

CHAPTER 12

From Findings to Recommendations

Introduction

12.1 The Inquiry makes recommendations in order to:

- identify any remedial action required to keep children in Jersey safe;
- ensure that the failings of past and their consequences are not repeated;
- promote a safe, effective system of care where children thrive and fulfil their potential.

12.2 The Panel recognises that its recommendations must:

- improve standards, performance and effectiveness;
- work in Jersey;
- build on the strengths of the community;
- be achievable within the resources of the island;
- enable Jersey to find solutions rather than create additional burdens;
- draw on the significant contributions to this Inquiry of Jersey citizens, stakeholders and agencies.

12.3 In approaching its task of making recommendations, the Inquiry had regard to:

- the current state of services for children in Jersey;
- the underlying causes of past failings;
- the lessons to be learned from past failings;
- Jersey's response to previous child care reports and reviews;
- the experience of other inquiries and research on the implementation of recommendations.

- 12.4 Our analysis in this chapter, and our recommendations in Chapter 13, fulfil the Inquiry's Terms of Reference 14 and 15, which require us to:

“Set out what lessons can be learned for the current system of residential and foster care services in Jersey and for third party providers of services for children and young people in the Island”;

and

“Report on any other issues arising during the Inquiry considered to be relevant to the past safety of children in residential or foster care and other establishments run by the States, and whether these issues affect the safety of children in the future.”

The current state of services for children in Jersey

- 12.5 Our goals in framing recommendations are to keep children in Jersey safe and to give children in the care of the States of Jersey the best life chances. In fulfilling our Terms of Reference, we have described and analysed events since 1945, including the impact that failures in child care services have had on the lives of many children in Jersey – in some cases affecting them, their relationships and families throughout adulthood. The Panel has identified 10 failings underlying the findings that it has made. These failings allowed abusive regimes and practices to persist and flourish in the care system for many decades. These are listed in Table 12.1 and discussed more fully at paragraph 12.35 below.

These are not exclusively historic failings. Evidence, including recent serious case reviews (SCRs), has indicated that significant shortcomings persist in some areas of Jersey's services for children. We learned that, even during the period of the Inquiry hearings (2014–2016), major deficiencies were apparent in these services. Despite investment, efforts to respond to earlier reports, and repeated failings having been identified in SCRs, at the conclusion of the Inquiry's hearings, aspects of Jersey's services for children remained not fully fit for purpose.

Table 12.1: Failings in Jersey’s child care services, 1945–2014

Jersey’s child care services were characterised by failures to:

- value children in the care system;
- adopt an adequate legislative framework;
- keep pace with advances in the developed world;
- achieve positive, measurable outcomes for children;
- establish a culture of openness and transparency;
- mitigate the negative effects of small island culture;
- make sufficient investment in staff development;
- promote the recruitment and retention of staff;
- fulfil corporate parenting responsibilities;
- tackle a silo mentality among departments.

12.6 Foster carers perform an invaluable role: they see, daily, how States of Jersey services impact on the children they care for, and they experience how professionals operate. They told us, during the Phase 3 consultation in 2016:

“The service is failing our children, leaves them very vulnerable and has not learned any lessons whatsoever no matter how many SCRs have occurred”;

and

“I would never stand for the service for my birth child that I have seen for my foster child.”

12.7 Interim senior managers in Children’s Services contributed to Phase 3 of the Inquiry and described how, as late as 2014, they found:

“ ... the residential sector was very poorly managed ... rather chaotic staffing arrangements”; and

“ ... very little evidence that that robustness that is required in order to ensure that safe human beings look after our most vulnerable children was at a level which was necessary”.

- 12.8 They discovered that there were *“not enough social workers”*, *“no standards”* and *“no management standards”*. Residential staff directly caring for children *“had had no training for seven years prior to us coming”* and *“no proper supervision”*. Furthermore, the management style within the residential sector was *“not conducive to keeping children safe”*. There was an absence of governance and management: *“very little procedure, very little management”*. They found that children remained at risk in the community because care orders were being used inappropriately, or not being used at all. In an independent audit of assessments of children’s needs, only three out of 40 assessments undertaken by social workers were found to be adequate. Vulnerable children and their families were still being failed by the system that was meant to protect them.
- 12.9 As these senior managers set about a programme of improving the quality of practice and the experience of young people in the care system, they described encountering strong resistance to change in parts of the staff group and a worrying lack of insight, professionalism and accountability among some staff; they described people who would *“storm out, slam doors”* when asked basic questions about what they were doing in a case or how they were identifying a child’s needs.
- 12.10 Notwithstanding all the effort that they have put in over the last two years, as late as March 2016, the interim managers had grave concerns about some of the staff employed in Children’s Services. They were *“still not convinced that some of the people are of the right calibre”* and *“still have a number of question marks around a significant number of staff”*. The model of residential child care that they encountered in Jersey was described by Jo Olsson, a former interim Director of Children’s Services in Jersey, as *“containment and behaviour management”*. These managers were describing, in 2016, approaches to residential care and offending behaviour that have persisted for decades in Jersey, since the days of the Jersey Home for Boys (JHFB), the Jersey Home for Girls (JHFG) and Sacré Coeur. According to Jo Olsson, as

late as 2016, residential child care in Jersey still needed to be transformed into:

“a more holistic approach that tried to create the therapeutic environments and relationships that enabled children to recover from the adverse experiences they have had”.

12.11 These accounts are supported by the “*pretty devastating set of findings*” of a review of child care services undertaken in 2015 by former English Ofsted inspector Mary Varley. The Inquiry has seen this review, and it was discussed in evidence with Jo Olsson.¹ The Varley review, although adopting a process-focused approach, did highlight some progress in some areas of residential care, following work undertaken by Jo Olsson and her colleagues in the preceding months. Mary Varley found that, across the residential establishments that she looked at, standards were “*mostly met*” and there was a mix of “*good practice and some aspects of inadequate practice*”.

12.12 Across Children’s Services generally, however, Mary Varley found widespread inadequate practice, poor assessments, a lack of focus on the child in the management of cases and a weak Independent Reviewing Officer (IRO) service incapable of driving forward improvements. Because of the nature of our Terms of Reference, the bulk of our report is focused on care provided to children in residential and foster care and has not looked more broadly at the child protection perspective. However, we consider it important to understand the position in the recent past and at present in order to assist us in making recommendations for the future and to inform our assessment of children’s services more widely.

12.13 As late as 2014, Jo Olsson found a culture in Children’s Services that was “*hierarchical, paternalistic and patriarchal*”. It was “*quite a man’s world*” where senior managers did not know what they were supposed to be doing² and were engaged in fruitless activity because:

“sometimes what happens in that circumstance is people just do things anyway because to admit you don’t actually know what you are doing is just too difficult”;

¹ Day 138/188/7

² Day 138/159/20

and

[senior managers] *didn't know they were so far off what would be mainstream good practice*".

12.14 Jo Olsson described a Children's Services department that had deteriorated to such an extent that it would take a significant time to turn around. She explained concerns brought to her by States of Jersey Police (SOJP) officers about a reluctance by Children's Services to engage with some cases raised by the SOJP, and poor practice in children's homes that was observed by SOJP officers. The Panel noted the marked contrast, by 2014, between a proactive, child-centred response to looked after children by SOJP, which has learned from the accounts of victims in Operation Rectangle, and a residential child care sector that had not. Despite all the experience and lessons from the widely publicised cases emerging in Operation Rectangle, Jo Olsson concluded that (as of 2015) "*the quality and standard of [social work] practice in Jersey left children very, very vulnerable*".³

12.15 We were interested to hear Jo Olsson's views on why failure to learn lessons and move forward persisted in Jersey's Children's Services. In her view, a key factor was the "*moribund*" senior management, which had come about because of "*too many internal promotions over too long a period*".⁴ A similar issue was highlighted by the States of Jersey in its closing submissions,⁵ describing a reluctance by staff in child care services to engage in robust professional challenge and supervision because of existing social relationships, despite this issue having been identified as a concern in successive SCRs. Jo Olsson described an unwillingness by service managers and by the States of Jersey administration to address poor performance because of the potential "*dramatic and draconian*" effects of dismissing someone from their role in a state where residency qualifications and housing eligibility can be closely linked to employment status. Termination of employment can, in certain cases, trigger loss of the worker's home and of their, and their family's, right to remain on the island.

³ Day 138/182/5

⁴ Day 138/161/18

⁵ Day 145/35/2

- 12.16 The Panel heard other evidence suggesting reluctance in States of Jersey departments to tackle performance issues for fear of the wider consequences or because of the strong interlinkage of social and professional relationships. The consequence of this mentality, it seems to us, is that Jersey has at times prioritised the welfare of government employees over the needs of children, by promoting staff out of local loyalties or allowing unsuitable or incompetent staff to remain in post rather than risk jeopardising their standing, residency or housing status. That such attitudes remain, nearly a quarter of a century after the debacle of the initial response to complaints about Jane Maguire, as described by the Jersey Care Leavers' Association (JCLA) in their closing submission,⁶ is a matter of grave concern.
- 12.17 We concur with Jo Olsson's view that this issue arises from a failure to grasp, at many levels – politicians, senior managers and practitioners – that the first priority of States of Jersey officials and officers is to protect the island's children, on whom its future depends.
- 12.18 The Panel considered carefully, and has given prominence to, the evidence of Jo Olsson on the current state of child care services in Jersey, for four reasons. First, she is an experienced practitioner and manager of social work services, with a track record of transforming underperforming services. Secondly, she provided an outsider's view, having come to the island to undertake a particular role and with no agenda of seeking advancement, residency or later employment in Jersey. Thirdly, her observations are supported by the evidence and contributions of service users, other professionals and organisations in Jersey. Fourthly, and most significantly, her evidence contrasts markedly with the evidence of Anton Skinner, Richard Jouault and others on the performance of Children's Services in the period from the 1990s to the commencement of Inquiry hearings. While these witnesses described some challenges and issues within services for children, there was no suggestion in their evidence of the depth of dysfunctionality, poor quality of management and absence of basic social work skills that subsequently became apparent to the Panel through the evidence of the

⁶ Day 146/151/2

SCRs and of some of the interim and current managers in post from 2014 onwards.

12.19 Had the evidence of Anton Skinner and Richard Jouault not been balanced by the evidence of Jo Olsson and others, and by many Phase 3 contributors, including care-experienced young people, the Inquiry would have been left with a very different understanding of the current condition of child care services in Jersey.

12.20 It is our view that the discrepancy between the actual performance and quality of Jersey's Children's Services and that claimed by some of its long-standing managers does not arise from an attempt to mislead the Panel or to cover up failing practice. More seriously, it derives from lack of insight, knowledge and skills related to good social work practice among senior staff – a situation characterised by several people in Jersey as "*not knowing what good looks like*".⁷ For too long, in Jersey, too few people have understood "*what good looks like*" in child care; as a result, services have failed children, some of whom have suffered the consequences of unmet need and unsatisfactory care well into adulthood, and continue to suffer.

12.21 The balance of the evidence that we have seen indicates that, despite effort, investment, reviews, SCRs, reports and recommendations presented to the States of Jersey over many years, there was still not a consistently safe and effective child care service in the island by the time the Inquiry concluded its hearings in 2016. Jo Olsson told the Inquiry:

"I did not leave the island [August 2015] believing that children were safe and I still have great concerns about their safety."

12.22 Her concerns were echoed by James Clarke, an Interim Manager, who said:

*"You would not believe how poor ... [the standard of social work practice is] ... it is almost like trying to create a social work system on an island that has never seen social work."*⁸

12.23 The Panel therefore has to approach its recommendations from the standpoint that, despite Julia Wise-St Leger's perception of a gradual

⁷ E.g. Day 143/64, Day 144/53, WS000710/32

⁸ Day 143/82

emergence of what she called “*the green shoots*” of recovery, serious deficiencies remain in social work services, systems and practice that may leave children at risk or cause them to experience sub-standard care. Our concerns were heightened by learning of the recent departure (in October 2016) of the fifth Director of Children’s Services in five years, after only a few months of employment.

- 12.24 We are gravely concerned by the additional instability that her departure creates in a department where concerns already exist over its fitness for purpose and its capacity to identify, protect and adequately care for vulnerable children in Jersey. In the light of all the evidence that it has heard, the Panel considers that children may still be still at risk in Jersey and that children in the care system are not always receiving the kind or quality of care and support that they need.
- 12.25 The outlook, however, is not entirely bleak. As part of its Phase 3 work, the Panel met with many people working in Jersey with vulnerable children and families. They included service providers, public-sector staff, foster carers and volunteers. The Panel also met families and talked with children living in residential and foster care. The Panel was impressed by the range of the work and dedication of staff and volunteers in many agencies, often, like the many groups based at The Bridge,⁹ providing crucial support and filling essential gaps in provision, while constantly struggling to fundraise. The Panel heard of innovative models of care being used at Les Amis, a charitable organisation providing residential and respite services for people with learning disabilities; it also learned about and met staff from the Multi-Agency Safeguarding Hub (MASH) unit, which aims to ensure a thorough and speedy response to all child protection referrals. The Panel heard from health visitors about the aspirations they have for the vital service that they provide to women and their young children, and was impressed by their vision and dedication. It met with Child and Adolescent Mental Health Services (CAMHS) and recognised the commitment of that service to supporting children notwithstanding the

⁹ See, e.g., <https://www.gov.je/Caring/Organisations/Pages/Parentingsupportservices.aspx>

challenges of enormous demands, limited resources and unsatisfactory and poorly maintained premises.

- 12.26 Time and again, the Panel encountered or heard of the enormous resources of goodwill and generosity in the island, and it saw many examples of how these are being harnessed to develop and support young people and provide opportunities for disadvantaged groups by people with a passionate commitment to the island's children. The creation of the JCLA, its ongoing work of supporting people who have experienced the island's care system and the support that it has received from the States of Jersey are examples.
- 12.27 The Panel also heard from professionals, civil servants and politicians about Jersey's ambitious "1001 Critical Days" initiative, which affirms the importance of loving, nurturing early-life experiences and seeks to ensure that every child in the island has the best start in life. The commitment of the States and the participation of senior Ministers and civil servants in the taskforce taking it forward are encouraging evidence of political will to confront and resolve some of Jersey's long-standing social needs. We are worried, however, that no additional funding has yet been made available for this initiative, which has the potential to transform the life experiences of vulnerable children in Jersey and impact positively on social welfare for decades to come. The Panel would be concerned if this initiative were to falter through lack of investment. It is important, also, that this work in Jersey is connected to, contributes to and learns from successful developments and initiatives internationally, such as the Parent Infant Partnership in the UK or Attachment Parenting International.
- 12.28 Politicians told the Panel of their determination to see the States of Jersey fulfil its responsibilities towards the children to whom it is "corporate parent", in the same way that they do for their own children. Senator Green said:

*"For me it is very simple. I would not want anything for any other person's child, whether looked-after or supporting them in looking after their own child, that is not good enough for my own."*¹⁰

¹⁰ Day 144/54

12.29 The Chief Minister set out the importance of ensuring that all States members shared this understanding of corporate parenting responsibilities:

“If corporate parent is about wanting to ensure that children are treated in the same way that our own children are treated that takes it in my mind to a whole new different level about how we see children. ... Do we as States members see the same duty of care [as to our own children] to the children that we are the [corporate] parents of? And the answer has got to be currently today we don't. We have got to find a way of making sure that we do.”¹¹

12.30 This approach is the crucial foundation for a safe and effective child care service in Jersey, and we are encouraged by the aspirations of senior politicians in this regard. Jersey also has in its community many individuals and organisations passionate about improving the quality of life experiences of vulnerable children, including foster carers, youth organisations and volunteer visitors. The dedication and experience of these groups and individuals must be harnessed and used in driving forward and sustaining change in services for young people – not least in informing policy and helping to hold politicians and professionals to account.

12.31 The Panel also found in Jersey some impressive examples of effective leadership and of relevant expertise that can be drawn on to improve underperforming areas of children's services. The Probation Service has recruited and developed a stable staff group, benefiting from regular professional challenge and supervision. The service has international links, enabling staff to be exposed to and draw on good practice from other jurisdictions and to assist other island communities. The SOJP's Public Protection Unit (PPU), under the leadership of now-DCI Alison Fossey, has kept pace with international developments and approaches to crimes against children and has been proactive in adopting learning from Operation Rectangle and in its work to protect children. Les Amis has established a tradition of staff supervision and development.

12.32 We saw in these organisations that good leadership was evident, characterised by setting high standards in keeping with modern practice,

¹¹ Day 144/156

emphasis on developing staff, effective supervision and holding staff accountable for their performance.

- 12.33 We also heard evidence from many witnesses of the warm, nurturing environment previously operating at Brig-y-Don Home (BYD) under the management of Margaret Holley. The consistently compassionate care described by many former residents contrasted starkly with the harsh and abusive regimes operating in other Jersey homes in the same period. During Margaret Holley's tenure at BYD, staff turnover was low, and staff were encouraged to develop new skills and pioneer methods of working with children, such as shared care, that would enhance their life experiences. Frustratingly, no opportunity was taken to learn from BYD or to disseminate its good practices among other homes. Over many decades, each child care residential institution in Jersey operated in isolation, including all the homes established or taken over by the States of Jersey.
- 12.34 The Panel believes that this silo mentality must be broken down – not only among care homes, but also across all States departments, so that exceptional practice in one area is acknowledged and promulgated everywhere, including with partners in other sectors. There should be no place in the States of Jersey's operations for managers who place the protection of their "territory" ahead of willingness to work in a corporate manner, open to learning and adopting good practice from colleagues. In this sphere, it is crucial that a strong example of co-operative, cross-departmental, resource-sharing collegiate working is set by the Council of Ministers.

Understanding and addressing the causes of systemic failings

- 12.35 The Panel's review of the evidence of hundreds of witnesses and in excess of a million documents have informed the findings set out in Chapters 2–11 in relation to the care of children in Jersey from 1945 onwards. We have identified **10 underlying and recurring systemic failings** that created or sustained the conditions in which abuse and neglect of children in the care of the States occurred.

12.36 Understanding the causes of these failings is crucial to avoiding the mistakes of the past and responding to the problems of the present. Each failing is considered in detail below, followed by a summary of lessons to be learned.

12.37 We believe that only by addressing these systemic failings, and considering the lessons to be learned from them, can Jersey's care for children be transformed, made fit for purpose and enable children in the care of the state to be kept safe and thrive.

12.38 With this in mind, we have formulated our recommendations (Chapter 13) to address these systemic failings. **The Panel firmly believes that focusing on and implementing a small number of recommendations to address the underlying, persistent causes of child care service failings will be more effective than pursuing an extensive list of recommendations that deal only with the symptoms of the root problems.**

12.39 The 10 fundamental failings in the Jersey child care system are:

- Failure to **value children in the care system**, listen to them, ensure that they are nurtured, and give them adequate opportunities to flourish in childhood and beyond.
- Failure to have in place **an adequate legislative framework** that prioritises the welfare of children in need or at risk (in respect of both child welfare and youth offending).
- Failure to **keep pace with developments** in social policy, child care practice and social work standards in the developed world.
- Failure to plan and deliver services in an effective, targeted manner to **achieve positive, measurable outcomes** for children.
- Failure to **establish a culture of openness and transparency**, leading to a perception, at least, of collusion and cover-up.
- Failure to **mitigate negative effects of small island culture** and its challenges.
- Failure to **make sufficient investment** in staff development and training.

- Failure to adopt and implement policies that would **promote the recruitment and retention of staff** with essential skills in child welfare and child protection.
- Failure of the States of Jersey to understand and **fulfil corporate parenting responsibilities**, including adequate aftercare of children who have been looked after by the state.
- Failure to tackle a **silo mentality** among public-sector agencies.

12.40 **Failure to value children in the care system, listen to them and ensure that they are nurtured, and give them adequate opportunities to flourish in childhood and beyond.** The absence of effective practice in assessment of children's needs and lack of investment in securing stable, appropriate, and, where indicated, permanent care solutions (problems that were still evident as late as 2015) are indicators of the low priority that has traditionally been assigned to the needs of vulnerable children in Jersey. The long-standing failure to prioritise and invest in the recruitment, management, supervision and continuing development of staff with suitable backgrounds and skills to care for children also highlights the low value that has been, and in instances still appears to be, accorded to residential child care in Jersey.

12.41 For decades, residential establishments, including Family Group Homes (FGHs), were allowed to operate as individual fiefdoms, with no adequate professional oversight from senior children's service managers, while politicians failed to set standards or hold managers to account for their performance. Where children, and occasionally staff, expressed concerns or complaints about their treatment or the regime in their care settings, these were often minimised or ignored. The welfare, employment and employability of staff were given more priority than the wellbeing of children; staff whose approach was known to be unsuitable and staff with problems that affected their ability to care for children were tolerated by colleagues and managers while children suffered the consequences. Such attitudes could only flourish in a system that failed to prioritise the needs of children or to value them.

- 12.42 Nearly 30 years after the introduction of children’s rights officers and complaints processes for children in UK jurisdictions, during Phase 3 of the Inquiry, young people in Jersey’s care system told us that they feel that they have no effective mechanism for making representations or raising concerns, and that they are not being listened to. These young people are not looking for procedures, documents and leaflets: they want to have confidence that the people looking after them are skilled, compassionate and trained to take seriously the issues that they raise and to see them through to a resolution.
- 12.43 In the Inquiry’s Phase 3 discussions, politicians and senior managers acknowledged that, historically, Jersey has not provided adequate educational or other opportunities for young people in its care. In earlier decades, looked after children were stigmatised and sometimes discriminated against in the educational system. While attitudes now are more enlightened, it is recognised that more investment is required to ensure that looked after children have access to all the opportunities necessary to enable them to develop their potential.
- 12.44 Children with emotional, psychological and mental health needs in Jersey have also been let down by a failure to modernise and resource specialist services adequately. The Inquiry heard evidence of insufficient attention being given to the emotional needs of children affected by abuse and neglect and of children with mental health needs being subjected to inappropriate institutionalised care and treatment. While the current CAMHS system appears well integrated into safeguarding systems, even today, its essential work appears to be undervalued as it struggles with heavy and increasing demands while operating from premises ill suited to the needs of children and families.
- 12.45 The Inquiry has heard evidence of current residential care arrangements for children in Jersey, and was concerned to note during Phase 3 that unacceptable attitudes and outdated practices are still apparent in some settings that have failed to deliver a nurturing and homely environment for young people.

- 12.46 **Failure to have in place an adequate legislative framework that prioritises the welfare of children in need or at risk (in respect of both child welfare and youth offending matters).** Jersey’s child care legislation has lagged behind that of other jurisdictions in the UK and elsewhere in the developed world – often by decades. This has meant that whole generations of children have endured sub-standard provision and outdated attitudes. For example, while English child care was significantly overhauled in 1989 to reflect advances in research and practice, it took another 13 years before Jersey passed a modern Act (the *Children (Jersey) Law 2002*), by which time England was well on the way to enacting a new *Children Act 2004* to reflect advances, particularly in the area of assessment and management of child protection cases. As Jersey’s legislative framework is most closely aligned with that of England, the Panel believes that it is appropriate to model and mirror English legislative developments, tailoring their application to Jersey’s needs and taking advantage of the extensive policy and practice guidance that support English child care law.
- 12.47 While Jersey must adapt any English law to the special circumstances of the island, it is important that the temptation to cherry-pick elements of English law is avoided. The *Children Act 1989* in England is predicated on the principles that the state must identify and respond to both need and risk, that early strategic interventions can prevent risks to children developing or increasing and that responses by the state should be determined by the needs of the child rather than the nature of the services available.
- 12.48 Aspects of the 1989 English legislation that Jersey has adopted, such as the principle that the interests of the child are paramount, have not always been fully embedded in practice and decision making because of an absence of training and guidance on the application of the law in everyday practice.
- 12.49 The legislative basis of the Jersey Law has been further weakened by failure to adopt the key underpinning elements of the English Act in their entirety – specifically the failure to recognise in law the concept of a “child in need”¹²

¹² Section 17 of the 1989 Act states: “It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part) - (a)to safeguard and promote the welfare of children within their area who are in need; and (b)so far as is

and the state's duty towards such children – which has led to a lack of impetus in tackling the causes of deprivation and of child maltreatment, a lack of clarity about thresholds for intervention and insufficient weight being given to the rights and assessed needs of children and young people. Tony Le Sueur explained to the Inquiry:¹³

“My point is the concept of a child in need is not apparent in a requirement for the government to resource and look after children who are in need. We use the words but we put nothing behind it. So we have front line services, we have looked-after children funded, we have child protection funded but actually the mass at the middle which is children in need at various levels is almost not there and not supported by any sort of legislation and because the legislation is not there, the resources are not there.”

12.50 There is currently in Jersey no statutory provision in respect of preventative measures, thresholds for intervention, rights and needs of children, all supported by robust practice guidance that assists professionals (social workers, jurists, probation officers and others) in the day-to-day application of the law. The argument has been made to the Inquiry that Jersey does not have the legal resources to keep pace with developments in child care law elsewhere, not least because of a lack of policy officers and of staff to draft legislation. The Panel has noted, however, evidence suggesting that the States of Jersey has always been able to secure and devote sufficient legal resources to keep pace with developments in international financial law.¹⁴

12.51 Child care theory and practice will continue to advance, and child care law in Jersey will need to be continuously reviewed and updated. Developing a close affiliation with one or more English authorities and English higher learning institutions would enable Jersey to benefit from developments and expertise in that jurisdiction and to participate in initiatives that underpin new legislation, such as the recent “Putting Children First” project and the forthcoming “What Works” Centre.¹⁵ A small central policy unit in Jersey could work with their counterparts in England to ensure that child care legislation is translated into

consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.”

¹³ Day 89/164/2

¹⁴ E.g. Day 135/16/20

¹⁵ Department for Education (July 2016) “Putting children first delivering our vision for excellent children's social care” London Department for Education (DfE)

effective policy and practice. It is also vital that the underpinning practice guidance for child care legislation, which was long absent in Jersey, is not delivered simply as an instruction manual but is supported by continuing investment in extensive and repeated training and development programmes for staff.

12.52 The Panel understands from evidence heard in Phase 3 that Jersey has considered developing close links with Scottish government departments and authorities. While we would encourage Jersey to seek good practice models and expertise throughout the world, we do not see any advantage in pursuing Scottish connections at the expense of relationships with English departments and authorities. Scotland's child care legislation differs significantly from the English law on which Jersey's law is based; youth justice legislation in Scotland is also markedly different, reflecting the operation of the Children's Hearing system. Exchanges of staff and experts between Scotland and Jersey would be more time consuming and costly than a partnership with an English south coast or Home Counties authority. In this respect, the SOJP serves as a good model: the force draws on the best of policy and practice development in policing throughout the UK and the world and has arrangements for partnership and assistance with authorities in the south of England. The Panel has visited and been briefed on the adoption by Guernsey of the Scottish Children's Hearing system, which it has been told is working well. The adoption of that system, at the instigation of the Bailiff of Guernsey, was part of a root-and-branch overhaul and transformation of that island's child care law and policy. While we recognise the advantages of the Children's Hearing approach, we do not advise this type of reformation of Jersey's child care legislation at this time, believing that the immediate priority is to ensure that current services are safe and of a high standard.

12.53 **Failure to keep pace with developments in social policy, child care practice and social work standards in the developed world.** Post-World War Two, research on the needs of children, some of which arose from the effects of war and displacement, informed legislation and social policies throughout the developed world. International co-operation and knowledge exchanges helped to improve practice and practice standards and to promote

new ways of working with children and families. Jersey, however, became increasingly disconnected from mainstream trends and thinking on child welfare in the post-War period. Attempts to adopt selective aspects of English practice development (such as FGHs) or child care legislation (such as the *Children Act 1989*) were ultimately unsuccessful because there was a limited grasp in the island of the underlying research, principles, policies and skills required to support these initiatives. There has also been a failure to recognise the pace of change and development in social care and that, as research and practice constantly evolve, so models that were once lauded may become discredited (for example, FGHs).

12.54 Additionally, although the European Convention on Human Rights (ECHR) was extended to the island in 1953, the island failed to keep pace with international initiatives in respect of common rights of children and the adoption of principles that should underpin systems of care, including juvenile justice systems. Elsewhere, the UN Declaration on the Rights of the Child 1959 laid the foundation for children being seen as individuals with rights, and stressed the importance of children being raised in loving, nurturing environments with access to good educational opportunities. The UN Convention on the Rights of the Child 1989 (UNCRC)¹⁶ was signed and ratified in the UK within a year, but took a further quarter of a century to be adopted in Jersey. The UNCRC formalised and consolidated principles, policy and practice known 25 years ago to be in the best interests of children, including affirming children's individual rights and the necessity for children of access to assistance to secure those rights, ensuring that children's rights and interests were safeguarded in judicial systems and that children were deprived of liberty and family life for only the most serious of offences. In contrast to practice in Jersey in the late 1980s through to the late 2000s, the UNCRC, in keeping with practice throughout the developed world, requires states to adopt measures for dealing with children considered to have broken state laws "*without resorting to judicial proceedings*" and to advance approaches:

¹⁶ See https://www.unicef.org/crc/files/Rights_overview.pdf

“ ... such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence”.¹⁷

12.55 The adoption of the UNCRC was considered in Jersey in 1994, but the Policy and Resources Committee was unsure of the necessity to protect children in this way.¹⁸ Marnie Baudains said in evidence that she found it unacceptable that Jersey had been “*so dilatory in fulfilling the requirements to become a signatory*” to the UNCRC and thought it had not been done because of a focus on the juvenile employment regulations that would need to be in place. She said that politicians were “*missing the importance of it*”.¹⁹ The protracted delay in adopting the UNCRC in Jersey meant that Jersey’s children were potentially denied rights and opportunities that had been available to children in 190 other countries for up to 25 years. The argument has been made that the proportion of looked after children in Jersey was not markedly higher than that in England for most of the period under review by the Inquiry: what is significant, however, is that children in Jersey were removed from their families or had residential care orders imposed for reasons or offences that elsewhere often would not have warranted state intervention or would have been dealt with by family support, a caution or a community, welfare-based approach.

12.56 For decades, Jersey has lagged behind the developed world in child care services. Jersey’s service has been characterised by an absence of any planning or purposeful intervention (which meant that children languished unnecessarily in care for prolonged periods) and the use of inappropriate sanctions, such as withdrawal of home leave and family contact (which had been long known to diminish the likelihood of successful re-integration into the community) up to the early 2000s. In Jersey, there has been an ill-informed, misguided and potentially harmful approach to secure accommodation that was used routinely for children whose needs, in our view, would elsewhere have likely not met the threshold for secure detention, and without the

¹⁷ UNCRC, Article 40b

¹⁸ WD005212/5

¹⁹ Day 91/156–157

thorough assessment or rigorous safeguards that were in place in other jurisdictions for the exceptional circumstances in which it was warranted.

- 12.57 Instead of moving consistently in step with international developments, child care in Jersey has tended to make sporadic, limited advances through the influence of a few individuals who have brought wide-ranging experience to the island and have succeeded in developing some areas of practice.
- 12.58 For example, in the 1960s, Patricia Thornton sought to bring new thinking and practice standards to community social work with children in the island. The magnitude of the task of modernising an entire system was not achievable by one person either then or later. Patricia Thornton's difficulties were compounded by having no line management responsibility for residential services, which were particularly isolated from mainstream social work. The problems of disconnection from common standards and practices were compounded in later decades by reliance on, and in some cases rapid promotion of, local managers with limited understanding or experience of the theory and principles that were elsewhere driving forward changes in service provision for children and families.
- 12.59 **Failure to plan and deliver services in an effective, targeted manner geared to achieving positive, measurable outcomes for children.** Over many decades in Jersey there was a lack of clarity about the principles that should have been underpinning child welfare policies; an absence of clarity about thresholds for state intervention in families; insufficient practice guidance for social workers and residential workers (including in residential educational establishments such as Les Chênes); and little consideration of what outcomes were needed or should be sought for children. As a result, there was often little consistency in decision making around admissions to care, inadequate assessment of children and their circumstances before removing them from their families and little, if any, matching of children's needs and institutional and other provision. Over decades, many children endured extended periods of institutional or foster care whose purpose, even

now in adulthood, remains unclear to them.²⁰ At a case level, there was, for decades, little evidence of a considered approach to the needs of and desired outcomes for individual children, while, at a strategic level, there was a marked absence of government initiatives to tackle the causes of social inequalities and deprivation or to promote the welfare of children.

12.60 In the youth justice system, the absence of a welfare-based approach and, until relatively recently, the lack of understanding throughout the system of the impact of early trauma on children has seen a history of punitive approaches being taken to children whose misdemeanours likely would not have reached the threshold for prosecution in other jurisdictions. During the operation of Les Chênes, some children were repeatedly remanded or sentenced to periods of residence. As set out in Table 12.2, 44 children had between four and 17 admissions to Les Chênes in their early teenage years.

Table 12.2: Les Chênes admissions

No. of admissions	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
No. of children	239	58	24	11	6	6	4	5	1	0	4	0	2	3	1	0	1

12.61 Although the institution was manifestly failing to address and resolve these 44 children’s difficulties or propensities, the same solution was adopted repeatedly. The system had all the hallmarks of an outdated approach geared to contain children considered a nuisance to society, rather than assessing, identifying and meeting their needs and working toward agreed outcomes. This approach persisted as late as 2014.²¹ At strategic level, there was little evidence in Jersey of developing the alternatives to custody and crime diversion schemes that characterised youth justice elsewhere from the 1980s onwards. There was also a failure to provide appropriate resources and inputs to address the causes of offending and to mitigate early adverse or abusive experiences.

²⁰ Although we do acknowledge that well-considered decisions to take children into care can be made, which are not understood at the time by the child or their family

²¹ Day 138/182/19

- 12.62 **Failure to establish a culture of openness and transparency, leading to a perception, at least, of collusion and cover-up.** Three key failings in this area have been evident in services for children over many years: (i) the absence of a culture that encourages the reporting of poor and abusive practice; (ii) a lack of transparency in acknowledging and investigating problems; and (iii) a tendency to protect the interests of staff – even those who appeared to have actively harmed children – over those of children.
- 12.63 The Inquiry heard many instances, over many years, of failures to address – or to address adequately – problems in staff conduct or performance when they came to light. A picture emerged of an organisational culture that tended to put the reputation of agencies, staff and even the island itself ahead of the interests of children. Politicians (including, importantly, those who sat on the Education Committee and/or the Health and Social Services Committee and who therefore had a direct oversight role for children in care) were at times not informed or were misled about allegations of abuse in residential settings as senior staff appeared more concerned to protect their reputations and positions than to reveal failings in management and in care. This extended even to failing to notify other jurisdictions of the existence of allegations or performance issues relating to child care staff who had left or been encouraged to leave the island. At times, efforts to protect the island’s reputation and international standing, while well intentioned, have misguidedly failed to acknowledge the gravity of the island’s failings in respect of its children or the egregious nature of some of the abuses perpetrated on them. Such attitudes have only increased suspicion of politicians and professionals and their motives, impacting on the social cohesion of the community.
- 12.64 While the public apology by the Chief Minister to children formerly in the care of the States and the instigation of the Historic Redress Scheme have gone some way to emphasise a more open and accountable approach, there is still widespread scepticism and distrust of government in Jersey. This has not been helped by an organisational culture with engrained defensive attitudes where, even now, there is a cultural reluctance in Children’s Services to acknowledge shortcomings in practice and performance.

12.65 The long-standing tendencies within some States departments towards a lack of openness and towards self-protection have in some measure contributed to the deep suspicion within parts of the community that most politicians and States employees cannot be trusted and that abusive practices have been covered up.

12.66 **Failure to mitigate negative effects of small island culture and its challenges.** The Inquiry heard considerable evidence of failures to address some of the known problems of delivering services in a small island where clients, staff and politicians often have interlinked relationships. Failures have included ignoring or failing to manage conflicts of interest and prioritising the welfare of staff over the needs of children, including children in other jurisdictions to which known or suspected abusers have been encouraged to move without relevant authorities being alerted to concerns. While the benefits of a compact and closely linked community can have many advantages for service provision, such as ease of collating information from a number of sources for a comprehensive assessment, all too often, in the past, the negative aspects of a small community have dominated the operation of services – for example, where identifiable information about family circumstances and health matters were shared with politicians and committee members or where personal knowledge or beliefs about a family, rather than an independent professional assessment of need, have determined the nature of interventions by professionals. The Inquiry also heard examples of staff being appointed with more regard being paid to their local and social connections than their suitability and capability to care for children. It is important not only that States services are adept at using the advantages of operating in an island setting but also that they are characterised by a robust professionalism that promotes transparency, impartiality and openness.

12.67 **Failure to make sufficient investment in staff development and training.** Failure to invest in staff development suggests that not only children but also staff are not truly valued. The Inquiry has heard considerable evidence that, over many decades, teams of unskilled staff were left to run institutions, or to work with children with severe and enduring emotional needs, without any or adequate training or oversight.

- 12.68 The benefits of good-quality training are obvious. It is notable that the abusive regime at Blanche Pierre first came to light when two residential staff were given an opportunity to attend a staff development course and were exposed to different standards of practice. The approach and professionalism of Dorothy Inglis, the course leader, gave them confidence to raise their concerns about Jane and Alan Maguire's care of the children in the Group Home. Unfortunately, too few such opportunities have been available to Children's Services staff over many years.
- 12.69 Staff development is not achieved simply by sending large numbers of people on courses: it requires a culture of consistent, challenging, supportive supervision and effective management, including leading by example, underpinned by regular opportunities to participate in and utilise high-quality skills training. Social care training, including residential care training, is a specialist area that cannot be subsumed into wider health service training or delivered from within an existing staff group. SOJP officers working in the field of child protection have had opportunities for more than 25 years to attend UK and international specialist courses, covering areas such as communication with and interviewing children, and have been able to keep their skills up to date. By contrast, for many years, Children's Services relied heavily on occasional external contributors and inputs from local staff, including Danny Wherry, whose delivery of training was criticised in evidence heard by the Inquiry. Training for residential staff was also provided by Prison Service staff despite the unsuitability of prison-based models of care for looked after children.
- 12.70 In the early 2000s, the Jersey Child Protection Committee (JCPC) sought to introduce systematic child protection training, including multi-agency training. It is to the credit of their training officers that some multi-agency training initiatives were established through innovative use of the meagre resources made available to them. The long-standing failure of senior managers and politicians, however, to seek to address decades of under-investment and major skills deficits, particularly in Children's Services, has, until recently, been indicative of the lack of insight and lack of commitment to the welfare of Jersey's most vulnerable children

- 12.71 The findings of recent audits and internal reviews of practice in Children's Services suggests that, despite recent initiatives, much remains to be done and that further significant commitment and investment in skills and practice standards are required, as well as the provision of continuing opportunities for multi-agency training.
- 12.72 **Failure to adopt policies that would promote the recruitment and retention of staff with essential skills in child welfare and child protection.** Jersey has, over many years, devised and adopted policies that have made it an attractive location for "high-value residents" and for businesses who bring major investment and international financial facilities and expertise to the island. Financial incentives and expedited residency qualifications are among some of the benefits established by the States of Jersey that draw valued individuals and organisations to the island. By contrast, little effort has gone into identifying and creating the incentives that would make Jersey competitive in recruiting and retaining exceptional managers and staff to care for the island's highest-value assets: its children. Even attempts to have social work and related posts established as essential worker status have frequently floundered in cross-departmental bureaucracy because of a lack of a corporate approach to prioritising the protection and promotion of the interests of children.
- 12.73 Many of the failings of the past in Children's Services can be attributed to the appointment of staff, from both within and outside the island, who lacked the skills necessary for creative, informed, effective and accountable leadership. The Probation Service has demonstrated that local talent can be recruited, mentored, nurtured and developed through an extensive programme of supervision, staff development opportunities and exposure to practice in other jurisdictions. While such an approach could be devised and developed in Children's Services over the coming years, the reality is that, for the next two decades, Jersey will have to recruit social work and social care staff and managers from outside the island to manage the transformation of its services and to establish and sustain high standards of practice and performance in community and residential child care services. To attract and retain staff of the right calibre, a new approach is required to recruitment and retention, which

demonstrates the value that the island places on services for its children. At the time of the preparation of this Report, Children's Services is faced with recruiting its sixth Director of Children's Services in six years.

12.74 The indirect costs of repeated unsuccessful or short-term appointments – a loss of momentum, morale and stability, and adverse impact on interagency partnership working – are factored in alongside actual recruitment costs and the potential risks of appointing a candidate who is the strongest in the pool but not necessarily the best match for the post, make a compelling case for a complete re-think of how key staff are recruited, compensated and given inducements to commit to an agreed-term appointment (subject to satisfactory performance).

12.75 **Failure of the States of Jersey to understand and fulfil corporate parenting responsibilities, including adequate aftercare of children who have been looked after by the state.** For decades, children in Jersey have been failed by the state that took on parental responsibility for them. Children suffered because of the unsuitability of the care settings provided, the outdated and misguided care regimes that limited or prevented contact with families and the lack of monitoring of their care or planning for their interests and future. Many adults whose stories we heard had been essentially left to their own devices on reaching school leaving age; some had quickly become homeless. Others had been placed in unsatisfactory accommodation or exploitative work settings. We heard many accounts of those who had been through the care system and had been unable to build stable, fruitful lives and relationships in their adult lives.

12.76 Care-experienced adults who have managed to secure and build on relationship and employment security have generally attributed their success to the support of one or more persons who took an interest in them or cared for them in young adulthood – sometimes a foster carer, a teacher, a family member/friend or a partner. One witness also commended the strong interest and support of Patricia Thornton, who maintained personal contact long after her professional responsibilities had ceased. These adults' experiences were exceptional. The overwhelming majority of adults who had been in the care

system, and whose stories the Inquiry heard, still suffer from the effects of experiencing abusive or emotionally neglectful childhoods, their difficulties often having been compounded by being turned out, unsupported, into a world with which they were singularly ill equipped to cope. The States of Jersey, which stepped in to remove these children from situations deemed harmful or unsatisfactory, has, for decades, been an ineffectual, neglectful parent.

12.77 Much of the difficulty has stemmed from the lack of insight or interest displayed by many States members about their responsibilities as the corporate parent. While some advances have been made recently, such as the introduction of briefings for States members on their corporate parent role, these have been poorly attended. The Inquiry heard evidence from a small number of States members and Ministers, including the Chief Minister, who have a clear understanding of the States' responsibilities and who have affirmed their belief that they would wish children in the care of the state to have the same nurture and the same life chances as they would want for their own children and grandchildren. Unfortunately, this level of insight into the corporate parent duty of care does not appear to be widespread. Like all developed nations, Jersey has legislated for the aftercare of children for whom the States has had parental responsibility and has identified an age at which state support should cease. If Jersey truly seeks to provide looked after children with experience and opportunities comparable with a good family experience, there must be recognition that, while parents' relationships change as their children move into adulthood, they do not cease.

12.78 **Failure to tackle a silo mentality among and within public-sector agencies.** A lack of genuine corporate working has been evident over many decades, within the States of Jersey and between the States and some other agencies. Often, departments and institutions have been characterised by territorialism and protectiveness rather than openness to pooling resources and learning. As a result, there has been a lack of a comprehensive strategy to secure the best interests of children in the island and to tackle the causes of social disadvantage. While there is currently evidence of good partnership working between front-line practitioners, there is still little evidence of a

readiness to prioritise the needs of vulnerable children and disadvantaged families over traditional departmental roles and resources. One consequence of adherence to the silo model has been a failure within the States to learn from, disseminate and adopt good practice models across institutions, sectors and departments.

12.79 Good practice in residential care has existed in Jersey, such as the exceptional leadership of Margaret Holley at BYD; Blanche Pierre under the management of Audrey Mills; or the models pioneered at Les Amis. However, and overwhelmingly, States residential children's homes and other institutions were for many decades allowed to operate as almost autonomous entities, with models of care influenced strongly by the head of the home, who sometimes treated the institution as a personal fiefdom. Had the initiative been taken to bring practice in all establishments up to the high standards evident in the few, the experiences of many children over many years might have been entirely different.

Lessons to be learned from Jersey's past failures

12.80 There are **eight** basic lessons to be identified from the failures of the past:

- The welfare and interests of children are paramount and trump all other considerations.
- Give children a voice – and then listen to it.
- Be clear about what services are trying to do and the standards that they should attain.
- Independent scrutiny is essential.
- Stay connected.
- Investment is essential.
- Quality of leadership and professionalism are fundamental requirements.
- Openness and transparency must characterise the culture of public services.

- 12.81 **The interests of children, in Jersey and beyond, trump any other consideration.** *Article 2 of the Children (Jersey) Law 2002* refers to the welfare of the child being the paramount consideration. This principle now needs to be applied consistently and robustly, to be embedded in the culture of all States institutions and to be promoted throughout the island. Traditional values, operating and management practices, the needs or employment status of staff, convenience and the reputation of the island should all be secondary considerations to the interests and welfare of children. The States of Jersey members, as corporate parents, should commit to providing no less for children in the care system than they would for their own children and grandchildren through childhood and into adult life.
- 12.82 **Give children a voice – and then listen to it.** It is inordinately difficult for children to express concerns or raise representations effectively. Adults often profess to be listening to children, without actually hearing them. Children express their feelings and anxieties in all sorts of ways that adults and professionals miss – for example, through their behaviour. Children often test a system by raising a seemingly trivial concern – for example, about mealtimes – to see the response that they get. Looked after children have often had poor experiences of adults and are unlikely to trust any professional or volunteer who comes along to “listen” to them. All children are different, and the “listen to children” box cannot be ticked by providing one process or one set of documentation. A range of channels through which children can express their feelings and worries is required. Responsive, robust, powerful and accountable mechanisms need to be in place to deal with these matters. The most effective way of giving children confidence that they will be heard is to demonstrate that they have been listened to and that, as a result, things have changed.
- 12.83 **Be clear about what services are trying to do and the standards that they should attain.** Jersey needs to articulate its aspirations and the standards it seeks for the performance of staff, for children in its care and for wider services for children in the island. It needs to have clear thresholds for state intervention in families, including in respect of youth offending. All social work engagement with children and families, in the community or in care

settings, should have clear objectives based on a thorough and accurate assessment of needs, and be working towards defined outcomes, regularly monitored and evaluated. Input from families and children should be a key element of evaluation. At a strategic level, good, simple data is required to track the impact and cost-effectiveness of programmes and services.

Strategic planning and policy, including improvement plans, should be rooted in children's experiences and linked to practice and outcomes – not process driven or pre-occupied by project-management tools such as Red, Amber and Green (RAG) ratings that can give the illusion of progress being achieved that, in reality, exists only on paper.

12.84 Independent scrutiny is essential. Regular scrutiny of child care law, policy and practice by individuals or agencies entirely independent of Jersey is essential. Independent scrutiny of implementation of the recommendations of this Inquiry is also required. These scrutiny bodies/persons must have no connection with or financial interest in Jersey, and no conflict of interest through prior or current association with Jersey institutions or personnel. It is essential that their independence is maintained by a degree of separation from the island: no-one involved in such scrutiny should be based in Jersey or employ staff from Jersey in their work. While in Jersey, persons involved in scrutiny work should avoid even the perception of conflict of interest or partiality by basing themselves in a neutral venue, wherever practicable, and should not be involved in social meetings with Jersey civil servants, politicians or agents of the States.

12.85 Stay connected. Jersey must ensure not only that child care and youth justice legislation, policy and practice are compliant with current standards in the developed world, and with ECHR and UNCRC principles, but also that legislation policy and practice are regularly being informed and evolving in line with research and developments. Staff must have opportunities to experience good practice in a range of settings. States members and policy makers need to be kept informed of new learning, research and models of practice in order to set a strategic direction that is tailored to the needs of Jersey. As Jersey's child care legislation is based on English child care law, the Panel believes that relationships should be developed with English academic institutions,

public-sector departments and authorities to optimise resources and opportunities for exchanges and learning. Jersey should also keep abreast of practice and social policy developments in European countries, particularly those operating at local level (in Scandinavia and the Netherlands, for example) to identify models and partnerships that might assist.

12.86 Investment is essential. Children are the island's most valuable asset. Every child, regardless of circumstances, should have an equal opportunity to grow up safely, to benefit from Jersey's educational provision and to thrive emotionally and physically. Every child in Jersey is key to securing the island's future, prosperity and international standing, but that will not be achieved without investment and according the island's children's services priority comparable with its financial services.

12.87 Quality of leadership and professionalism are fundamental requirements. Services for the most vulnerable children should not be delivered simply by whoever happens to be available. Skilled and knowledgeable professionals are required, who keep up to date in their field, who are supervised and encouraged to improve constantly and whose performance is regularly monitored. Creative, skilled, strategic leadership that is child focused and rooted in the fundamentals of good practice is essential and must be secured, even if that requires dispensing with traditional recruitment and retention policies. Providing for and responding to the needs of Jersey's vulnerable children may require the creation of special categories of work and residency licences in order to attract and retain the best available leadership and skills in the field.

12.88 Openness and transparency must characterise the culture of public services. Considerable distrust of the political system, the courts and children's services exists among care-experienced adults and their families and among some current users of Children's Services. In many cases, their suspicion can be traced to experiences of not being listened to or of not having explained to them reasons for certain decisions being made. In other instances, former residents of care homes have experienced the distress and dismay of seeing those responsible for abusive or unprofessional conduct go

unchallenged or unpunished, including instances when alleged abusers were allowed to leave their employment or the island with glowing or neutral references.

12.89 Many victims of abuse in the care system consider that such actions were taken in order to conceal problems in the system or to protect the reputation of individuals, departments or the island. In at least some instances, we think that they were right. At other times, the perception of cover-up stemmed from outdated attitudes of defensiveness, poor communication and an absence of a culture that valued and promoted public accountability. Sadly, many former residents of care homes in Jersey may never regain their trust in the island's government, because they were so badly failed by their corporate parent. It is imperative that future generations do not inherit this distrust of, and attendant disconnection from, the political systems and professional care services. This will be achieved only by a cultural shift throughout the States of Jersey and its services to promote greater transparency in decision making and greater openness in communication. This includes a greater readiness by politicians and professionals to admit problems, shortcomings and failures promptly and fully when they do occur, and to address them. We recognise that, in an island community, where it is not possible, as elsewhere, for public servants to remain anonymous, considerable integrity and fortitude are required publicly to admit mistakes and shortcomings. Greater openness about failures and readiness to resolve them will demonstrate, however, greater public accountability and garner the respect and trust of the community.

Jersey's response to previous child care reports and reviews

12.90 The Panel has considered how Jersey's past experience of managing recommendations about its child care services might inform its approach to this Inquiry's recommendations, in order to maximise the chances of the recommendations effecting necessary changes in legislation, policy and practice.

12.91 The Inquiry heard evidence of Jersey commissioning reports but not implementing recommendations (for example, the Clothier Report) or implementing recommendations selectively (for example, the Lambert and

Wilkinson Report) or failing to address underlying problems (for example, the Dr Kathie Bull Reports). These failures led to the continuation of outdated policies and practice, inadequately trained staff, poorly resourced services and failures to safeguard children.

12.92 The Inquiry also heard of occasions on which the island has responded to developments in child care policy and practice elsewhere, such as the implementation in England and Wales of the *Children Act 1989*, or the findings in 2003 of the Victoria Climbié Inquiry. However, it has done so selectively – for example, not adopting significant underpinning policy and practice guidance or key legislative elements (such as the concept of “child in need”) – or has taken elements out of context and misapplied them (as with the concept of so-called “Laming compliance”, which, as the Panel has clarified with Lord Laming, was neither a recommendation nor an intention of the author of the Victoria Climbié Report). These well-intentioned attempts to follow international developments in child care policy and practice have been unsuccessful, we have concluded, due to a lack of social policy expertise and capacity, and a lack of skilled leadership in Children’s Services. This has been operating alongside a long-term political failure to prioritise the welfare of children and the provision of high-quality services for vulnerable children and families.

12.93 We recognise that Jersey also may not always have been well served by some of the external assistance that it has sought. Concern was expressed during the Inquiry that some reviews that Jersey has commissioned may not have been sufficiently robust or independent. Jo Olsson, former interim Director of Children’s Services, told the Inquiry:²²

“The danger of an overly managed process leading to a whitewash must be avoided. Some partners reported this was their judgement of the Scottish Inspectorate reports. Children’s Services in Jersey absolutely needs independent oversight.”

12.94 The establishment of this Inquiry, and the freedom with which it has been allowed to operate, has demonstrated a political will and public desire in the

²² WS000714, paragraph 77c

island to open Jersey's institutions to thorough, independent and robust scrutiny in order to secure the best interests of children and to learn how best to build safe and effective services in the future. It is the Panel's view that this approach must continue to characterise the island's response to independent inspection and review.

- 12.95 Sometimes Jersey has received advice and recommendations that were unlikely to deliver the outcomes needed, because they did not adequately identify or grasp the extent of systemic problems. For example, the Williamson Report and the Social Work Inspection Agency (SWIA) Reports focused predominantly on developing processes, structures and procedures instead of identifying and setting out a roadmap for pursuing desirable outcomes and for transforming service users' experience. Instead, their recommendations predominantly allow actions to be checked off without addressing underlying failings in the child care system.
- 12.96 The problems in Jersey have been compounded by a failure in the island's legislative and executive institutions to grasp the speed with which policy and practice develop in child care. Reviews and recommendations essentially have a shelf life because new research and new approaches are always emerging to meet new challenges and better address existing ones. Jo Olsson told the Inquiry²³ that she was "perturbed" that, in 2014, Jersey was still relying on the 2008 Williamson Report and ongoing efforts to implement it as evidence of progress. She found it "quite shocking" that, as late as the summer of 2015, professionals and politicians were still taking reassurance and trying to work through recommendations from not only the Williamson Report (2008) but also the earlier Dr Kathie Bull Report (2002). She had observed the same problem with recommendations from SCRs and was concerned by Jersey's history of producing "superficial" action plans that were never going to effect the real and necessary changes required.
- 12.97 The Panel received compelling evidence to support her concerns. In closing submissions, the States of Jersey advised²⁴ that, since 2010, over 200

²³ Day 138/196/2

²⁴ Day 145/36/5

recommendations had been made in SCRs, of which 50% had been implemented and 25% were in the course of implementation. Some of these recommendations related to cases going back to the 1990s, since which time policy, thinking and practice in child care in the developed world have changed significantly, and the momentum continues apace as new research and new models emerge. Working through a list of recommendations from up to six years ago, in order to address issues that may date back a quarter of a century, will not bring about the substantial improvements required in children's safety, experiences of state care and quality of services in Jersey.

12.98 Julie Garbutt, Chief Executive of the Health and Social Services Department (HSSD), told the Panel:²⁵

“We have for a number of years pursued a number of action plans on the back of the Williamson Report originally and then the Care Inspectorate Report and we believed we were making good progress, nonetheless it was quite clear from about the middle of 2014 onwards that our aspiration was not being met by real change on the ground and our understanding of our real challenges was only starting to emerge ... ”.

12.99 It is a matter of some concern to us that it was only with the intervention of Julie Garbutt and the appointment of Jo Olsson that the true extent of the inadequacies in child care policy and practice was recognised. A contributor to the Breckon Report, six years earlier, had commented:²⁶

“ ... the Williamson Report precipitated a large spend of time and money on the organisation of the department at a managerial level; however it forgot the coalface workers ... where the difference to children and families is made ... ”.

12.100 The Scrutiny Panel responsible for the Breckon Report also expressed concern in 2009 about the response by Children's Services to the Williamson Report being investment in management structures instead of addressing *“the inexorable decline in both staff morale and the standard of service delivery”*.²⁷ The Panel endorses those concerns.

²⁵ Day 142/48/9

²⁶ WD007195/254

²⁷ WD007195/256

12.101 Furthermore, by 2014, a decade of SCRs had documented, for politicians, professionals, the public and the Jersey Safeguarding Partnership Board (JSPB), the consequences for children ill served by the services that were supposed to care for and protect them. SCRs commissioned and published from 2004 onwards describe failures in child protection processes dating back to the 1990s: children left in abusive situations and harmed; children who were not listened to; children whose distress was not recognised; and staff who were ill equipped, inadequately supervised, poorly managed and, at times, unable to protect children. The same problems were highlighted to the SPB in SCR after SCR. As the Board and its constituent agencies continued to generate and work through SCR recommendations, nothing changed for some children in Jersey, who remained in dangerous or distressing situations that simply became the subject of more recommendations when another SCR was commissioned because something else had gone badly wrong.

12.102 The Panel has seen from the current political leadership in the island evidence of a genuine commitment to delivering quality services for Jersey's most vulnerable children. This commitment must be matched with new mechanisms for the delivery of change and for creating and sustaining effective child welfare policies and skilled professional practice. Jersey's traditional approaches to taking forward recommendations, which have relied on Children's Services managers and broadly targeted goals and resources, have proven to be insufficient in the past. Securing the substantive improvements in child safety and in the wellbeing of vulnerable children to which the political leadership and the wider community in Jersey aspire will need new mechanisms for the delivery of change. Key features of such mechanism might include:

- a central unit, based within the Chief Minister's Department, to aid the development and delivery of policy and to promote a co-ordinated approach to child care policy in Jersey;
- clear and specific outcomes of quality and quantity being set for how children and families experience the care system;
- setting and monitoring staff performance levels;

- monitoring of the impact of changes by obtaining feedback from key stakeholders, including from the voluntary sector, from Parishes, from families receiving services and from care-experienced young people.

12.103 As part of this process, it is important that those responsible for both policy and practice development in relation to Children’s Services develop close links with agencies (in all sectors) in other jurisdictions that are recognised as high-quality providers of children’s services and also with leading research institutions in the areas of child care policy and practice. The Inquiry has heard evidence of how the SOJP and the Probation Service have benefited from close links with other jurisdictions that have ensured that standards and practices have developed in line with modern thinking.

12.104 It is crucial that external partnerships are chosen carefully and are developed with agencies with an outstanding track record of successful outcomes in child care policy and practice and an international reputation.

12.105 Julie Garbutt told the Panel:

“The States ... don’t disregard things completely. There will always be a plan and there will always be some money generally attached to it. The problem being that it isn’t always the right plan and it isn’t always rigorously monitored in terms of its outcome and it isn’t usually enough money ...”.

12.106 We recognise that our recommendations must address the fundamental problems that Jersey faces in order to keep its children safe, and must assist Jersey to develop the “right plan”, rigorously monitored, to achieve that outcome. The “right plan”, and even the best-drafted recommendations, however, will fail if the mechanisms established to implement them, and to take forward the programme of improvement in child care, have the same intrinsic operational flaws that have compromised the effectiveness and professionalism of services for children over many decades in Jersey.

12.107 It is vital that the mechanisms in Jersey responsible for the ongoing transformation of child care, including the implementation of the Inquiry recommendations, should:

- no longer prioritise the job security of staff ahead of the welfare and best

interests of service users, including children;

- no longer appoint or retain managers who are unable to recognise failing standards and who may not even know “what good looks like”;
- tackle poor performance at all levels of service management and delivery;
- no longer invest in or deliver models of care and practice that have failed children for decades;
- seek out, follow and keep pace with good policy and practice developments in child care as they evolve within internationally recognised centres of excellence.

12.108 These features must be evident, and independently verifiable, at all levels in the mechanisms taking forward Jersey’s programme of transformation, wherever they sit within the States of Jersey’s functions and operations (for example, Chief Executive’s Office, HR, Chief Minister’s Office, HSSD). If the underpinning framework for delivery of change is compromised by unprofessional and outdated values and practices, then the recommendations and the efforts of staff and managers will be unable to deliver what Jersey’s vulnerable children need.

12.109 The evidence that the Panel heard suggests that, as of 2016, some children known to or in the care of the States of Jersey remained at risk of harm because of inadequate assessments and poor practice and performance in Children’s Services. For the sake of these and future children, the States of Jersey must not allow the status quo to persist. The key changes required are not procedural but cultural. The States of Jersey must commit to and invest urgently and vigorously in a new approach to overseeing, supporting, developing, delivering and scrutinising its services for children.

12.110 The new “Jersey Way” that it establishes will be characterised by intolerance of poor performance; high aspirations for every child in the island; commitment to securing the best-quality services to enable disadvantaged children to have equal opportunity to fulfil their potential; and creating a culture in which staff development is valued and promoted. The Panel

considers Jersey's readiness to invest in interim specialists, to identify fully and accurately the depth of problems in its child care services and to begin the work of transformation to be a welcome indicator of political and public will to improve outcomes for vulnerable children in the island.

Ensuring an effective response and successful outcomes: the experience of other inquiries and research on recommendations

12.111 The Panel was keen to understand the factors that promoted an effective response to the recommendations of inquiries and delivered successful outcomes for children. As part of Phase 3, the Panel consulted with members of past and previous inquiries set up in the UK and allied jurisdictions (including Lord Laming; Professor Alexis Jay; the St Helena Inquiry; the Historic Institutional Abuse Inquiry in Northern Ireland; and the Scottish Child Abuse Inquiry) to discuss the challenges of translating inquiry findings and recommendations into improvements in services for children. The Inquiry also had regard to research into Inquiry recommendations and their successful implementation commissioned from the Parenting Research Centre (PRC) by the Australian Royal Commission into Institutional Responses to Child Sexual Abuse.²⁸

12.112 The consultation with other inquiries and past and present inquiry chairs produced principles that accorded with the research undertaken by the PRC into inquiries in Australia and elsewhere, which concluded that successful implementation of inquiry recommendations is contingent on:

- the scope of the inquiry and the inquiry process;
- the nature and pertinence of the recommendations;
- the commitment of governments to implement the recommendations;
- community attitudes;
- the role and support of the media;

²⁸ Parenting Research Centre (2015), *Implementation of recommendations arising from previous inquiries of relevance to the Royal Commission into Institutional Responses to Child Sexual Abuse*. Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney

- the decision to implement by government;
- monitoring and evaluating of the implementation process.

12.113 The Panel is encouraged that most of these key elements underpinning successful implementation of recommendations are already in place in Jersey:

- From the outset, the Inquiry has asserted its independence, focus on children and need for transparency.
- The Inquiry was given wide terms of reference that were pursued, unfettered by government intrusion or oversight.
- The Chief Minister, the Minister for HSS, and key officers such as the Director of Education, impressed the Inquiry in the sincerity of their desire to secure for children in the care of the States the same benefits and opportunities that they would want for their own children and grandchildren.
- Politicians and senior officers of many departments, including Children's Services, Health, Police, Probation and Education, agreed the need for an ongoing programme of scrutiny, monitoring and evaluation of future progress and developments.
- The Jersey media had played an important role in reporting Inquiry proceedings and publicising appeals for witnesses and Inquiry consultations with the public. The local media will also have a role in publicising the Inquiry recommendations and reporting on progress. Social media has also played an important part in reporting the Inquiry's progress, and will continue to comment on progress.

12.114 The PRC research stressed the importance of "community attitudes" in ensuring that recommendations are effective, and found that a facilitating factor in promoting the uptake of recommendations was "early and ongoing consultation with relevant stakeholders". Stakeholders in Jersey include looked after children, professionals in the voluntary and States-run sectors, politicians, voluntary agencies and the wider community of Jersey citizens.

How the Inquiry has used the learning from other inquiries and research in developing recommendations

12.115 From its earliest days, through all the phases of the Inquiry's hearings, we have sought views and recommendations from witnesses on the future of child care services in Jersey. The Panel has also conducted, in parallel to its hearings, an extensive programme of visits and meetings with stakeholders: individuals, service providers, volunteers and organisations working in Jersey or with experience relevant to Jersey. We have also carried out consultations in Jersey with voluntary-sector organisations, statutory agencies, politicians and members of the public.

12.116 As a result, we have gathered suggestions from people with direct experience of being in the Jersey care system from the 1940s, through to young people currently living in foster care or residential care in Jersey; from families of former residents; and from people who worked in, managed or planned services for children. In those meetings, visits and interviews, and in Phase 3's public hearings, we have had the opportunity to discuss issues that were emerging from hearings, recommendations that had been offered or that we were considering with some of the people who would be most directly affected by them or closely involved with implementation. We have also consulted experts in areas covered by recommendations, such as advocacy for children, residential care, raising standards of performance and improving outcomes for children. These interactions with stakeholders and others helped us to shape, modify and refine recommendations and to consider matters that may assist in their implementation.

12.117 Phase 3 has also allowed the Inquiry an opportunity to invite different stakeholders, agencies and individuals to comment on emerging recommendations and suggestions. Every Inquiry recommendation has been put, in some form and at some stage, to key stakeholders, and has been refined by their responses. There are neither magic solutions nor surprises in the recommendations. It is our view, supported by the experience of other inquiries and by the PRC research, that the grounding of our recommendations in the realities, knowledge and experience of key

stakeholders in Jersey will be a strong factor in ensuring their successful adoption and implementation.

12.118 We believe that two further elements are required to ensure the effective implementation of our recommendations and to avoid some of the shortcomings in the response to past reports and recommendations. First, responsibility for implementation should not lie with individual departments, agencies or current structures but rather be overseen by a specialist child care policy and standards unit based within the Chief Minister's office, with sufficient authority and resources to promote and monitor the rapid and successful adoption of recommendations. Secondly, the progress of implementation of recommendations should have an element of independent oversight, and success should be judged on the outcomes for and experiences of children and families as well as on staff capacity and development.

12.119 Based on our understanding of Jersey's history and of identified good practice in framing recommendations, the approach that we have taken in framing recommendations is:

- **Focus on essentials.** We want to avoid giving the States of Jersey a lengthy checklist of recommendations. History suggests that this could result in departments marking off superficial achievements without addressing underlying significant systemic problems, or it might cause pre-occupation with the detail of a large number of recommendations and fail to see the bigger picture.
- **Not overly prescriptive.** For each recommendation, we set out key requirements, the principles that should underpin them, some desirable features and some suggestions as to how each recommendation should be monitored and how success should be evaluated. We have avoided descending into the detail of each step and every feature of each recommendation, believing that these aspects should be determined locally and, where possible, flexibly integrated into existing successful initiatives. We consider that the most effective way forward will be for people in Jersey to develop Jersey ways of taking forward the principles of our

recommendations. **The Panel commends to the States of Jersey detailed consideration of the suggestions, recommendations, offers of assistance and resources offered by organisations and individuals invested in improving services and opportunities for children in Jersey (Appendix 3).** It also notes the comprehensive staff development strategy proposal submitted by Janet Brotherton as part of the Phase 3 consultation.

- **Geared to address issues of culture, leadership, values and standards.** Many attempts at change, service development and transformation in Children's Services have failed because of a pre-occupation with processes and procedures rather than with cultural change and the delivery of outcomes that improve the safety and wellbeing of children. Decades of ineffectual strategies and practices will never be transformed by simply repeating them in different guises or by proceduralising them.
- **Holistic.** The Australian research shows that the most effective recommendations are interconnected and reflect how the whole system works. Thus, our recommendations do not simply cover the function of Children's Services, but also reflect wider social policy and legislative considerations.
- **Mindful of capacity.** Our approach is built around encouraging Jersey to build on and do more of the small number of things that are working well. The Panel has had regard to current and proposed future investment in services for children and to the prevailing financial climate.

Building recommendations from the hopes and aspirations of Jersey's people

12.120 When formulating recommendations to address the causes of the 10 systemic failings we identified in Jersey's care services, we drew on the extensive Phase 3 consultation exercise that we have undertaken and all the material, suggestions, criticisms, views and advice that we gathered in that process, as well as findings and recommendations from Phases 1 and 2 of the Inquiry.

12.121 We drew on recommendations and observations from: over 50 witnesses in Phase 1 and 2 hearings; 72 Phase 3 meetings with over 100 participants;

Phase 3 consultations and public hearings involving 23 members of the public and organisations representing around 3,500 people in Jersey; and contributions in public sessions from 20 politicians and senior managers. From this process, we received **659 individual recommendations**, as detailed in Appendix 3.²⁹

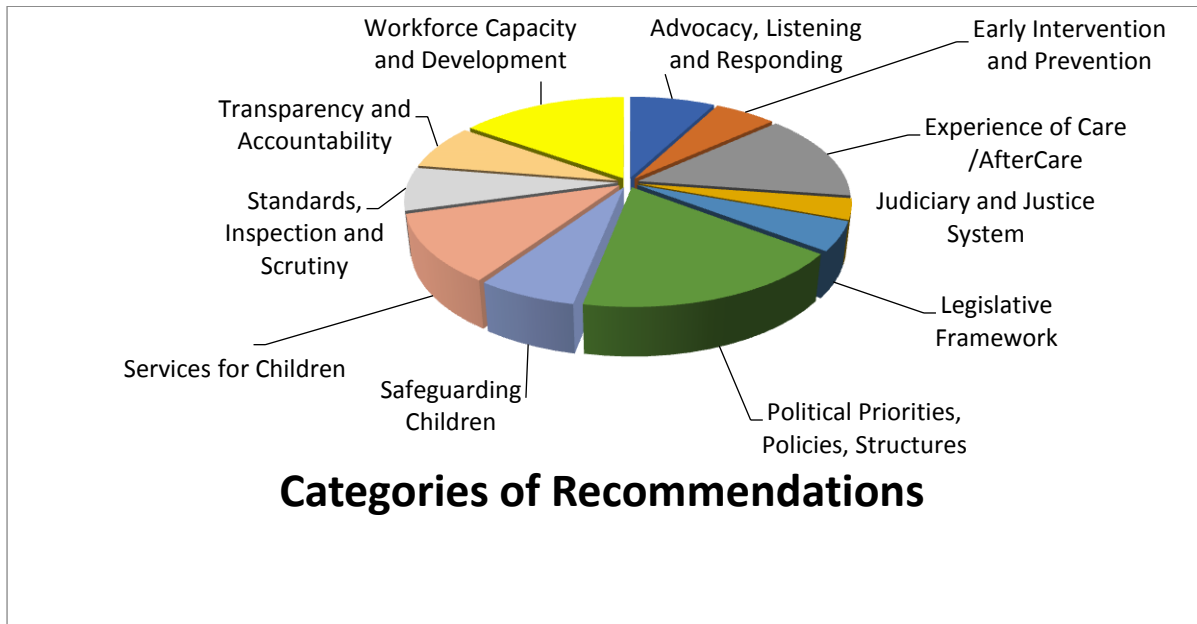
12.122 We were struck by the strong consensus in these recommendations and by the insight, compassion and the commitment to Jersey's children that they evidenced from across Jersey's community. We found that the 659 recommendations we received could be grouped into 11 categories or themes:

- Advocacy, Listening and Responding;
- Early Intervention and Prevention;
- Experience of Care/Aftercare;
- Judiciary and Justice System;
- Legislative Framework;
- Political Priorities, Policies, Structures;
- Safeguarding Children;
- Services for Children;
- Standards, Inspection and Scrutiny;
- Transparency and Accountability;
- Workforce Capacity and Development.

12.123 The distribution of these themes is shown in Figure 12.1.

²⁹ The recommendations are listed anonymously, to avoid particular status or significance being given to the individuals or organisations that provided them. They are presented neutrally, with each recommendation having equal validity. The Panel addresses, at the conclusion of Appendix 3, the very small number of these recommendations that it would not support

Figure 12.1: Categories of recommendations



12.124 The 659 recommendations derive from thoughtful, creative suggestions and observations from people with a stake in Jersey delivering safe and successful services for its children. Even where there was occasional disagreement on solutions (for example, on whether Jersey should have a Children’s Minister, a Children’s Ombudsman, a Children’s Commissioner or all three), there was agreement about the underlying issues to be tackled (in this example, the need for political leadership of and accountability for children’s services, independent scrutiny of services and advocacy for children). There was also agreement about key features of the solution (i.e. high-level political involvement with authority to drive policy, independent, external scrutiny and an independent, powerful figure to enable the experiences, concerns and voices of children to be heard).

12.125 We have distilled these contributions, our findings on the Terms of Reference, the lessons to be learned and consultation material into **eight recommendations**, set out in Chapter 13.

12.126 We believe that these recommendations reflect aspirations in Jersey’s community for the future of children’s services and offer a sound approach to addressing the problems that have long beset Jersey’s child care services. We also believe that they offer a strong opportunity for redeeming the heritage

of Jersey's care institutions and transforming it into a legacy of safe, nurturing care for future generations of Jersey's children.

