

## **CHAPTER 13**

### **Recommendations for the States of Jersey**

- 13.1 In considering the recommendations that we should make at the conclusion of the Inquiry, we have taken into account our findings and the valuable advice that we have received from many witnesses. We have included as an appendix to our Report (Appendix 3) a list of some 659 recommendations that emerged from the evidence we received and consultations we undertook over the course of the Inquiry. Many of these reflect a consensus among our witnesses as to what needed to be done to move forward from the Inquiry and the history in a positive way that will ensure that the mistakes of the past are not repeated. We commend all of these recommendations as being worthy of serious consideration, albeit that some may not be found to be feasible for implementation. However, they should inform the thinking and debate that must follow on from this Report.
- 13.2 In setting out its recommendations, the Panel has taken the view that it will be more helpful to make a small number of high-level proposals rather than many points of detail. We consider that it is essential that the people of Jersey determine how to make the necessary changes in ways that will work best for the current and future children of the island.
- 13.3 We recognise that all of our recommendations will require detailed consideration as to how to take forward implementation, and that some will be challenging since they require a movement away from long-established systems of governance and practice. However, it is our firm view that unless these changes are made, there can be no assurance that the failures of the past will not be repeated.
- 13.4 Jersey now has the opportunity to put itself at the forefront of care for all of its children, and in particular for those who face adversity in their young lives irrespective of how that manifests itself. Our work has revealed failures of care over many years that must be acknowledged and that require bold changes if they are to be seen as part of the past, with no place in the future.

- 13.5 Our findings and recommendations require action without delay. Too often, the island has commissioned reports that have raised important issues requiring change and investment, but has failed to act on them. This must not happen with this Report, since it concerns not only the recognition of the damaging past but also the future wellbeing and safety of the island's children and young people. To that end, we propose that an arrangement be put in place independently and publicly to review progress in two years' time.
- 13.6 These recommendations are of equal importance, and are made in no particular order.

### **Recommendation 1: A Commissioner for Children**

- 13.7 There was wide support for the appointment of an independent Commissioner to have responsibility for the oversight of all matters concerning the welfare and wellbeing of children and young people in Jersey. A consistent theme from those who were supportive of this idea was that there was an absolute need to ensure that any such position was seen to be fully independent of the States. Accordingly, **we recommend that the post of Commissioner for Children in Jersey be established and enshrined in States' legislation** in a manner consistent with the UN Principles Relating to the Status of National Institutions (the Paris Principles). The Commissioner's primary function would be to promote and protect the rights of children in the island.
- 13.8 Each of the four countries of the UK has a position of this kind, established by legislation. In England, the post of Children's Commissioner was created under the *Children Act 2004*. The *Children and Families Act 2014* gives the Commissioner special responsibility for the rights of children who are in or leaving care, living away from home or receiving social care services. The Republic of Ireland has a post of Ombudsman for Children, with similar responsibilities. While the legislation in each jurisdiction varies, all post holders have a similar responsibility for safeguarding the rights and interests of children. All have a duty to have regard to the United Nations Convention on the Rights of the Child (UNCRC), to which Jersey is now a signatory.

- 13.9 The Commissioners are appointed by differing mechanisms in each country. However, it appears to the Inquiry that, in the interests of independence, any such appointment in Jersey should be made by the States Assembly rather than by Ministers. **It will be important to seek candidates of the highest calibre who have a sound track record of commitment to serving the best interests of children and young people, and who will be seen as being fully independent of government.** Any interview panel that is set up for the purpose of making a recommendation to the States Assembly should include young people, at least one of whom should have experience of the care system. As in the UK, the appointment should be made on the basis of the Commissioner serving no longer than a six-year period of office. Any mechanism for the removal of the post holder in exceptional circumstances should require the approval of the States Assembly.
- 13.10 None of the Commissioners has a power to investigate individual cases, and it would seem appropriate to have a similar arrangement in Jersey. It is essential that there is a clear means for looked after children to raise complaints and receive a response from those responsible for their care. The Commissioner should have oversight of such arrangements. We noted that the Commissioner in Wales can assist a young person in making a complaint about any regulated service, which is something that could be considered in Jersey.
- 13.11 **It is essential that the Commissioner should have an unfettered right to make public the findings of any Inquiry undertaken by him or her.** There should be a responsibility to present an annual report. To ensure that this does not become simply a ritualistic paper exercise, the Commissioner should have the right to present the report directly to the members of the States Assembly without any oversight by Ministers. To ensure that action is considered in respect of any recommendation made by the Commissioner, a duty should be placed on the Chief Minister to make a public response to the States Assembly, indicating what action is proposed to be taken.
- 13.12 To underline further the independence of the Commissioner, and to broaden the field of experience, **the Inquiry recommends** that the States of Jersey

should explore the possibility of creating this as a joint appointment with other jurisdictions. There may, for instance, be some scope for making an appointment with responsibilities across other Crown Dependencies. This would have the potential to facilitate the sharing of practice among jurisdictions. While there would be one Commissioner, we envisage that staffed offices of the Commissioner would be located in each of the jurisdictions served. The exploration of the feasibility of an intra-Crown Dependency Commissioner for Children should not, however, result in any delay in moving to the statutory appointment of a Children's Commissioner for Jersey in the first instance.

- 13.13 **We recommend** that, in pursuing this matter, the States should give consideration to the merits of the arrangements of the various Commissioners across the UK and Ireland, with a view to establishing what would serve the interests of all children in Jersey to the greatest effect. Those arrangements should include giving the proposed Commissioner special responsibility for the rights of children in Jersey who are in or leaving care, living away from home or receiving social care services. At present, the Commissioners and Ombudsman from the UK and Ireland meet as the British and Irish Network of Child Commissioners (BINOCC). **The Inquiry considers that it would be important and advantageous** for any Commissioner appointed in line with our recommendation to seek to become a member of this network.

## **Recommendation 2: Giving children and young people a voice**

- 13.14 Ensuring that the voice of children and young people is heard in relation to all matters affecting their lives, including the development of government and service policy, is crucial to building confidence that their interests are given paramount consideration. The **appointment of a Commissioner** will be a crucial step. However, there are other mechanisms that we consider to be important to sit alongside the role of a Commissioner.
- 13.15 The Inquiry heard from young people in Jersey with experience of the care system that, while they were aware of a complaints system being in place, they found it difficult to operate, and their experience was that there was usually no satisfactory outcome to any complaint that they raised. The Inquiry

considers this to be unsatisfactory: if young people do not have confidence in the system, the risk is heightened that significant issues fail to come to light and that opportunities to take early action are missed. **We therefore recommend** that the complaints system be reviewed with a view to ensuring that it is easily accessed and that clear responses are always made to complainants within set timescales. **We recommend** that the outcomes of complaints investigations should be reported regularly to the relevant Minister, who must be required to present a report on complaints to the States Assembly on an annual basis.

- 13.16 In order to assist looked after children to raise complaints and matters of concern, **we recommend** that a **Children’s Rights Officer** should be appointed, reporting directly to the Managing Director with responsibility for Children’s Services. Posts such as this have long been in place in the UK and have done much to ensure that the rights and interests of children are given proper priority within services. Such officers ensure that children and young people with experience of the care system, irrespective of where they are accommodated, are able to have their voices heard and to ensure that they receive appropriate responses to the matters that they raise. This is not to say that all complaints are upheld or that all matters raised are agreed, but, where a positive response is not possible, it is vitally important that this is clearly communicated to the young person, along with the reason. The Children’s Rights Officer has an important role in ensuring that the young person is able to understand the response that he or she has received. An important element of the role of Children’s Rights Officer is to promote an understanding, across the workforce, of how children and young people express themselves, particularly when there are matters that are troubling them.
- 13.17 In addition to the appointment of a Children’s Rights Officer, **we recommend** that there is engagement with a service such as “Become” (formerly the Who Cares? Trust), a charity for children in care and young care leavers, that can provide external support and advocacy.
- 13.18 We found it extremely helpful and informative to meet with young people within the care system in Jersey and to hear of their experiences and the

matters that concern them. **We therefore suggest** that the Chief Minister in Jersey may find undertaking similar meetings to be informative in taking forward the outcome of this Inquiry. We believe that this would send a powerful message of commitment from the highest political office to ensuring that children's and young people's voices are heard.

### **Recommendation 3: Inspection of services**

13.19 Jersey has no statutory requirement for its services for children to be inspected independently. There were no external inspections of Jersey's Children's Service between 1981 and 2001. Notwithstanding this, there have been occasions when inspections have been arranged by invitation, such as when the Scottish Social Work Inspection Agency/Care Inspectorate undertook an inspection in 2011 and then a follow-up review in 2013. These inspections arose from a recommendation in the 2008 Williamson Report that suggested annual or bi-annual inspections. While this must be viewed positively, it is not the same as having in place a statutory body with responsibility and power to inspect services. The obvious risk of the current arrangement is that it depends entirely on an invitation being extended by those responsible for services: if no such invitation is made, then services and the people who use them miss out on rigorous external scrutiny. This is an unacceptable situation that the Inquiry considers should be rectified without delay. **We consider that it is essential that services in Jersey are willing to open themselves fully to external scrutiny, in the interests of ensuring continuous improvement and development.**

13.20 We consider that it would not be feasible for Jersey to set up an inspection agency located in the island, since this would be likely to be viewed with suspicion as to its independence. **We recommend**, therefore, that the States commits to introducing an independent inspection regime for its Children's Services. It must give urgent consideration as to how it can establish an arrangement that will have the confidence of islanders, and especially looked after children. Options for doing this could include commissioning from an off-island agency such as Ofsted. This could bring some cost efficiencies and would create opportunities for the sharing of ideas and practice across the

varying jurisdictions. It would also offer an important developmental opportunity for staff within services to have short-term secondments to participate in inspections in other jurisdictions. A development of this kind would not, of necessity, have to be free standing, but could be established as a specific unit within an established inspection agency such as Ofsted. This would allow it to gain valuable experience without it having simply to apply the standards and mechanisms that Ofsted has in place for the jurisdictions that it covers at present. It may be that there are other relevant agencies, such as some of the large-scale third-sector providers, with whom a partnership could be formed to deliver the inspection function, provided that a clear model of inspection was put in place from the outset. It is not for the Inquiry to prescribe how this should be established, but **we do emphasise the urgent need to take forward a credible arrangement for inspection.**

- 13.21 There is no current legislative basis for inspection: we do not consider that this is a hindrance to an inspection arrangement being made on a voluntary basis in the first instance. **The Inquiry recommends that, at the first opportunity and in any event within 12 months of the date of the publication of this Report, a statutory basis for inspection of Children's Services be established.** This must require inspections to be undertaken on a regular basis, on both announced and unannounced bases. Inspectors must have powers of access to all relevant premises, documents and staff at all times. Inspection reports must be made publicly accessible, as should the responses made to them by inspected services. In establishing the inspection arrangements, **we recommend** that the system that is put in place should be one that supports learning rather than rigid compliance. The quality of services cannot be assured by inspection alone, but requires a whole-system approach, including such elements as robust reflective supervision and peer review.
- 13.22 Once the inspection arrangement is in place, **we recommend** that the current Independent Visitors for Young People (IVYP) arrangement should be terminated. While we were impressed with the understanding and commitment of the independent visitors we met, we were also concerned about their perceived lack of power. It would be an unnecessary duplication if

the IVYP remained in place alongside an inspection agency, and could result in excessive intrusion into the lives of looked after young people. It would, however, be appropriate, and therefore **we recommend** that the States makes use of experienced independent visitors by involving them as lay inspectors in inspection teams. It would also be important to involve young people with experience in care within inspection teams, as has been developed, for instance, by the Care Inspectorate in Scotland.

- 13.23 The Inquiry considers that having an empowered and effective regulatory and inspection regime in place is an essential component of ensuring the safety and wellbeing of children and young people who are looked after. We consider that having an inspectorate working alongside a Commissioner and support for young people to have a voice that is listened to would be very significant steps towards building confidence in services for the long term. Speedily establishing this triumvirate of Inspectorate, Commissioner and Children's Rights Officer would signify the States' commitment to ensuring that the failures and inadequacies of the past are not repeated.

#### **Recommendation 4: Building a sustainable workforce**

- 13.24 The Inquiry was very concerned to hear of the difficulty that had been experienced over many years in recruiting and retaining suitably qualified and skilled staff at all levels within Children's Services, including residential care staff. The service has had too many short-term interim senior managers. In our last sessions of Phase 3, we heard of high expectations being built around the latest appointment of a Director of Children's Services. We were therefore concerned to learn, after our hearings had concluded, that this person had left the service and the island after only five months in post. This is a very destabilising situation that **we suggest** must be resolved as a matter of urgency. Without a stable workforce at all levels, service users are unlikely to have confidence in the service that they will receive and, without stability at senior management level, staff are unlikely to feel confident in the way that they are supported to undertake their complex and difficult tasks. If there is a constant turnover of staff, it is impossible to build a consistent high-quality service on which the public can rely. Children and families who feel as though



they never see the same social worker twice can hardly be expected to have a trusting relationship with the service.

13.25 We heard evidence that senior managers in Children's Services did not find the Civil Service Human Resources (HR) section to be helpful. We were told that there was a need for HR processes that would enable managers to manage performance more readily and more robustly. It is essential that HR staff supporting Children's Services understand the needs and responsibilities of the service, and in particular that the welfare and safety of children is the paramount consideration. **We recommend** that Children's Services be provided with a **dedicated specialist HR resource** to work alongside managers in building a stable and competent workforce. It may be the case that consideration will need to be given to wider matters, such as whether the current residency rules require variation in order to facilitate recruitment to this field.

13.26 We were impressed by what we heard from the Chief Probation Officer as to how he had created a much more stable staff group that had an emphasis on high practice standards, underpinned by consistent training both on and off the island. We were surprised that there did not appear to have been any exchange of thinking on this between Children's Services managers and the Probation Service. In a small professional community such as exists in Jersey, the sharing of experience and learning should be commonplace. **We therefore recommend two things.** First, that a plan for the recruitment and retention of staff be put in place, taking into account the positive experience that there seems to be in the Probation Service. Secondly, we strongly emphasise the need to develop a culture of corporate working across all public services. This must be led by senior politicians and by the Chief Executive and his senior team.

13.27 In developing a plan for the recruitment and retention of staff, we recommend that consideration be given to a range of ways in which services can be provided. **We suggest** that this should include the possibility of commissioning services from other agencies such as large third-sector providers or, indeed, south of England local authorities. This could, for

instance, give access to wider resources for training and practice support. It would also open up possibilities for staff working in Jersey to gain wider experience and to keep pace with practice developments in other jurisdictions.

13.28 In the course of Phase 3 we met with Professor Eileen Munro and visited the London Borough of Hackney, which has undergone transformational change in the way in which its social services operate. Hackney was previously viewed as having significant problems in its services, but, as a result of changes made to its structure and methods of working (influenced in no small part by Professor Munro), it is now viewed as providing very high-quality services. One result of this change is that whereas, previously, it found it difficult to attract staff and to retain them, it is now able to fill all vacancies and, indeed, attract more good-quality applicants than it has posts. **We recommend** that the States should conduct a review of how Hackney has implemented changes, and consider how to effect best practice in Jersey's Children's Services. The leaders we met in Hackney were at pains to emphasise that "*you cannot simply pick up the Hackney model and transfer it to your service*". They stress that the way forward is for services to develop their own models, just as they did, and thereby to have ownership of them.

13.29 In addition to meeting with Professor Eileen Munro, we met with Isabelle Trowler, the Chief Social Work Adviser for Children's Services in the Department for Education (DfE). She had previously held a senior management post at Hackney and had been a key participant in leading the change process there. In our discussion with her, she shared our concern that too much emphasis was being placed on process as a means of protecting children, rather than on the delivery of effective interventions. Our concerns about this grew as we heard evidence in Jersey that similarly tended to focus on process in the form of various meetings rather than professional practice. In Phase 3, we formed the view that many of the changes seen as being a priority were solely concerned with process rather than professional practice. We understand and accept that some elements of process are essential, but the thing that will make the difference to the lives and safety of children is the quality of the intervention that services make to support them. There is a danger of implying that if a plethora of meetings is held and forms filled in,

children will be protected. This, in our view, is not the case. Effective professional practice must be underpinned by safe recruitment, access to high-quality training and reflective supervision.

- 13.30 Foster carers, though not part of the workforce, are a key part of the provision of Children’s Services and can make a very significant positive difference to the experience of looked after young people. During Phase 3, we heard of considerable dissatisfaction among the island’s foster carers, who felt that they were not viewed as being “*part of the team*”. They told us that they had “*to fight all the time over little things and big things*”. We heard from the Chief Executive of the Fostering Network, the UK’s leading fostering charity, that, in his opinion, Jersey was at “*the very lower end of what [he] would hear from foster carers in terms of practice*”. Given the importance of fostering as a resource, these comments give rise to concern and point to the need for improvement. **We recommend**, therefore, that a thorough review of fostering in the island is undertaken as a matter of urgency, and that external expertise is engaged to assist with this. **We recommend** that the review should examine the recruitment and retention of foster parents and must consider whether any arrangements need to be made to ensure that families with the potential to be effective foster carers have access to suitable housing. The review must set the groundwork for a different attitude to foster carers from professional staff that should ensure that foster carers are treated fully as equal members of the team looking after children in the care system alongside those employed professionals working in Children’s Services.

### **Recommendation 5: Legislation**

- 13.31 During the Inquiry, we heard that legislation for children in Jersey was almost invariably lagging behind positive developments in the UK and beyond. To a large extent, this seemed to be related to the fact that there is no separate policy division to deal with this within the Civil Service, with the result that the development of new legislation is dependent on Children’s Services managers, whose primary responsibilities are operational, being able to devote time to the task. In addition, priority is given within the States to legislation related to the island’s economy, with the result that children’s

legislation can take a considerable time to be agreed. It was accepted by the States of Jersey in its closing submissions that *“in the area of legislation and policy, there is still a significant amount of work required”*.

- 13.32 While we recognise that resources to support the legislative process are limited in the small jurisdiction of Jersey, it is unacceptable for the island’s vulnerable children and young people not to have their wellbeing looked after. The principle of the paramountcy of the child’s welfare is long established in children’s legislation, and lip service seems to be given to this by the States of Jersey. If the failings of the past are to be avoided, it is essential that these matters are given a prominent position in the legislative process, to ensure that the interests, safety and wellbeing of children have the most modern legislative backing.
- 13.33 **We recommend** that consideration be given as to how the island can have a more effective mechanism for developing legislation, policy and practice guidance in relation to children and young people. If, for instance, operational services were commissioned from an external agency, a small policy unit would be necessary within the Jersey Civil Service to develop the policy and guidance under which the commissioned service would be expected to operate. It is also possible to buy in expert resources from relevant third-sector agencies to support this.
- 13.34 An alternative approach would be to put in place an arrangement whereby Jersey speedily adopts suitably adapted legislation and guidance from a larger jurisdiction such as England. This would require working in parallel with relevant departments in England as legislation or guidance is developed. The Inquiry recognises that this is not an easy matter to deal with, given the legislative independence of the island.
- 13.35 The Jersey youth justice system continues to be court based and, while some revisions to practice seem to have been made, **we recommend** that a thorough review be undertaken with a view to moving to a **welfare-based model** rather than a punitive one. We heard from witnesses that the *Criminal Justice (Young Offenders) (Jersey) Law 2014* should have a section inserted into it recognising that the welfare of children should be a primary

consideration. We agree with this, but our view is that this, in itself, would not be sufficient unless the whole system were amended to centre on the welfare of the child. **We recommend** that the Youth Justice System should consider how it can move to a model that always treats young offenders as children first and offenders second.

- 13.36 In our view, it is essential that those charged with dealing with children and young people in a judicial capacity should have a sound understanding of the needs of young people and of the issues that can impact on their lives. To that end, **we recommend** that a suitable programme of training be put in place for all those acting in a judicial capacity in the island, and that there should be a requirement for regular refresher training to ensure that all are kept briefed on the latest thinking and research on these matters.

#### **Recommendation 6: Corporate parent**

- 13.37 We regularly heard reference to the “corporate parent” in evidence relating to recent years, but it was often unclear what was meant by this. While many witnesses seemed committed to the idea, there seemed to be little evidence of a full commitment to the concept that children looked after by the States were entitled to have the full resources of the States applied in their best interests throughout their time in care and, indeed, beyond. We heard that a briefing session about the role of the corporate parent was held for States members after the 2014 election, but that it was attended by very few members. We consider this to be unacceptable, given the paramountcy principle. **We therefore recommend** that, for the future, attendance at such a briefing is made mandatory for all members following an election and that this should be followed up by at least annual refresher training. All States members must understand the weight of responsibility that they collectively carry for all children who find themselves in public care. To emphasise further the commitment to corporate parenting, **we further recommend** that reference is made to this specific responsibility in the oath of office taken by members of the States Assembly. The symbolism of this would, we believe, be a very powerful demonstration of the commitment to move on from the failures of the past.

- 13.38 Corporate parenting is not satisfied by there being a regular meeting of different States ministries to review child-centred policies. It is a concerted and committed child-centred strategic approach that must inform all relevant States services if the failings that have come to light during the Inquiry are to be avoided in the future. We were struck by the apparent lack of a culture of corporate working across departments and services. This is a matter that requires firm and visible leadership from Ministers, elected members and senior managers. We were, for instance, surprised to hear from the Chief Executive that he had not yet visited Children's Services, despite the fact that he was giving evidence to the Inquiry. If Chief Officers and Ministers do not make it clear by example that they expect services to work together, then services will continue to operate in silos, as seems to us to be the case at present in Jersey. Looked after children need all services to give thought as to how their care and transition into adult life can be supported by their corporate parent, with all of its substantial resources.
- 13.39 **We recommend** that the responsibilities of the States to all Jersey children should be set out in a Children's Plan, which should include "SMART" (Specific, Measurable, Assignable, Realistic and Time-related) objectives. The Children's Plan should set out how the States will enable all children for whom it is responsible to achieve and fulfil their potential and support them into their adult lives. This means that there must be a strong commitment to thorough care and aftercare for young people who have been looked after. Such plans should encompass all relevant services impacting on children and should cover a period coinciding with the Medium-Term Financial Plan in order that clear financial commitments to support the plan can be made. Progress on the Children's Plan should be reviewed at least annually.
- 13.40 The Children's Plan should be an easily accessible public document, and a version should be produced that is specifically designed for children to understand. **We recommend** that, in preparing the Children's Plan, consideration is given to how young people can be enabled to remain in their placement for as long as is necessary to make a safe transition into independent living. In this regard, we were impressed by what Action for Children (AfC) had to say in their Phase 3 submission to us. They

recommended adopting “Staying Put” strategies to enable young people to remain in their fostering situation until they reach 21 years of age, and extending this to children in residential settings. Research in England has shown that young people in “Staying Put” projects do better in education and make a more successful transition to independent living.

### **Recommendation 7: The “Jersey Way”**

13.41 Throughout the course of the Inquiry, we heard reference to the “Jersey Way” notwithstanding that there did not seem to be any set definition of the term. On some occasions it was used in a positive way, to describe a strong culture of community and voluntary involvement across the island, and this is something we recognise as a strength of the island, from the many contacts we had with voluntary organisations and individuals who give generously of their time to serve the interests of others. On most occasions, however, the “Jersey Way” was used in a pejorative way, to describe a **perceived** system whereby serious issues are swept under the carpet and people escape being held to account for abuses perpetrated. A Phase 3 witness told us: *“we [also] have the impossible situation of the non-separation of powers between the judiciary and political and there is a lot of secrecy, non-transparency and a lack of openness. This brings with it the lack of trust, the fear factor that many have spoken about and contributes greatly to the Jersey Way”*.

It is this strongly held perception by many of those who experienced abuse that will continue to undermine any attempts to move the island forward from the matters into which we have inquired. **We therefore recommend** that open consideration involving the whole community is given to how this negative perception of the “Jersey Way” can be countered on a lasting basis.

13.42 Jersey has a long and proudly held tradition of governance, but that is not to say that steps should not be taken to reflect the modern world in which the island exists. As with many long-established jurisdictions, there can be a resistance to change, which is something that seems to be acknowledged. We are of the opinion that this serious matter cannot be addressed without further consideration being given, in the light of our findings, to recommendations contained in the Clothier and Carswell Reports.

13.43 While these involve constitutional matters, we are firmly of the view that the progress that must be made in relation to future care and safety of children in Jersey will be undermined if they are not dealt with such that all perceptions of there being a negative “Jersey Way” are eradicated once and for all. Achieving this would, in our opinion, provide a very strong visible marker that there was a deep determination in the island to use the conclusion of the Independent Jersey Care Inquiry as a platform to ensure that the island’s children and young people will be looked after in a caring and compassionate system that is underpinned by a system of governance in which there is the utmost confidence among all of the island’s citizens.

### **Recommendation 8: Legacy issues**

13.44 The most constructive legacy that Jersey can build from its child care history is to fulfil the aspirations of the many citizens, including people who are or have been in the care of the state, political institutions, voluntary sector agencies and professionals, and to ensure that future child care services protect and nurture children, as well as giving them opportunities to heal and to thrive. Jersey also has a notable tradition of embracing, acknowledging and honouring its past, such as the painful period of its Occupation in World War Two. The Panel recommends that Jersey build on this tradition by ensuring that its complex and often unhappy care history is remembered and that the experiences of generations of Jersey children, whose lives and suffering worsened because of failures in the care system, are respected and honoured in decades to come.

#### **13.45 Four areas of action are recommended:**

- a Preserving and making accessible the Inquiry archive.
- b Remembering and recognising Jersey’s child care history.
- c Redeeming the Haut de la Garenne site.
- d Care for witnesses after the Inquiry.

### **Recommendation 8a: Preserving and making accessible the Inquiry archive**

13.46 The Inquiry received millions of pages of documents and evidence. Those that were considered most relevant and that have been used during public



hearings and in coming to the findings in this report have been redacted and put into the public domain. The evidence includes detailed accounts and personal experiences of child care in Jersey, which are an important contribution to the record of the island's history. From stories of interaction between occupying troops and residents of children's homes through to accounts of daily struggles of Jersey families, to the background to Operation Rectangle, a vast collection of data held by the Inquiry chronicles the response of Jersey to the needs of its most vulnerable children and sets out how they were affected by state policies and intervention. This material is an important source of social and political history for the people of Jersey and for scholars in those fields.

13.47 Jersey citizens and politicians have properly expressed to the Inquiry their concern that the archive of the Inquiry be preserved for posterity. The Panel agrees with this recommendation, but recognises, as set out in our Protocols, that different categories of material require different archiving and storage solutions.

13.48 **We recommend** that all public-domain material from the Inquiry should remain in the public domain in perpetuity, and that the archive of its documentation should be preserved for Jersey. Material not in the public domain requires a different approach. The privacy of individuals who gave evidence anonymously or in private session must be protected; and extraneous material (for example, that not relevant to the Terms of Reference and not used) must be excluded. The Panel also recognises that provision must be made to future-proof the Inquiry archive so that documents can be accessed and read as technologies develop and the software of the present day becomes redundant (for example, in the way that punchcards, tape and floppy disks create problems for current systems). It is also recognised that better indexing and search facilities will be needed to facilitate access to the materials. Although, as the Inquiry's commissioning body, the States of Jersey has ownership of the Inquiry archive, the sensitivity of some of the material held by the Inquiry (for example, identities of anonymous witnesses, and evidence given in private) is such that it would be imprudent for it simply to be

handed over to the States of Jersey or its representatives, because of the risk of a perception that it may be accessed inappropriately.

13.49 The Inquiry has undertaken some preliminary planning and research for the management of its archive. We recognise the experience available in Jersey through the Jersey Archive and believe that to be a primary source of assistance and a repository for all public-domain material.

13.50 The remaining documentation must be preserved in a secure, neutral venue, with independent oversight. **We recommend** that such material be archived off-island, in facilities provided by one of the international institutions with experience in the retention of Inquiry and sensitive judicial archives, with access and security overseen by an independent third party.

13.51 It has not been possible, because of the need to avoid any perception of improper engagement, for the Inquiry to engage in detailed discussions of archive management with the States of Jersey pending the publication of this report. **We recommend**, therefore, that the Inquiry retain all its documentation under present secure arrangements, until a plan is agreed with the States of Jersey for the permanent security, management and accessibility of the archive. When the Panel, and any advisers it may consult, is satisfied that robust arrangements are in place for the storage and accessibility of all categories of information, the Panel will transfer ownership of its archive.

### **Recommendation 8b: Remembering and recognising Jersey's child care history**

13.52 Jersey has sought to recognise and respond to failings in the States' dealings with children over many decades through the establishment of this Inquiry; through the apology to victims made by the Chief Minister; through the Historic Redress Scheme, which sought to compensate victims and spare them additional harrowing experiences of litigation; and through support for work with former care leavers. We are of the view that remembering the past is one of the best ways to shape a better future. Many of the hundreds of witnesses whose stories the Inquiry heard wanted, more than anything else, an acknowledgement that they had been failed and harmed, as well as the

reassurance that no other child in Jersey would ever have to experience what they had endured.

13.53 **The Panel recommends** that remembrance will be assured, and healing within the island assisted, by the creation of some form of tangible public acknowledgement to the many hundreds of children and young people who have been ill served by the child care system over many decades. The form of this and its execution is for the people of Jersey to decide. The Panel would suggest only that the medium or approach adopted acknowledge the realities of the past and speak to the future aspirations of the island for its looked after children.

### **Recommendation 8c: Redeeming the Haut de la Garenne site**

13.54 In the course of its work, the Panel made five visits to the former Haut de la Garenne (HDLG) Children's Home. The site and some of the original buildings are now used as an outdoor centre. An adjoining building, Aviemore, is used for various child care services.

13.55 Despite current use of some of the HDLG buildings for outdoor/hostel activities, areas of the vast building are in disrepair and provide a poor standard of facility.

13.56 The buildings featured prominently in the evidence heard by the Inquiry. For decades, the site provided institutionalised care for thousands of Jersey children – initially as the Jersey Home for Boys (JHFB), and then, from 1959 to 1986, as HDLG Children's Home, admitting girls as well. Few positive memories emerged from the accounts that the Inquiry received from hundreds of former residents. Many spoke of a physically harsh and abusive regime in which they had experienced little nurture, kindness, encouragement or individualised attention. Some described sexual abuse by staff or older residents. The overwhelming majority had suffered ill effects from abusive experiences or lack of care well into adult life, often impacting significantly on their ability to form and sustain relationships.

13.57 For many former residents, and for other Jersey citizens, the HDLG buildings are a reminder of an unhappy past or shameful history. For other people in

Jersey, HDLG is an unwelcome symbol of the turmoil and trauma of the early stages of Operation Rectangle and the attention brought to the island.

13.58 **The Panel recommends** that the States of Jersey considers negotiating to secure unrestricted ownership of the site and to demolish the HDLG buildings. Given the associations of the site, no States of Jersey services for children or for victims of abuse should be located there in the foreseeable future. The site is a prime site in the island, and is suitable for a range of developments. Should the site be retained for youth/outdoor activity, these opportunities should be provided in a modern facility, with no resemblance to the original buildings.

#### **Recommendation 8d: Care for witnesses after the Inquiry**

13.59 From the outset of our work, we recognised how difficult it would be for many people to come forward to tell us of their experiences, and indeed for others to read or hear of these experiences. To that end, the availability of victim support was a priority for us, both through Victim Support Northern Ireland, and through the work of our legal team who were in regular contact with witnesses in advance of their evidence, on the day of their giving evidence, and in the weeks following their evidence. It was, in our view, very important that those whose applications had been approved by the Historic Redress Scheme had funding for independent counselling made available to them. We are aware that victims and survivors often hold on to a hope that, once they have given their evidence to an Inquiry such as ours, painful memories will begin to dissipate and fade. We are, however, conscious that this may not be so for some, and, indeed, the publication of our Report may well re-open memories for some. Accordingly, **we recommend** that arrangements are put in place for ongoing support for all who may feel that they need it in the aftermath of the Inquiry.

#### **Concluding remarks**

13.60 Establishing the Independent Jersey Care Inquiry was a significant step for the States of Jersey to have taken on behalf of the people of the island. We have no doubt that there is a general commitment to learn from the past and

to make improvements for the future. We are, however, aware that it is a common criticism of public inquiries across jurisdictions that there is, in the majority of cases, no follow-up to verify what action has been taken in respect of findings and recommendations that have been accepted by those commissioning the report. It is, of course, for the public bodies in Jersey to decide whether and how our recommendations are implemented. We do, however, consider that the recommendations in this Report form the basis of building a better and safer future for all children in Jersey. To that end, it is our view that, from the outset, a mechanism should be established to monitor and verify the implementation of the recommendations. A transparent way of doing this, and one that **we recommend, is that the Panel returns to the island in two years to hear from those providing the services and those receiving them.** We envisage that this would be undertaken in a public forum similar to Phase 3 of the Inquiry. It may be that the Children's Commissioner, when appointed, could invite the Panel, who would report within a very short timescale after hearing from key participants.

