use of secure accommodation was applied. This policy required that fully secure rooms could only be used under strict criteria, namely an evident risk of violence to other children or staff, or of absconding and when all other measures to manage the situation had been considered.
- 3.4 It is important to note that the “Grand Prix” approach was suspended with the opening of the “new” Greenfields, which provides appropriate accommodation and facilities to meet the needs of the young people who are considered, either by the courts or Health and Social Services, to require a secure environment.
- 3.5 On 1st January 2007, a serious concern was raised by a member of staff. He maintained that the admissions and behaviour management procedures at Greenfields that had been implemented by his line manager, involving the alleged isolation and locking up of young people for prolonged periods of time, constituted serious abuse. These allegations were investigated by the Child Protection Manager who indicated that the arrangements instituted by the line manager were consistent with the welfare and safety of the young residents at Greenfields and with staff safety. Her report is included at Attachment D.

4. Conclusions

- 4.1 Although the Courts may determine to remand or sentence young people to secure accommodation, it is not acceptable to isolate children unless their presenting behaviours constitute a serious risk to themselves or others. In such circumstances, it is essential that the child is supervised and supported with the purpose of minimising the period that he/she is excluded from the wider community of the centre.
- 4.2 The introduction of the “Grand Prix” system made explicit to children both expectations for and the consequences of behaviour. It was introduced at a time when there was a requirement to re-establish clear and effective behaviour management as deteriorating standards of behaviour were placing children and staff at risk. This, together with other measures, resulted in a safe environment where staff could work with children to improve their behaviours.
- 4.3 The approaches to admission and behaviour management adopted at Greenfields have been subject to external review by an experienced officer with no association with the centre. This was undertaken as one element of an “Inquiry into the Policy on Reporting Serious Concerns”. She concluded that “there is no evidence that the safeguarding of young people and staff in (Greenfields) are compromised in any way”.
- 4.4 The issue of confidence in the operation of residential centres is of critical concern as there is a risk that

vulnerable children may be exposed to inappropriate practice. On that basis, it is essential that policy, procedures and practice are thoroughly scrutinised on a regular basis. As the Council of Ministers has ordered a review of arrangements for child protection, it would be appropriate for his review to extend to arrangements for child protection and behaviour management at the Greenfields Centre.

Greenfields Grand Prix

On your arrival @ Greenfield Centre, you will have undertaken our full admission procedure.

The Greenfields Grand Prix System will have been explained to you and this is your copy for your own reference.

You will have been placed in a bedroom (depending on your behaviour and attitude to the staff), where you will spend 24hrs. This gives you time to reflect and will entail lots of staff interaction. You will be provided with one pillow, one duvet and a drinking bottle, there are no additions.

There are four stages included in the Grand Prix System, these are:

- Qualifier
- Grid
- Track
- Pits

You will see whilst reading through the Grand Prix System, that the stage you are at on the Grand Prix is down to you, your behaviour and your attitude during your stay with us @ Greenfields. All the staff have worked hard to find a system that works and it has been in practice for a while now and we have had some great results.

You can work towards 'rewards' but can also receive 'strikes' and revert back to the stage you have been working hard to get through to achieve 'Track Status'. The reward scheme and strikes have been explained to you below:

Education

If you are asked to leave a lesson during the school day, then the amount of time you spend in your room missing lessons will be doubled and taken from your bedtime. Therefore, if you are on Grid and miss 1hr 30mins of a lesson instead of a 20.15 bed, you will go to bed @ 17.15.

If you are removed completely from Education anytime during the school day, then you will spend the rest of that day in your room. Power will remain off and bedding removed.

Credit System

You have the ability to work towards gaining credits from staff during your stay at Greenfields, these credits equate to extra earnings for your departure. You can help with an array of jobs during your stay with us these include:

Helping to cook tea, Hoover dayroom or Arcade, Doing an extra job on top of your daily job, etc...

Each job will have it's credit value this can range from 5 – 20 credits, with an individual credit being equal to 10pence.

Grid

- Educated with other residents
- Dayroom after school
- Bed @ 20.15, Electricity off @ 10pm
- Electric off @ 10.30pm on Friday & Saturday evenings only
- TV or Stereo in bedroom @ 15.00 on the first day of Grid (Once you have chosen you cannot change your mind, so choose carefully!)
- 10min phone calls daily, to immediate family listed on Top Sheet
- £2.50 for each session of cleaning completed on the weekend
- You will be allocated a washing day in the week and be responsible for doing your own laundry
- Completion of daily jobs

You are on the Grid for a period of **7 days**, this again requires continuous good behaviour from you to move onto the Track stage.

Rules on Grid include:

- Young person to make their bed every morning, changing their bedding on a Tuesday morning and re-make after school.
- Ensuring that your room is clean and tidy
- Attend all meals (breakfast, lunch & tea) in the dining room
- To complete daily job in the dining room, dayroom or kitchen
- Attend school everyday
- Receive a satisfactory report from school everyday
- Responding appropriately to all staff
- Being respectful to other residents
- You will be allocated a washing day and be responsible for doing your own laundry

You are allowed to be in the dayroom and on the ballcourt up to your bedtime of **20.15**. If you decide you want to go to bed early, then you go to your room and are locked in, no sitting on the stairs or landing is allowed.

You are able to receive '**strikes**' for bad behaviour, bad language, not complying with instructions from staff, as mentioned above.

If you are moved to your room due to being rude, non-compliant, badly behaved in school, etc... your bedding & TV or Stereo will be removed and you will remain in your room **for the rest of the day**.

Any damage to the TV or Stereo will result in it being removed and not replaced for the rest of your stay with us. You will also pay for the damage from your earnings.

If you receive three strikes you will have to do an extra day on Grid.

PITS

- 24hrs in cell, sleep, eat and drink in the cell, 1hr exercise behaviour dependant
- Day 2 & 3 you will be educated (during term time) Day 2 you will be educated in the vestibule area, Day 3 in the classroom
- Bed @ 19.45 & Lights off @ 21.00
- TV on Day 2, between 18.00 – 19.45 in the vestibule area
- TV on Day 3 between 16.00 – 19.45
- Move to a bedroom for bed @ 19.45

Being in the Pits means that you have to have a **full 24hrs** good behaviour and good language to progress to Day 2.

Being in the Pits means that you will sleep, eat and drink in your cell for the first 24hrs. **Pens and pencils are not allowed in the cells.** You will receive 1hrs exercise depending on your behaviour.

Being in the Pits means that you will only use the facilities in that area, such as the toilet, shower and vestibule area for eating.

You will be expected to clean this area too, just because you are in the Pits doesn't mean you get away with the jobs!

After you have completed your first 24hrs, you will have to complete **2 full days of continuous good behaviour**. You will eat, be educated (during term time) and spend your recreational time in the vestibule area.

If you adhere to these rules then **you will be rewarded** with a recreational time of 18.00 – 19.45 in the vestibule area on Day 2 with a television or stereo, Day 3 will be from 16.00 – 19.45.

Once you have completed these 2 full days, you will leave the Pits and start on the Grand Prix System again, at **Grid** status.

Please note, that all items that you have in the cell throughout the day (i.e. books, magazines, cards, etc...) will be removed from your cell @ 21.00hrs for lights out. You are only allowed a drink in your cell overnight.

During the day, your bedding and mattress will be taken out of your cell.

At anytime during your stay with us @ Greenfields, amendments can be made to your status on the Grand Prix System at the discretion of the Management, which may not adhere to the guidelines you have here.

GRAND PRIX INCENTIVE SCHEME

There are four progressive stages included in the Grand prix Incentive Scheme, these are:

- Qualifier
- Grid
- Track
- Pit Lane

The incentive scheme is based on Grand Prix racing and the stages reflect the progress a racing driver goes through to complete a race. As with racing cars, effort and observance of rules is necessary to progress to the finish.

Qualifiers

On arrival at Greenfields residents are considered 'Qualifiers', this stage takes three days to complete. For much of the first day a resident will be in the company of staff, this period allows the new resident to become familiar with the building, the routines and it also allows the staff to get to know the young person. New arrivals will meet the other residents at meal times and during fresh air breaks. Initial assessments, top sheets and other paperwork is completed during the first day. Residents are allowed 10 minutes of telephone calls every day to contact family or significant others.

Day two and three would see the young person join the other residents in the daily routine, meals school etc. The young person would associate with other residents during the evening and take part in all activities. As a qualifier the young person would be required to retire to their bedroom for the evening at 19:45hrs.

As a qualifier a young person would be allowed books and magazines in his/her bedroom.

Grid Stage

On successful completion of the qualifying stage a resident will progress to the Grid. As previously experienced residents will associate fully with other residents but may remain in the dayroom or other activities until 20:15hrs.

Grid residents are also able to choose between a TV and stereo to have in their bedrooms.

The grid stage takes seven days to complete.

Track Stage

The track stage is the top level and represents all the privileges that can be offered. Track residents are able to remain on activities until 21:15hrs. At this stage residents may have a stereo, TV and Playstation 2 in their bedrooms. Unless there are reasons to the contrary track status residents may be taken outside of the residence for activities such as the cinema, shopping etc. in the company of a member of staff.

The Pit Lane

The Pit Lane represents an area which is separate from the main living area and it comprises of four secure rooms with its own bathroom facilities and vestibule area. Residents may be placed in the Pit Lane where their behaviour precludes their association with other residents.

Residents who are violent or assault another person may be placed in this area for the safety of others and themselves. Where a resident has been returned from absconding it may necessary to accommodate them in this area due to substance abuse or intoxication for the purpose of observation.

The Pit Lane is a last resort and is used to allow the young person to reflect on his/her actions and to facilitate gradual reintroduction back into the community. The Pit Lane is a three day process with close support of care staff, the process is as follows:

Day 1. The resident is placed in a furnished room under the close attendance of staff. Residents are allowed reading material and will take their meals with staff in the vestibule. Outside exercise will be taken in the company of staff. On school days residents will still receive education which is completed in the room.

Day 2. The resident takes meals with the staff and attends education in the vestibule. The resident is allowed to watch TV in the vestibule between 18:00 and 19:45 in the company of staff.

Day 3. The resident attends school with other residents and returns to the vestibule for meals in the company of staff. The resident will remain with staff in the vestibule for TV until 19:45hrs after which he/she returns to his/her usual bedroom.

During this period staff will work with the young person to re-establish a positive relationship and to explore different responses to crisis situations.

Strikes

The strike system is employed to inform a young person that their behaviour is unacceptable and that they are failing to respond to staff direction. A strike is a recorded incident and will remain in force for three days. The young person is informed of the strike and advised towards future conduct. If a young person receives three strikes in a three day period the manager may direct that the young person is moved from Track level to Grid. If this occurs while the resident is on Grid level then the young person may remain on Grid for an extra day. No resident is returned to the Qualifying level.

Jobs and Earnings

At weekends residents will be given the opportunity to earn pocket money by completing jobs throughout the residence. Earning potential is according to status on the Grand Prix system i.e.

- Qualifier £2.00
- Grid £2.50
- Track £5.00
- Pit Lane £1.00

Credits

Residents will be encouraged to be helpful and as in any other home may assist with tasks such as cooking, clearing up etc. Staff will reward such assistance with credits which have a cash value of 10p each. This money will be placed in the residents' account which will be available on leaving the residence. Each job has a credit rating of between 5-10 credits.

SUMMARY OF THE RECOMMENDATIONS OF THE CHILDREN'S EXECUTIVE

Meeting the Needs of SEBD Children in Jersey

March 2004

Exempt Clause 3.2.(a) xiv

1. BACKGROUND

In 2002 Dr. Kathie Bull was commissioned by the Committees for Education, Sport and Culture, Health and Social Services and Home Affairs to inspect and report on provision for young people experiencing severe emotional and behavioural difficulties (SEBD) in Jersey. Dr. Bull's report, published in December 2002, highlighted atypical problems in Jersey and systemic deficiencies within and across services. Recommendations were made in respect of:

- strategic partnership and planning
- the reconfiguration of existing services;
- developments necessary to enhance provision;
- the scrutiny of provision.

In February 2004, the Children's Executive reviewed the recommendations of the final report in light of the States Fundamental Spending Review.

2. VISION AND PRINCIPLES

The Children's Executive determined that, given the complexity and potential impact of the recommendations of the Final Report, especially in respect of residential and campus provision, they should be reviewed against the following vision statement and fundamental childcare principles.

The three Committees of Health and Social Services, Home Affairs and Education, Sport and Culture will work in partnership and be jointly accountable for the development of effective and efficient support and provision for SEBD children in Jersey.

- *Working in partnership with families in the community is preferable to residential provision but where this is not in the best interests of the young person, fostering services and residential care must play an integral part.*
- *Where a residential placement is necessary, it should be in Jersey unless specialist services are necessary, such as with serious juvenile offenders sentenced under Section 5(4) of the Criminal Justice (Jersey) Law (1994).*
- *The needs of the child should dictate the most appropriate placement. Residential provision should be in small focused groupings.*
- *Social work will be the core discipline within residential provision.*

In developing the framework, the Children's Executive recognises that a wide range of services must be available to meet the needs of SEBD children. These services will include community based and residential provision and require the three Departments to work collaboratively and collectively.

3. MAIN RECOMMENDATIONS

- 3.1 A multi-agency Youth Action Team should be established and based in the community. It should be designed to deliver voluntary programmes as well those associated with Parish Hall Enquiries and Court Orders. It will have a pivotal role in responding to those SEBD children assessed at risk.
- 3.2 A social worker should be attached to each of the four 11-16 secondary schools and case work should be reallocated

Staffing	Staff Required Secure Unit	Staff Required Greenfields	Total Staff Required	Growth Required	Cost £
Waking Night Staff	2	1	3	1	93,300
Sleeping Cover	1	Shared	1	-	22,200
RCCOs	14	10	24	10	644,000
Nurse Therapist	1	Shared	1	1	50,000
Domestic Team	3	Shared	3	1.5	66,000
Cleaning Staff	1	1	2	1	40,000
Maintenance/Caretaking	1	1	1	-	22,000
Teachers	5.5	Shared	5.5	-	231,000
Administration	1	Shared	1.5	0.5	26,000
Manager	1	Shared	1	-	70,000
Supplies & Services	-	-	-	-	100,000
Administrative Costs	-	-	-	-	9,000
Premises & Maintenance	-	-	-	-	22,000
Total	30.5	13	43	15	1,395,500

Youth Action Team

Team Composition	Total Staff Required	Growth Required	Cost
Manager	1	1	67,000
Probation Officers	2	-	110,000
Part-time Assistant Probation Officer	0.5	-	30,000
Restorative Justice Officer ^[1]	1	-	25,000
Police Constables	2	-	100,000
Social Worker ¹	1.5	1.5	79,000
After School Resource ¹	2	2	60,000
Activity Programme Manager	1	-	50,000
Administrative Support	1	1	20,000
Parenting ¹	2.5	2.5	90,000
Total	14.5	8	631,000

School Based Teams

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Team Composition	Total Required	Growth Required	Cost
Social Workers	4	2	180,000
Existing School Based Teams	10.8	-	450,000
Total	14.8	2	630,000

Total Costs

Area	Cost
Residential Services	1,395,500
Youth Action Team	631,000
School Based Community Teams	630,000
Training & Development	80,000
Co-ordinator of SEBD Services	80,500
YAT Premise Revenue	40,000
Total	2,857,000
Less Disaggregated Funds	1,881,886
Growth	975,114

Total manpower growth, including Co-ordinator of SEBD Services and Training Officer is 27 full time equivalents.

Review of policy and procedures at Greenfields Secure Centre

I have previously worked as an Independent Reviewing Officer for Northumberland County Council; this role involved elements of audit and quality assurance, in addition to chairing Child Protection Conferences and Looked After Reviews.

As part of this role, I regularly undertook unannounced visits to residential units in accordance with Regulation 33 of the Children's Homes Regulations 2001.

Following this role I worked for the NSPCC within their Specialist Investigation Service and part of my role involved investigative work where there were conflicts of interest; this often involved allegations relating to abuse of young people by professionals. At the conclusion of any investigation part of my remit was to advise Local Authorities in the UK on areas of policy and procedure which needed to be developed or altered in order to ensure more robust safeguarding of children and young people.

I currently manage the Assessment and Child Protection team within Children's Service in Jersey.

I have undertaken a review of policies and procedural guidelines following concerns raised about the safeguarding of children and young people at Greenfields.

As part of this process I have undertaken the following:

- reviewed the policies and procedural guidelines being used at Greenfields
- visited the centre and observed staff and residents
- spoken to [Co-ordinator Children's Executive] and [Manager Greenfields Centre]
- reviewed the process for admitting a young person to the centre

Policies and Procedural Guidelines

The policies and procedures being used at the Greenfields Centre are extremely detailed and comprehensive. They are written and presented in a way which is easily understood and accessed. The detail provided gives great clarity about rights, expectations and the standards of care being provided within the centre.

It is of note that the ethos and values underpinning every aspect of life in the centre are unequivocal with clear statements relating to ensuring privacy, dignity and confidentiality for residents.

There is a specific guide for residents which is written in simple, jargon free language. There is recognition that some residents may need alternative forms of communication in order to access this information. This guide still has some areas to be developed, such as a welcome statement.

Although it is recognised that the Centre is in the very early stages of developing, there are already robust systems in place to ensure that staff are familiar with all aspects of policies and procedures and there is evidence of staff members signing the policy folders to indicate that they have read each section.

There was also evidence that practice was being reviewed and evaluated; an example of this was a change in the way important information is shared with staff to make it more accessible.

The policies and guidelines are child centred and reflect a developing service which is striving for excellence. In order to assess how well practice reflects the explicit guidelines and values expressed in these documents I reviewed the most recent admission process in some detail.

Admission Process

The most recent admission was a young woman who had been admitted late in the evening. The staff had around

one hour to prepare for the arrival of this young person from initial notification. This young person was previously living at a residential unit and staff from Greenfields ensured that they had any relevant information prior to arrival.

The process of admission needs to balance the needs of the young person with the need to ensure the safety and wellbeing of staff and other residents. The admission process within Greenfields centre appears to provide a safe admission process which ensures that adequate searches are undertaken whilst preserving as much privacy and dignity for the young person. The admission area is pleasant and there has been attention to small details such as having provision of a choice of sanitary items for young women.

Individual rooms in the centre are welcoming and comfortable with en-suite facilities. This young woman arrived after the other residents had returned to their rooms for the night and she was made familiar with the communal areas and provided with refreshments before being settled in her room. She was given relevant information about the centre by staff.

It is important to assess each young person as part of the admission process and this requires some degree of isolation for a short period of up to 24 hours; this young woman was taken for breakfast after the other young people were in educational provision. It was established that there was a possible conflict with another young person in the centre and this issue was dealt with in a very sensitive manner and resolved appropriately.

Following initial assessment initial integration with other residents took place later that afternoon with no difficulties experienced. The induction plan continues to ensure a smooth introduction to all aspects of life in the centre.

Observations

I visited the centre at a time when staff and residents were in the communal areas. The centre has a relaxed, homely ambience and there is evidence of attempts to facilitate residents taking some level of ownership; an example of this would be the artwork displayed in the centre which has been created by the young people.

I have visited a number of residential and secure centres and, in my opinion, there was an atmosphere of warmth without obvious tensions, evidenced by the interaction between staff and residents in the communal area. I was able to observe lots of eye contact, open body language and emotional warmth between staff and residents. While I appreciate this was not a lengthy visit I have been in a number of other establishments where this was not evident and I observed very evident tension and oppositional behaviour within the communal areas.

Conclusions

From this review and my observations I would conclude that there is no evidence that the safeguarding of young people and staff in this centre are compromised in any way. There appears to be an excellent level of care with extensive policies and procedures underpinning the high standards set. There is clarity around expectations and this is made explicit to staff and residents.

It is recognised that some of the processes may feel somewhat intrusive at times to young people; searches are a necessary part of ensuring safety and are an integral part of the admission process. However, the procedural guidelines for admission ensure that this process is undertaken in a way which attempts to preserve the privacy and dignity of a young person as far as is possible. Though this process is verbally explained to the residents, it may be helpful to have a brief statement in the Children's Guide about the necessity of searches.

Overall I was impressed by the attention to detail and the evidence indicates that the centre is continuing to develop practice through regular evaluation and reviews.

[Team Manager - Assessment & Child Protection]

Addendum to Report

Following my review of Policies and Procedures at Greenfields Secure Centre, I was asked to meet with [a social worker]. I met [a Social Worker] on 26th January 2007 to gather further information and facilitate [a Social Worker] sharing any concerns he had about the wellbeing of children and young people at Greenfields. Detailed minutes are available of that meeting but this addendum summarises the main points of that discussion.

[a Social Worker] brought along a document which asked questions around 9 different areas; many of these related to how these enquiries were being undertaken and I explained that I was not able to give [a Social Worker] any feedback about the process and my role was to hear any concerns [a Social Worker] had about issues affecting the safeguarding of children. I did not answer any of the queries raised by [a Social Worker] in that document as they were outside my remit.

The main concern raised by [a Social Worker] during this discussion appeared to be his perception that the initial 24 hour admission procedure was abusive to children. [a Social Worker] stated that he felt that the practice of isolating a child for the first 24 hours of their admission was abuse just as serious as hitting a child. [a Social Worker] appeared to suggest initially that he believed that a young person was kept locked in their room for the first 24 hours, but on further discussion it became apparent that this was not the case. He described young people being in the living areas with staff and it was apparent that young people had not been locked in their room and isolated for 24 hours.

I asked [a Social Worker] to describe the difference between his preferred admission process and the current practice at Greenfields:

- [a Social Worker]'s preferred admission process would be that a young person would be brought into the unit, taken to put their belongings in their bedroom and then brought into the main living areas to be with staff and the other young people. They would be given information by staff around unit rules, contact with family and food arrangements etc.
- The current practice would be that a young person would be admitted through the search area, taken to their room and gradually integrated within the unit over a period of 24 hours. They would spend time with staff in the living areas and begin their induction process before being integrated with the other young people once an initial period of assessment and observation had been undertaken. **I found no evidence that young people would be locked up and isolated within their room for a period of 24 hours as [a Social Worker] was suggesting initially.**

If these processes are compared in respect of the recent admission I highlighted in my review report, it is hard to see how [a Social Worker]'s preferred admission process would ensure the safety of other young people and staff on the unit. It became apparent during the initial admission period that there was an issue between the new young person and an existing resident on the unit. This was dealt with in a very sensitive manner by staff and resolved, but it is possible that there could have been some disruption within the unit if the new admission had been taken directly to mix with this person without some assessment of the situation.

Prior to this admission, the young person had been violent and had caused considerable damage to property; it would seem prudent to allow a period of assessment and observation before full integration within the unit. In the event it was not a full 24 hours before the young person was mixing with other young people but she had not been isolated and locked in a room for that period.

I explored some management issues with [a Social Worker] and he appeared unclear about his role in terms of strategic and operational management responsibilities. It is my understanding that he would have had elements of both in his position of Unit Manager but [a Social Worker] appeared to perceive his role more from an operational perspective than having any strategic responsibilities. I discussed how I had been involved in development of policy and practice guidelines within my service and asked what elements [a Social Worker] had undertaken.

[a Social Worker] described that [Manager of Greenfields] had asked him to develop similar documents but that

he felt it was not his role and he had, therefore, passed this back to [Manager of Greenfields]. In response to my questions he did explain that he had a 2 year strategy in regard to planning but was not clear about what this included. He did say that he had begun to develop about 12 different documents but they were still in draft form.

[a Social Worker] felt very strongly that it was the admission of one particular young person to Greenfields which had caused many of the difficulties he had faced. He described working 70 hour weeks and sleeping with his phone under his pillow.

Overall I did not find anything that concerned me about the safeguarding of children and young people at Greenfields under the arrangements put in place by [Manager of Greenfields]. I could find no suggestion that young people are routinely locked in their room and isolated for a period of 24 hours when admitted, which is at the core of [a Social Worker]'s expressed concerns. However, there are elements of concern about the rapid progression of young people into the unit on admission, without opportunities for adequate assessment, under the arrangements put in place by [a Social Worker]

[Team Manager - Assessment & Child Protection]

This Document has been edited to ensure data protection compliance [changes are enclosed within square brackets]

-----Original Message-----

From: Stuart Syvret
Sent: 18 July 2007 21:12
To: Frank Walker; Bill Ogley
Subject: FW: SCR
Importance: High
Sensitivity: Confidential

Frank & Bill

Frank is aware of this case. I thought I should forward this correspondence to you given the likely Human Resources implications. I received the defensive e-mail below from [the Directorate Manager of CAMHS]. This is my reply.

Should you need any further information, please let me know.

Regards

Stuart

-----Original Message-----

From: Stuart Syvret
Sent: 18 July 2007 21:03
To: [The Directorate Manager of CAMHS]
Cc: [Staff from relevant agencies]
Subject: RE: SCR

[Directorate Manager]

You were not included in the original e-mail because you were not one of the people cited as being involved in the SCR by [The Consultant Paediatrician].

You, perhaps, are not aware that this particular case is but one of a growing number I could cite in which the entire child protection/child welfare apparatus of Jersey has exhibited catastrophic failure?

It is apparent to me from your e-mail here that you do not possess the most rudimentary grasp of the requirement in this field, nor of the gravity of this particular case.

A [young child] was sodomised by 2 paedophiles over an extended period; [the child] was raped by these 2 assailants over a time period of 2 years. It is clear that [the child] had various contacts with various sectors of the child protection apparatus in Jersey prior to the beginning of the period of abuse, and in some cases, during it.

Health & Social services, in particular CAMHS, the Children's Service and Social Services all exhibit culpability. So does the school. So do the Police. So does the GP concerned.

A young [child] was subjected to appalling abuse over a sustained period. The Jersey child protection apparatus had numerous chances to intervene – and failed at nearly every stage. You perhaps don't consider this to be serious? You perhaps think that CAMHS were performing just fine when they 'closed the file' on this child – because '[...] was difficult to engage'?

Every recipient of this e-mail should note that I, personally, am drawing up the terms of reference of a fundamental review into all of those aspects of child protection/child welfare in Jersey which presently cause me to be profoundly concerned. I will identify and commission the reviewers myself.

In the interim I would suggest that a significant number of people employed in this field in Jersey should now be considering their positions.

Senator Stuart Syvret
Minister, Health & Social Services.

-----Original Message-----

From: [The Directorate Manager of CAMHS]

Sent: 18 July 2007 17:35

To: Stuart Syvret

Cc: [Staff from relevant agencies]

Subject: SCR

Dear Minister,

Yesterday I became aware of an email correspondence you had circulated on the 11th July relating to a SCR carried out by [The Consultant Paediatrician]. There are a number of issues that I feel need to be addressed; but at this moment in time I feel I should inform you that I was most concerned that, as Directorate Manager for CAMHS, I was not approached by you with your concerns prior to the circulation of the email or at the very least should have been included in the email chain. You should be aware that the CAMHS team have my full support and with respect, I feel your comments are inappropriate.

Regards

[--]

-----Original Message-----

From: Terry Le Sueur
Sent: 14 August 2007 19:45
To: Stuart Syvret
Cc: Frank Walker; Bill Ogley
Subject: E-mails etc.

Dear Senator Syvret,

You ask me to furnish you with details of where I and others regard your e-mail comments as unacceptable. I am responding to that request both as Deputy Chief Minister (in Frank's absence) of the Department responsible for computer services and data protection, and acting chairman of the States Employment Board accountable for the appointment and welfare of States employees. Whilst I acknowledge that any judgement of this nature is subjective, I have tried to put myself in the position of a 'reasonable man'.

In that context I enclose a summary of a few e-mails written by you over the past two or three weeks which in my view 'fall the wrong side of the line' and are unacceptable. Although you may question my judgement, I stand by it. I have not attempted to speak for the Chairman of Staff Side, who I don't believe has been privy to all of your e-mails and who I have not felt the need to contact in drafting this reply.

As you know none of this in any way diminishes my commitment (and, I am sure, of all my fellow Ministers) to ensure that we have robust child protection arrangements which are effective in protecting children's interests.

Yours sincerely

Terry Le Sueur
Deputy Chief Minister



e-mails SS.doc (37
KB)

A selection of comments drawn from a few of the e mails sent by Senator Syvret

This Document has been edited to ensure data protection compliance [changes are enclosed within square brackets]

17/7/07

to [Directorate Manager CAMHS]

cc [Staff from involved agencies]

It is apparent to me from your e-mail here that you do not possess the most rudimentary grasp of the requirement in this field, nor of the gravity of this particular case.

...A young [child] was subjected to appalling abuse over a sustained period. The Jersey child protection apparatus had numerous chances to intervene – and failed at nearly every stage. You perhaps don't consider this to be serious? You perhaps think that CAMHS were performing just fine when they 'closed the file' on this child – because '[the child] was difficult to engage'?

Every recipient of this e-mail should note that I, personally, am drawing up the terms of reference of a fundamental review into all of those aspects of child protection/child welfare in Jersey which presently cause me to be profoundly concerned. I will identify and commission the reviewers myself.

In the interim I would suggest that a significant number of people employed in this field in Jersey should now be considering their positions.

28/7/07

to Terry Le Sueur; Wendy Kinnard; Frank Walker; Council of Ministers

Or perhaps it's the decayed and fly-blown façade of the Jersey judiciary you seek to protect? Amongst which numbers a man who attempted to humiliate and intimidate child victims of abuse into dropping their claims sits - without irony - in judgment upon a Constable who had the misfortune to have a paedophile in his police force.

30/7/07

to [A Minister]; Frank Walker

cc Bill Ogley; Ian Crich; Council of Ministers

...I too got to know some of the victims. Having done so, if this bastard was found working in my Department he would be down the road with the message "see you in court if you don't like it" ringing in his ears.

...The issue is that the employment of this dangerous turd was brought to their attention – and yours – and Frank's – and others – and nothing was done about it.

...Getting communications from me as to why you have tolerated a police-obstructing, paedophile-sympathising low-life turd in your staff is part of your job, [Minister] – especially under the present circumstances.

31/7/07

to Ian Crich; Frank Walker; Terry Le Sueur; Council of Ministers; Bill Ogley

In case any of you are actually interested, the draft terms that Ian has produced are so laughably defective as to be scarcely worth reading. Even if these had not been produced by a man who is himself one of the subjects under investigation, frankly a student with an AS level in social sciences could have done better than this in a morning.

...I don't know how much Ian earns a year? I assume it's a pretty large sum? Paid for his professionalism? Well, I don't possess as much as a GCSE – and I could write a far superior document to this – in my lunch break.

3/8/07

to Mike Vibert; All States members

The objective was to provide charitable employment to teaching staff, the great majority of whom – through idleness, incompetence, alcoholism or straight insanity – couldn't hold down a job at any other school.

7/08/07

to [Director of Corporate Planning and Performance Management]
cc Mike Pollard; Council of Ministers; Ian Crich

This one fact alone demonstrates the utter corruption of the child protection apparatus.

7/08/07

to Wendy Kinnard; Council of Ministers; Ian Crich

These terms are feeble, directionless and largely miss completely the chief obstacle that blocks the way to an extremely high standard of performance in child protection and child welfare in Jersey; namely the entrenched and self-supporting management of the child protection apparatus. A clique having now demonstrated evidentially its willingness to lie, make nakedly political interventions and falsify documents against whistleblowers.

^[1] *Currently funded through the Crime and Drugs Strategy*