

CHAPTER 4

Did the States of Jersey Adequately Manage the Establishments in which it Placed Children?

Introduction

- 4.1 We are asked, under Term of Reference 2, to determine the organisation (including recruitment and supervision of staff), management, governance, and culture of children's homes, in which abuse has been alleged, over the relevant period, and to consider whether these aspects of these establishments were adequate. In the vast majority of recent or current children's homes (for example, Field View), we have not received any allegations of abuse and therefore we have not analysed these Homes in this chapter. The overlap between the "management", "organisation" and "culture" of the various Homes has meant that these have often been considered together rather than in separate sections. The management of a Home is dependent on its organisation and will inevitably have an effect on its culture. Governance has been reviewed separately where possible, but there are instances where there is very little evidence on the subject of "governance" of a particular establishment.
- 4.2 In terms of the management, organisation and culture of the Homes, we looked at it from the perspective of those placed in the Home, the staff working there and those having contact with the Home, the Children's Officers and child care officers (CCOs). In addressing the issue of governance, we considered, among other things, the oral evidence given to the Inquiry in Phase 1bb and the documentary evidence from the various committees who had oversight for the institutions.
- 4.3 We have considered whether the "management", "organisation" and "culture" and "governance" of the Homes was "adequate" in the context of the standards that existed at the time rather than those of the present day. Standards are not tested against the best practice at the time, but by what

was considered reasonable or good enough practice during the period under review.

- 4.4 In some instances, there is insufficient evidence to come to a concluded view on “adequacy” due in part to the passage of time. That judgement requires reliable evidence as to events and as to contemporaneous standards up to 50, 60 or 70 years ago. We have attempted to obtain such evidence where possible, from contemporaneous reports, witness evidence and policies and procedures.

Jersey Home for Boys and Jersey Home for Girls

- 4.5 In the case of both the Jersey Home for Boys (JHFB) and the Jersey Home for Girls (JHFG) some of the Homes’ residential population resulted from placements that were a direct alternative to being sent to an Approved School in the UK.¹ The management and organisation of Approved Schools in the UK operated under an entirely separate regime to children’s homes. They were run on far stricter and more regimented lines than residential children’s homes.

- 4.6 These placements meant that young offenders in Jersey were placed alongside children who were in care because they had been abandoned, mistreated or had been orphaned. The difficulty facing those managing the Homes is reflected in an entry in the Public Instruction Committee (PIC) minutes for 1954.² The Superintendent of Jersey Home for Boys asked the Committee to remove a difficult child to an Approved School in the UK. The Committee refused, saying that the child could receive the necessary control and discipline in the Home.

Jersey Home for Boys

- 4.7 There are accounts of large resident populations in the late 1940s and for some residents the JHFB was regimented and the routine inflexible. To others, it was less regimented:

¹ 1935 Loi – Article 13

² The Public Instruction Committee became known as the Education Committee in 1955

- 4.7.1 Giffard Aubin (1943–1951). “*Although the boys were given a lot of chores to do, such as washing up, polishing the floors and potato peeling, we also used to have outings and sandcastle competitions*”.³ Visits by parents were prescribed under legislation.⁴ Giffard Aubin remembers his parents visiting once a month.
- 4.7.2 WN258 (1942–1953). “*We worked daily at the home, scrubbing floors, polishing floors in long rows of boys, using bumpers to highly polish the floors, working off dining tables, cleaning windows, washing walls, sweeping up outside, mowing the grass, ploughing and planting the fields. We had six boys at the time to pull the plough*⁵ ... *From the time the boys had finished school and were preparing to go off and find work outside they worked in the home or sometimes they were sent out to help local farmers. These boys were called ‘House Boys’. Meals, were held in complete silence*”.⁶ He left the Home when aged 16 and joined the Merchant Navy.
- 4.7.3 WN227. “*There was a routine for everything at the Home ... no excuse for the children not to be where they should be ... each boy was given an identity number. Most of the time we were known by our numbers rather than our names*”.⁷
- 4.7.4 WN156 (1947–1954). “*The regime was very harsh and there was much hierarchy ... Boys would be employed by the Masters to control the other boys. Those boys who were permitted were allowed to exercise the inflicting of corporal punishment by means of a cane, coat hanger or occasionally the ‘leather’ or slipper*”.⁸
- 4.7.5 WN266 (1957). “*The bells governed the daily routine, from getting up in the morning to going to bed at night. At weekends, we would be*

³ Day 8/29

⁴ EE000255

⁵ WS000035/4

⁶ WS000035/7

⁷ WS000520/5

⁸ Day 16/71

*given chores to do such as sweeping or peeling potatoes. There was never any time to put aside for us to play or just be children.*⁹

4.7.6 WN262 (1955–1959). He recalled being dragged off by two Centeniers and subsequently being beaten by staff at the Home, which he thought was “excessive force”. He also said: “*I had some damn good times at the Home too, going canoeing and then going on summer camps, they were wonderful times.*”¹⁰

4.7.7 Barry Ford (1957–1960). He recalled that some boys would be allowed pets at the home and also “*in the summer we would go swimming or to the beach. There was always something to do ... A film every Saturday ... Once we had lunch on a Sunday ... we would all go down to the big hall where some of us were given pocket money*”.¹¹

4.7.8 WN260 (1946–1949). He recalled that when he reached 15 he was summoned to the Superintendent’s office and told that he was free to go.¹²

4.7.9 Malcolm Carver (1944; 1946–1951). He remembered the routine that began at 7am: “*Go off and wash ... get dressed, make your bed, then troop down ... we used to fight to get down first because the first one down carried the porridge bowl in, so the end of the dishing out he got to scrape it out. That’s the best part of porridge ... we walked to school ... we had a coach back at lunchtime, take us back for lunch, then a coach back*”. “*Boys had a box to keep things in.*”¹³

4.8 From the accounts of those placed there as children, there is little evidence available to the Inquiry as to the management and organisation of the JHFB in this period. However, more of an insight can be gained from contemporaneous records.

⁹ WS000056/5

¹⁰ WS000053/5

¹¹ Day 38/22

¹² WS000037/4

¹³ Day 9/14

- 4.9 The positions and titles “Superintendent” and “Matron” were well established by 1945 as the senior management within a children’s home.¹⁴
- 4.10 WN972 was Superintendent during the Occupation and up to 1947. He was replaced by WN547, whose wife was appointed Matron. Gifford Aubin told the Inquiry that more staff were appointed at this date and all seemed to have a background in the Armed Forces. WN547 had been a Captain in the Army.
- 4.11 In January 1946, the Public Instruction Committee inspected the JHFB and found that living conditions were below standard. There were large, drab dormitories that were “*having an undoubtedly depressing effect on adolescent minds*”. The Committee recommended major refurbishment: the evidence received by the Inquiry suggests that this never took place.
- 4.12 In 1949, the Medical Officer for Health (MOFH) noted the overcrowded conditions (91 residents) and asked the States of Jersey for money to defray the cost of boarding out some children. Although we do not know whether such funds were specifically received, records suggest that, in 1950, the MOFH was attempting to increase the number of children being boarded out and noting that they should be paid a reasonable amount. Furthermore, in 1951, a Ms Gracey was asked by the Public Health Committee to devote some of her time to foster children, and as above, she completed her first annual report in March 1951. She noted an “*increase in the number of children boarded out during the year*”.¹⁵ This suggests that the MOFH’s request was, at least to some extent, heeded by the States of Jersey.
- 4.13 In 1952, WN547 was replaced by WN558, who, according to WN259, “*tried to change things at the Home by getting us vests, underpants and slippers (and) pocket money*”. In contrast, WN494, a staff member at the Home in the 1950s, remembers WN558 as being “*very severe*”.
- 4.14 There is very little evidence available to the Inquiry about the experience and training of staff recruited to the JHFB, or of training made available to staff while employed at the Home. However, we do know that WN494, after

¹⁴ Curtis Report (1946)

¹⁵ WD008742/3

completing National Service, worked in two remand homes in the UK as Supervisor/Instructor. He had no care qualifications and was accepted as a Housefather at the JHFB (without an interview) in 1954: *“In those days, you were expected to know pretty well what you had to do, to do your job.”*¹⁶ It was a mixture of *“experience and common sense”*. We also know that prior to being appointed Superintendent in 1955, George Maggs had been the Youth Organiser at the Jersey Youth Movement. In 1959, with the approval of the Education Committee, he and the Deputy attended a three-week refresher course arranged by the Home Office.

- 4.15 WN494 estimated that there were approximately 50 boys in residence.¹⁷ By then, boys were divided into groups: seniors aged 13 to 15; juniors aged nine to 12; and small boys aged six to eight. Below the Superintendent were a Housefather in charge of seniors and a Housefather in charge of juniors, neither of whom had any assistants. Two Housemothers were employed to look after the small boys; each group had a relief staff member to cover, in the absence of whom the Superintendent would stand in. There was also a cook, a kitchen assistant, two cleaners and two sewing ladies. The job of Housefather was full time:

*“Hours of duty about twenty-four hours really and we had one and a half days off a week ... it was really a 24/7 job overseen by the Superintendent ... it was a hard job.”*¹⁸

- 4.16 WN494 provided an account of how the JHFB was managed. When boys arrived for the first time, little was known about their background save that *“they were probably [from] poor home conditions”*. There was *“no handover ... they’re all treated the same and we try to make them happy”*.¹⁹ He describes his first impressions when he arrived in 1954 as: *“very regimented ... [boys] were not allowed to talk in the dining room. You have to make sure that they did not talk, you’d send them out to the Superintendent’s office and he’d give them the strap”*. The daily routine was prescribed in detail for both staff and boys.

¹⁶ WD006718/17

¹⁷ WD00671

¹⁸ WD006717

¹⁹ WD006951/5

Rules and discipline

4.17 In 1951, the UK introduced secondary legislation concerning the administration of children's homes, accompanied by a: "Memorandum by the Home Office on the Conduct of Children's Homes".²⁰ The legislation prescribed the punishment limits including, for example, restricting its use (other than smacking a child's hand with a bare hand) to those in charge of homes (or in their absence, the deputy), precluding corporal punishment against girls over 10 or boys over school leaving age (other than caning over the clothes), and precluding caning in the presence of another child. Corporal punishment in Approved Schools was regulated by the Approved School Rules 1933 (as amended in 1949). No equivalent legislation existed in Jersey, despite the Public Instruction Committee deciding, in 1948, to revise the rules. In 1962, the Homes were still being run on rules drafted in 1924, as demonstrated by the fact that the Children's Sub-Committee Minutes of 25 October 1962 make reference to the Jersey Home for Boys Rules 1924.²¹ The entry suggests that the Rules envisaged corporal punishment (no copy has been disclosed to the Inquiry).

4.18 WN156 (1947–1954), in his statement, described how corporal punishment was administered:

"The 'leather' was a leather belt ... generally applied across bare flesh ... applied to your bare backside ... the cane and stick would also be used as management and to maintain, as the staff saw it, discipline".²²

4.19 There are entries throughout this period in the JHFB punishment book (no equivalent for the JHFG) that record strapping for "bullying" and for sexual assault by older boys on younger boys. Strapping was also given for bedwetting, talking in the dining room and being late for meals. The records show that punishments were given in front of other children.²³

²⁰ Bullock Report EE000136/11

²¹ WD001189/81

²² Day 16/72

²³ Day 144: extracts from the punishment books

- 4.20 The boundary between what was considered acceptable use of corporal punishment and that considered unacceptable is recorded in Public Instruction Committee minutes in 1954. A Housefather at the Jersey Home for Boys resigned, complaining about the use of the strap by a senior member of staff. The Housefather's concern, shared by his colleagues, was the excessive use of the strap rather than the fact of its being used: "*We didn't like the strapping all the time.*"²⁴
- 4.21 The Public Instruction Committee carried out a "*prolonged and careful consideration of all the facts*" and found that there were "*irregularities and errors of judgement*". The senior staff member concerned resigned and the Housefather was persuaded to withdraw his own resignation.
- 4.22 Bedwetting attracted both emotional and physical punishment according to the witnesses who gave evidence in Phase 1a of the Inquiry. Bedwetters were known as "*tunnyfishers*" and were given the strap. If they wet the bed a second time overnight, they had to parade with the wet sheet tied over their head (with a knot tied under the chin) and then wash the sheet in cold water in the yard.²⁵
- 4.23 WN258 suffered this punishment on two occasions and was also lashed by the older boys with stinging nettles. Other witnesses describe the same punishment for bedwetting.²⁶

Jersey Home for Girls

- 4.24 The Inquiry received little evidence about the JHFG during the period under review, which is no doubt explained by the fact that it existed many decades ago. Three former residents gave oral evidence to the Inquiry and statements and documentation from seven other witnesses were read into the record.
- 4.25 Violet Renouf (1942–1951) said²⁷ that she was placed at the JHFG aged six; her father had abandoned her mother, leaving nine children. She described a

²⁴ WD006952/13

²⁵ Day 16/76

²⁶ WN261: WS000048; WN262: WS000053

²⁷ Day 8

very strict regime, and girls were required to do chores. Discipline was maintained by corporal punishment and the use of an isolation room²⁸ for the more serious incidents. She recalls life as being “*hard, very hard*”. She was not visited by her family.

- 4.26 She said that the girls had to queue for everything. They were not allowed to associate with boys. If they did so and the staff discovered the fact, the girls were subjected, whether they consented or not, to an intimate physical examination by a male doctor.
- 4.27 Winifred Lockhart²⁹ (1949–1950; 1953–1959) was first placed in Westaway Crèche before being transferred to the JHFG. Her mother died shortly after she was born; she never knew her father. In 1958, she was moved to the JHFB (when it began accepting boys and girls, before it became Haut de la Garenne (HDLG)) and recalls towards the end of the time at the Home being visited by Patricia Thornton (Children’s Officer) and being spoken to directly by her.
- 4.28 As with the JHFB, some girls were subject to assessment by the Medical Officer for Health (MOH). The result was that some were sent to St Saviour’s psychiatric hospital and others “*sent to a home for naughty girls*”.³⁰ The girls who were sent to a remand home in the UK were described by staff as “*the wicked ones*”.
- 4.29 The girls were bathed once a week, with three or four girls bathing together.³¹ They were all dressed in identical clothing and were easily recognisable as girls from the Home.³² They were allowed to watch television on a Saturday evening, read books, do jigsaw puzzles and skip in the yard.³³
- 4.30 The Public Instruction Committee minutes for the period disclose the following:

²⁸ A locked bare room with a mattress on the floor

²⁹ Day 11

³⁰ WS000002/5

³¹ WS000078

³² WS000665/7

³³ WS000665

- 4.30.1 November 1946. Reports by the Secretary to the Committee noted that the Matron was unable to carry out her duties in a satisfactory manner and that the standard of discipline had deteriorated at the Home. The Committee's recommendation was that the permanent staff all be replaced as soon as possible. The evidence obtained by the Inquiry does not clarify whether this in fact happened.
- 4.30.2 April 1948. Noted that there were insufficient staff to run the Home; additional staff to be engaged and accommodation provided. Again, evidence obtained by the Inquiry does not clarify whether this in fact happened.
- 4.30.3 June 1949. The Committee informed the Matron that she was the only member of staff permitted to "*award punishment*" whether corporal or otherwise. We note that this is in line with the standards in the UK as set out in the 1951 Administration of Children's Homes Regulations.
- 4.30.4 July 1952. Direction given that accidents to children should be reported immediately not only to the Committee but also to the police (following an accident in which a child at the JHFG had been involved).
- 4.30.5 August 1955. A proposal was approved allowing girls to live in the Home for a year after taking up employment.
- 4.30.6 August 1955. Matron at the JHFG to attend a refresher course in England to assist her in dealing with the older girls.

Governance 1945–1959 (Jersey Home for Boys; Jersey Home for Girls)

- 4.31 The legislation in force over this period vested authority in the Committee for not only determining who should be placed in the Home (aside from those sent to the Home by order of the Royal Court) but also the power to refuse to

accept a child, as well the power to remove a child.³⁴ Only the Committee had the right to approve or refuse admission.

4.32 When evaluating the governance of the Homes over this period, we paid particular attention to extracts from the minutes that were read into the record.³⁵ In addition to the specific matters relating to the individual homes set out above, we note the following general issues:

4.32.1 June 1946. Constables were asked to apply to the Education Office for all admissions to the Homes.

4.32.2 February 1954. A Children's Advisory Committee dealt with matters relating to children who had been boarded out, and had then been removed and placed in a Home without any psychological impact. The Public Instruction Committee decided against giving this Committee any formal recognition.

4.32.3 March 1956. The Director of Education was instructed to arrange for more complete records to be kept of each child, as in many cases, children at the Homes appeared to be unaware of the existence of their relatives.

Findings: Jersey Home for Girls and Jersey Home for Boys

4.33 The concern of JHFB staff in 1954 regarding a senior staff member's use of the strap and the consequent resignation of staff at the Home is indicative of some awareness of boundaries and minimum standards in management.

4.34 In terms of rules and discipline, JHFB and JHFG were still run on rules drafted in 1924. In 1951, the UK had introduced legislation regulating the use of corporal punishment in children's homes (it had done so in 1933 for Approved Schools) and, yet no equivalent legislation existed in Jersey, meaning that there was no prohibition on things like caning children in front of other children, corporal punishment of girls over the age of ten, or restricting corporal punishment of under 10s to smacking of hands with bare hands.

³⁴ Public Instruction Committee Act 1953, LG000181

³⁵ Day 144

Various records from the punishment books refer to strappings and public punishment. In this regard, we find that the organisation and oversight of the Homes was deficient.

- 4.35 We considered evidence about bullying and boy-on-boy sexual abuse, both of which are substantiated by records in the punishment books. Other than corporal punishment, we saw no evidence of these issues being tackled. Although in hindsight we consider this to have been inadequate, the approach taken is likely to have been in accordance with the standards of the time.
- 4.36 On the basis of the evidence, we consider that there were inadequate numbers of staff at the Homes during the relevant period, given the large number of children residing at each of them. More generally, these had become the type of institutions that had been deprecated in the Curtis Report, which was published in 1946.
- 4.37 We do not have sufficient evidence to come to a finding about the recruitment of staff at these Homes or the adequacy of training. It would appear that qualifications or training were not a requirement when being recruited to a senior role at the Homes.
- 4.38 The culture of the Homes changed over the relevant period. However, on the basis of evidence from former residents and from contemporaneous records, the regimes remained harsh and the Homes were strictly regimented. The fact that they were in effect combined Approved Schools and children's homes may explain the harsh regimes, but does not, in our view, diminish the suffering of the children who were sent to these Homes.
- 4.39 Governance of the Homes as discharged by the Public Instruction Committee was largely adequate. The minutes of the monthly meetings suggest close scrutiny of some aspects of the Homes and the welfare of the children. We note that there is no record of the Committee having inspected the punishment books kept at JHFB.

Westaway Crèche

4.40 Because the Inquiry received no allegations of abuse in relation to Westaway Crèche (as might be expected given the young age of residents), we have not considered its management, organisation, culture and governance. The type and nature of the Crèche are set out in Chapter 3.

Sacré Coeur

4.41 The States of Jersey had no supervisory responsibility for Sacré Coeur until the passing of the *Children (Jersey) Law 1969*. The Education Committee then became responsible for inspecting and registering Sacré Coeur as a “Voluntary Home”. Prior to this, there appears to have been some periodic involvement by Children’s Services, as can be seen by a report to the Children’s Sub-Committee in August 1964 in which the Children’s Officer stated that the children there were *“generally well cared for, although there were various questions of emotional deprivation that she would like to see rectified”*.³⁶

4.42 By 1971, the Children’s Officer, Patricia Thornton, *“was concerned about the standard of childcare offered in this establishment and is particularly keen that, as part of our overall inspections, the Home Office should be introduced to the convent”*.³⁷ The Children’s Sub-Committee deferred re-registration until a report had been received following a visit by members.³⁸

4.43 Only two children in care were resident at this point; other residents, it appears, were all placed privately.³⁹ The Education Committee paid a boarding out allowance to voluntary establishments such as Sacré Coeur for placement of children in care.⁴⁰

4.44 The Inquiry has very little documentary evidence relating to Sacré Coeur. It seems that some children were abandoned there, given up by parents or relatives, or placed there temporarily by private arrangement. The accounts of

³⁶ WD005586

³⁷ WD005590

³⁸ WD005590

³⁹ WD005587

⁴⁰ WD004989/2

those placed there as children vary. Some suggest that the convent was strict, impoverished, behind the times and that children were employed to work. Others provide positive accounts of their time at the convent.

- 4.45 WN19's account suggests that there was no States' involvement with her family whose alcoholic father mistreated her and her siblings.⁴¹ She said that many families did what her family did and put their children in homes for short periods. WN19 was resident at Sacré Coeur for short periods in 1958 and 1959. This may suggest that, in the late 1950s, unregistered private arrangements placing children in voluntary homes was accepted in Jersey, at least in certain sections of the community.
- 4.46 WN19 described the daily routine at the home as " ... *Church, breakfast, school and then working*".⁴² The children would all be put to work; whether that be in the laundry room, or sewing/knitting duty or out in the grounds. Similar accounts are provided by other witnesses⁴³ such as WN240. She describes the Home being run by the nuns but with menial work carried out by the children and the menageres (former residents of the orphanage). She also told the Inquiry that there was no time to play:⁴⁴ "*you looked after the children, you washed, learn to cook and do housework. So, there was not really that much playing involved, but again that's the way it was in them days*". She said that corporal punishment was commonplace at home and at school: "*you did something wrong, you got the cane that's the way it was*".⁴⁵ She recalled that boys and girls were segregated at the orphanage and that the girls slept in one very large dormitory, with the babies sleeping separately.⁴⁶
- 4.47 WN19 confirmed that there was a knitting factory in the grounds⁴⁷ and that the older girls worked in the factory. The younger girls (some as young as seven)

⁴¹ WS000008

⁴² WS000008/3

⁴³ WS000271/3

⁴⁴ Day 12/9

⁴⁵ Day 12/15

⁴⁶ Day 12/6/24

⁴⁷ Summerland factory

worked in the classrooms at the home sewing labels on the knitwear.⁴⁸ Children were also sent into St Helier to sell flowers to make money.

- 4.48 WN240 worked in the factory, as a nine- or 10-year-old, on a Saturday (when it was closed) cleaning the fluff from under the machines. She said that work on sewing labels continued in the holidays.⁴⁹
- 4.49 There is conflicting evidence on this point but the weight of the evidence suggests that the working language of the Home was French. The children had to speak in French at least when communicating with the nuns. A significant consequence of this was that children could make themselves understood on a basic level but were not able, or invited, to express their feelings.⁵⁰
- 4.50 WN19 described a culture of silence with children not being able to speak in the dormitory, in the dining room or while working.⁵¹ According to WN240, the enforced silence meant that the children did not really get to know each other.⁵²
- 4.51 The accounts of former residents who allege that they were physically and/or sexually abused are summarised briefly in Appendix 2. We also heard evidence about extreme punishment for bedwetting from WN152, WN150 and WN240. The Inquiry also heard positive evidence from various witnesses: WN237, WN315, WN327, WN337, and Pat Lucas.

Findings: Sacré Coeur

- 4.52 There is insufficient evidence to come to an overall view about the adequacy of the organisation, management and governance of Sacré Coeur. Most of the evidence is from former residents and does not provide much insight into the management and organisation of the Orphanage. However, we note the concerns voiced by the Children's Officer in 1964 and 1971 about "*emotional deprivation*" and the standards of child care respectively.

⁴⁸ Day 12/11

⁴⁹ WS000271/17

⁵⁰ WN240; Day 39/35

⁵¹ Day 12/18

⁵² Day 39/64

- 4.53 With regard to the culture of the Orphanage, the picture of life at Sacré Coeur is mixed. The majority of witnesses describe a harsh and strict regime with frequent physical punishments for breaking rules. The orphanage is notable however for the number of witnesses who say that they had a happy and fulfilling childhood there. Their view was that the regime, while strict, was not abusive. It was simply part of life in an orphanage that had very little money. In our view, the preponderance of the evidence does justify the conclusion that the regime was abusive in that the emphasis was on discipline rather than on nurture. This is so even taking into account the standards of the time.
- 4.54 The industrial model of the Summerland factory existed elsewhere but went on far longer in Jersey, with young children assisting in the work of the factory.
- 4.55 With regard to governance, while we accept that Sacré Coeur did not come under the supervision of the States of Jersey until 1969/1970, the fact is that it was a well-known institution on the island in whose care were a number of vulnerable children and, as such, should have been of interest and concern to the public authority. It was not adequate that as of May 1958, there were 66 children resident at the Orphanage without any public supervision or inspection. We have only seen evidence of one visit by the Children's Officer, in 1964. We consider that the States of Jersey should have taken greater responsibility for ensuring that these children were adequately cared for. Given that it had such powers in this period with regard to children who were privately fostered, we do not accept that it was powerless in relation to the large number of children admitted to the Orphanage.
- 4.56 From 1969/1970, we consider that the States of Jersey's oversight of the Orphanage, as a Voluntary Home for which it had supervisory responsibility, was adequate.

Haut de la Garenne (1959–1969)

History

- 4.57 As part of Operation Rectangle, Police Intelligence Analyst Peter Wall summarised the allegations emanating from Haut de la Garenne. Some 250

allegations were made by former residents against 106 individuals – the incidents alleged to have taken place at the Home or associated locations used by staff and children. Of those, 48% involved an element of sexual offences. 82% related to the period from 1960 to 1980, with the peak in the period from 1966 to 1970. The allegations dropped sharply for the period after 1980.

- 4.58 Three of those accused held the post of Superintendent of the Home, namely Colin Tilbrook, WN532 and Jim Thomson. If one includes allegations of physical assault by Mario Lundy while at HDLG, then the Home was run and managed by those accused of abuse for over 20 years of its 27 years of operation. Other individuals accused of serious sexual and physical abuse occupied senior management positions within the Home.

The legislative and regulatory context

- 4.59 During this period, admissions to HDLG were governed by:

4.59.1 the 1935 *Loi Appliquant à cette Ile certaines des dispositions de L'Acte de Parlement intitulé "Children and Young Persons Act, 1933"*;

4.59.2 the 1947 *Loi modifiant la loi (1935) appliquant a cetter Ile certaines des dispositions de l'acte de parlement intitule "Children and Young Persons Act 1933"* (the Public Instruction Committee being given paternal rights over children placed in institutions);

4.59.3 the *Public Instruction Committee Act 1955* (confirming among other powers, the right of the Committee to refuse to receive a child into care and the right to require the Constable to take over the care of a child whose conduct was considered "prejudicial to the other children in the Home").

- 4.60 Other legislation regulated the levels of financial maintenance to be provided to children in the Home.⁵³

⁵³ Loi pour modifier la loi (1935) appliquant à cetter ile certaines des dispositions de l'acte de parlement intitulé 'Children and Young Persons Act 1933', 1958.

- 4.61 Where, rarely in this period, a statutory basis was documented for taking a child into the care of the Education Committee, *Article 7* (Approved School alternative) or *Article 8* (in need of care and control) of the *1935 Loi* would be recorded as having been relied on.⁵⁴
- 4.62 In the UK, the *Children and Young Persons Act 1963* required local authorities to provide guidance and assistance promoting the welfare of children “*by diminishing the need to receive children into or keep them in care*”.⁵⁵ The *Approved School Rules 1933* as amended by the *Approved School Rules 1949*⁵⁶ remained in force throughout this period, only to be replaced by the *Approved School Rules 1970*⁵⁷ which reflected the abolition of approved schools in the UK and the introduction of community homes with education. The *Administration of Children’s Homes Regulations 1951* also remained in force in the UK throughout this period, governing local authority homes as well as voluntary homes.
- 4.63 Two Home Office reports came out during this period concerning the management of approved of schools. The first – “*Disturbances at the Carlton Approved School: Report of Inquiry by Victor Durand QC 1960*”⁵⁸ – followed disruption over several days by a large group of boys (out of 96 who were resident in the school at the time). In evidence, 33 boys made allegations of ill treatment by staff. Among other recommendations the report concluded that the use of force by the headmaster as a means of control was to stop and that irregular punishments should be prohibited. It was suggested that a culture where boys should be able to see managers and the headmaster of a school personally should be encouraged. One recommendation was that “*general consideration should be given to the desirability of having one or two secure rooms in schools training boys of senior age for the separation (for quite short*

⁵⁴ WD001234

⁵⁵ See LG000076, Section 1

⁵⁶ See LG000096

⁵⁷ See LG000097

⁵⁸ See GD000017

*periods) of boys who suddenly become very difficult and intractable for what appears to be only a transient phase of conduct”.*⁵⁹

4.64 The second – “*Administration of Punishment at Court Lees Approved School: Report of Inquiry by Edward Gibbens QC*”⁶⁰ – came out in 1967. The Report looked at specific complaints of excessive corporal punishment: its findings were confined only to whether or not the complaints were made out. Among other findings it concluded that on occasion the headmaster had “*caned boys with excessive severity*”. The report followed an anonymous letter sent to the *Daily Mail* by a member of staff complaining about the use of corporal punishment. The school was subsequently closed down. In a memo to a member of staff at HDLG in the wake of the report warning the staff member about striking a child, Colin Tilbrook refers in passing to the closure of Court Lees (see below).

4.65 In their report to the Inquiry⁶¹ Professors Bullock and Parker noted that, as at 1960:

*“... the proportion of [child care] staff who were qualified remained relatively low (in 1960 28% of CCOs were trained) and was lower still for residential staff as at first their training was usually the responsibility of the local authority”.*⁶²

4.66 Their report noted over this period that:

*“The history of the approved schools provides a good example of a sea change in the influences on policy and practice. There was a concern about rising costs and a generally anti-institutional ethos across the developed world and for the first time the adverse effects of institutionalisation (institutional neurosis) were being charted. This had been suspected by the Curtis Committee who noted that many of the children in the places they visited were ‘touch hungry’ and ‘desperate for attention.’”*⁶³

⁵⁹ GD000017, p.61

⁶⁰ GD000014

⁶¹ EE000136

⁶² EE000136/9, paragraph 28

⁶³ EE000136/16, paragraph 47

Organisation, management and structure

- 4.67 As noted above, HDLG was formed by the amalgamation of the JHFB and the JHFG (and subsequently the Westaway Crèche).
- 4.68 Each admission to the Home was recorded on a form which had to be signed by the relevant Connétable "*concerned*" who was responsible for the financial maintenance of the child during his or her time in the Home. WN515 remembered that children were brought to the Home by social workers and that their admission was recorded in an admission book.⁶⁴ WN514 said that generally there were "*good records*" kept on the children. HDLG produced its own single-sided admission pro forma record and discharge record which were stored in the child's file.⁶⁵ Within 24 hours of arrival, the child had to be seen by the GP and a health form completed.⁶⁶
- 4.69 One account in 1960 records a CCO collecting a child from his home and taking him to the Town Hall "*for the necessary medical examination, before his admission to Haut de la Garenne*".⁶⁷
- 4.70 The Children's Officer's Annual Reports recorded residency figures. The number of boys during this period significantly outnumbered the number of girls. Limited statistics are available relating to admissions by age.
- 4.71 Descriptions of holidays feature regularly in the annual reports. In 1959, children were camping by the river Wye, youth hostelling in Wales, camping in Jersey and visiting Lancashire. In 1960, 15 children did an exchange with 15 children from Fields Cottage Homes in Birmingham; others went camping in Jersey and youth hostelling in England. In 1962, children went to Spain and to Wales and in 1963 to London and to Brittany. The 1964 Report refers to children belonging to "*many and varied youth organisations in the island*".⁶⁸

⁶⁴ WD006925/2

⁶⁵ WD006713

⁶⁶ WN866; WD001837

⁶⁷ WD000634

⁶⁸ EE000060/4

- 4.72 In 1965, there were visits to Ireland and Sark for the children. An adventure playground was built at HDLG by the staff in 1967; the following year, a swimming pool and paddling pool were completed at the Home.
- 4.73 WN615 [1966–1970] recalled that part of the daily routine was to watch the news in the juniors' playroom and "*after that then they could play pool or table tennis ... In the summer, they would go to the beach*". WN615 would take some of the girls to her flat in HDLG to listen to music and have coffee.⁶⁹ Watching the 6 o'clock news was, as WN202 remembered, "*one of Mr Tilbrook's rules*".⁷⁰ Children were allowed pets. Children played outside in the grounds. They had their own gardens. A film would be screened weekly.

Visitors

- 4.74 In 1961, the Education Committee accepted a recommendation made by Colin Tilbrook, the Superintendent from 1960 to 1973, that children at the Home should have more outside contact. He suggested that visiting day be abolished and that visitors should be encouraged to visit regularly and more frequently. It was intended that the date of each visit, the name(s) of the child(ren) and the names of the visitors should be recorded,⁷¹ although the entries available to the Inquiry appeared sometimes simply to record where the child had gone. Based on an analysis conducted by the Police of the records in relation to the case of WN264, most of the visits occurred on Saturdays.
- 4.75 WN264 had contact with 11 children over a 3½ year period.⁷² In his evidence to the Inquiry WN264 described the basis on which he became a volunteer visitor to HDLG in the early 1960s. He thought that he had met Colin Tilbrook in a hotel bar where they struck up what he described as "*an acquaintance*". He and his wife were invited to dinner at HDLG. He volunteered to take children out as "*a nice thing to do*". He told the police, when interviewed in April 2004, that there was no vetting procedure. The visiting process was

⁶⁹ WD001881/5

⁷⁰ WS000073/2

⁷¹ See for instance WD001870, WD001822, WD001572

⁷² WD001184

informal; he thought that staff would know in advance of his visit. He was not required to sign a register and he would take children to the beach or to the cinema at his expense. He described the system as being “*as relaxed as can be*”.

4.76 Margaret Davies, the Matron from 1961 to 1973, said, in her statement to the Inquiry,⁷³ that there were no formal checks in place for visitors taking children out, “*but we got to know the people who took the children out by chatting to them when they arrived or left so we were comfortable to allow them to go. Children would not go out with strangers*”.⁷⁴ She says that most of the people who came knew the children and that “*many were the parents of school friends*”. Ms Davies was keen to encourage fostering and saw the visits as a means of furthering fostering opportunities for children in the Home.⁷⁵

4.77 In 1962, the Children’s Officer, Patricia Thornton, recorded a meeting with an individual at Jersey Airport who knew one of two brothers at the Home as a boy “*used to spend nearly all his free time after school at the Airport*”. She noted that the adult, “*seems a very nice young man ... [he] said he would very much like to take an interest in both boys and he thought his family would too*”. The vetting appears to have consisted of Patricia Thornton visiting the volunteer’s mother at the family home, the mother telling her that “*she would be very pleased for [her son] to have the boys out and she will invite them back to the farm. I arranged that she should contact Mr Tilbrook ... I do feel that this would be a good contact for [the boys]*”.⁷⁶

4.78 The informal approach described by witnesses is at odds with the approach advocated in an undated memo from Colin Tilbrook addressed to all Houseparents: “*Children are not allowed out of these premises unless my agreement has FIRST been obtained. Our legal responsibilities for these children are very clearly defined and a considerable amount of ‘vetting’ is normally undertaken before any child is allowed to visit relatives, friends or*

⁷³ WS000606/16

⁷⁴ WS000606/16, paragraph 63

⁷⁵ WS000606/16

⁷⁶ WD000871

*acquaintances, even for short periods.*⁷⁷ There is little evidence before the Inquiry of what the “*considerable amount of vetting*” amounted to or whether it was in fact carried out in practice. However, in one example available to the Inquiry in 1968, a couple wishing to befriend a child were required to give two references, which were checked, and their house was to be visited. Colin Tilbrook also met with the couple and upon noting the male’s aggression towards his own child, they discussed alternatives to using corporal punishment. The couple were encouraged to take out WN174.⁷⁸

Staff: recruitment and training

4.79 Colin Tilbrook and his wife Margaret Davies were recruited as Superintendent and Matron in 1961. They had come from working in the UK at the Church of England Children’s Society Reception Centre. They had also worked in a boy’s home in Scarborough and at Barnardo’s Cottage Homes. In a 1961 report to the Children’s Sub-Committee Colin Tilbrook noted that aside from himself, the Matron and one Housemother, “*no other member of staff has been specially trained for residential care work*”.⁷⁹ Both Margaret Davies and Colin Tilbrook had obtained the Home Office Certificate in residential child care. In the same year an assistant Housefather was appointed who had undergone the Home Office Residential Child Care course.⁸⁰

4.80 In her statement to the Inquiry Margaret Davies recalled:

“Unfortunately, the Houseparents tended to drift into the job, usually without training or formal qualifications. As for the other staff, a number of local people worked at the home in the holidays, to get experience but in most cases, we found that they were not suitable.”

4.81 WN930 (1965–1966) remembered a regular turnover of staff, and most, she said, “*could not cope with the oppressive environment in the home*”.⁸¹

4.82 There was evidence available to the Inquiry on the experience of staff recruited in this period. WD0001181 tabulates the previous residential

⁷⁷ WD00526/33

⁷⁸ WD001269; WD001260

⁷⁹ WD006678/234

⁸⁰ WD001168

⁸¹ WD006733/4

experience of 40 staff between 1961 and 1967. Of those, 28 had no previous experience of working in residential child care.

- 4.83 WN515 (Housefather 1967–1974) had worked in industry, volunteered in youth clubs and helped with outdoor pursuits. He had no formal child care qualifications. WN514 (Housemother 1967–1974) had been a clerk and had no professional child care qualifications. Audrey Mills (Houseparent; laundry assistant) was interviewed in 1967 for a post at HDLG by Patricia Thornton, Charles Smith (then Deputy Children’s Officer) and Colin Tilbrook. She was 28. She had no formal qualifications – “*no-one at that time really did. I do not even think the housemasters were trained*”.⁸² She had worked in the Westaway Crèche for two years then privately as a nanny. She remembers there being no formal vetting process when she applied. WN615 (Houseparent 1966–1970) remembers that she was interviewed for the post of Housemother by Mr and Mrs Tilbrook and “*the head of the Children’s Office*”. She had had no previous child care experience, was first appointed to look after the juniors – “*7 to 10 years of age*” – and within a short time to look after the seniors – “*11 to 14*”.⁸³

Staff/children ratios: organisation of the residents

- 4.84 As at 1960, there were a Superintendent and Matron, and a Deputy Superintendent, but only one Housefather. The Housefather was assisted by three assistant Houseparents. Two further Houseparents were recruited during the course of that year. At the time, there were approximately 50 children in residence.⁸⁴
- 4.85 In 1962, the Children’s Sub-Committee considered a “Plan for Haut de la Garenne accommodating all age groups of children and care need”. It envisaged dividing the home into seniors, intermediates and juniors providing for 12 children in each group with additional places for remand children. Staff allocations were set out. A married couple was to be in charge of each group.

⁸² WS000585/2

⁸³ WD001881/3

⁸⁴ Day 31/13

- 4.86 Margaret Davies (Matron 1961–1973) describes the distribution of staff allocated to the three groups: “*The Houseparents were married couples and generally the man dealt with the boys and the women dealt with the girls, although that was not always the case.*”⁸⁵ She described to the SOJP in 2008 that the intention when she and Colin Tilbrook they took over the running of the Home was to “*try and keep children’s families together so siblings were kept in the same group allowing them to mix and eat together. The large dormitories were broken up into smaller sub-rooms to give the home a nicer less sterile feel*”.⁸⁶
- 4.87 By 1968, there was concern voiced by staff about the number of children in each group.⁸⁷ A member of staff was near to breaking point. Colin Tilbrook wrote to Patricia Thornton: “*This serves to underline my constant criticism about the number of children in each group, and I would urge you to keep this matter constantly under very active review and not allow the numbers in each group to exceed the totals I have advised.*”⁸⁸
- 4.88 A year later, Colin Tilbrook, in a letter to a UK college sending students HDLG, writes: “*We have a large staff of 36 (for 60 children) many of whom hold professional qualifications ...*”⁸⁹
- 4.89 In 1969, a major re-organisation of HDLG was proposed by the Children’s Officer, Patricia Thornton, based upon a report prepared by Colin Tilbrook. The proposal was to increase the number of secondary school age children and reduce the number of preschool age children.⁹⁰ This foreshadowed a fundamental change in the operation, management and culture of HDLG in the following decade. The main recommendation was for a regrouping of the children:
- 4.89.1 “*fifteen children of mixed sexes of preschool age;*

⁸⁵ WS000606/5, paragraph 21

⁸⁶ WD006689/22, paragraph 5

⁸⁷ WD006637

⁸⁸ WD006637

⁸⁹ WD006662

⁹⁰ WD005367

4.89.2 *fourteen children of mixed sexes of primary school age in the ratio of five girls to nine boys;*

4.89.3 *twenty-eight children of mixed sexes of secondary school age in the ratio of ten girls to eighteen boys”.*

4.90 The change in composition of the children in the Home required a change in staffing allocation and ratios. The changes were introduced in 1970.

4.91 By the end of this period and into the start of the next decade, staff were writing to senior management setting out their concerns about the increase in the number of residents:

*“With fourteen boys and seven girls in the Senior we feel we have reached saturation point and all we can do is to ‘contain’ them and not give them the help we want to give”.*⁹¹ Staff/child ratios appear to have become a more pressing issue in the following decade, as noted in Colin Tilbrook’s letter from April 1971 about lack of staff and too many children, *“Overcrowding forces regimentation, blunts the sensibilities and restricts individual freedom.”*⁹²

Staff: duties/routines

4.92 When providing a reference for Ray Williams in 1970, Colin Tilbrook set out Ray Williams’ and WN615’s daily duties at the home:

*“[they] have cared for a group of adolescent children of the secondary modern age group. They have always worked a 42-hour week [and] have had two consecutive days off each week as well as six weeks’ annual leave and have not been involved with domestic work as adequate help of this nature has always been available [by] the employment of full time non-residential cooks, seamstresses, laundresses and cleaning staff. Their duties have been arranged so that after calling their group of children at 7.15am having breakfast with them and seeing them off to school at about 8.15am they are then off duty until the children return home from school at about 4.30pm when they remain with them until bedtime at 9.30pm. At weekends the children are called at 8.30am but it is normally possible for the staff to have a morning, afternoon or evening session off during this time. Occasionally [they] may be involved in escorting children to clinics etc during the day”.*⁹³

⁹¹ WD001214

⁹² WD008614

⁹³ WD001213

- 4.93 Audrey Mills (1967–1972); Houseparent/laundry assistant) told the Inquiry⁹⁴ that her duties at the Home involved looking after children “*seeing that they were clean, well fed and well looked after*” rather than providing emotional support. It was, she commented “*a different era*”. Audrey Mills was reassigned to the laundry room after concerns were raised by the Education Committee that as an unmarried mother she should not be working with children.⁹⁵ Other members of staff provided evidence of spending a lot of time doing laundry due to a number of children wetting the bed, of writing short handover reports when signing off duty, of getting them up and off to school, of tidying and doing laundry while the children were out, and then of spending the evening doing what the children wanted. One Housemother recalled reading written reports when getting the children up, and recalled little interaction with other groups.⁹⁶
- 4.94 On taking charge at HDLG, the Tilbrooks changed the layout of the Home and “*ensured that the dining room was altered so that staff could sit and eat with the children*”.⁹⁷ The system of using “house boys” that had existed in the JHFB was abolished in 1961.
- 4.95 WN615 remembers that children had to ask permission to go to the toilet, although she disagreed with this. She said that children could not be visited by parents or relatives without permission. Staff had to know where the children were at all times.⁹⁸ Children would be supervised when having baths – according to WN515 and WN514, they would do this while standing in the doorway.⁹⁹
- 4.96 According to WN515, there was a logbook to record issues with the children, and up to 1970, a file appears to have been opened on each child in the Home. There is no evidence available to the Inquiry on whether members of staff would have access to children’s files and if so which members of staff

⁹⁴ Day 73/8

⁹⁵ WS000585/5

⁹⁶ WD006741/4, paragraph 17; WD006734/3; WD001881; WD006768

⁹⁷ Margaret Davies (née Tilbrook) – WS000572/2

⁹⁸ WD001881/5

⁹⁹ WD006925

were allowed access nor is it known where the files were kept although the presumption is that they were in the Superintendent's office. From 1970, the system changed from individual to family files.¹⁰⁰ As at 1969, a system was in place for reporting and recording accidents and for notifying the Children's Office.¹⁰¹

- 4.97 One member of staff – the night nurse – was on duty through the night and patrolled the dormitories on an hourly basis. Children were monitored by a system of “speakers” in each dormitory and a receiver in a side room where the night nurse sat. Margaret Davies told the SOJP that the night staff were both male and female, “*however we never employed a non-married male to work in the home*”.¹⁰²
- 4.98 The Superintendent and Matron had overall responsibility for the running of the Home, the training and supervision of staff, and for the recruitment of other staff. The Superintendent would also liaise with the Courts and schools about children, and take an administrative role.¹⁰³ His duties are discussed below in greater detail.

Staff: training

- 4.99 In 1960, George Maggs (the predecessor to Colin Tilbrook) and another member of staff, WN784, attended a refresher course in residential care, run by the Home Office. The 1962 Annual Children Officer's report noted that three members of staff from HDLG had attended the Home Office Refresher Courses for residential child care in England.¹⁰⁴ The 1966 annual report recorded the help given to staff and children by “*the medical officer of Health, the Deputy Medical Officer of Health and the Consultant Psychiatrist at the Child Guidance Clinic. The residential staff much appreciate the regular discussions they have with the Senior Registrar of the Psychiatric Unit*”.¹⁰⁵

¹⁰⁰ WD006923; WD008615

¹⁰¹ WD002359

¹⁰² WD006689/23

¹⁰³ WD006254

¹⁰⁴ EE000058

¹⁰⁵ EE000062/5

4.100 The 1965 Home Office Inspection refers to the Education Committee's policy of "*seconding freely to training courses*" staff at HDLG.¹⁰⁶

4.101 This policy was still in place four years on. In November 1969 the Children's Sub-Committee recommended that "*residential staff should be granted leave of absence with full salary for the purpose of attending short or long courses whether of initial or supplementary training and that each application should be considered on its merits, depending on the length of time the applicant had been in service and the numbers going forward each year*". This recommendation appears from the records to have been prompted by two members of staff, including WN202, applying for leave of absence on full pay to attend child care courses. It is not clear from the minutes whether WN202 was in fact given leave of absence,¹⁰⁷ her subsequent application form dated 1973 suggests that she was not.¹⁰⁸

4.102 Audrey Mills could not remember there being any training during her time at HDLG, nor any guidance or manuals provided on her duties. She compared this with the training that she received when she went to work as a Housemother in Tower Hamlets, London, in 1972 and received "... *training on social care, psychology, childcare ...*".¹⁰⁹

4.103 WN515 (1966–1974) told the police that he recalled in-house training while he was at HDLG, which included "*an induction course with somebody from the mainland*".¹¹⁰

4.104 WN514 (1966–1974) said that she was trained "on the job" by Colin Tilbrook. There were monthly training meetings with the Superintendent; as well as with trainers from the UK on report writing, child care, rules of the Home and dealing with temper tantrums.¹¹¹

¹⁰⁶ WD006689/13

¹⁰⁷ WD006520

¹⁰⁸ WD006553/2

¹⁰⁹ WS000585/7

¹¹⁰ WD006923

¹¹¹ WD006714/1

Staff: contact with Children's Services: student placements

- 4.105 There are numerous examples in this period of case conferences and observation conferences taking place at HDLG. These were attended by Children's Services (including the Children's Officer) and staff from the Home (including the Superintendent and Matron).¹¹² In the conferences both the children's CCOs and the Superintendent would give their reports on the children.¹¹³ Decisions taken on the future of children, including the continued stay at the Home, appear to have been taken collaboratively.¹¹⁴
- 4.106 There appears to have been regular liaison between a child's designated CCO and the Superintendent.¹¹⁵ The relevant CCO would be copied in on memos between the Superintendent and the Children's Officer concerning the child. It is not possible to conclude from the available records what information the Superintendent was given by the Children's Officer about children placed in the Home. There is a record of Colin Tilbrook asking for the case history on a particular child in advance of a case conference.¹¹⁶
- 4.107 Events affecting children's welfare were not only raised in the monthly Children's Sub-Committee meetings but were also relayed by the Superintendent to the Children's Office in a constant flow of letters and memoranda. There are frequent examples of the Superintendent in close and constant contact with Children's Office, the Superintendent being copied in to the CCO's records as well as into correspondence between the Children's Officer and other agencies relating to the welfare and plans for individual children in the Home.¹¹⁷ The Superintendent appears also to have been consulted by the Children's Office in planning decisions relating to a child's future,¹¹⁸ as well as being asked to sort out purely administrative arrangements for different children.¹¹⁹

¹¹² WD002027; WD001890; WD001625

¹¹³ WD002020

¹¹⁴ WD001891; WD000870

¹¹⁵ See, e.g., WD001833

¹¹⁶ WD001963

¹¹⁷ WD002017; WD002013; WD002012; WD001752; WD001763; WD001619; WD001777; WD001774

¹¹⁸ WD001762

¹¹⁹ WD001746

- 4.108 There are memos from the Superintendent to the Children's Officer recording children running away;¹²⁰ one memo from Colin Tilbrook records that the Children's Office had been informed that a boy's buttocks had been "*badly bruised from caning at school*";¹²¹ there is correspondence between the Superintendent and the Children's Officer about staff leaving the Home.¹²²
- 4.109 Records suggest that there was a practical as well as a formal working relationship between the Children's Officer and the Superintendent¹²³ and a regular sharing of information relating to the children placed in the home.¹²⁴ The Children's Officer appears to have sought the Superintendent's views on individual children.¹²⁵ On occasion the relationship appears to have broken down. A letter in 1965 from Colin Tilbrook to Patricia Thornton talks of a "*misunderstanding*" between the CCOs and Haut de la Garenne relating to a Parish Hall Enquiry. The letter also suggests what the Children's Office expected of Colin Tilbrook:

*"I must confess that I was a little saddened with the last paragraph of your letter. I cannot remember a time when you have not been informed if a child from here needs to attend a Centenier's inquiry. If in future you wish me to notify you of these circumstances when the children are at home it will of course mean that I will have to visit them rather frequently and I cannot always promise that I will have enough time. I will however do what I can to help but I cannot give any guarantee unless I can have considerable help here to give me sufficient opportunity to get round to all the homes."*¹²⁶

- 4.110 There is a frankness in the exchange suggesting that Colin Tilbrook was clear in his mind as to the respective roles and responsibilities of those running the Home on the one hand and the Children's Office on the other.
- 4.111 Staff from Children's Services, including the Children's Officer and Child Care Officers would visit the Home, although the evidence is mixed as to the frequency with which this happened.

¹²⁰ WD001869

¹²¹ WD001509

¹²² WD001182

¹²³ See, e.g., WD001872, WD001577

¹²⁴ WD000629, WD000640

¹²⁵ WD000643

¹²⁶ WD000926

4.112 In 1961, the Children's Sub-Committee agreed that students from Bingley Training College, Yorkshire, be allowed to work during the summer holidays at HDLG.¹²⁷ The 1966 Annual report refers to '*one or two sixth formers at Haut de la Garenne*' during school holidays.¹²⁸ In 1967, Whitelands College in London arranged for the placement of two of its students: the short letter to Colin Tilbrook provides a brief outline of the two students.¹²⁹ In 1967, the Children's Sub-Committee appears to have tightened the procedures as to who could do placements, the "scheme" being limited to "*bona fide students from Teachers' Training colleges, students attending the Home Office Child Care Training Courses*" and sociology undergraduates.¹³⁰ In the same year, Colin Tilbrook was welcoming volunteers to work at HDLG.¹³¹ In late 1969, the Children's Sub-Committee agreed that students from Colleges of Education should be permitted to undertake a period of practical training and experience during their vacation in 1970: local students should receive free board and lodging.¹³²

4.113 There is no available record of what training or vetting was in place when organising student placements.

Discipline: generally

4.114 Margaret Davies told the SOJP that she and her husband "*established a homely atmosphere in the home which meant that children did not need to be disciplined*". Children who came to the home:

"were made to feel part of the family and they would learn good behaviour through being incorporated into the home and made to feel part of something. There were no set rules in the home and children were just brought up subject to the ordinary morals of society such as not to swear or bully others".¹³³

¹²⁷ WD006526/380

¹²⁸ EE000062/8

¹²⁹ WD006663

¹³⁰ WD006664

¹³¹ WD006665

¹³² WD006520

¹³³ WS000572/2

4.115 In an undated extract from a “Memo to house-parents”,¹³⁴ Colin Tilbrook commented:

*“The criteria to be adopted in dealing with matters of discipline should be ‘what would any reasonable person do in the circumstances?’ Above all it is ultimately the quality of the relationship between a member of staff and each individual child which will determine how a child behaves in the general sense. A child who feels he is liked whatever the provocation will usually be all right.”*¹³⁵

4.116 WN615 (1966–1970) remembers that it was only Colin Tilbrook who gave the punishments: *“I would not question things because he handled it”*.¹³⁶

4.117 WN515 (Housefather 1967–1974) remembers that staff were told by Colin Tilbrook not to send children to bed as a punishment and not to withhold food. Colin Tilbrook ran a tight ship: *“over-punishment of the kids was not allowed”*. He remembers that *“boundaries were clearly defined”*.¹³⁷

4.118 WN514 (Housemother 1967–1974) says that children would be sent to Colin Tilbrook who would then speak to them harshly – there was never any caning.¹³⁸

Discipline: corporal punishment

4.119 In a 1961 report to the Children’s Sub- Committee, Colin Tilbrook noted that *“discipline is being well maintained. Corporal punishment was administered on only seventeen occasions during 1961”*.¹³⁹

4.120 In October 1962, Patricia Thornton (Children’s Officer) suggested to the Children’s Sub-Committee that “Rule 8” relating to corporal punishment of the Jersey Home for Boy Rules should be amended, and provided a draft copy, “Appendix D”.¹⁴⁰ Although a copy of the Rules was not available to the Inquiry, the Appendix D was put in evidence. These appear to be an amalgamation of

¹³⁴ WS000572/2

¹³⁵ WD005826

¹³⁶ WD001881/5

¹³⁷ WD006925

¹³⁸ WD006714

¹³⁹ WD006678/231

¹⁴⁰ WD001188

the *Administration of Children's Homes Regulations 1951* and the *Approved School Rules 1933*. The proposed rules included the following:

- 4.120.1 only the Superintendent was authorised to administer corporal punishment, or in certain circumstances the Deputy Superintendent or Children's Officer;
 - 4.120.2 no caning of girls – any corporal punishment must be administered to them by the Matron, or in certain circumstances by the Senior Housemother or Children's Officer;
 - 4.120.3 corporal punishment of boys was limited to *"the caning of the posterior with an approved type of cane, over the boy's ordinary clothing, to the extent of six strokes or less. Blows, cuffs, boxing the ear, striking on any part of the head, shakings or other irregular means of corporal punishment are absolutely prohibited"*;
 - 4.120.4 no caning was to be carried out in the presence of another child;
 - 4.120.5 no corporal punishment of any child with a physical or mental disability, without the sanction of the Home's Medical Officer.
- 4.121 Margaret Davies (Matron 1961–1973) remembers going to "the Committee" when she and her husband first started at HDLG, taking with them the cane and punishment book and telling the Committee *"we would not be using them and handed them over"*. Despite the "Appendix D" memo, Margaret Davies states that she was not aware of Colin Tilbrook ever caning children at the Home.¹⁴¹
- 4.122 Set against her recollection, and aside from the extract in the 1961 report (see above), are memos from Colin Tilbrook to the Children's Officer, recording the number of strokes that he had given children on specific days. as well as entries in the punishment books up to 1967. Extracts from the punishment books show that the frequency of caning was reduced and the number of strokes fewer than by comparison with the number and frequency

¹⁴¹ WS000606/4, paragraph 16

administered by Colin Tilbrook's predecessors.¹⁴² Entries include: "17.1.63 – 1 stroke – persistent misbehaviour when out with Housemother; 29.04.63 – 1 stroke – obscene language; 20.06.63 – 2 strokes – kicking a junior girl; 20.10.63 – 1 stroke – for setting off fireworks in dorm; 27.11.66 – 1 stroke – for persistent bullying; 16.03.67 – 2 strokes – holding and hitting a boy."

4.123 Audrey Mills told the Inquiry that "*in terms of general discipline, it was a different period. At that time, if you needed to stop a child doing something quickly, you could tap or slap them on the hand*".¹⁴³ She told the Inquiry that she would not have known at the time what was, and what was not, acceptable.

4.124 WN202 (Assistant Housemother from 1966) recalls slapping a child on the back of the legs and being spoken to by the Matron, Margaret Davies and told not to do it again.¹⁴⁴ One memo to the Children's Office records Colin Tilbrook catching two boys at night on a "*stealing spree*". He "*smacked their bottoms and sent them back to bed*".¹⁴⁵

4.125 In a memo dated 1979, Jim Thomson (then Superintendent at HDLG), when setting out the scope of discipline to be used in HDLG, commented that he did not want to follow what "*Mr Tilbrook did with under 11 year olds ... which is to have a complete ban on corporal punishment with that age group*".¹⁴⁶

4.126 Audrey Mills could not remember this prohibition on corporal punishment and added: "*... if a child was beyond the control of the staff that were looking after them you would tolerate such behaviour. If it got to a point where you knew you could not control them you would say 'Well, you go and see Mr Tilbrook' and he would deal with the issue, or whatever was happening*".¹⁴⁷

4.127 WN515 (Housefather 1967–1974) told the police that no child was caned while he was there.¹⁴⁸ Another member of staff (1967–1969) remembered that

¹⁴² See WD005828 – 1963, WD005829 – 1966/67

¹⁴³ WS000585/3, paragraph 15

¹⁴⁴ WS000073/4

¹⁴⁵ WD000842

¹⁴⁶ WD006415/8

¹⁴⁷ Day 73/10

¹⁴⁸ WD006924

staff were not allowed to smack the children; only the Superintendent in charge could do this, the under-sevens got the slipper and the older children got the cane.¹⁴⁹

4.128 In a memo to the Children's Office in 1968, Colin Tilbrook recorded his meeting with a couple who were befriending WN174, after the latter's removal from foster care. Colin Tilbrook described the man, who, while "*very pleasant [and] intelligent is also basically very aggressive*". Colin Tilbrook noted that he "*took the opportunity to discuss with them the whole field of corporal punishment. We examined attitudes and reasons and they were open to the suggestion regarding other methods of punishment*". The man having described how he had caned his own child, leaving "*very bad marks on the boy's legs and buttocks*", Colin Tilbrook "*explained my own professional beliefs and have given him a few ideas which I have no doubt he will mull over*". Those beliefs are not set out in the note.¹⁵⁰

4.129 A memo in 1967 records Colin Tilbrook's concern that WN515 admitted that he had smacked children on summer camp: "*I told [WN515] that he must be very careful about this and drew his attention to the recent case of the Approved School being closed*".¹⁵¹

Discipline: detention rooms

4.130 In his plans for the Home set out in a paper prepared by Colin Tilbrook for a meeting of the Committee in October 1961, he recommended that rooms be built for use as detention rooms: "*..... it would be a great help to have two detention rooms away from the general life of the Children's Home. This will be used only, we hope, on very rare occasions, but will be useful for the very disturbed older boy or girl, on remand particularly. This is bearing in mind that we must cater for young people up the age of 16*".¹⁵²

¹⁴⁹ WD006723/2

¹⁵⁰ WD001269

¹⁵¹ WD002019 – the reference to the Approved School being closed is likely to be to Court Lees Approved School into which a report on the use of corporal punishment had just been published – see GD000014

¹⁵² WD001206

- 4.131 By 1962, the intended use had changed. It was now proposed that the two detention rooms would have: “detachable bars, the rooms could sometimes be used for adolescents staying at the children's home or for a youngster who needed privacy away from the main group”.¹⁵³ The detention rooms were built following Home Office guidelines and were inspected by the Home Office inspectors in 1965 and 1970.
- 4.132 Rules for the use of the detention rooms were drawn up at the request of the Children’s Sub-Committee in 1966.¹⁵⁴ The rules permitted a child being locked in detention for a continuous period of up to four days, with some exceptions for longer periods. On one reading this could be understood to mean the children could be kept in detention for longer than four days provided they were not locked in continuously. The rules recognised that placement in the detention rooms could follow a court order: *“No child will be permitted to be kept locked in the rooms for a longer continuous period of more than 96 hours (i.e after Court recess on Friday until Monday morning) unless sent here on a Court Order to be so detained because of unruly behaviour or on remand pending transfer to another training establishment and all such children so detained must be seen by the Medical Officer of Health, after 48 hours and subsequently at the Medical Officer of Health’s discretion”*.
- 4.133 An analysis of the periods of detention that are recorded suggest that children were in fact kept in detention for longer than four days suggesting that they were not locked in continuously. A record of each use of the detention room would be forwarded to the Children’s Office. In turn, the Children’s Office would sanction the use of the detention rooms. In one case where WN195 and another boy had been suspended from school, Charles Smith writes to Colin Tilbrook: *“It is realised that this may present difficulty on close supervision and I would agree that when it is not possible for a male member of staff to supervise, both these boys may be detained in the detention rooms.”*¹⁵⁵

¹⁵³ WD001174/4

¹⁵⁴ WD0012017

¹⁵⁵ WD000690

4.134 Other rules for the use of the detention rooms included:

4.134.1 only the Superintendent and Matron, or the Deputy Superintendent in their absence, were allowed to place a child in the detention rooms;

4.134.2 any child admitted after 11pm would be placed in the rooms, but with the door unlocked, unless there was police advice to the contrary. The Superintendent would be informed in writing;

4.134.3 all children to be visited by two senior members of staff at least three times a day, and whenever needed by the child;

4.134.4 no other member of staff allowed to contact a child in detention, except with the consent of the Superintendent;

4.134.5 any detained child was the responsibility of the Superintendent and Matron, who were responsible for ensuring proper facilities for washing and recreation.

4.135 Margaret Davies remembers that visits to the children in detention “definitely happened”, and were in fact more frequent than the rules required.¹⁵⁶

4.136 In February 1968, the Children’s Sub-Committee asked the Superintendent to prepare a report on the use made of the detention rooms.¹⁵⁷ The list of children’s names does not identify those children remanded to Haut de la Garenne under order of the Royal Court. The periods spent in detention range from one night to just under three months. The majority of entries are for between a few days and two to three weeks. It is difficult to assess the significance of the longer periods of detention without knowing which children were on remand.¹⁵⁸

4.137 Evidence available to the Inquiry shows that the rooms were used not only for remands but also were “*largely used when a child either lost their temper in which case they were used to protect themselves or others or when children*

¹⁵⁶ WS000606/9

¹⁵⁷ WD001205

¹⁵⁸ WD001216

were returned by the police, often to sober up ... the children would be locked in".¹⁵⁹ Other staff accounts record the detention rooms being used to calm children down, for their "own safety and wellbeing", for a child with a "really bad temper tantrum" and for children who had run away or to stop them doing so.¹⁶⁰ Audrey Mills recalled that the Housemaster could arrange for a child to be placed in the detention room, without requiring the Superintendent's approval.¹⁶¹

Discipline: bedwetting

4.138 Accounts given by residents suggest that bedwetting was punished. WN494 told the Inquiry "any boy who wet his bed had to stand outside the office before or after breakfast and was strapped by the Superintendent".¹⁶² Records were made of bedwetting.¹⁶³ It is not clear whether this was to gauge the effectiveness of steps being taken to reduce enuresis.¹⁶⁴ Conversely, Margaret Davies remembers introducing a policy where children were not humiliated for bedwetting: "I was keen to make sure that we told the children not to worry and we always changed the sheets for them before they returned from school."¹⁶⁵

Discipline: home visits and other approaches

4.139 Children had weekend visits home cancelled as a punishment, although parents were still able to visit their children at the Home.¹⁶⁶ In some cases holidays were cancelled. In one of the examples home leave was cancelled for "being involved in rather a lot of stealing".¹⁶⁷ Margaret Davies could not remember this happening: "We would not have tied home leave to behaviour".¹⁶⁸ This appears to contradict other evidence, such as this extract

¹⁵⁹ Audrey Mills – see above

¹⁶⁰ WD001935; WD00835

¹⁶¹ WS000606/9; WS000585/4; WD006925; WD001935; WD001928

¹⁶² Day 144/97

¹⁶³ WD001538; WD001021

¹⁶⁴ WD002015

¹⁶⁵ WS00606/5, paragraph 22

¹⁶⁶ WD006689/31; WD001574

¹⁶⁷ WD000846

¹⁶⁸ WS00606/9, paragraph 37

from a letter to a father from the Superintendent cancelling the son's home leave:

*"With your co-operation therefore I should like to stop [WN162] going to you this week-end for I know that this always has a salutary effect on him for he so much enjoys being with you."*¹⁶⁹

4.140 The decision to stop home leave or to lift the ban appears to have been taken in consultation, on occasions, with parents.¹⁷⁰

4.141 Other discipline, according to former members of staff, included withholding pocket money, making them clean up rubbish, stopping them from seeing films, and stopping them from going out for the night.¹⁷¹

The role and approach of the Superintendent: Colin Tilbrook

4.142 Colin Tilbrook's tenure as Superintendent (1961–1973) had a significant impact on the culture of HDLG. Margaret Davies (Mrs Tilbrook) said that the couple's intention was to try to give the children *"a more normal family environment to grow up in as opposed to a cold orphanage"*.¹⁷²

4.143 At the end of his first year at the Home, Colin Tilbrook presented a report in 1961 (referred to above) to the Children's Section of the Education Committee.¹⁷³ This report provides an insight into his approach to the management and operation of the Home, as well reflecting his views on residential child care gained from his previous experience. He discussed the Family Group Home (FGH) initiative in the UK and the prevailing view that large institutions were *"appalling places in which to bring up children"*. Staffing of FGHs was becoming increasingly difficult. He quoted from a *"Home Office report"* that staff in FGH were *"lonely"*. The report set out his aims for HDLG:

"1. To create at Haut de la Garenne an atmosphere which will encourage the children to develop all aspects of their varying personalities (i.e. spiritual, emotional, intellectual and physical); 2. To provide a reasonable standard of living such as is to be found in any

¹⁶⁹ WD002018

¹⁷⁰ WD001650

¹⁷¹ WD001881/5; WD006714; WD004349

¹⁷² WS000572/2

¹⁷³ WD006678

middle-class home to enable the children to have full opportunity for enjoying, as is their undisputed right, a happy relaxed and disciplined environment". He reflected that, "now that the groups are not too big and are in charge of married couples [sic] every child is receiving some mothering."

4.144 The report referred to the great majority of the children in the Home as having been "*psychologically damaged in some way or another*". He referred to the 8th report of the Children's Department of the Home Office published in 1961 which underlined the need to establish a "*personal but objective relationship with each child, to develop a flexible programme of individual treatment and to give guidance toward the solution of individual problems*". The report closed with Colin Tilbrook adopting an extract from the Home Office review for 1961: "*What matters is that by one means or another the child coming into care should receive by kindly understanding people in a home like atmosphere ... fully equipped with a thorough understanding of his personality and needs*".¹⁷⁴

4.145 In the same year, Colin Tilbrook made a number of recommendations to be implemented at the newly formed HDLG. These concerned diet, leisure, clothing, hygiene as well as "*interpersonal relationships*" and "*emotional outlets*". Under the heading "Emotional Outlets" he noted:

"such outlets are available but generally rather restricted. These satisfactions are always difficult in 'institutional' life, although a friendly permissive atmosphere is normally very helpful. Some of the children keep pets. Few of the children are 'mothered' and too much emphasis is directed to group control and care and too little attention paid to the needs of the individual children. Contact with relatives, foster relatives and friends is largely restricted to once a month, although one or two children do go out more frequently. Only the smaller ones have any comfort at bed time. Recommendations and suggestions: (8a) As the staff learn to relate more easily and freely with individual children, many of the limitations will disappear".¹⁷⁵

4.146 Colin Tilbrook's recommendations appear to reflect an apparent understanding and anticipation of the children's needs and the staffing challenges in the Home.¹⁷⁶ He promoted the value of siblings maintaining contact wherever possible. In a memo eight years later, in 1969, he noted to

¹⁷⁴ WD006678/235

¹⁷⁵ WD005820

¹⁷⁶ WD005820

staff that six to nine-year-olds “... *need a great deal of ‘loving’ still and bath-times are often a good opportunity to create an atmosphere of affection, regard and kindness. All the time they are in big groups at school and here – and it cannot be much fun for them*”.¹⁷⁷

4.147 In 1969, he wrote to the Children’s Officer (Patricia Thornton) to complain about the strains on staffing:

“everybody here is undergoing considerable strain because of the excessive number of children we are caring for ... I would now confirm that it is necessary indeed essential, to bring the staffing up to the strength agreed by Committee and I would hope that the Committee would not reverse its decision of 3/4 years ago”.¹⁷⁸

4.148 Colin Tilbrook foresaw the challenges posed by an increase in adolescent intake and the need for “*a wide, experienced and informed knowledge of all of the new problems*” the intake would require. He set out in detail the new staffing rotas and accommodation needed to address these issues, “*In the interests of good child care and to minimise the friction between staff and children it is essential to separate these children into three groups*”. He advocated the continued employment of married couples – “*I have repeatedly expressed that the continued employment of married couples to care for small groups of older children appears to be in their best interests*”.¹⁷⁹

4.149 Elsewhere and seemingly throughout his time as Superintendent, Colin Tilbrook is seen to be forceful in his convictions and views. In 1966, he sought to appoint a single unmarried parent to the post of Housemother. The potential appointment was controversial – although recommended by the Children’s Sub-Committee it was turned down by the Education Committee who then issued a statement explaining their position. The statement included a reference to the Superintendent having gone ahead and offered the post notwithstanding that the Education Committee had had yet to make a decision.¹⁸⁰

¹⁷⁷ WD008618

¹⁷⁸ WD008620

¹⁷⁹ WD005367

¹⁸⁰ WD006910

- 4.150 In another instance, in a letter to the Solicitor General seeking to justify his stance defending a boy at Haut de la Garenne against whom an Approved School order had been made, Colin Tilbrook criticises the lack of support from the Education Committee for “*such little loyalty*” towards him (although supported by Patricia Thornton).¹⁸¹
- 4.151 As noted above, as part of his role in the running of the Home Colin Tilbrook would attend case and observation and assessment conferences on individual children in the Home that would take place at HDLG. He would provide the Superintendent’s report, a sample of which the Inquiry received in evidence. The reports might be regarded as detailed and informative¹⁸² and include references to the emotions and feelings of the child under review, to their need for affection, to emotional deprivation, rejection and vulnerability. He promoted the value in siblings maintaining contact wherever possible: writing to a CCO in 1962: “*I am sure that, with your sympathetic understanding of children you will agree that we ought to do all in our power to keep these children in contact with each other so that in later life should they need it, they will have each other for support. It is so easy for children to grow away from each other.*”¹⁸³
- 4.152 In a letter dated 1968, from the headmaster of St Martin’s School (the primary school attended by children from the Home), he sets out his concerns to Colin Tilbrook about one child, referring in passing to “*what I know from experience to be the loving care at Haut de la Garenne*”.¹⁸⁴ Letters record Colin Tilbrook maintaining close contact with schools attended by the children at Haut de la Garenne, attending meetings at the schools on their behalf and notifying the Headteachers of any issues in relation to the children from the Home.¹⁸⁵
- 4.153 There are numerous examples of Colin Tilbrook speaking directly with the children and getting their views on particular issues and noting their concerns or recording conversations between himself and individual children, explaining

¹⁸¹ WD001514

¹⁸² See, e.g., WD002020, WD001729, WD001749, WD001551; WD001418

¹⁸³ WD000872

¹⁸⁴ WD001007

¹⁸⁵ E.g. WD000867

their behaviour.¹⁸⁶ Other records show him defending and supporting children at the Home. When replying to a letter of complaint about WN123 from the Headmistress of St Helier's Girls' School, he asked the school to bear with WN123: "*From time to time we are bound to have difficulties with the occasional girl and I hope that between us we will always be able to help the girls to a better understanding. In [WN123's] case we of course very much in loco parentis for she has nobody else to whom she can turn and she does therefore need more than the ordinary degree of parental care from us and with her as with any other child we will continue to take the same interest in her as any normal parent would be expected to do.*"¹⁸⁷ As Superintendent, he would receive psychiatric reports on children in the Home.¹⁸⁸ He would write reports to the Constable on children placed at the Home.¹⁸⁹

4.154 Home Office Inspector A.J.N. Southwell spent "*almost two days*" at HDLG in 1964.¹⁹⁰ The Inspector found the regime to be "*enlightened*", commenting that it was "*forward looking in that it aims consciously and consistently at rehabilitation. It seeks to restore the fabric of each child's individual and social life, not merely to inculcate unreasoning obedience*". The Inspector recognised the physical institutional drawbacks with HDLG, which he felt were overcome by "*imaginative*" and less "*authoritarian*" direction.

4.155 WN866 (a senior staff member) considered Colin Tilbrook and Margaret Davies to have been extremely dedicated and professional.¹⁹¹ In an unsolicited newspaper interview in 2008, WN491 maintained that HDLG "*went wrong*" after Colin Tilbrook left. WN515 (Housefather 1967–1974) told the police that after Colin Tilbrook left, "*staff morale collapsed*".¹⁹²

¹⁸⁶ WD001550

¹⁸⁷ WD001878

¹⁸⁸ WD001973

¹⁸⁹ WD000925

¹⁹⁰ WD006689/8–15

¹⁹¹ WS006019

¹⁹² WD006925/2

Governance

4.156 Through this period, Patricia Thornton was Children's Officer. Records and reports throughout this period (referred to in this section) suggest that she was a committed and dedicated. She appears to have maintained close oversight of HDLG. The Home featured in each of her "Annual Reports" from 1959 to 1968. She appears to have had a good professional relationship with Colin Tilbrook and maintained regular contact with him, the children at Haut de la Garenne and their families. She was involved, with Colin Tilbrook, in reorganising HDLG "*in the interests of good childcare and to minimise the friction between staff and children*".¹⁹³

4.157 The Children's Sub-Committee, was set up, it appears, in 1960. It met regularly, presided over by members of the Education Committee. It would meet at HDLG. The meetings were attended by Patricia Thornton, Colin Tilbrook and Margaret Davies. Colin Tilbrook provided a report at each meeting covering topics such as numbers in the Home, admissions and discharges in the previous month, activities and staff issues. Under "Admissions" brief details would be given of children placed at the Home and under "Discharges", the same would be recorded in relation to children leaving the Home. The Committee reported back to the Education Committee with recommendations and that Committee made final decisions on appointment, recruitment, discharge of children and financial support.¹⁹⁴

4.158 The Education Committee had overall oversight of the Home, delegating to its Children's Sub-Committee responsibility for overseeing the day-to-day running of States' run children's homes. From witness evidence to the Inquiry it appears that the Children's Sub-Committee could only make recommendations and were not able to take decisions.

4.159 Although only one example, its views on governance of the Home in this period may be reflected in the Committee's decision in November 1966 not to confirm the recommendation of the Children's Sub-Committee to appoint an

¹⁹³ WD005367

¹⁹⁴ E.g. WD001169

unmarried mother to the post of Housemother at the Home. That decision had attracted adverse criticism in the *Jersey Evening Post* (JEP). Colin Tilbrook had offered the post notwithstanding that the Education Committee had yet to make a decision.¹⁹⁵ The then-President of the Education Committee issued a statement¹⁹⁶ explaining the Committee's rationale, which in turn reflected its approach and understanding of the Home. The members' first responsibility was to "*the children in their care*": "*the post of Housemother or Housefather calls for the highest vocational standards and example. The ideal at HDLG is to provide the closest equivalent conditions to those of parents and children in normal homes. The work of the Houseparents calls for the highest possible standards and people who undertake this work should, as far as possible, be themselves devoid of personal stress, strains and tensions in order to do justice to this demanding work amongst emotionally disturbed children ...*".

4.160 Colin Tilbrook was forced to resign in 1973, after Margaret Davies had resigned earlier in that year. Although the reason why he was asked to resign is not set out in the Education Committee minutes it may be that his position was no longer tenable. The roles of Superintendent and Matron was seen as best undertaken by a married couple; the Tilbrooks were living apart by this date.

Findings: Haut de La Garenne (1959–1969)

4.161 *Vetting* – At the start of this period, there was an informal system of vetting of visitors at HDLG in relation to both those who came to the Home and those who took children out. This appears to have become more structured towards the end of the decade. While the standards applied today would not tolerate such informality, there is nothing to suggest that the approach taken was less than adequate by the standards that then applied, however informal.

4.162 *Staff recruitment and training* – The training and experience of Colin Tilbrook and the Matron when they took up their appointment to run the Home appears to have been adequate: they had had sustained experience of working in

¹⁹⁵ WD006910

¹⁹⁶ WD006910

children's homes in the UK and held the appropriate qualifications. The evidence we have heard suggests that levels of experience and training of staff recruited to the Home were inconsistent and arbitrary.

- 4.163 *Training* —Training and development of residential staff appears to have been again inconsistent and haphazard, notwithstanding that the value of training was recognised and encouraged. On the limited evidence we have seen, it seems that training was not sufficiently, if at all, financially supported by the Education Committee during this period. We find that this aspect of the management of the Home was inadequate.
- 4.164 *Discipline: corporal punishment* – On paper, Colin Tilbrook and the Matron promoted an apparently enlightened approach to discipline; in practice, and in spite of statements to the contrary, we note that Colin Tilbrook did administer corporal punishment throughout the decade. There is evidence that suggests no corporal punishment was administered to children under 11. The use of corporal punishment would have been in line with practice adopted elsewhere at the time. As Audrey Mills told the Inquiry: “*in terms of general discipline it was a different period*”. The Inquiry heard a number of accounts from former residents during this period which alleged the excessive use of corporal punishment – whether by its frequency or its severity.
- 4.165 *Use of detention rooms* – We note that in the Home Office inspector's report in 1970 the fact of and use of the detention or separation rooms were not in themselves deprecated by the Inspectors. We recognise too that one of the Home's functions in this decade was as a remand facility for children aged 15 and under. We note that, in 1966, rules were in place for the use of the detention rooms. The Children's Sub-Committee, in requiring the Superintendent to provide a report in 1968, appear to have recognised their responsibility in overseeing the use of the rooms. We are not able to, nor required under the Terms of Reference, to reach a conclusion as to whether the use of the rooms was during this period illegal: the figures compiled for the Committee did not identify whether the longer periods related to children on remand, nor whether these were continuous periods. We question whether it was appropriate even in this era to have used the rooms as a means of

calming children down. As a means of managing difficult behaviour, in this era, we also question whether the use of the rooms was an adequate approach.

4.166 *The role of the Superintendent: Colin Tilbrook* – The personality of the incumbent Superintendent over this and the next decade inevitably in our view dictated the culture and approach of the Home. We find that Colin Tilbrook did have a significant impact on the culture of the Home during his tenure. He sought to introduce changes to the staffing structure and the configuration of grouping of children. The picture that emerges to us is of a forceful and dominant personality. Unlike his later successor, Jim Thomson – he appears never to have questioned the continued existence of HDLG, nor to have had his management of the Home called into doubt. We note that his immediate successor – WN715 – thought the Home was 30 years behind when he took over in 1973 and needed a completely new approach. It appears to have become isolated and out of touch with residential care practice by the turn of the decade.

4.167 *Governance* – We are critical of the lack of any strategic vision for the continued use of the Home by the end of the decade.

Haut de la Garenne (1970–1986)

Organisation, management and culture

The legislative and regulatory context

4.168 The *Children (Jersey) Law 1969* replaced the *1935 Loi*, providing a new statutory basis for taking children into care. Under *Article 26*, a child under the age of 17 in custody could be remanded to HDLG. As such, was designated a remand centre in the island for a child under the age of 17. Under *Article 28*, the Court could send a child to an Approved School or place him in the care of a “fit person” (*Article 31* designated the Education Committee as a “fit person”) where the child needed care, protection or control. In practice this amounted to a court order requiring the child whose behaviour was considered to be “out of control” to be taken into care. The Article enabled a Centenier to hold a child in custody at HDLG pending the issue of a warrant.

4.169 By far the most frequent provision used was *Article 82*. Under *Article 82*, the Education Committee could receive a child into care whose parents were unable to look after them and where it was in the interests of the welfare of the child to do so. Parents could at any time apply to take over the care of the child provided the Committee considered it “*consistent with the welfare of the child*”. *Article 83* gave the Committee the option to take on parental rights in the circumstances set out under the Law and provided the Committee had obtained a court order. WN7 told the Inquiry that *Article 82* also covered voluntary admissions into care.¹⁹⁷

Reception, admission and category of child

4.170 WN668 (1974–1976) recalled that all children came to HDLG via the Children’s Office and that each had an allocated CCO who liaised with the Home, the parents, the schools and, where applicable, the police. The majority were, according to her: “*underachievers with short attention span and very institutionalised ... without exception all of these children had suffered emotional deprivation and had no experience of normal family life. Many were streetwise at an early age, being devious and proficient liars*”. She said that the increased admission of children referred by the Courts and the Police had a “*very adverse effect*” on the resident children, some of whom became caught up in difficult behaviour. She reflected that this changed “*the whole ambiance of the home*”. The care staff found the change “*particularly difficult*”.¹⁹⁸

4.171 In a memo to Charles Smith, the Children’s Officer, in September 1977, the Superintendent, Jim Thomson, classified the children at the Home into four different types: (i) Children with problems who also have problem parents; (ii) children with problems; (iii) children with problem parents; (iv) children not in the previous three categories.¹⁹⁹ When invited to comment on this memo, WN570 did not think that HDLG was suited to the needs of children whose parents were incapable for whatever reason of looking after them and had

¹⁹⁷ Day 65/77

¹⁹⁸ WD006724

¹⁹⁹ WD002611

consequently been taken into care but she added “*there was nothing else at the time*”.²⁰⁰ WN7 agreed with Jim Thomson’s categorisation and said that whatever the category a child fell into, the very fact of being placed in HDLG would have been difficult for a child.²⁰¹

4.172 In his subsequent “Report for the Eighties”, Jim Thomson noted that the Home was unsuitable for the range of tasks it undertook and did not work for certain children, including those without family ties, those in long-term care, those who were “*severely disturbed*” and those regarded as “*delinquent and/or disruptive children*”. He thought that the Home did work for others, including those with strong family links where there was a “*clear avenue to a return to the family*” and those “*where the stress of the home situation is so severe that the child is happier in residential care*”.²⁰²

4.173 Ernest Mallett (1970–1974; 1981) worked both at HDLG and at La Preference. He was able to provide a contrast between the two groups of children – those he had looked after in 1981 at HDLG and those he went on to look after at La Preference:

*“I sometimes felt [the children at Haut de La Garenne] were more disturbed or more abused than the ones that I met when I went to the vegetarian home. They were more – I mean they might have had the same things happen to them, but they were more sort of calm and – where the ones from HDLG were like quite – I do not know. They would sort of – they had been through whatever at home, you know, they had not had an easy time and I think that came out in their behaviour and that as well. They were usually the ones there were problems at school with as well”.*²⁰³ In Ernest Mallett’s view, Haut de La Garenne was “*an institution where [children] were all just flung in.*”²⁰⁴

4.174 WN570 says that, by the time she left in 1983, there were only two groups of mixed ages:²⁰⁵ she did not remember teenage girls as being a “*major problem*” at the Home.²⁰⁶

²⁰⁰ Day 110/37

²⁰¹ Day 65/77

²⁰² WD006984

²⁰³ Day 81/145

²⁰⁴ Day 81

²⁰⁵ Day 110/21

²⁰⁶ Day 110/18

4.175 Marilyn Carré, who worked as a child care assistant (1977–1988) and a CCO (1988–1990) said that the decision by Children’s Services to place a child at HDLG was based on “*where there was space and it was not always necessarily what we would have considered the best place for the child*”.²⁰⁷

4.176 WN102 (1978 and 1982) first worked in an administrative role at the Home: one of her tasks was to book new children in. They would arrive with a CCO, or member of the family, depending upon individual circumstances. WN102 arranged the medical examination on admission and also on discharge. There was a large ring-bound book that contained all the names of past and present children at the Home; it contained their personal details and dates of admission/discharge. Each new child was placed in one of the four groups (Aviemore, Braintree, Claymore or Dunluce). There “*did not seem to be a system in place for allocations except with the very young children; they were sent to Aviemore*”.²⁰⁸ The Superintendent (Jim Thomson) would take a photograph of each child who was admitted. WN7 remembers that it was the Superintendent who would allocate which group a child would go into on arrival in the home. A member of staff would go the Superintendent’s office to be introduced to the child and to be told by the CCO why the child had come into care, “*we would then go back and tell the other members of staff*”.²⁰⁹

Remand centre

4.177 In 1970, figures were compiled, setting out the number of children on remand or pending a Royal Court appearance. The table set out those for whom the detention room had been used and the number of days of use. In one case a boy was held in detention for 115 days, another 34 days, another 23 and another 21 days.²¹⁰

4.178 In the same year, the Children’s Sub-Committee was concerned that in certain cases, detention of children, pending a court appearance, could

²⁰⁷ Day 81/12

²⁰⁸ WD006810

²⁰⁹ Day 66/99

²¹⁰ WD001208

amount to unlawful detention.²¹¹ There had also been concern expressed by the Home Office inspectors in 1970 at the attitude of staff to the use of the rooms, although what the attitude had been is not recorded.²¹²

4.179 An extract from the minutes of the Education Committee in 1972 records Colin Tilbrook's concern at the influence that those being held on remand in the detention rooms at HDLG charged with drug offences was having on children in the Home, "*there was a limit to the time a child could be held in a detention room and it was not possible to segregate them from others*".²¹³

4.180 In August 1972, the Education Committee reviewed the existing law:²¹⁴

*"The Committee, notwithstanding that under the provisions of Article 15 of the Children (Jersey) Law 1969, that no court should impose imprisonment on a child, decided that in the interests of the other children in the Home, the worst offenders should be admitted to the women's section of the prison. The Committee was of the opinion that the Children's Officer should always be present at a Court hearing and that the place of committal should be discussed with him. The Children's Officer was instructed to discuss this suggestion with the Court. The Committee noted that no provision had been made for girls on remand in the juvenile wing of the new prison and as this provision was considered necessary, it suggested that the matter should be discussed with the Prison Board."*²¹⁵

4.181 Despite the fact that, by 1978, Les Chênes had opened and was being used as the main remand centre, the use of HDLG as a remand centre appears to have been controversial during the course of the decade. In 1973, concern was noted for the morale of staff and children that HDLG should take children committed on remand by the court to the Home. News reports at the time in the JEP recorded the court orders naming HDLG as the remand location – this would quickly become common knowledge in the Home. In 1974, the Jersey Schoolmasters' Association wrote to the Education Committee, expressing concern at the number of juvenile offenders placed at HDLG and

²¹¹ WD002050

²¹² WD002592

²¹³ WD002631

²¹⁴ WD006208

²¹⁵ WD006208

at what the Association described as “*the possible risk to the other children in the home*”.²¹⁶

4.182 In March 1980, the Education Committee discontinued HDLG’s designation as a remand centre, as, by then, Les Chênes was fully operational.²¹⁷ The Education Committee had noted that HDLG had only been designated as a remand centre on a temporary basis, and had never had satisfactory facilities.²¹⁸

Volunteers and student placements

4.183 Ernest Mallett was a volunteer between 1970 and 1974. He had friends who worked there. He would go up to the Home to meet them and became involved in helping out. There was no interview and no vetting process. It was, he told the Inquiry, based on who he knew and that they knew him: “*Jersey is quite small so you really know everybody there.*” There was no signing-in book. He would organise outdoor activities and sports and sometimes read to children in the sitting room.²¹⁹

4.184 Under their tenure, WN532 and WN587 (1974–1976) set up a scheme “*with the Jersey police which involved two young police cadets coming to work in the home for about a week at a time alongside the staff*”. They could not remember how many came in all, “*maybe about ten*”. Their rationale was that they wanted “*the children to get to know the Police as more than just authority figures and the Police to see the children in a better light*”.²²⁰

4.185 One member of staff (1974–1976) remembers volunteers who would visit the Home, “*a few would come up to socialise with a few of the girls and join in with whatever the children were doing at the time, some were working on the Island and just pop up*”.²²¹ He was only 20 at the time he started at HDLG. The same worker remembers being concerned about a priest who volunteered to

²¹⁶ Day 42/5

²¹⁷ WD004266

²¹⁸ Day 42

²¹⁹ Day 81/112

²²⁰ WD006213/12

²²¹ WD006425

take children camping: “*he turned up without appointment or identification ... I was immediately concerned that the children were too young and he was unknown*”. He went to a senior member of staff and “*we stopped this*”. He thinks the matter was reported to the police. Apparently, the priest had left the island.²²²

4.186 Tony Jordan first worked at HDLG as a volunteer before being taken on. He would play snooker with the children and take them swimming. When he took them swimming this would be logged in the day book.²²³

4.187 WN7 volunteered in the summer of 1975 to work at HDLG. He was not supervised, but he remembers that staff were always around. As a volunteer he came and went as he pleased, making himself known to a member of staff when he arrived. There was no register that he had to sign. There would have been times when he would have been alone with children. He would be there to help with meals and bedtime.²²⁴

4.188 A qualified teacher remembers volunteering at HDLG between 1974 and 1976. He found it a good experience. He was working, at the time, in a school where children he says were caned on a regular basis. He says that, as a volunteer, he was not aware of any caning at HDLG or of anything that made him think it was not a “*caring environment*”. He remembers working in the ‘C’ group – “*children who had police involvement*”. He found WN532 and WN587 “*very caring*”. Had he had any concerns he would have gone to them.²²⁵

4.189 There appears to have been a formal arrangement between Children’s Services and Southampton University regarding student placements at the Home.²²⁶ There was also a system of checking and follow-up in place by 1978 in relation to local student volunteers.²²⁷

²²² WD006425

²²³ Day 94/7

²²⁴ Day 66/40

²²⁵ WD006729

²²⁶ WD006653

²²⁷ WD006660; WD006659

Staff: recruitment

4.190 The Inquiry is specifically tasked with considering the recruitment of staff. A sample of those recruited during this decade is as follows:

4.190.1 WN287 (1973–1974): qualified residential CCO with the Home Office letter of recognition (including a child psychology course). References were provided which were taken up: assigned to Claymore group but left after three months because the Home was “*just too big*”. Some of the staff she met were qualified nursery nurses, others unqualified.²²⁸

4.190.2 Marion Robson (1973–1974; 1978–1982). Jim Thomson’s²²⁹ daughter, initially recruited as relief residential care worker. She had no qualifications, which was “*not unusual at that time*”.²³⁰

4.190.3 Wendy Castledine (1974–1978; 1980–1984/5). Part-time night nurse; worked previously in the UK in child residential care but no previous experience as a night nurse.²³¹

4.190.4 Ernest Mallett had been a volunteer at Haut de la Garenne and returned to work there in December 1981; by that time, he had acquired training and residential care work experience in the UK.²³²

4.190.5 William Gilbert (1976–1979). Certificate in the residential care of children and young people and had been in charge of a unit, within a remand home, of 13 “*disturbed adolescent boys*”.²³³

4.190.6 WN570 (1971–1974; 1977–1983). Held an NNEB qualification but told the Inquiry “*none of that equipped her for Haut de la Garenne*”. Jim Thomson asked her to return in 1977, by which time she was a

²²⁸ Day 76/130

²²⁹ Superintendent 1976–1983

²³⁰ WS000583

²³¹ WS0006000

²³² WS000602; WD006481

²³³ WD006555; WD006554

residential CCO; accommodation was provided for her at Haut de la Garenne.²³⁴

- 4.190.7 Morag Jordan (1970–1984). A qualified nursery nurse for young children; when she started she was allocated to work with children of all ages at HDLG.²³⁵
- 4.190.8 Tony Jordan was encouraged by Morag Jordan to apply to work at HDLG; he had no qualifications in child care and no experience. He worked at the Home for several years.
- 4.190.9 Gordon Wateridge was a joiner and carpenter and had been in the Army. He was interviewed by Patricia Thornton, Charles Smith and Colin Tilbrook.²³⁶
- 4.190.10 One member of staff (1970–1974) carried out part of her practical training for the NNEB qualification at HDLG, at the end of which she was given a full-time job by WN532 and 587, working in the nursery and as a carer working in what she calls “*the family unit*”.²³⁷
- 4.190.11 WN872 (1975–1980). Provided “*day fostering*” for five years and was then recruited to work in Dunluce with “*all the delinquents sent to the Home from the Courts*”. Non-residential.
- 4.190.12 WN873 (1976–1978) started work at HDLG only because that was the only way in which she and her fiancé, who was already working in the Home, could get accommodation.
- 4.190.13 WN704 (1977) took up a full-time job at HDLG, having qualified as a residential care worker.²³⁸ She joined with WN640, who had no qualifications but had helped in running a FGH in the UK.²³⁹ He was

²³⁴ Day 110

²³⁵ WS000621/2

²³⁶ WS000742/2

²³⁷ WD006730

²³⁸ WD006775; WD006754

²³⁹ WD006536; WD006535

taken on part time as a Houseparent, but also to do manual jobs at the Home.

4.190.14 WN831 (1977–1978) had certificates in home management, family care and parent craft. She had worked in a Home in England and then for a local authority as a social work assistant before being offered a job at HDLG, following an interview with three people. She was in her 20s. She was given a room in the Home and allocated Dunluce to work in. She was not kept on after a probationary six months. In his reference following her departure, Jim Thomson said that she was unpopular with staff and children and he described her as lacking “*the qualities of tact and compassion*”.²⁴⁰

4.190.15 WN668 and WN714 (1974–1976) applied for senior roles at HDLG through an advertisement in *New Society*. Both were qualified nurses who had worked in the UK in a children’s home with children with behavioural problems. They left HDLG in part because they felt “*pushed out by other staff*”.²⁴¹

4.190.16 In 1996, WN532 (Superintendent 1974–1976) gave a statement to the UK police relating to Richard Owen. He described how Richard Owen was recruited to work at HDLG. Charles Smith (Children’s Officer) spoke to WN532 about employing Richard Owen as a residential care worker. He was previously an officer in the army but in 1974 was employed as a chef in Jersey. WN532 was told that he was well recommended and multi-talented. “*If I remember, the job was practically his before the interview as he had some strings pulled for him. He was taken on as was (WN871) ... They were in charge of young children in a family group. In those days I am sure that no references were asked for and no checks were made on their previous character*”.²⁴² Elsewhere, WN532 says that Richard Owen

²⁴⁰ WD006661

²⁴¹ WD006724

²⁴² WD006749

and WN871 “*were effectively imposed upon us, though we had no objection as we had every confidence in Mr Smith’s judgment*”.²⁴³

4.190.17 WN871 had no qualifications when she was recruited alongside Richard Owen; nor, from her account of Owen’s background, did he.²⁴⁴

4.190.18 Richard Owen was employed from 9 January 1975 to the 26 November 1976. It subsequently transpired that, in 1966, Richard Owen had been convicted in England of unlawful sexual intercourse and had been made the subject of a probation order for two years. The 1966 conviction was not known to Children’s Services in Jersey. In 1998, the Jersey Child Protection Team were informed that Richard Owen had been “*convicted in the UK of offences against underage girls, including at least one charge of rape ... these offences took place in the UK after he left the Island. Staffordshire Crown Court have sentenced him to 4 years*”.²⁴⁵

4.190.19 One member of care staff recruited in 1975 or 1976 was about 25 when she started, having had no previous experience of child care. She worked with two different age groups and was at the Home for about 10 months.

4.190.20 WN159 (1977–1979; 1980) had no previous experience or qualifications when she was taken on in 1977 to work as a Child Care Assistant in Baintree.

4.190.21 When WN751 applied for a senior role at HDLG in 1979, it is recorded that the Children’s Officer asked the SOJP to carry out a check at the Criminal Records Office.²⁴⁶

4.190.22 WN102 (1978–1984) was originally engaged in an administrative role on a part-time basis but stated that in practice she worked full

²⁴³ WD006213

²⁴⁴ WD006557

²⁴⁵ WD006534

²⁴⁶ WD006642

time. The extra hours included “*taking charge on occasion to looking after the children, night nurse and even the laundry*”.²⁴⁷ Other domestic and non-care staff appear to have started work without filling out an application form.²⁴⁸

4.191 Early in Jim Thomson’s tenure as Superintendent, he identified reasons for staff turnover being high:

4.191.1 younger staff with NNEB training were no longer working with the age range for which they were trained; the child population at the home had become predominantly teenage or late primary school;

4.191.2 staff were having to work several evenings until 10pm or later: “*they have to cope with problems of teenage children, never mind problem teenagers*”.

4.192 He proposed recruiting older “*and more mature staff*”.²⁴⁹ He also identified resentment by staff that they could not qualify for residency in the island and he was concerned residential care staff were being discriminated against.²⁵⁰ In December 1977, there were only 16 child care staff, as opposed to the 20 considered necessary.

4.193 Problems recruiting staff were also a constant theme throughout 1978. It was raised by Jim Thomson with the Children’s Sub-Committee at a meeting in April 1978. He was having difficulties recruiting suitable staff because staff with children had problems ensuring suitable arrangements for their own children. The committee allowed one existing member of staff, WN656, to have her child with her during working hours but said that this would have to be reviewed on a case-by-case basis by the committee.²⁵¹

²⁴⁷ WD006757

²⁴⁸ WD006807

²⁴⁹ WD002616

²⁵⁰ WD002616

²⁵¹ Day 42/76

Staff: induction, training and exchange of information

4.194 The Inquiry heard differing evidence about the extent of information sharing and the training of staff during this period. WN715 (Superintendent 1973–1974) was critical about the absence of training:

“... I thought the Home was about thirty years behind its time ... because even accepting that Haut de la Garenne was grossly understaffed, what staff there was did not appear to be fully trained in childcare ... understaffing was a big problem ... a problem that stemmed from above at Committee level ... they were insular ... they would employ local people as opposed to someone better qualified from outside ... in England we would go on conferences and courses ... out in Jersey they were not up to date with the current facilities.”²⁵²

4.195 At the start of this period, Colin Tilbrook sends a memo to all staff in October 1971, alerting them to proposed in-service training in general child care matters during 1972, in association with North-West London polytechnic: *“the arrangements are almost finalised and it is hoped that study courses will start fairly early in the New Year.”*²⁵³ There is no other evidence before the Inquiry on whether training did in fact take place as envisaged.

4.196 WN287, (1973–1974) although at HDLG for only a short time, received no training when she started, saying *“I do not remember seeing any policies or procedures”*.

4.197 WN570 said that in the absence of formal training she followed the lead of more experienced staff,²⁵⁴ as did Marion Robson. Fay Buesnel worked at HDLG for 10 years, eventually being appointed Matron. She said that *“there was not a written code of conduct”*. New staff would be given a verbal *“run through”* but nothing in writing.²⁵⁵

4.198 Marion Robson received no induction when she started; she recalled one training event during her time at HDLG *“when David Pithers came from the*

²⁵² WD006781

²⁵³ WD008613/81

²⁵⁴ Day 110

²⁵⁵ WD006916/20

National Children's Home".²⁵⁶ There are also records of in-house training provided in 1979, and of a residential course in 1981, both about working with adolescents in residential care.²⁵⁷ Further training appears to have been provided by the National Children's Home between 1984 and 1986 – records show that there were supposed to be 12 modules over the two-year period.²⁵⁸ Marion Robson remembers staff were required to attend meetings: "*there were staff meetings talking about the children, different plans, what was going on and there was a general hall meeting when everybody got together, but there would be individual ones between the groups as well*".²⁵⁹

4.199 WN102 (1978–1982) says that she never had any formal training "*so used my skills as a mother when I worked at HDLG. I remember being called to the Home on about three occasions when children were misbehaving and they seemed to calm down when I arrived to speak to them. My philosophy was to treat the children as I would my own*".²⁶⁰

4.200 WN704 (1977–1982) remembers that she was the only one with formal qualifications and had no formal training in the four years that she was there.²⁶¹

4.201 In the statement that they prepared for the police in 2008, WN532 and WN587 (Superintendent and Matron from 1974 to 1976) recollected:

*"We ... set up a training system to bring the staff more in line with English standards and had people from linked areas of work to talk to the staff and answer questions about their work with children. For instance the psychologist gave a talk and the chief probation officer and also the children's officer himself."*²⁶²

4.202 A memo from WN532 in 1976 records 30-45 minutes of "seminar type meetings" every morning in which staff could discuss problems with children

²⁵⁶ WD006919/23

²⁵⁷ WD005778; WD005777

²⁵⁸ WD005265; WD004123; WD006990; WD002615

²⁵⁹ Day 76/6

²⁶⁰ WD006810/5

²⁶¹ WD006776/3

²⁶² WD006213/9

or particular incidents.²⁶³ The extent to which these happened in practice is unclear.

4.203 WN570 (1971–1974; 1977–1983) could not remember any training being given in the 12 years she worked at the Home. WN287 received no training when she started and did not recall seeing any policies or procedures.²⁶⁴

4.204 WN715 (Superintendent 1973-1974) did not think that the training of staff was up to the standards he had reached in the UK. He thought the Home was about 30 years behind although he thought that there was no awareness of this at the Education or Children’s Sub-Committee level: what staff there were did not appear to be fully trained in child care. He felt that local people would be employed as opposed to someone better qualified from outside.²⁶⁵

4.205 Comments made by the Education Committee’s Working Party set up following the 1981 Lambert and Wilkinson Report provide a useful snapshot of the training position across the board at that time:

“It was noted that staff at HDLG are keen to participate in any form of training programme that might be established. It was felt that particular attention should in fact be paid to providing ongoing in service training for all our residential staff, particularly those expected to deal with difficult or disturbed children and adolescents. It was noted that the majority of our residential staff have received no formal training in residential social work with the older child yet were expected to cope with a wide range of difficult and disturbed children in the older age group.”²⁶⁶

4.206 When Mario Lundy was sent to work at HDLG in 1985, he found that the staff there were “*untrained and unqualified*”.²⁶⁷

4.207 WN7 told the Inquiry that sharing of information about children was based on informal communication.²⁶⁸ Staff would be briefed by the Superintendent or Child Care Officers about the reasons for placement.

²⁶³ WD002617/2

²⁶⁴ WS000594/4

²⁶⁵ WD006781

²⁶⁶ WD002598

²⁶⁷ Day 74/191

²⁶⁸ Day 66/90

He recalled that there was no formal induction into post, no formal training and no formal supervision.²⁶⁹

Staff: relationships with children and culture/atmosphere

4.208 Staff recollections of relationships with the children during this decade vary:

4.208.1 Marion Robson (1973–1974) could not remember ever sitting down to discuss the emotional needs of child but told the inquiry that bedtime was good time for one-to-one contact with children: *“I always loved to read to the children and they very much enjoyed it.”*²⁷⁰

4.208.2 WN287 (1973–1974), although only at HDLG for three months, found that because there were so many children in the Home, *“you just could not build a relationship with them. They were all over – or they seemed to be at the time ... running from group to group ... you just could not keep it together.”*²⁷¹ Making relationships with children in a Home *“amounts to a lot”*. She worked for a short time with teenage girls in the Home *“you do whatever you need to do to care for the children”*.

4.208.3 WN552 (early 1970s–1979) remembered: *“sometimes we were a bit stretched ... So, you know, individual attention you were trying to give ... A bit impossible really.”*²⁷² She recalled that *“we were not told a lot of the background at the time.”*²⁷³

4.208.4 WN570’s (1971–1974; 1977–1983) first impression when she started work in 1971 was that the Home *“seemed a happy place”*. She thought it was unrealistic given the scale of the Home to have expected staff to look after the emotional needs of children in their care, *“... now looking back obviously there were too many children*

²⁶⁹ Day 65/62

²⁷⁰ Marion Robson, Day 76

²⁷¹ Day 76/134

²⁷² WD006935

²⁷³ WD006935/19

and not enough staff ... the staffing never changed ... there was never the opportunity to have as much time as these children should have had with adults ... we did the best we could at the time ... too many children with too many problems".²⁷⁴

4.208.5 WN570 remembers a system of children being specifically allocated to certain members of staff: *"you had a relationship with those children. It was practical things, for example birthday presents, Christmas presents, school parents evenings if their parents were not going"*. The member of staff and the child would remain paired throughout the child's time at the Home. Children did form relationships with staff, *"and then they [the staff] left and it was upsetting"*.²⁷⁵

4.208.6 WN671 (1972–1973) remembers that it was a relaxed and happy environment, *"the staff were young, the kids content and visitors were welcomed"*.²⁷⁶

4.208.7 Another member of staff (1970–1974) who worked with children up to 11 remembers that the children were treated in a caring manner, *"we cared for them and we were like supplemental parents, looked after them the best we could"*.²⁷⁷

4.208.8 WN871 (1974–1976) describes HDLG as a *"happy place"*.²⁷⁸

4.208.9 The positive accounts are at odds with the impression gained by WN870 (Matron 1973–1974), who had spent 12 years working in children's homes in the UK: *"I would describe [the children's] treatment as harsh. They were not cared for. They were minded rather than cared for. The children were a nuisance to the staff, especially the nursery group. There was no loving atmosphere at all. But this [was not helped] by the fact that it was very understaffed."*

²⁷⁴ WN570, Day 110/32

²⁷⁵ WN570, Day 110/47

²⁷⁶ WD006769

²⁷⁷ WD006730/5

²⁷⁸ WD006731

This made all aspects of running the home difficult.²⁷⁹ ... “[the children] were controlled by staff in a negative manner. There was a total lack of personal relationship between the staff and children”.²⁸⁰ She gave the example of the younger children at the Home, who had to be dressed for bed very early: “this was usually so that the nursery nurses could get off early and go out ... the children would then have to occupy themselves with minimum supervision until they went to bed ... the staff showed no genuine care for the children ... It was just a job”.²⁸¹

4.208.10 When WN870 started, one of the main areas that needed changing “was the staff need to start treating the children as individuals. The children did everything together and there was a shortage of staff”.²⁸² ... “I have never witnessed a children’s home run quite like Haut de La Garenne where children were not their priority”.²⁸³

4.208.11 WN584 (1974–1980) remembers that the care staff “were always shouting and bawling at the kids” but that when he first started it was a “happy place”. By the time he left in 1980, staff morale was at its lowest, “everybody was getting bitchy”.²⁸⁴ WN159 (1978–1979; 1980) says that, looking back now, the Home was very institutionalised.²⁸⁵

4.208.12 WN587 (Matron 1974–1976) spent “quite a lot of time” during her working day “with individual children talking through their problems trying to understand their needs and providing support for them”.²⁸⁶

4.208.13 WN831 (1977–1978) recalls that the senior staff when she was there – Jim Thomson, Fay Buesnel and WN781 – “did not seem to want to interact with the children. That to me was odd”. The person in charge

²⁷⁹ WD006782

²⁸⁰ WD006783/3

²⁸¹ WD006783/3

²⁸² WD006783/3

²⁸³ WD006783

²⁸⁴ WD006793/4

²⁸⁵ WD006720/4

²⁸⁶ WD006213/11

of Dunluce “*had no regard for children whatsoever ... she definitely did not want to be around children*”.²⁸⁷

4.208.14 WN722 was a night nurse for two years in the 1980s. She worked at the Home one night a week, “*If a child was to cry or anything like that they would get a cuddle and get them back to sleep*”. For her doing the rounds at night was like “*checking her own children*”.²⁸⁸

Staff: recollection/knowledge of policies and procedures

4.209 In the 10 years that Fay Buesnel worked at HDLG, eventually being appointed matron, “*there was not a written code of conduct*”.²⁸⁹

4.210 WN552 (early 1970s–1979) did not think there were any policies in place for staff reporting concerns but said that had she been concerned, “*I would have gone to senior management*”.²⁹⁰ WN873 (1976–1978) was given no written policies or guides and said that she just learnt from more experienced staff what to do.²⁹¹

4.211 WN570 told the Inquiry that she could not remember there being any written staff policies or guidance that she was provided with in the time that she worked at the Home.²⁹² This accords with another member of staff (1970–1974) saying that there was only the hand-over book: “*it was very simplistic*”.²⁹³ She was not given any codes of practice or written rules.

4.212 Tony Jordan was never told about the ethos of the Home; all the rules he found out by being told rather than anything he was given on paper.²⁹⁴ Morag Jordan²⁹⁵ was not aware of the existence of the 1975 rule book (see below), but said that it accorded with her understanding of what was and was not acceptable. She said that the only real guidance she was given was to treat

²⁸⁷ WD006790/4

²⁸⁸ WD006957

²⁸⁹ WD006916

²⁹⁰ WD006936

²⁹¹ WD006794

²⁹² Day110/39

²⁹³ WD006730

²⁹⁴ Day 94/ 18

²⁹⁵ WS000621/9

the children as she would her own and to learn from others who had worked there.

Record keeping

4.213 As Marion Robson remembers, a file was opened on each child resident at the Home and these would be kept in a cabinet in the Superintendent's office: she was not sure whether this was one supplied by Children's Services or initiated by the Home. She thinks she looked at a child's file "*once or twice*" but that junior staff were not encouraged to do so.²⁹⁶ Another member of staff (1978–1983) remembers that there was a file on the children but that the Children's office had a larger file. She remembers reading files but not the background of the children, "*I just got the impression that we did not have the full history of the child available to us in the home*".²⁹⁷

4.214 In 1970, a new system of filing was introduced by Colin Tilbrook incorporating all children of one family in one file; sections relating to the family as a whole and it had sections relating to each individual child.²⁹⁸ Staff did not tend to read the files. As in the previous decade there was a handover book for the day and night staff.²⁹⁹ Medical records were maintained,³⁰⁰ as was an accident log book.³⁰¹ Absconders were recorded separately in a book entitled "*children who truant*". Entries run from April 1974 to December 1981.³⁰²

Staff: duties and routines at the Home

4.215 Marion Robson (1973–1974) described the routines at the Home as "*very rigid*" but says that they were necessary, given its size, "*Without proper routines, it would be impossible to look after sixty children*".....³⁰³

²⁹⁶ Day 76/24

²⁹⁷ WD006728

²⁹⁸ WD006728

²⁹⁹ Day 76/27

³⁰⁰ WD006213

³⁰¹ WD006777

³⁰² WD005732

³⁰³ WS000583/4

*Although the routines seemed old fashioned to me I understood why they were needed and could see that they helped the children to settle into the home and maintained a sense of order”.*³⁰⁴ She told Professor Cameron in oral evidence that she thought that *“the routines and the systems were probably there to make the staff feel a bit more secure in the day-to-day job with handling so many children and of such diverse ages and backgrounds and types”.*³⁰⁵

4.216 It was the same for WN287 (1973–1974) – there was “a routine at HDLG” but she did not find the routine regimented. She found the children “all appeared happy”.³⁰⁶

4.217 In a paper on staffing in February 1976, WN532 set out in detail the duties of a member of staff in a group:

“Staff need to cope with their nursery children plus school children from 7–9 am over lunch time and from 4 until 10.30 pm. There may well be children home sick or who fall ill at school needing collection and care. Staff need to assist children to wake, dress, wash and during meal times then take turns in escorting to various schools. Return then to sort linen for their children, to take turns in visits to school for their own particular children, help with mending, escort their children to clinics or discuss with the CCO progress of their charges. They will need to attend their own group discussions (taking turns to give up their free time for same). Again they are eager to attend seminar/coffee breaks in order to glean knowledge and to express frustrations etc., when they may have nursery children to interest at the same time. Turns must be taken in collecting children from school, supervising meals and returning children to school (one driver, one escort). They will need to take a turn in collecting petrol for the van, the only time we can do being 2.15 pm. It can be that a member of staff, after the school run, will need to go to town and wait in the queue on the Weighbridge to fill up, then to return just in time to commence the escort from school. Staff need to be prepared all day and evening to assist in admitting children when there is a vacancy in their group.

The return from school varies and covers a long period between 3.30 pm. to 5 pm. and so once more adds pressure on staff within the group. They then help the children to clear, assist in washing up and re-laying the tables. In between various bedtimes and bath times they need to help with general activities for the children in the house

³⁰⁴ WS000583/4

³⁰⁵ Day 76/116

³⁰⁶ Day 76/133

(various staff offer a session to the other groups where they try to stimulate a new hobby or interest) i.e. one gives First Aid, another netball another football, races and gymnastics, swimming, sewing, discussion groups, carpentry, chess, drama – to name a few.

Senior staff try to offer a Youth Club atmosphere in the activity room with snooker, darts and bar football etc. All of this type of activity will be open to the house thus relieving pressures and widening the children's horizons.

Staff may need to escort children to various outside clubs, i.e. Cubs, Scouts, Brownies Guides, Ambulance Brigade, Boys' Brigade, Discos etc.

We also encourage our children to bring their friends home and need to offer a homely atmosphere where a child can relax with a game, books or just to chat.”³⁰⁷

4.218 WN532 remembers that staff, including Morag Kidd (at the time) and others, “found it difficult to change to our ways of thinking about how the home should be run”.³⁰⁸

4.219 One member of staff remembered the routine as “the shift rota that I worked was varied, it would be 7 am to 4 pm or could be split shifts, 7 am–12noon and then 4 pm to 10 pm or 1 pm to 10 pm. Once the children of school age had left for school there were less staff needed during the day so it could be that you would work a split shift, and once the children had returned from school there would be more staff”.³⁰⁹ This is how WN661 (1976–1984) remembered her working day.³¹⁰

4.220 Fay Buesnel remembered the work being very structured and very hard: “you were working with 15 children and with just two of you on duty and many times were over 60 in numbers”.³¹¹

4.221 The vast majority of children were educated outside of the Home in States of Jersey primary and secondary schools. Two categories of children were taught at Haut de la Garenne for short periods of time; (a) the new arrivals who had not been transferred from their old school and (b) those excluded

³⁰⁷ WD002617

³⁰⁸ WD006800

³⁰⁹ WD006730

³¹⁰ WD006777

³¹¹ WD006916

from school. A qualified teacher was employed at the Home for about 18 months between 1975 and 1976. She taught those excluded from school and the class size ranged from six to nine pupils.³¹²

Contact with Children's Services

4.222 Marion Robson recalled "*no real interaction between Children's Services and Haut de la Garenne. I got the impression that Children's Services would visit occasionally but I have no recollection of regular meetings taking place to discuss the welfare of the children placed there. I think the temptation at the time was to think of children at Haut de la Garenne as being 'sorted' and to that extent it could be described as a 'dumping ground.'*"³¹³ She found that there was no "*open system between the fieldworkers and the residential workers, no overt communication*".³¹⁴

4.223 WN831 (1977–1978) who had been involved in social work in the UK could not recall children at HDLG having contact with their social worker, although by the standards of the time she said that this was not surprising.³¹⁵

4.224 WN7 (1975; from 1979) remembers the relationship between residential staff and CCOs as being cordial; at the time children were not often involved in their own reviews. CCOs would come into the unit and speak to the child and to him if it was one of his allocated children. He had never attended a meeting where a child had made a complaint to their CCO.³¹⁶

4.225 Gordon Wateridge (1970–1974) remembers there being very little contact with the Children's Office. On occasion, he met with Charles Smith, whom he found "*very indecisive*". He has no memory of attending any case conferences.³¹⁷

³¹² WD006805

³¹³ WS000583/13

³¹⁴ Day 76/73

³¹⁵ WD006790

³¹⁶ Day 66/3

³¹⁷ WS000742

4.226 Morag Jordan described the lack of communication between staff and Child Care Officers as “*a disgrace*”.³¹⁸

4.227 WN570 spoke regularly with the children’s allocated CCOs. The frequency of visits to the child depended on the particular CCO: there was no consistency of approach; the views of the residential staff on the child’s emotional wellbeing were not sought. She was not aware of care plans for children.³¹⁹

4.228 The apparent uncertainty about the division of responsibilities between Children’s Services and HDLG, reflected in 1979 correspondence between Jim Thomson and Charles Smith,³²⁰ was identified in the Lambert and Wilkinson Report in 1981:³²¹

*“The Children’s Officer acts as the external manager to Haut de la Garenne but it is not clear how he exercises this managerial responsibility except in administrative terms and at times of major crisis. Certainly, there are no regular meetings between the Homes management team and the Children’s Officer and many of the decisions taken by the Children’s Sub Committee would be taken at officer level within any other social work department ... As a major establishment, the Committee should consider the general policy for Haut de la Garenne, but should leave most management matters to be dealt with by the Children’s Officer.”*³²²

4.229 When Mario Lundy was seconded for three months from Les Chênes in 1985 to “trouble-shoot” the last remaining group at HDLG, he told he Inquiry that he had “*regular contact with the Children’s Officer. Terry Strettle was effectively my supervisor so I would speak to him frequently, he would come and visit. On at least one occasion the Director of Education came up and spent the evening with the young people*”.

4.230 Mario Lundy remembers discussing with Terry Strettle the circumstances of the children left at the Home.³²³ He also recalls that social workers “*visited their children quite frequently*” while he was there in the mid-1980s.³²⁴

³¹⁸ Day 94/30

³¹⁹ Day 110

³²⁰ WD002606

³²¹ WD007382/56

³²² Day 42/78

³²³ Day 74/190

³²⁴ Day 74/192

Staff: accommodation and off-duty

- 4.231 One member of staff (1972–1973) recalled that staff regularly had parties and that the Home was a good place to work from a social point of view.³²⁵ WN668 (1974–1976) said that staff were allowed to have parties, *“this was also their home ... so as not to disturb children they would be moved to other bedrooms for that night only”*.³²⁶ Fay Buesnel remembers that the staff *“all socialised together ... we all went drinking together. They were my friends”*.³²⁷
- 4.232 One care worker (1974–1976) had happy memories of his time working in Jersey and at HDLG: *“the social life was great and there was always a lot going on”*.³²⁸
- 4.233 WN7 remembered staff parties held in staff accommodation and that girlfriends, boyfriends and *“other people we knew”* would be invited.³²⁹ He described some staff accommodation as a *“seven-bedroom staff flat so that every member of staff had their own bedroom, communal kitchen, communal lounge, communal bathroom”*. There was a strict rule that children never came through into the staff flat.³³⁰
- 4.234 WN636 (1974–1976) said that *“people who went to the parties would be found wandering around the home or sitting on the stairs unsupervised. This would be both males and females”*.³³¹
- 4.235 WN587 said that Morag Kidd (Jordan) would organise parties that were *“too rowdy for a children’s home. These parties had been part of the Haut de la Garenne routine way before we took over the running of it and it would have been difficult for us to put a complete stop to them so they did continue”*. She recalled Jim Thomson was a regular attender.³³²

³²⁵ WD006954

³²⁶ WD006724

³²⁷ WD006918

³²⁸ WD006425

³²⁹ Day 66/102

³³⁰ Day 66/89

³³¹ WD006721

³³² WD006801/3

4.236 There was some controversy about these parties: in 1973, when a visitor was removed by the police and Jim Thomson said there should be no more parties until further notice. In 1977, a car accident after a staff party received media attention, a temporary ban was imposed by the Children's Officer and such parties were defended by Jim Thomson:

*"Staff here will accept that because HDLG is a Children's Home, of necessity certain constraints are inevitable in the area of social life, but these constraints must be sensibly balanced against the fact that for many this is effectively their home in Jersey and they are fully grown adult men and women."*³³³

Visitors to the Home and home visits

4.237 Weekend home leave started on Friday. Children were taken by staff to their homes, although some were collected. They returned on Sunday. All visits had to be agreed.³³⁴

4.238 A memo in 1972 suggests that vetting of those having children to stay over was seen as discretionary:

*"I am in complete agreement that the parents of any of the children's school friends should not normally be subjected to any prior investigation. I consider however that where a child intends to spend a night away from HDLG more detailed information about the family is required. Will you please ensure that in future the Child Care Officer concerned is advised when a boy or girl is to spend a night with anyone other than his/her own immediate family and recommend whether or not you consider any further investigation is necessary. We can then decide what if any action needs to be taken."*³³⁵

Discipline: general

4.239 When she started there in 1970, one Housemother remembered the Home being a disciplined environment as opposed to a loving one; she received no structured policy on discipline; there was no recording of disciplining by then. She found the use of discipline in the home on the whole "acceptable".³³⁶ WN552 (early 1970s–1979) cannot remember

³³³ WD008619; WD002609

³³⁴ WD006730/9

³³⁵ WD004357

³³⁶ WD006016

recording any punishments. She never saw a child being restrained.³³⁷

WN7 remembers that he followed the guidance of others when disciplining children. He would give children a tap on the back of the legs – there was no formal guidance. He felt that all staff were aware of the boundaries of acceptable punishment.³³⁸

4.240 Colin Tilbrook maintained his position that children were not to be hit. In a memo addressed to “all staff” in February 1971, he made plain his views:

“May I firmly remind all members of staff that no child, whatever the provocation, is allowed to be hit slapped pulled or pushed around under any circumstances or called names or be sworn at. No child is to be removed from a bedroom or recreation room and be forced to stand alone in draughty corridors or similar places. If for any reason a child needs to be removed from the group a member of staff must be with the child at all times and the child should be adequately clothed and comfortable. If a child is not responding to normal discipline a senior member of staff must be informed.”

He concluded in unequivocal terms:

“I cannot support any member of staff who disregards this general ruling.”³³⁹

4.241 WN532 and WN587 (Superintendent and Matron 1974–1976) maintained that *“throughout our career staff in our employ have always been instructed never to smack, hit or in any way physically discipline a child”*.³⁴⁰ WN587 remembers that if *“there was a need to reprimand any child he or she would be removed from the situation which would often be the end of the matter. The preferred punishment was the removal of privileges such as pocket money or hobbies”*. She could not remember corporal punishment being used when she was there.³⁴¹

³³⁷ WD006936

³³⁸ Day 66/16

³³⁹ WD008612

³⁴⁰ WD006213/15

³⁴¹ WD006801

4.242 In October 1979, Jim Thomson produced an “*outline of our disciplinary code*” which he sent to Charles Smith, the Children’s Officer.³⁴² Corporal punishment (although not for girls) and detention were the most serious options. Other sanctions were to be used “*depending on the nature of the offence and the age of the offender*”. He took the opportunity to set out his general approach:

“As superintendent, I have always taken a pragmatic line on the question of punishing children between the ages of 5 and 11 years by smacking on the bottom or the hand. Previous superintendents, notably Mr Tilbrook, completely banned staff from smacking children of this age group with the result that children would mock staff in this respect. The guidelines are what a good and sensible parent might do in similar circumstances. Smacking on the face and head is expressly forbidden.”
[underlining in text]

Discipline: corporal punishment

4.243 WN715 (Superintendent 1973–1974) told the police that he was “*well known for being against corporal punishment and have always tried to earn the respect of children in my care*”.³⁴³

4.244 Marion Robson remembers that staff were allowed to smack the younger children on the bottom or on the hand. This accords with another member of staff (1970–1974).³⁴⁴

4.245 Marion Robson thinks she would have been aware of Jim Thomson’s 1979 guideline (see above).³⁴⁵ She did not think that in the times she worked there that there was a “*culture of robust physical punishment*”.³⁴⁶

4.246 Fay Buesnel remembers that any use of the cane was recorded in a typed memo to Children’s Services; each child’s social worker would be copied in. Jim Thomson would call the child’s social worker beforehand³⁴⁷ and the child’s parents would also be notified.³⁴⁸

³⁴² WD002605

³⁴³ WD006780

³⁴⁴ WD006730

³⁴⁵ Day 76/49

³⁴⁶ Day 76/100

³⁴⁷ WD006916

³⁴⁸ WD006920

4.247 There were examples in evidence before the Inquiry of formal memos recording children having been caned, the number of strokes and the reason for the punishment. The memos were sent to the Children's Officer and the relevant CCOs.³⁴⁹

Discipline: use of detention rooms

4.248 WN715 and WN870 (Superintendent and Matron 1973–1974) were against the use of the detention rooms and wanted the system changed:

“For example there were two rooms that were used as detention cells if a child absconded. The Constable would complain to the children's committee who would in turn complain to the children's officer when that child was found. We would be instructed, ordered really by the children's officer to lock them. This would mean putting them in one of the rooms and locking them in it. We did not keep children in there very long because we disagreed with the practice. I cannot really remember what those rooms were like or what was in them because we used them so little.”³⁵⁰

4.249 In 1974, Jim Thomson, as Senior Child Care Officer (SCCO), writes to WN532, “authorising” him to place a boy in detention “for as long as is permitted by Home Office regulations”. The boy had shown himself to be “completely untrustworthy and unworthy of any kindness and compassion you have shown [him]”.³⁵¹

4.250 WN668 (1974–1976) remembers the two “secure rooms ... were at the front of the house ... ”:

“The bed was a built in concrete bed with a mattress. The room was carpeted and had central heating. There was a bell inside to ring if the child wanted to go to the toilet and if they rang the bell then staff would let them out to go. They did not have their clothes taken off them and they would have books, comics etc to look at. It must be remembered that some of the children in there were difficult to handle and would have violent tantrums, and if there was a staff shortage then children would be put in the secure room. Very few children would be in the room all day and all night and when they were in there they would be supervised.”³⁵²

³⁴⁹ WD002782; WD002745; WD002746, WD003632, WD0005421/2-5; 8

³⁵⁰ WD006782

³⁵¹ WD001486

³⁵² WD006724

In her time, “*girls were not usually put in the secure rooms*”.

4.251 The rationale for the punitive use of the detention rooms appears to have changed from the previous decade. Under Jim Thomson’s tenure, the length of time in which girls were placed in the rooms was extended to meet the behaviour of a particular “*type of girl*”. He writes to Charles Smith in February 1978, when notifying him that he is punishing WN120 and another girl:

*“For a long time I have been convinced that the maximum 48-hour stretch at one time in detention was inadequate for this type of girl. They do it ‘standing on their heads’. I therefore propose that WN120 (and X when she returns) shall spend at least seven days in detention, with proper regard for regular exercise and fresh air. The regulations provide for up to fourteen days’ detention in special circumstances ... As for WN120 we have suffered her moods, her disruptive and deviant behaviour for well over a year. We have shown great patience. She is a prime mover in all female absconding and since the middle of 1977 there have been fifteen incidents of female absconding as against only three male incidents. The time has come to teach her a lesson”*³⁵³

4.252 It is not entirely clear what regulations Jim Thomson is referring to, since there were none in force in Jersey regulating the use of secure accommodation. The reference to 14 days suggests that he may have been applying *regulation 11 of the Community Homes Regulations 1972*.³⁵⁴

4.253 Marion Robson remembers the detention rooms being used routinely for children who absconded. She remembers that meals would be served on plastic plates so that children would not harm themselves. She had no authority to place a child in detention. She says that the rooms were not “*used lightly*”.³⁵⁵ She thought they were only to be used for 24 hours but not “*days on end*”.³⁵⁶

4.254 WN570 remembers that children would only ever be in detention for one or two nights; she never had concerns about its use.³⁵⁷

³⁵³ WD001292

³⁵⁴ LG000081

³⁵⁵ Day 76/47

³⁵⁶ Day 76/59

³⁵⁷ Day 110/44

- 4.255 WN661 (1976–1984) remembers the rooms being used to put one girl resident in when she was drunk.³⁵⁸ Another member of staff (1978–1983) remembers the rooms being used for aggressive children, who would be taken there to calm down: “*they would be physically carried or escorted down*”. She remembered children being put there in their night clothes so that they would not run away.³⁵⁹ WN102 says that they were put in their night clothes “*so as not to harm themselves with clothing that might be used to cause injury*”.³⁶⁰
- 4.256 One member of staff (1974–1976) remembers WN28 “*behaving very badly and needed to be reprimanded by being placed in a room alone at the front of the building, again I am not proud but the only way to get to the room was to drag him along the corridor. After being in the locker room WN28 was seen waving from the window to the other children so the whole idea of the reprimand was fruitless*”.³⁶¹
- 4.257 WN7 (1975; 1979–1981) remembered one incident in which he had to help carry a boy by his arms and legs to the detention rooms. The boy had been “*acting out*”.³⁶² WN7 also recalled that every Superintendent he worked under or with was reluctant to use the detention rooms.³⁶³
- 4.258 Gordon Wateridge (1970–1974) says that the detention rooms were used for two reasons: first, when a child arrived who was known to be a “trouble maker” they would be placed in the detention room for a couple of days until they assessed by a child psychologist or psychiatrist. The other reason was if a child was “kicking off”.³⁶⁴
- 4.259 Fay Buesnel (1974–1984) remembers there being a bell in each of the two detention rooms, which could be rung to alert the staff member that the child wished to use the toilet. The toilet and shower were outside the detention

³⁵⁸ WD006777

³⁵⁹ WD006728

³⁶⁰ WD006810

³⁶¹ WD006425

³⁶² Day 65/93

³⁶³ Day 65/127

³⁶⁴ WS000742

rooms. When someone was to be put into a cell there would have to be two people (staff) or a police officer present. The child would be searched then they would shower and put on their pyjamas and a dressing gown in the detention room: a child would be kept in for a maximum of 24 hours. There were no toilet facilities in the detention rooms. A record was kept in a book to show who was kept in the detention rooms.³⁶⁵

4.260 WN102 (1978–1982), who worked in an administrative role at the Home, remembers that each use of the rooms generated a memo that would be put into the child's file kept at the Home.³⁶⁶

4.261 WN532 and WN587 (Superintendent and Matron 1974–1976) were not comfortable with the existence let alone use of detention rooms:

“We were under direct orders from Charles Smith that if a runaway child was returned in the middle of the night they were to be placed in a detention room overnight only. We were not very comfortable with this and had never seen detention rooms in the other homes in which we worked, but we understand his reasoning, namely that the child needed to be locked in to ensure that they did not run away again ... The police were quite dictatorial, did not like dealing with runaway children and we think Mr Smith was driven to the conclusion that it would be better if they were kept secure until we could properly counsel them the following day. These children were never kept in a detention room longer than the remainder of the night that they were returned ... A runaway child who was returned during the daytime did not go into detention, but just returned to their group.”³⁶⁷

4.262 Jim Thomson appears to have been aware of the limits on the use of the detention room – in August 1978, when addressing the issue of over-16s at the Home, he told Anton Skinner, then the SCCO:

“This age group continue to pose us rather special problems. Most of them have already failed in the community, sometimes several times. Drink is a problem with most of them ... We can offer shelter board and lodging friendship if they are prepared to conform to our general routine which with some modifications for this age range is primarily designed for school age and younger children. Our only sanctions with them are

³⁶⁵ WD006920

³⁶⁶ WD006810

³⁶⁷ WD006213/10

*loss of privileges and in the last resort detention. The last named sanction is not available if they are working.*³⁶⁸

4.263 In December 1978, Jim Thomson introduced mandatory 24-hour detention for school-age children involved in any offence involving drink – he described under-age drinking as one of the Home’s “*principal problems*”.³⁶⁹

4.264 In June 1980, Jim Thomson drafted rules for the use of secure rooms: they are detailed and exhaustive. The draft concludes: “*In general the use of secure accommodation is to be seen not so much as punitive but as an opportunity to isolate, settle and re-build bridges with a possibly hostile and unhappy young person. Its use should be brief and sparing.*”³⁷⁰ The draft was sent to Charles Smith in May 1980, asking him: “*Do you think that they should be endorsed at Committee level or not?*”³⁷¹

4.265 Confusingly, a set of guidelines in the use of the detention rooms was drawn up: “*1980 use of detention or secure revised guidelines to staff*”. The need for the rules followed the de-designation of HDLG as a remand centre. Unlike the longer draft rules, those for the staff include the following:

*“Detention rooms will henceforth be used almost exclusively to enforce INTERNAL discipline.”*³⁷²

4.266 The use of the detention rooms was deprecated by some in Children’s Services. In July 1980, Dorothy Inglis wrote a strongly worded memo to Anton Skinner (then a SCCO) recording her experience of returning a resident to HDLG after she had absconded. She was placed in detention. Dorothy Inglis invoked her experience of several years as a professional child care worker, questioning “*the use of the detention room particularly in the cold routine fashion it is used*”.³⁷³ She then refers to WN223, one of the children for whom she is the CCO, who “*had been locked up overnight in a police cell, on her return to HDLG she was calm and co-operative yet she was locked up. Even*

³⁶⁸ Day 42/85

³⁶⁹ Day 42/86

³⁷⁰ WD006212

³⁷¹ WD005426

³⁷² WD005426/2

³⁷³ WD003413 and WD003412 (in that order)

more surprising 28 hours later she was still locked up".³⁷⁴ In her evidence to the Inquiry, she observed that in children's homes in the UK that she had worked in, children were locked in secure rooms but only for the most serious offences.³⁷⁵

4.267 Two years on, the detention rooms were being used to punish WN22 for smoking. She was placed there by Keith Purvis, the Deputy Superintendent.³⁷⁶

4.268 A 1980 CCO's running diary records the CCO being notified by a member of the Home's staff that "*normal procedure for girls not working and refusing to work within the Home was a short period in detention. I said that I did not want to become involved in the internal discipline of the Home and was sure that WN223 was aware of the penalties but asked that she be given another opportunity*".³⁷⁷

4.269 An example of the notification process following the use of the detention room shows the Deputy Superintendent (William Gilbert), writing to Anton Skinner (SCCO) and David Castledine (CCO) to tell them about WN223 spending four nights in the detention room in May 1979.³⁷⁸

Discipline: other reasons

4.270 WN570 told the Inquiry that children in her group were never punished for bedwetting; she remembers that "*quite a lot of children*" were enuretic.³⁷⁹ Another member of staff cannot remember ever telling off children for wetting the bed "*unfortunately this went with their history so it was just dealt with*".³⁸⁰ It may be noted that Morag Jordan was convicted of one count of rubbing a girl's face in urine-soaked sheets after the girl had wet the bed.³⁸¹

³⁷⁴ WD003413 and WD003412 (in that order)

³⁷⁵ WS000629/9

³⁷⁶ WD002905

³⁷⁷ WD002629

³⁷⁸ WD003402

³⁷⁹ Day 110/43

³⁸⁰ WD006730

³⁸¹ WD002620/1

4.271 Marion Robson did not remember children being punished for not eating their food,³⁸² nor could another member of staff (1973–1974).³⁸³ Fay Buesnel (1974–1984) stated that meals would never be saved to be re-served to a child the next day.³⁸⁴

4.272 WN871 (1974–1976) remembers that children were made to eat meals they had previously left, as well as being sent to bed for the entire day or being made to stand in a corner.³⁸⁵ One member of staff (1976–1978) remembers that children would be made to sit at the table until they finished their food “*sometimes for hours*”.³⁸⁶

4.273 As in the previous decade, weekend visits were cancelled as punishments as well as going out at weekends,³⁸⁷ although for WN570 it was “extremely” rare to discipline a child by gating them at the weekends. Being sent to bed early, doing chores, and being made to scrub the courtyard were also used. Being fined and being grounded were the most common forms of punishment.³⁸⁸ By the time that Mario Lundy went to the Home in 1985, “*ground[ing] was about it*” as a sanction. He did not think corporal punishment was available and he had no access to the detention rooms.³⁸⁹

The Superintendents

Superintendent WN715 (1973–1974)

4.274 The 1970s saw three changes of leadership at HDLG after the resignation of Colin Tilbrook in 1973. He was replaced by WN715 and WN870, both of whom had 12 years’ experience working in children’s homes in the UK – latterly as Superintendent and Matron.

4.275 WN715 and WN870 took up their appointments “*on the understanding that within three months*” WN715 would provide a report detailing what changes

³⁸² Day 76/23

³⁸³ WD006730

³⁸⁴ WD006920

³⁸⁵ WD006731

³⁸⁶ WD006795

³⁸⁷ WD002905, WD001574

³⁸⁸ Day 66/18

³⁸⁹ Day 74/184

were required at HDLG. WN870 stated that she and her husband “*got the impression that Charles Smith wanted change*”.³⁹⁰ A report was submitted recommending education on the premises, the placement of children in family groups and the provision of more and better trained staff.³⁹¹

4.276 WN715 and WN870 were against the use of detention rooms and wanted the system changed: “*We did not keep children in there very long because we disagreed with the practice.*”³⁹²

4.277 WN715 said “*the Home was very insular and the staff were against my wife and I as we wanted change*”. In spite of the report and its recommendations, the only concession to change was an extra staff member. This was not sufficient and WN715 and WN870 resigned. WN715 and WN870 met the Children’s Sub-Committee to explain their reasons. WN870 “*had not expected the number of short stay children to be as high as it was and she considered that these children upset the long stay children who because they were disturbed desperately needed stability, added to this the difficulty of coping with children on remand without adequate and trained staff was intolerable*”.³⁹³

4.278 Elsewhere WN870 reflected on the difficulties she and WN715 had faced: “*it was also obvious that Jersey did not like outsiders especially those attempting to introduce change ... the other staff felt threatened by the fact that WN715 and myself were well qualified making it difficult to gain their confidence ... if a few trained staff with a professional attitude had been employed that Haut de la Garenne would have changed for the better.*”³⁹⁴ “*...I was shocked at the way Haut de la Garenne was being run compared to what I had experienced on the mainland.*”³⁹⁵

³⁹⁰ Patricia Thornton had resigned as Children's Officer in 1971 to take an appointment in the UK. Her post was not filled for 18 months, during which time her deputy, Charles Smith, was acting Children's Officer

³⁹¹ WD006782

³⁹² WD006782

³⁹³ WD005780

³⁹⁴ WD006783

³⁹⁵ WD006783

4.279 WN715 stated that he and his wife had not expected the lack of support from “above”. He also commented (expressing a view still echoed 30 years later) “... *the finance of childcare in Jersey was not high on the list of priorities*”.³⁹⁶

4.280 WN287 (1973–1974) remembered WN870: “*she was very professional and wanted changes from the set-up of how it was ... we did chat about segregating the older ones*”. She felt that it was WN870 who ran the Home.³⁹⁷

4.281 WN570 remembers that WN715 changed the shift patterns, which made him unpopular with staff.³⁹⁸

Superintendent WN532 (1974–1976)

4.282 In March 1974, WN532 and WN587 were appointed from outside the island. They had run children’s homes in England between 1951 and 1971. WN587 was CQSW qualified and had latterly provided social work training as a part-time lecturer in residential care.³⁹⁹ In the last Home they had run before coming to HDLG they had had a visiting psychiatrist and psychologist with whom they would meet regularly and who would see children at the Home.⁴⁰⁰

4.283 Their first impressions of HDLG were that it was run “*very much on the basis almost of a workhouse environment and run with a degree of military precision which seemed to exclude the appropriate element of best care and best practice for the children. We did not approve of what we saw and we said we were not prepared to work at Haut de la Garenne*”.⁴⁰¹

4.284 They were asked what it would take for them to stay and manage the Home:

“We were concerned that the children were not dealt with as individuals but were dealt with in large groups eating at long tables and were seen to be throwing food. We wanted to bring about a much more family atmosphere. We were concerned that the large dormitories looked very institutional and we wanted to break these down into smaller units with “parental” figures looking after children in units a bit like the system that

³⁹⁶ WD006781

³⁹⁷ Day 76/131–132

³⁹⁸ Day 110/8

³⁹⁹ WD006676 – police timeline of careers

⁴⁰⁰ WD006213

⁴⁰¹ WD006676

had been established in Europe and copied by us in England. We had seen this system operate when we did an exchange visit with the social services in Holland organised by UNESCO many years earlier and we very much favoured the idea of a couple being responsible for up to 15 children. So effectively the children would feel that they had permanent carers and one point of contact rather than just feeling as if they were in an institutionalised and regulated boarding school. We could divide the children by age and sex ... we could keep brothers and sisters together and make sure that in age terms we did not have groups of say 6 children who were five and 8 children who were fifteen or sixteen but we could operate it on a family age appropriate situation. The idea was also to enable some of the children to develop some responsibilities for care of the younger children ... we were concerned that when we first observed Haut de la Garenne some of the children were becoming institutionalised. There seemed little interaction between the children and the staff and we wanted to improve staffing levels.”⁴⁰²

4.285 WN532 and WN587 (unlike WN715 and WN870) did receive funding from the Education Committee and *“the implementation of these changes continued throughout our time”* at HDLG. They recruited additional staff from 1974. They tackled head on the scale of HDLG by dividing it into four self-contained houses with smaller numbers of all ages – living separately and eating separately: *“Our philosophy was that the staff treated [the children] as their own children ...”*⁴⁰³

4.286 WN532 remembers that they turned down the post on *“three occasions ... The staff would not properly control the children. The regimes and the placement of children was how it would have been in the UK about 20-25 years previous”*⁴⁰⁴ before starting in March 1974.⁴⁰⁵

4.287 WN570 (a member of staff 1971–1974; 1977–1983) recalled that WN532 and WN587 wanted to change the image of the Home to show that children were there through no fault of their own:⁴⁰⁶ *“They were more a couple working together ... quite often they would come into the group ... they were very hands on, they would come in and help ... both of them were very good ...”*

⁴⁰² WD006213/5

⁴⁰³ WD006213/8

⁴⁰⁴ WD006800

⁴⁰⁵ WD006676

⁴⁰⁶ WD006213/8

*they were very approachable to the children and the children would go and speak to them”.*⁴⁰⁷

4.288 In their approach to children, WN570 thought they were similar to Colin Tilbrook. Under WN532’s tenure she said that *“this was the only attempt in all my time at the home when there was direction given from a Superintendent to improve image and to be more ambitious in our aims”.*⁴⁰⁸ Another member of staff described them as very nice and very caring, *“they were a mature couple”.*⁴⁰⁹ Fay Buesnel (1974–1984) could not remember WN532 ever caning anybody. WN668 (1974–1976) remembers them being very kind to the children but at a distance; WN587 was *“very influenced by the theoretical output by the Tavistock Clinic Theory for Disturbed Children. The Tavistock Clinic was a training organisation for child care workers”.*⁴¹⁰

4.289 WN871 described WN532 and WN587 as *“brilliant role models”.* She remembers WN532 as being especially good with those children in constant trouble *“[WN532] would talk to them while walking around the grounds and used to sometimes allow them to visit their flat to watch television. Whenever this happened [WN587] would always be present”.*⁴¹¹

4.290 A contrary view was expressed by WN636 (1974–1976) who found WN587 *“so hard”* on the children; she gave the example of WN587 getting a child to clean the floor tiles with a toothbrush. She said that she and WN694 left in 1976 because WN532 and WN587 *“would never be happy with what you had done”.*⁴¹²

4.291 WN532 and WN587 recalled that they had a doctor to come and see the children regularly (the implication being that this had not been in place previously). They set up a referral system to the psychologist *“who would*

⁴⁰⁷ Day 110/112

⁴⁰⁸ WS00066

⁴⁰⁹ WD006730

⁴¹⁰ WD006724

⁴¹¹ WD006731

⁴¹² WD006721

sometimes see the children at his office ... or he would come to the home to see them".⁴¹³

4.292 One example of their approach is found in a memo in 1975 from WN532 to Charles Smith: it relates to a boy held in detention who needed constant supervision: "*Prior to the weekend in question I have had this boy under close supervision, fetching him out of the detention and then keeping him with either my wife or me when on duty. The boy has eaten in my flat and sat in the evenings watching TV. He has had a period of being within a group prior to getting into trouble with damaging cars and property. We found however that the boy just cannot cope with [his] peer group and needs more personal attention*".⁴¹⁴

4.293 In July 1975, WN532 provided each group at the Home with a set of guidelines for staff working at the Home. Prescriptive guidance was given on all aspects of life at the Home, including punishment, tidiness, visitors, children's washing, pocket money, dining room routine, new admissions and children's leisure activities.⁴¹⁵ It is not known whether the Guidelines were distributed to staff and if so to whom. Many witnesses, including Fay Buesnel, say that they never received any written policies or guidance when they worked in the Home.⁴¹⁶ From the date on the document, it is assumed that it was compiled by WN532 and WN587 (although the text is written in places in the first person).

4.294 The guidance stated that no invitations were to be accepted on behalf of children without first consulting the Superintendent, "*No child should be allowed out with anybody or any organisation ... unless the Superintendent has first been consulted and his agreement obtained*". Addresses of children were never to be given "*under any circumstances*".... "*Our legal responsibilities for these children are very clearly defined and a considerable amount of 'vetting' is normally undertaken before any child is allowed to visit*

⁴¹³ WD006213/9

⁴¹⁴ WD006739

⁴¹⁵ WD002600

⁴¹⁶ WD006922

relatives, friends or acquaintances, even for short periods. This applies to the girls' boyfriends as well".

4.295 It addressed the need for record-keeping: *"As we are now trying to keep very comprehensive records of all matters affecting children in care, it would be appreciated if members of staff jot down on a piece of paper and hand it into the office any last minute alterations in weekend visits or visitors if these alterations appear to differ from the weekend list. Anything important which the children say about their weekends which needs investigation or help should be similarly reported. Anything to do with the children is important and will be dealt with".*

4.296 The Guidance also dealt with punishments: *"no child is allowed to be slapped or pulled about by any member of staff and no child should be sent to bed for a punishment or deprived of any part of its meal praise is far more important than punishment".* It stipulated that children who wet their beds *"should never be punished or reprimanded".*

4.297 Other guidance included:

4.297.1 Supervision – Staff were encouraged *"unobtrusively"* to *"wander amongst the children during the day"*.

4.297.2 Children were to have a *"minimum of at least two baths or showers a week"*.

4.297.3 *"Adolescents should be told that often when they are upset at their age when coming to HDLG for the first time it sometimes happens that they might wet the bed through no fault of theirs and that they and all children who do have an accident can take a member of staff on one side and explain what has happened"*.

4.297.4 Staff were encouraged to stay with younger children who could not get to sleep *"until they are quiet or relaxed"*.

4.297.5 The guide devotes two-thirds of a page to dining room routine, including that: *"If at the end of a meal a child has not finished*

because of finickiness the table should be cleared completely without comment.”

4.298 The rules on the use of the detention rooms followed almost identically those prescribed under Colin Tilbrook. In the time that WN7 was at HDLG, not all the rules set out in the Guideline were applied, although he thinks that the rules on the use of the detention rooms were.⁴¹⁷

4.299 In a memo to Charles Smith in September 1975, WN532 requested approval to set up a new group so as to avoid using the detention rooms:⁴¹⁸

“ ... Could we reconsider the staffing of Haut de la Garenne? Would it be possible to set up a new group? ... Could we then employ large numbers and cope with one group of these disturbed children? Perhaps the closer contact and a more individual approach would be the necessary breakthrough we need.”

4.300 He said that he was “*increasingly distressed*” about the children with a history of problem behaviour. He recognised that this group needed firm control “*until they can cope with a more natural environment*” but control at Haut de la Garenne meant the use of the detention rooms, “*the most undesirable part of such procedure is that placing a child in such close confinement often results in the deterioration of relationships with adults and particularly those in authority*”. The Inquiry was unable to find a response to this memo.

4.301 In February 1976, WN532 proposed an overhaul of staffing at HDLG.⁴¹⁹ In essence, he felt that the Home needed more staff. The paper referred to the four groups at HDLG by name:

“Aviemore: fourteen children – one baby (three months) and the young boy of five going to morning special school.

Baintree: sixteen children – one baby (seven weeks), two preschools at home all day, plus others at school.

Claymore: twelve children – one baby (ten months), two preschool, others at school.

⁴¹⁷ Day 65/123

⁴¹⁸ WD002603

⁴¹⁹ WD002617

Dunluce: fifteen children – two preschool and two excluded from normal day need careful supervision, eleven at school all day.”

4.302 WN532 recognised the need for experienced and trained staff, *“The delinquent and emotionally disturbed children have caused concern during the past twelve months and we had an influx of new staff with limited experience. It has caused vast areas of extra pressure to senior staff who have tried to cope with these children and yet train new staff, many of whom have no idea of the fundamentals of good child care, into this demanding type of work”.*

4.303 In making the case for additional staff, WN532 concluded with an anecdote:

“We consider there is a need for three staff to cover the period between 4–10 pm and on a ‘lucky’ day we can give this provision. Even so a child’s individual needs may not be covered in a particular incident i.e I saw a child on a staff’s lap trying to listen to a story. I returned an hour later and they were still trying! I was told that there had been so many interruptions they had been unable to get this simple task over. It was necessary to help with supervising whilst the child’s story was read. If each group had five members of staff, they would be able to arrange holiday cover and hopefully have improved staffing during the school holidays.”⁴²⁰

4.304 WN532 maintained the pressure on the Children’s Officer, proposing that Dunluce be made a group for *“maladjusted children”* with a maximum of ten children, saying *“we would have to give a lot of thought and planning to the care of this group ... Could we get advice and help from the psychiatric clinic?”⁴²¹*

4.305 In October 1976 WN532 was asked by Charles Smith, then Children’s Officer, to identify why HDLG had advantages over a small family home. WN532 summarised the advantages of a larger home as *“economic use of labour and movement of children without breaking emotional distress. Plus the fact that senior staff should be able to guide staff into becoming more aware of a child’s needs and be in a position to make the necessary provisions ... a large home with small groups should show a vast improvement in daily behaviour problems”.* He recognised the disadvantage of a broad range of behaviours in a larger home *“In a larger home one is constantly under pressure to have*

⁴²⁰ WD002617/5

⁴²¹ Day 42/59

disturbed children inserted into a settled group. The effects can be devastating as children hear forceful bad language, meeting with bullying or are forced into sexual realisation before they are mentally able to accept [the same]. He concludes, *“with well trained staff who are dedicated to their fostered family the small unit should be [the] perfect answer to children needing care”*.⁴²² The reference to the “small unit” is to the newly established self-contained “family” units with HDLG.

4.306 WN532 and WN587 were at HDLG for only two years and tendered their resignations in September 1976. In 2009, WN532 said in his police statement: *“We recommended to the States of Jersey that the home Haut de la Garenne be closed down and made into smaller units”*. He recalled that the States responded by saying that they would then only be in charge of a smaller group type home, and *“we would be on half our wages”*. This, coupled with the housing qualification on the island, meant that they could not afford to stay.⁴²³

Superintendent Jim Thomson (1976–1983)

4.307 Jim Thomson was appointed Superintendent at HDLG in 1976. His wife had died the year before. Until his appointment, the Education Committee’s policy had been to appoint a married couple to run the Home. As a consequence of his appointment, the post of Deputy Matron was discontinued and a residential CCO was appointed instead. Jim Thomson had come to Jersey in 1966 to take up the post of CCO, then Senior Child Care Officer from 1971. Patricia Thornton noted that he was *“lacking in basic training”* but wanted to have *“a professional training”*. It appears from the records available that he attended no further training.

4.308 He was appointed Superintendent in September 1976, starting in December that year.⁴²⁴ He was then 48. He was Superintendent for seven years. In September 1983, he retired from the role to return to being a Senior Child

⁴²² WD006648

⁴²³ WD006800/4

⁴²⁴ WD006751

Care Officer (replacing Brenda Chappell who had gone on long-term sick leave).⁴²⁵ He retired in 1989 and died the same year.

4.309 Former staff members gave their assessment of Jim Thomson's character and their impressions of him during his time at HDLG:

4.309.1 Wendy Castledine – *"a very caring man"*.⁴²⁶

4.309.2 Fay Buesnel – *"the softest man" who "absolutely hated" having to cane children"*.⁴²⁷

4.309.3 Ernest Mallett – *"nice guy, quite strict and clearly traumatised by the death of his wife ... He was probably one of the best they had at the office ... Really good"*.⁴²⁸

4.309.4 WN704 – remembered a heavy drinker who encouraged a culture of drinking at HDLG: *"members of staff used to drink until the early hours, then come on duty that morning with children"*.⁴²⁹ She recalls that alcohol *"played a huge part in the life of Haut de la Garenne, most of the staff drank ... when Jim Thomson welcomed [WN640] and I when we first arrived he offered us a whisky or a beer"*.⁴³⁰

4.309.5 WN831 – remembered Jim Thomson *"spending most of his time in his flat drunk"*.⁴³¹

4.309.6 WN7 – Jim Thomson drank heavily but he never had doubts about his sobriety when working nor about his ability to run the Home. He was a kind man.⁴³²

4.309.7 WN715 – described Jim Thomson as *"an inexperienced and untrained social worker"* when it came to care issues.⁴³³

⁴²⁵ WD006527

⁴²⁶ Day 78

⁴²⁷ WD006916

⁴²⁸ Day 81

⁴²⁹ WD006776

⁴³⁰ WD006776

⁴³¹ WD006790

⁴³² Day 65/134

4.309.8 WN570 – never had cause for concern regarding Jim Thomson. She thought he was better with teenagers than with younger children.⁴³⁴

4.310 *Peer-on-peer abuse* – In 1978, Jim Thomson had to address and manage the behaviour of Michael Aubin, who had been in HDLG since the 1960s. Now in his mid-teens he had started indecently assaulting younger boys in the Home. In July 1978, by which time six younger boys had alleged they had been assaulted, Jim Thomson wrote to Charles Smith, formally requesting that Michael Aubin be removed from the Home “to protect our younger boys”:

“I feel that this matter MAY have to be brought to the attention of the Children’s Sub-Committee ... the situation is intolerable and the Department is laying itself open to very serious criticism if something is not done.”⁴³⁵

4.311 *Challenging behaviour of teenage girls* – During Jim Thomson’s tenure, the length of time for which girls were placed in the detention rooms was extended to meet the behaviour of a particular “*type of girl*”. In February 1978, he wrote to Charles Smith notifying him that he was punishing WN120 and another girl:

“... the maximum 48-hour stretch at one time in detention ... (is) inadequate for this type of girl ... they do it standing on their heads ... (I) propose ... at least seven days in detention ... As for WN120 we have suffered her moods, her disruptive and deviant behaviour for well over a year ... she is a prime mover in all-female absconding ... the time has come to teach her a lesson”. He described the other girl as “abysmally lazy, sexually aberrant towards young boys”.⁴³⁶

4.312 In 1979, a memo was sent by Jim Thomson to the SCCO Anton Skinner relating to four girls at the Home – their respective CCOs are copied in. He sets out his understanding of each girl’s motivation for absconding, noting that he had consulted other staff. He concludes: “*In the case of all four a lenient policy was followed after their last adventures on the premise that being too strict was not working. The new approach worked well but briefly and may have been regarded by them as a ‘loss of nerve’ on the part of senior staff.*

⁴³³ WD006781

⁴³⁴ Day 110/17

⁴³⁵ WD001438

⁴³⁶ WD001292

Henceforth we revert to the guidance of the Consultant Psychiatrist to the Home Office, Dr Berry who specialises in dealing with difficult adolescent girls:

“1. Be strong 2. Show them you care 3. Do not give in to them 4. Remain their friend.”⁴³⁷

4.313 *Running of the Home* – Within a short space of time in his new role, in January 1977, Jim Thomson identified to the Children’s Officer those whom he described as the natural and most experienced of leaders in each group with whom CCOs should make contact; all are female, one of whom is Morag Kidd.⁴³⁸ He notes: *“Child care staff should rely principally on them for information in the group setting.”⁴³⁹*

4.314 In May 1978, Jim Thomson wrote a memo⁴⁴⁰ to Charles Smith, entitled: *“The over-15s – ‘LOG JAM’*”, in which he complains that the Home has 13 children over 15; eight of whom *“have either been in trouble with the law ... have serious behaviour problems, or have been here before and had to return”*. He comments that, *“Their presence in such large numbers distorts our main role of a children’s home and puts extra strain on our disciplinary and evening framework”*. He invites the Children’s Office to a joint meeting to *“embark on some positive ‘child-care action’ to break the log-jam”*.

4.315 As noted above, in January 1980, Jim Thomson sent a report to John Rodhouse, the Director of Education, *“Haut de la Garenne: A report for the Eighties”*.⁴⁴¹ In the introduction, Jim Thomson wrote: *“this is a personal report based on eleven years’ experience as CCO and SCCO in Jersey and on three years’ experience as Superintendent of HDLG. However, I know that many of my views are shared by both Field and Residential Care Staff ...”*.

4.316 The report provides an understanding of Jim Thomson’s approach to running the Home. Three pages into the report, he writes:

⁴³⁷ WD002090

⁴³⁸ WD002618

⁴³⁹ WD002618

⁴⁴⁰ WD002607

⁴⁴¹ WD006984

“I think I can fairly claim that in the past three years at HDLG, it has not been my policy to disguise any of our difficulties or to claim that we were doing well when we were not.”

4.317 In concluding the report, he put forward several recommendations, declaring that *“Hau de la Garenne will remain Jersey’s major residential child care establishment for the foreseeable future”*. He considered that:

“Teenage girls are likely to remain the cause of most of our problems. These problems are not readily solvable by legal action and/or placement. In many areas of the United Kingdom, staff working with teenage problem girls are paid on Grade 6, so acute are the difficulties. At Haut de la Garenne, a growing number of staff are acquiring the experience, maturity and steadfastness in dealing with them. What is needed from Committee members and others in authority is a recognition of the difficulties involved, support and coolness in the face of adversity. Children in long-term care who have no parental contact, or poor and erratic parental contact, should be moved on to either Family Group Homes or Foster Parents, if at all possible.”

4.318 The paper prompted a meeting between John Rodhouse, the Director of Education, Charles Smith and Jim Thomson. Jim Thomson was asked to explain why he had taken on the role of Superintendent – he said that he wanted to maintain continuity and to strengthen the relationship between field work and residential staff. The notes record him as identifying the two main problems as teenage girls and difficult parents:

“He believed that Haut de la Garenne can never create the close bonding that might be available elsewhere as most children are just passing through and as a result make no firm relationships.”⁴⁴²

4.319 The meeting appears to have ended on a curt note:

“During discussion Mr Thomson complained of lack of support from senior officers citing the recent happenings with [WN136] and [WN139]. The Director of Education advised him that in no way could he expect support when gross errors of judgment were made. It was suggested to Mr Thomson that in order that he was aware of group organisation he should consider taking meals within the group on a regular basis.”⁴⁴³

⁴⁴² WD005371

⁴⁴³ WD005371

4.320 In his evidence to the Inquiry, John Rodhouse who was then the Director of Education, described the relationship between Charles Smith and Jim Thomson:

“It was a working relationship. There were times when they disagreed. Remember that Thomson had been SCCO under Charles Smith and going into HDLG he took on a different role with a certain measure of independence and I think they both had to adjust to that, sometimes successfully, sometimes not.”⁴⁴⁴

4.321 In their 1981 Report, Lambert and Wilkinson referred to Jim Thomson’s report when reaching their conclusion that:

“Haut de la Garenne remains unsuitable for the range of tasks it undertakes and is inappropriate as a resource available to a present-day Children’s Department ... It fails to meet fully the needs of many children, particularly those with special social and emotional needs”.⁴⁴⁵

Keith Purvis (1983–1984)

4.322 In 1983, two groups remained at HDLG: Dunluce, run by Keith Purvis, and Aviemore, run by Fay Buesnel (Campbell). He had joined HDLG with considerable experience in England, having been a Superintendent of a Home for 18 children. By 1983, however, management at HDLG was under strain and a group of staff confronted Keith Purvis about his lack of leadership.⁴⁴⁶ Later in the same year, at a meeting with Charles Smith, he was told that the Sub-Committee was not satisfied that he could “*carry out the duties and responsibilities of being responsible for a small children’s home*”.⁴⁴⁷

4.323 In September 1984, he was forced to resign and was replaced by Mario Lundy. Terry Strettle was then in post as Children’s Officer.

Mario Lundy (1985)

4.324 Mario Lundy (then Deputy Principal at Les Chênes) was seconded by Terry Strettle, then Children’s Officer, to HDLG to oversee the last group of children

⁴⁴⁴ Day 92/51

⁴⁴⁵ WD007382/59

⁴⁴⁶ WD006641

⁴⁴⁷ WD006640

before the closure of the Home. In fact, he stayed at the Home for only three months, until February 1985. There were 16 children in residence. In evidence to the Inquiry,⁴⁴⁸ Mario Lundy said that:

- 4.324.1 staff were demoralised and that the building was “*on its last legs*”;
- 4.324.2 the behaviour of some of the children was “*off the wall*”;
- 4.324.3 there were no formal processes for children raising concerns and no staff raised any issues about children. He had concerns about bullying among some senior boys;
- 4.324.4 there was no effective leadership, nor effective sanctions for poor behaviour. There was no culture of training and development;
- 4.324.5 he had regular contact with Terry Strettle at Children’s Services, who also visited the Home;
- 4.324.6 he tried to introduce a token system for calculating pocket money; this was not linked with home leave. It was not effective and was undermined by one staff member;
- 4.324.7 he was seen as a “*military man*” introducing structure, rules and regulations.

WN751 (1985–1986)

- 4.325 In September 1985, WN751 took up the role as Officer in Charge of a greatly depleted HDLG; eight boys were in residence. WN751 remained in post until December 1986.
- 4.326 He introduced staff supervision⁴⁴⁹ and appears to have been responsible for the implementation of training, mostly provided by the National Children’s Home and David Pithers.
- 4.327 He wrote a summary report in March 1986⁴⁵⁰ and commented that he was appalled “*to see so many members of staff, with so many skills,*

⁴⁴⁸ Day 74/171–194

⁴⁴⁹ Day 42/90

afraid to use the skills in case they are reprimanded. This I believe is a throwback to earlier days of Haut de la Garenne”.

4.328 A further passage in his summary report states:

“I should point out that I believe still in tender loving care and in both groups, it is the foundation of all our work. Work which depends on relationships and not purely on discipline”.

4.329 The importance attached to the need to build relationships was not new; it had been a constant theme in reports and memos of other Superintendents over the previous 25 years.

Inspections of Haut de la Garenne

4.330 In this period, there were a number of reports, which provide an insight into the management and organisation of HDLG. They were:

4.330.1 The Home Office Inspection (1964);

4.330.2 The Home Office Inspection (1970);⁴⁵¹

4.330.3 The Keith Barette Report (1975);

4.330.4 The Pilling Report (1980);

4.330.5 The Lambert and Wilkinson Report (1981).

The Home Office Inspection (1964)

4.331 The Home Office Children’s Department Inspectorate carried out an inspection of the “Jersey Children’s Department” in November 1964, including its “residential provision”. The Inspector spent two days at HDLG. The Report⁴⁵² identified the changes about to take place in the Home:

“It will be used as a reception and assessment centre receiving among others children remanded by the Court, as a short stay home for children whose families are passing through temporary difficulty and as a long-stay home for children whose emotional or behavioural difficulties

⁴⁵⁰ WD002615

⁴⁵¹ WD006194

⁴⁵² WD006689/8–15

make it unsuitable to place them in foster homes or family group homes.”

4.332 The Inspector noted that the Committee had “*wisely sought to attract and keep staff of good calibre by the provision of excellent living conditions and by its policy of seconding freely to training courses*”. He went on to comment:

“Under less imaginative or more authoritarian direction, it would be difficult to avoid so successfully the pitfalls into which the basically institutional design of the premises could well lead. Everything possible has been done however, by the division of large dormitories, by excellent furniture and furnishings, to overcome its inherent drawbacks.”

4.333 The Inspector found the “*present regime*” to be “*enlightened*”, “*It is forward looking in that it aims consciously and consistently at rehabilitation. It seeks to restore the fabric of each child’s individual and social life, not merely to inculcate unreasoning obedience*”.

The Home Office Inspection (1970)

4.334 In April/May 1970, two Home Office Inspectors (Ms Cuffe and Ms Heady) carried out a review of the work of the Jersey Children’s Department.⁴⁵³ They inspected HDLG and their findings, in summary, were:

4.334.1 “*Since the appointment of Mr Tilbrook ... a great deal has been done to modernise methods of care in this large establishment. The highly institutional building has been transformed in many ways.*”

4.334.2 “*The Committee has also agreed to a generous staffing ratio so that staff hours of work are reasonable and ... compare favourably with the standards on the mainland.*”

4.334.3 The number of children cared for should not be expanded beyond 60.

4.334.4 At the time of the visit, 24 of the 57 children in residence were under school age. The nursery wing, having been designed for 10 small babies, was not satisfactory for this larger group of children.

⁴⁵³ At the date of the inspection, 60 children (up to school leaving age) could be accommodated. A nursery extension had been built.

4.335 The Report recommended:

- 4.335.1 changes in the age grouping and reorganisation of staff duties;
- 4.335.2 restriction of the numbers at HDLG to 60;
- 4.335.3 the creation of a separate small establishment for difficult older boys near maximum employment opportunities;
- 4.335.4 consideration of the particular needs of difficult older girls.

4.336 The Inspectors viewed the detention rooms that had been recently added and concluded:

" ... the two detention rooms provided in the new wing of Haut de la Garenne will continue to be used for the short-term holding of young people. We consider that special care is needed when these rooms are in use for the purpose of restraining a young person. Although constructed in such a way that physical hazards have been reduced to a minimum, the rooms are situated away from the main centres of activity. It is therefore of paramount importance that when anyone is locked into the room, one member of staff should be personally responsible for the supervision".

"Our visits and discussions at Haut de la Garenne left us with the overriding impression that this major element of childcare provision has been allowed to develop much too independently. It was constantly described to us (both by the Superintendent and the Children's Officer) in terms which somehow gave it a life and identity ... apart from the functioning of the Children's Department as a whole".

4.337 Finally, the Inspectors were particularly concerned that staff training should be improved in all areas. They met with the Education Committee in September 1970 to discuss their findings.

4.338 When one of the Inspectors revisited the Home in 1972, she noted that the groups of children had been formed, that this worked well, and that staff morale appeared to be high.⁴⁵⁴

⁴⁵⁴ Day 42/20

*The Keith Barette Report (1975)*⁴⁵⁵

4.339 Keith Barette gave evidence to the Inquiry about his role as a member of the Children's Sub-Committee in the 1970s.⁴⁵⁶ He was appointed to liaise with HDLG; he reported back to the Education Committee who minuted his views:

"Mr Barette considered that Haut de la Garenne was much too large and many children must feel overwhelmed by the size of the institution. He was concerned about the child who entered Haut de la Garenne because of a family breakdown then came into contact with children with bad behaviour problems and the effect this contact would have on him.

Turnover of staff ... Stable relationships should be formed between the children and staff ... it was unfortunate that children who had come into the home following their rejection by their parents should again appear to be rejected by staff who left Haut de la Garenne in search of other work.

*Those children who behave badly tended to receive more attention It was therefore necessary for a child who craved or required attention to behave badly in order to receive attention".*⁴⁵⁷

4.340 In evidence to the Inquiry Keith Barette said: *"I got the impression that it was thought by the staff absolutely essential to keep everything running smoothly and that the children did not kind of get the upper hand in disciplinary matters and that everything worked fairly efficiently. But perhaps not enough emphasis on caring for the children themselves. It was a big problem. How do you control seventy children unless discipline is seen as set out and observed?"*⁴⁵⁸

The Pilling Report (1980)

4.341 John Pilling from Kent County Council visited HDLG in May 1980, and his report was widely referred to in the course of this Inquiry. His concluded view was that routine at the Home was essential to maintaining control but this had

⁴⁵⁵ WD002630

⁴⁵⁶ Day 98

⁴⁵⁷ WD002630

⁴⁵⁸ Day 98/62

become paramount at the expense of meeting the needs of the resident children:⁴⁵⁹

“ ... My observations of the way children, on arrival home from school, were programmed to change their clothes in a non-personal kind of way, coupled with the expectations placed upon children at meal times, would lead me to believe that the smooth running of the institution has become the primary focus within Haut de la Garenne. The repression of spontaneity that so often characterises childcare establishments was in evidence. ... The outcome of this is in my opinion an establishment that is preoccupied with maintaining its equilibrium and forgetting to look in detail about meeting the needs of disadvantaged children – the raison d’être for the establishment’s existence in the first place.”

4.342 John Pilling bemoaned the fact that the Home appeared no longer to have an idea of its function.

4.343 In evidence to the Inquiry, John Rodhouse, Director of Education, accepted that John Pilling’s criticisms of the governance of HDLG was fair.⁴⁶⁰ In our view, John Pilling’s conclusions, about a major institution under the control of the States of Jersey, are damning.

*The Lambert and Wilkinson Report (1981)*⁴⁶¹

4.344 As previously referred to on numerous occasions, in 1981 the UK’s Department of Health and Social Security carried out an inspection of Children’s Services. The Education Committee specifically requested that they examine the role of HDLG and comment on the way it was organised, it being “*the main residential childcare establishment*” in Jersey.

4.345 At page 49, the Report starts with a brief history of the Home – noting that the premises were upgraded in 1973 and “*a more overt policy of family grouping was introduced ... the all-age groups have been more successful, living in 4 relatively autonomous house units*”.

4.346 The Report noted that, by 1980, with falling numbers, one of the units had been closed. The dilemma presented by the Home was identified:

⁴⁵⁹ WD002595

⁴⁶⁰ WS000619/14

⁴⁶¹ WD007382

“In general terms the Home seems to have two primary functions. Firstly, as the major and most accessible residential resource on the island it provides a ready facility for a great deal of emergency and short-term care. Secondly, it is currently acting as a long stay children’s home for a substantial group of young people who have spent many years at Haut de la Garenne. It is not difficult to see that these two tasks could easily be in conflict and it is our view that this is the current situation and highly unsatisfactory”⁴⁶² The authors had gone on to look at the numbers of children going through the home in the previous 2 years: “The figures show that over half the children have been resident between one to five years, with nearly a fifth of the children experiencing long-term care up to eleven or twelve years. Again, one should stress that it is the comparative size of these groups which is the cause for concern.”

4.347 The Report saw the placing of groups of siblings together as a virtue of the Home:

“One of the important features to note at HDLG is its capacity to accommodate larger families, and this is certainly one of the most noticeable things about the stream of short stay admissions. More importantly quite large families (up to seven children) can be accommodated and this is obviously a bonus in any service. One of the other patterns that emerges from the analysis is that many families of children come in and out of care on a fairly regular, if short-term basis. Their developing familiarity with the setting at HDLG could be counted a bonus, especially as attempts are always made to group the family together. On the other hand, the location of the home and its size, must be a continuing cause for concern especially where very small children are involved.”

4.348 Other concerns raised included:

“The communal places and particularly the playing fields immediately surrounding the home remain rather barren and lacking in stimulation ... The building has the feeling of an institution ... t is not suitable for many of the tasks in which it is currently engaged [paragraph 24.11];

... the living groups still tend to be rather too large for the staff to work creatively there is too much reliance on routine and a rather more structured lifestyle than is necessary [paragraph 24.1;

The long stay children had less than a fair deal. They appear as a group who have emotional needs that are not being fully met ... Our view is that this situation must deepen the frustration of the child whose emotional needs seem never to be adequately met. Many of the long stay children at HDLG exhibit disturbed behaviour as they pass through

⁴⁶² WD007382/49

adolescence; and this could put them at risk when they leave to live in the community. [paragraph 24.19];

We were particularly concerned about the pre-school children ... there is a pressing need to see that their physical social and emotional needs are being met [paragraph 24.21]”.

4.349 The Report considered discipline and referred to the use of “*separation rooms*”:

“On the whole the common behaviour problems are those of disobedience, non-co-operation and temper tantrums. These and other minor matters of indiscipline are dealt with by care staff at the group level. They tend to use a traditional tariff of sanctions which includes early bed times, fines, extra duties and in serious circumstances the loss of a day or whole weekend leave at home. If the latter is agreed then the CCO is informed and involved in the decision. The Superintendent is also allowed to use corporal punishment on boys between the ages of ten and fifteen. He uses this sanction sparingly.⁴⁶³ The other means of control at the disposal of the Superintendent is the use of the two single separation rooms originally intended as the children’s remand facility but currently they are used for more difficult older girls. The Superintendent has drawn up clear guidelines for the staff on the use of the rooms and generally it would be expected that this will be minimal and infrequent. The rooms are reasonably safe, but not built to current DHSS specification of secure accommodation.”.

4.350 The Report stated that “*staffing Haut de la Garenne has always been a problem and there is a fairly continual turnover at the lower grades*”. There was an urgent need for a programme of staff development and training. The location of the home, five miles out of St Helier, was considered no longer feasible for children in their early teens as it was considered isolated.⁴⁶⁴

4.351 The authors made a number of recommendations,⁴⁶⁵ the most important of which was that HDLG should “*be replaced by more suitable alternative forms of provision*”.

4.352 A working party was set up to review and implement the recommendations. The working party included John Rodhouse (Director of Education), Charles Smith (Children’s Officer) and Anton Skinner (Senior Child Care Officer). At

⁴⁶³ WN715, WN532 and WN587 were all against corporal punishment and it appears did not use it. When Jim Thomson was appointed in 1977, it was reintroduced. Jim Thomson took what he described as “a pragmatic line”

⁴⁶⁴ Day 42/29

⁴⁶⁵ WD007382/79

one meeting, it was noted that the Education Committee had insisted that all admissions to residential care should be to HDLG “*unless exceptional circumstances prevailed*”.

4.353 The doors of HDLG closed as a residential children’s home in 1986, at which time there were eight adolescent children in residence.

Governance

The Children’s Officer

4.354 Patricia Thornton resigned as Children’s Officer in 1971 to take up a post in Portsmouth. Her post was not filled for another 18 months, during which time her deputy, Charles Smith, was acting Children’s Officer. In their joint statement provided to the police WN532 and WN587 described the Children’s Officer as their “*direct line manager*”.⁴⁶⁶

4.355 It was the Children’s Officer, rather than the Superintendent, who took formal disciplinary action against staff at HDLG. He did so on behalf of the employer, the Education Committee.⁴⁶⁷

The Education Committee and the Director of Education

4.356 The Director of Education was the senior civil servant answerable to the Education Committee.

4.357 John Rodhouse was appointed as Director of Education in 1973. As noted above, there is a record of his meeting with Jim Thomson to discuss the latter’s “Haut de la Garenne: A report for the Eighties”. There is also a letter from John Rodhouse asking Jim Thomson to come and see him to discuss why the latter remained off duty following a series of fire raising incidents at the Home which had been brought to his attention by Charles Smith. The tone of the letter suggests that Jim Thomson was being asked to provide an explanation.⁴⁶⁸

⁴⁶⁶ WD006213

⁴⁶⁷ See, e.g., WD006656 relating to WN689

⁴⁶⁸ WD006753

4.358 In 1983, staff from Haut de la Garenne wrote to the Education Committee expressing their concerns about proposals for a new Home to replace HDLG at St Luke's Vicarage and noting that they felt it ironic that children would be placed there through "*no fault of their own*" while delinquent children would be placed at the "*ideally located*" Les Chênes. The Committee noted the comments but did not accept the staff's views.⁴⁶⁹

4.359 In his evidence to the Inquiry, John Rodhouse,⁴⁷⁰ said that he was "*from the very beginning aware that Haut de la Garenne was a problem ... I would not have wanted a child of mine to have to go there. There was not a lot of warmth*". When asked how he discerned that John Rodhouse replied:

"the way the staff talked to and about the children. And also ... my wife had children from Haut de la Garenne in her classes at Mont a l'Abbe school and she learned a great deal about life in Haut de la Garenne from them ... children with learning difficulties, but they were quite able to talk to her about how they lived ... there was not the sort of warmth that I would have liked there to be in their relationship with the children ... [The staff] did not talk about the children in the way that I would talk about my children".⁴⁷¹

4.360 Although the qualifications of staff were "*not great*", John Rodhouse said "*I do not recall meeting anybody from or at Haut de la Garenne who I felt should not be working with children*".

4.361 John Rodhouse recalled that in 1974, having failed to persuade WN715 and WN870 to stay in post both he and Charles Smith thought that HDLG should be closed down.

4.362 John Rodhouse explained why this did not happen at that time:

"... I think we have to go back to the system in order to deal with that. In order to close Haut de La Garenne the Education Committee would need to have the support ... It could only be closed on a proposition presented by the Education Committee to the States ... in order to get that proposition to the States and approved by the States that proposition would have to be discussed with, in considerable detail, the Finance and Economics Committee, the Establishment Committee and ... if it meant occupying other properties in the island, the Housing

⁴⁶⁹ WD006210

⁴⁷⁰ Appointed Director of Education 1973

⁴⁷¹ Day 92

Committee ... those committees all acted independently of one another so that what Charles Smith and I were asking the President to do was to start on a very uphill task. And we're talking about shutting down something which was part of Jersey's history. ... it was a major undertaking when it did happen and it was a very very great undertaking to consider back in 1975".⁴⁷²

Culture of Haut de la Garenne: residents' perspective (1960–1986)

4.363 The evidence from former residents of HDLG covers the entire period of its existence from 1960 to 1986. The evidence is presented as a whole since understandably many recollections are imprecise as to exact dates. The following is a summary of views about the culture at HDLG.

4.364 WN340,⁴⁷³ admitted in 1959, gave an insight into life at the Home in the early years of its operation. The daily routine began with a 7am awakening, followed by breakfast. If she was late for breakfast she had to see Matron and forgo breakfast. On return from school children would do chores or watch television; sometimes they were locked in the lounge to watch television for up to half an hour. They were punished with shoe cleaning duty if they did not pay attention to the evening news. This account was corroborated by WN485⁴⁷⁴ and WN233.⁴⁷⁵

4.365 WN158,⁴⁷⁶ resident from 1954 to 1960, described dormitory routine as “*Army style*”; beds were upturned if they were not made up to the requisite standard.⁴⁷⁷

4.366 WN484, resident during the 1960s, described clothes being taken away on admission and children being made to wear clothes from the Home’s wardrobe. This was, she said, an example of the “*regimented lifestyle*” and she saw HDLG as a punishment for the children sent there.⁴⁷⁸

⁴⁷² Day 92/44

⁴⁷³ WS000143/4

⁴⁷⁴ WS000247

⁴⁷⁵ WS000139/5

⁴⁷⁶ WS000193/4

⁴⁷⁷ WS000193/4

⁴⁷⁸ WS000246/4

- 4.367 WN99, resident from 1969, stated the children were like “*feral cats*”; the staff never showed affection and it was always “*kids versus staff*”.⁴⁷⁹
- 4.368 WN217, resident from 1977 to 1980, described the stigma of being a child from HDLG: “*it was the place where all the abandoned children were put. It was the kind of place that everyone was dumped*”.⁴⁸⁰ This sentiment was reflected in the evidence of many former residents. WN217 also said that staff would just sit in their office smoking all day. Similar evidence was given by WN382, resident from 1976 to 1983.
- 4.369 WN167, resident from the late 1970s, described constant belittling of the children by the staff; “*it was a daily drip feed of being told that you were useless*”. It was a culture of divide and rule and this made her feel insecure.⁴⁸¹
- 4.370 A key theme among the evidence given during Phase 1a of the Inquiry was the problem of the mixture of children at HDLG. Children with significant behavioural problems and difficult domestic circumstances were placed with those staying for short periods due to illness or domestic crisis. WN343 said that the former had a significantly more difficult time and were very unhappy.⁴⁸²
- 4.371 The issue of the public perception of HDLG resonates throughout the evidence. Despite the fact that many of the children had needs, often unmet by the care system, a common perception in Jersey was that all of the children in the Home were “*bad*” or “*naughty*” for one reason or another. Even if their behaviour was not the ground for their admission, any child from the Home was tarnished with a bad reputation. Many children from other homes spoke of being threatened with being sent to HDLG.⁴⁸³
- 4.372 An insight into how some parents of children at HDLG viewed the Home is contained in a letter written by the mother of WN3 in February 1977. It was

⁴⁷⁹ WS000349

⁴⁸⁰ WS000387/26

⁴⁸¹ WS000641/14

⁴⁸² WS000146

⁴⁸³ WS000430/4

written to Charles Smith,⁴⁸⁴ Children's Officer, and echoes a number of themes in the evidence:

"I will agree that the place is comfortable and that the meals are adequate but I am disgusted to find that my ... innocent children are put with juvenile delinquents. They have been there six days and there have already been many serious incidents ... I do not think it is fair to put ... well-behaved children with others that have done wrong ... I could take anything as punishment for myself but when I see you putting ... innocent children through hell, I'm afraid it makes my blood boil ... I want you to tell me how much longer you intend to keep my children from me."

4.373 WN382 described mixing those admitted as a result of neglect with young offenders as a form of abuse in itself.⁴⁸⁵

4.374 WN341 described a sexualised atmosphere in HDLG in the 1960s with the boys and the staff alleged to have sexually assaulted the girls on a regular basis.⁴⁸⁶

4.375 Witnesses resident in the 1970s also described a sexualised environment. It is alleged that Gordon Wateridge, who was convicted of sexual abuse of girls at the Home, encouraged boys at HDLG to carry out sexual assaults on the girls. WN397 said *"This type of conduct was usual."*⁴⁸⁷ *There was no one to tell"*.

4.376 WN167 alleged that Superintendent Jim Thomson told her that she would be put on the contraceptive pill at the age of 15. She remonstrated with him, saying that she was a virgin. She said that he wanted no one pregnant on his watch and that *"they were all at it"*.⁴⁸⁸ There is evidence that the girls were subject to an intimate physical examination by a doctor if it was suspected that they might have been sexually active.⁴⁸⁹

⁴⁸⁴ WD003209; Day 59

⁴⁸⁵ WS000643

⁴⁸⁶ WS000242/4

⁴⁸⁷ Inviting the boys to grope her breasts: WS000251

⁴⁸⁸ WS000641/8

⁴⁸⁹ WS000188/4

4.377 This was the case even in 1980, according to WN392. Richard Davenport (CCO) was present when she was intimately examined by a doctor after staying out all night on several occasions.⁴⁹⁰

4.378 A particular feature of HDLG – notably in the 1970s – was a problem with children absconding. By March 1977, this was described as an “*absconding epidemic*”.⁴⁹¹ The punishment was isolation in the detention rooms or corporal punishment. The Inquiry has heard a wealth of evidence about children being picked up by the police – Honorary Police or SOJP– and returned to the Home, with little or no attention being paid as to why they were absconding.

4.379 Many former residents spoke of incarceration in the detention rooms as the most damaging aspect of their time at HDLG.

4.380 WN217 told the police in 2013 that when she absconded, punishment was detention: – “*the worst part ... throughout my life until I had therapy ... being locked up all the time. The taunting while you’re in there ... most frightening experience ... no need to lock children up like that. We weren’t monsters*”.⁴⁹²

4.381 A memo recorded an incident in April 1979 when a member of the public remonstrated with staff about the use of detention cells for the punishment of WN217 who had absconded. Jim Thomson, Superintendent, judged this “*to be a completely naive, if sincere, amateur do-gooder. She expressed horror that a girl could be placed in a ‘cell’ when what she needed was ‘help.’ I politely advised her not to get involved and reminded her that I had 50/60 other children in my care*”.⁴⁹³

Findings: Haut de la Garenne (1970–1986)

4.382 Overall, in our view, the organisation (including recruitment and supervision of staff), management, governance and culture of HDLG in the period under review was far from adequate when measured by the standards of the day.

⁴⁹⁰ Day 51/75

⁴⁹¹ WD001432

⁴⁹² WS000387/28

⁴⁹³ WD003221/29

- 4.383 The scale of HDLG meant that the Home could never have been expected to provide other than institutionalised residential child care. Such institutions were deprecated in the 1946 Curtis Report in the UK.
- 4.384 The complaint by Dorothy Inglis about the use of the detention rooms was justified. Secure rooms were not used in the UK at that time, save for the most serious of circumstances and only as a means of last resort. In the UK, the use of such rooms was subject to strict regulation and required the approval of a senior member of the local authority. There was daily review and regular assessment of the child by a medical practitioner. They were never used to control or contain children.
- 4.385 The recommendations set out in the 1981 Lambert and Wilkinson Report could and should have been addressed earlier. The Jersey Care Leavers' Association submitted, and the Panel agrees, that the issues identified in the report are "of a recurring nature":
- 4.385.1 funding (competing with the education and health sectors);
 - 4.385.2 lack of policy or policies;
 - 4.385.3 lack of political interest;
 - 4.385.4 difficulties recruiting and retaining qualified staff (exacerbated by Jersey's unique housing situation and policies).
- 4.386 It is clear on the evidence available that by 1975 at the latest, Haut de la Garenne was not "fit for purpose". John Rodhouse, Director of Education and Charles Smith, Children's Officer, both recognised that at the time but nothing changed.
- 4.387 Vetting – From the anecdotal evidence provided to the Inquiry it appears that there was some ad hoc vetting of visitors, but that there was no formal system in place except as set out in WN532's 1975 Guidelines. In our view this probably accords with the prevailing standards of the time. We note that while all visits by children to their homes had to be agreed, the vetting of parents of any of the children's school friends was discretionary.

- 4.388 Staff recruitment – There appears to have been no minimum qualification standards for care staff taken on at the Home in this period. The mix of ability and experience among recruited staff was wide ranging and seemingly unrelated to their role as carers at the Home. We find that while this may have been the approach to recruitment in children’s homes at the time, it meant that staff were ill equipped to deal with the behavioural and emotional challenges posed by children placed in the Home. We note the lack of experienced staff in WN715’s view “*stemmed from above at Committee level*”, in which the approach was to recruit someone from within the island and not from outside who may have been better qualified. This has been a recurring theme over the whole period.
- 4.389 Staff: training/supervision/induction – During the 1970s, there was little, if any, training, and that which did exist appears to have been done on an ad hoc basis. There was no formal supervision of staff at the Home during this period. In 1981, the lack of training was noted by Lambert and Wilkinson. WN570 who worked in the Home for 12 years over this period never had any training while she was there. There were other examples. We find the lack of training to have been lamentable and inadequate according to the standards of the time.
- 4.390 Staff: engagement with children – There are mixed accounts. Some staff remember the Home being “happy”. Others say that there was no engagement with children, that staff were overstretched, and that organising the children in the home was just part of a job. As WN870 commented: “*I have never witnessed a children’s home run quite like Haut de La Garenne where children were not their priority*”. We take note of the fact that this observation is echoed in the comments at the time of Keith Barrette and John Pilling, and repeated by John Rodhouse in his evidence to us. We find that staff at the Home failed to engage properly with children. It may be that this failure was a consequence of numbers and scale leading to regimentation (John Pilling’s view). Those responsible for the Home – the Education Committee, the Children’s Officer and Children’s Sub-Committee, and the Director of Education lacked the professional vision and political motivation to change.

- 4.391 The evidence we heard leads us to conclude that children placed at HDLG were not prioritised by Children’s Services and that they were, in effect, as described by Marion Robson, “sorted”. This, we find, allowed for little or no planning for the child’s future.
- 4.392 Discipline: Detention rooms – We note WN532’s stated reluctance to use the detention rooms – he told the police in 2008 that he had never seen detention rooms in other homes in which he had worked. He was right to see the use of the rooms as resulting in the deterioration of relationships between the child and adults in authority. Rather than place an absconding child in one of the detention rooms, WN532 thought they should be returned to their group. We contrast this with the approach adopted by Jim Thomson. We find that he promoted the use of the rooms for disciplinary purposes (see his 1980 Guidelines and the reference to the rooms being used “almost exclusively to enforce internal discipline”). We cannot see any justification in using the rooms in this way. This was an inadequate and inappropriate way to manage discipline in the Home and should not have been allowed to continue.
- 4.393 In her evidence to the Inquiry Dorothy Ingles, then a CCO with children placed at HDLG recounted an episode in 1980 demonstrating what she considered then as now the misuse of the detention rooms used to place a child who has run away. She told the Inquiry that when children absconded she tried to find out why they had done so. Her approach is to be commended. We heard of no systematic attempt to discover why children were unhappy enough to abscond. In our view, even by the standards of the time this exercise of power over a child was arbitrary, unprofessional and wholly unjustifiable yet despite the concerns expressed by the CCO was allowed to happen.
- 4.394 Superintendent WN715 – Given the scarcity of evidence in relation to WN715’s short tenure as Superintendent at the Home, we cannot come to a finding on the adequacy of his management of the Home. We note that he was “shocked” at the way the Home was being run when he took up his appointment and how far behind the times he felt it was. We see this as in part a criticism of Colin Tilbrook’s legacy. We note also WN715’s proposals for changing the Home and his analysis of why his proposals were not carried

forward – he felt that there was lack of support from the Education Committee. He also commented that “*The finance of childcare in Jersey was not high on the list of priorities*”. This is a view that we have heard expressed in evidence to the Inquiry by others and in different eras.

4.395 Superintendent WN532 – We note WN532’s description of the Home when he took up his appointment in 1974 as being run on the basis of “*a workhouse environment and run with a degree of military precision which seemed to exclude the appropriate element of care and best practice for the children*”. Again, this demonstrates to us that by the time Colin Tilbrook had resigned in 1973 the Home had been allowed simply to function as an institution. The management of this children’s home in the 1970s fell significantly below the accepted standards.

4.396 We find that WN532 did try and introduce change in the Home. We note that he recommended that the Home be closed down and made into smaller units. During his period of management, the Home was in a period of transition. He and WN587 were committed to the Home and managed it adequately in the short time they were there.

4.397 Jim Thomson – At the time that Jim Thomson took on the role of Superintendent, he already considered the Home to be unmanageable and unsuitable for children. This, in our view, informed his approach to the management of the Home which appears to have been reactive rather than constructive. By 1980, he noted that the Home was not doing well and had several difficulties. Despite the challenges, in general, the views of former staff members about Jim Thomson’s management of the Home were positive, in spite of evidence of his heavy drinking. We find that Jim Thomson’s management of the Home was inadequate, although this was largely due to the intrinsic problems within HDLG at that time.

4.398 In our view, Jim Thomson’s approach to the behaviour of teenage girls at the Home in 1978 demonstrated a lack of empathy, an absence of concern for the needs of the girls in question and a concentration on punishment and control rather than any attempt to understand the reasons for the girls’ behaviour.

4.399 Keith Purvis, Mario Lundy, WN751 – we do not have sufficient evidence to make our own findings about the management of the Home by any of these individuals, due to the short periods in which they were in charge. By this time, the Home was being de-scaled following the recommendations of Lambert and Wilkinson.

4.400 Inspections – we note that there were relatively regular external inspections of HDLG during its existence, whether by the Home Office or others. However, during the 1970s, there were no inspections.

Heathfield

Recruitment

4.401 The former head of the Dunluce Group at HDLG, WN751, oversaw the transfer of children to Heathfield and remained until the summer of 1987, when Geoff Spencer took over as Principal Officer.⁴⁹⁴ He had previously worked in the UK and had a certificate for social work.⁴⁹⁵ A condition of the appointment was that he lived in this accommodation annexed to the Home.

4.402 Geoff Spencer told the Inquiry that in Jersey, staff were not expected to have qualifications. Everyone in the UK that he encountered had a basic child care qualification. People from Jersey were appointed as opposed to those from the mainland. This was partly driven by uncertainty as to how long non-Jersey staff would stay⁴⁹⁶ and also due to the fact that child care staff from outside Jersey would, unlike teachers, not be provided with accommodation by the States.⁴⁹⁷ There were also volunteer workers for whom there was no vetting system in place.

4.403 Sean McCloskey began work at Heathfield as a volunteer in 1987. He was subsequently appointed in 1989 to the post of Residential Child Care Officer; no qualifications were required and no background checks were carried out.⁴⁹⁸ returned to work at Heathfield for a year in 2008, having worked for the SOJP.

⁴⁹⁴ WD004671

⁴⁹⁵ WS000590/2

⁴⁹⁶ WS000590/9

⁴⁹⁷ Day 75/25

⁴⁹⁸ WS000576

He recalled that the Manager at the time was a man named Kevin, likely to be Kevin Parr-Burman.⁴⁹⁹ By this time, contrary to his earlier stint at the Home, he recalls there being a lot of policies and he went through them with his Manager.⁵⁰⁰

4.404 An Act of the Education Committee from March 1988 suggests that police checks as well as references were a part of the application process. The document shows that an applicant had been offered a role at Heathfield subject to the receipt of satisfactory references. However, a police check had shown a conviction seven years previously, for domestic assault. The offer of a position was withdrawn, despite an appeal and a politician pointing out the applicant's involvement with youth work and good standing in the community. It is noted:

"... it was not appropriate in this instance that he should be looking after vulnerable children in a residential home, as this would put the reputation of the Children's Service at risk ... it had not been felt that it would be fair to the other staff at the Home if a criminal record could be ignored, especially when there was violence in that record. It might be possible to find a position within the Education Service, but it would not be one caring for disturbed youngsters".

4.405 Phil Dennett moved to Jersey in 1989, having qualified as a social worker in the UK and obtained a Master's degree in Management and Leadership in Health and Social Care. He was appointed to the Senior Residential Team at Heathfield. He had qualified as a social worker in the UK, obtained a master's degree in Management and Leadership in Health and Social Care and worked in a residential children's home and as a social worker for a number of years. He described staff turnover as "low" and said they built up an experienced "base of staff" during this period.⁵⁰¹

4.406 Tony Le Sueur began work as a Senior Residential Child Care Officer at Heathfield in 1991, having spent a decade as a youth worker. He recalled having a brief interview, but thinks that Geoff Spencer made enquiries about his suitability through colleagues in the Education Department. He said that

⁴⁹⁹ WS000576/29

⁵⁰⁰ Day 69/157

⁵⁰¹ Day 95/17

the only available qualification in residential work at that time was from the UK Home Office; it could not be obtained from Jersey.⁵⁰²

4.407 Kevin Parr-Burman commenced work as Centre Manager in April 2004. He had worked in the UK in a secure unit for 18 years and had managed a children's home for two years. In 2008, he was noted to be "*very experienced in working with young people who present with challenging behaviour and has been trained in child protection issues and is skilled in crisis intervention*".⁵⁰³ Following an allegation of assault against a resident, Kevin Parr-Burman was moved to La Preference.

Training

4.408 Geoff Spencer said that most of the staff had no formal training during his time in charge, and that there was concern about staff skill levels; no suitable NVQ courses, no training of temporary staff and a high staff turnover. He arranged for some staff training in the UK and for Barbara Kahan⁵⁰⁴ to come to Heathfield to do some training.⁵⁰⁵ He said that he gave supervision sessions and would carry out his own informal inspections.

4.409 Sean McCloskey said that there was very little training for residential CCOs, but he did receive some training from Pat Curtis (from the UK), completed an Open University course of his own accord and also received some training provided by Dorothy Inglis.⁵⁰⁶ He said that there was little policy guidance available when he began and did not recall seeing the "Home Statement" produced for Heathfield.

4.410 Susan Doyle started working at Heathfield in February 1991 having previously worked at Blanche Pierre for two years. She described it as a "*wonderful place to work*" and said that she received supervision and training while she was there.⁵⁰⁷

⁵⁰² WS000619

⁵⁰³ WD006059

⁵⁰⁴ Barbara Kahan, author of Psychological Well-Being of Children

⁵⁰⁵ WS000590/10

⁵⁰⁶ WD006098/5

⁵⁰⁷ WS000604

4.411 Tony Le Sueur said that training was difficult to organise for residential carers as trainers were flown in from the UK, usually for a week. If they wanted to attend training they would do so during the day, then go straight onto a shift. These sessions were therefore difficult to fit in. He thought that Department savings were, and still are, often made by cutting training budgets. Funding was extremely limited and difficult to access. He recalled some training from Ray Wyre and Pat Curtis, but had no “*restraint training*,”⁵⁰⁸ nor training on de-escalating techniques and he felt that this left staff vulnerable.

4.412 In November 2000, an incident occurred in which a resident seriously physically assaulted a member of staff.⁵⁰⁹ The Team Manager, Sarah Brace, noted “*this incident raises issues about the use of appropriate and effective restraint in order to protect children and staff. There is a programme underway with a view to train all residential staff in preventing conflict and the safe use of restraint where necessary*”. Ms Brace said some staff practices “*appeared to create an atmosphere of “them and us” between the staff and children*”. It was subsequently noted that the staff member in question had been on an intensive Therapeutic Crisis Intervention (TCI) training course before the incident in question.

Organisation and management

4.413 In the initial period of the Home, when Geoff Spencer was in charge, care staff worked shifts and were required to do “sleep-in” on a rota basis. Geoff Spencer was available if problems arose. Although he joined as the Principal Officer Geoff Spencer’s role later changed to being a Senior Child Care Officer. He then supervised staff while running the Adolescent Services Team (AST), described above.

4.414 Geoff Spencer developed the “key worker” system shortly after his arrival at Heathfield (1987). Staff were assigned a particular child⁵¹⁰ to provide one-to-one support and be their liaison point. This system appears to predate a

⁵⁰⁸ WS000619/16

⁵⁰⁹ WD007022

⁵¹⁰ Three children at most at any one time

similar system introduced by Margaret Holley at Brig-y-Don in the 1990s.⁵¹¹ Geoff Spencer considered the key worker system essential as it allowed staff to develop trusting relationships with residents and to identify their aspirations and whether any therapeutic intervention was needed.⁵¹² In May 1988, Geoff Spencer prepared a document on “Introduction to play as a therapeutic method with children”.⁵¹³

4.415 Tony Le Sueur said that most of the children were of secondary school age and that difficulties could be caused when younger children were admitted, as the latter required more resources and key workers had less time with other vulnerable children. He described the inability of residential units to say no to inappropriate placements as an unfortunate aspect of operating on a small island.⁵¹⁴

4.416 Geoff Spencer also told the Inquiry that he had no discretion to refuse to accept a child, although he hoped that he would be listened to if he had any concern that a child “*was not going to fit in*”.⁵¹⁵ He noted the lack of therapeutic counselling support available compared with his experience in the UK. He raised this issue with Anton Skinner but recognised that there were budgetary difficulties.⁵¹⁶

4.417 Geoff Spencer recalled that there was no formal policy guidance for staff on safeguarding issues with the residents. Behavioural problems with a child were discussed with the child. Corporal punishment was not administered.⁵¹⁷ We note that the first Child Protection Guidelines in Jersey were adopted in 1991, around the time of Geoff Spencer’s departure from Heathfield.

4.418 The Inquiry has been provided with various documents which outline:

4.418.1 the team structure within the AST,⁵¹⁸

⁵¹¹ Day 69/120–148

⁵¹² Day 75/41

⁵¹³ WD007026

⁵¹⁴ WS000619/19

⁵¹⁵ Day 75/76

⁵¹⁶ Day 75/74

⁵¹⁷ WS0005901/13

⁵¹⁸ WD004674

4.418.2 staff to resident ratios,⁵¹⁹ and

4.418.3 daily routine in logs/diary.⁵²⁰

4.419 As set out in Chapter 3, a large part of Heathfield's work in the late 1980s and 1990s involved preventative community-based work. Heathfield was split into two distinct components; the residential component run by WN669 and the preventative and community-based component run by Phil Dennett. By 1998, this had developed into a huge operation catering for 60–70 young people; it was not run by qualified social workers.⁵²¹ Young people at risk of reception into care were collected from school and taken out on activities or taken to Heathfield. The development of respite and shared care arrangements allowed some to have occasional or regular overnight stays at Heathfield. Tony Le Sueur commented that this sometimes caused disruption for the full-time residents. He thought this unfair and it was one of the reasons why he left Heathfield after four years; preventative child care could have been run from a youth centre, he told the Inquiry.⁵²²

4.420 Residents stayed at Heathfield for about three years according to Geoff Spencer.⁵²³ Although he had contact with the children's individual CCO, he would not have sight of their files, nor have any detailed background reports.⁵²⁴ The decision as to when they left was taken on a case by case basis; the Child Care Officer and staff determined the best course for that child. Children and, if appropriate, their parents were invited to a Case Conference. Geoff Spencer was responsible for setting up a hostel which provided semi-independent living and prepared adolescents for life after care.⁵²⁵

4.421 Sean McCloskey thought that, after Geoff Spencer left, there was more support for children leaving care. A semi-independent living area was

⁵¹⁹ WS000576/6; WS000619/15

⁵²⁰ WS000576/14

⁵²¹ Day 95/16 and 32

⁵²² Day 90/28

⁵²³ Day 75/17

⁵²⁴ Day 75/10

⁵²⁵ WS000590/6

provided whereby residents could live under reduced supervision and be taught life skills.⁵²⁶

4.422 Geoff Spencer left in 1991 and the Home was then run jointly by Phil Dennett and another member of staff. During this period, staff were provided with supervision in individual sessions and weekly meetings. Phil Dennett felt that the structure then in place played a part in the low turnover of staff.⁵²⁷ He left Heathfield in 1998 and became “Resource Manager for Residential Services”.

4.423 A “Home Statement” from the mid-1990s⁵²⁸ notes that corporal punishment and locking children in rooms were banned as means of punishment, and restraint was only allowed in exceptional circumstances and had to be reported to the Children’s Officer.

4.424 An example of the standards at the time can be seen from a decision by Phil Dennett to dismiss a member of staff in October 1993 in part because of her “*overly aggressive attitude with some of the children which has shown itself in being overly confrontational and using inappropriate language*” and having made “*major errors of judgment which have created unnecessary situations with children*”.⁵²⁹

4.425 During Kevin Parr-Burman’s time as Centre Manager of Heathfield, Phil Dennett noted⁵³⁰ that the role involved full responsibility for the day-to-day running of the Home, the policies and procedures and working with young people (although that was not the main part of his job). He was responsible for writing and developing the policies and procedures, as well as ensuring that they were fully followed by staff. In terms of restraint, he noted that they followed the TCI procedure, based on early intervention and trying to manage difficult behaviour by challenging them, with physical force only used as a last resort if the young person is a danger to themselves. When interviewed by the SOJP in 2008, he could only recall two occasions on which he had to physically intervene during his four years at Heathfield. He also said that as

⁵²⁶ WS000576/10

⁵²⁷ Day 95/68

⁵²⁸ WD004658

⁵²⁹ WD004661

⁵³⁰ WD006062/4

part of his role as Manager, it was part of his remit to be aware of the needs of each individual child.⁵³¹

4.426 In 2005, a meeting was held between Joe Kennedy (Residential Manager) and Kevin Parr-Burman about his management of Heathfield as there were “a *litany of concerns*” which made Joe Kennedy worried about the culture at the Home.⁵³² It was noted that extra staffing and support had been provided from staff at Greenfields and new procedures and systems had been introduced. The feedback from Greenfields’ staff had been that they were the only ones doing the challenging and implementing routines at Heathfield during this time. Kevin Parr-Burman acknowledged that “*Heathfield is failing,*” that it had been struggling for a long time and that he had struggled to manage it. Specific problems included lack of his attendance in the unit, staff being unable to contact him out of hours, the need for a visible staff presence, and a feeling that he was minimising the problems at Heathfield. In response to the question what was wrong with Heathfield, Kevin Parr-Burman responded “*inconsistency of staff, young people not engaging, systems do not cope with behaviour, the routines are wrong*”. Joe Kennedy asserted that it was essential to the culture of the Home that there was control as well as care – the symptoms of this included absconding, school conduct and behaviour management in the Home. In response to the concerns raised, Kevin Parr Burman produced a “Behavioural Management Plan”⁵³³ to “*take closer control of the use of free time and for there to be clear consequences for young people who fail to keep to the rules of the unit*”.

4.427 Phil Dennett told the Inquiry that one of the problems was that Heathfield was a 12 bedded children’s home, which he said was behind the systems in the UK.⁵³⁴ He felt that Joe Kennedy did not use the best choice of words about the need for “control”, but that it was important that young people knew the appropriate boundaries.

⁵³¹ WD006062/6

⁵³² WD009026

⁵³³ WD009252

⁵³⁴ Day 134/62

Culture

- 4.428 Sean McCloskey described there being a positive lifestyle at Heathfield for the residents, who got on with each other and would be helped rather than punished by staff. This good relationship between staff and residents during his time at the Home (up to 1999) meant that there was no need for corporal punishment. Restraint would be used only if necessary and the staff did not have TCI training at that time.⁵³⁵
- 4.429 Tony Le Sueur's overall view of Heathfield was that it was well run and achieved a lot for the young people there. Its good reputation meant that CCOs would use it as the "*placement of choice*" for troubled or challenging young people who needed residential care.⁵³⁶
- 4.430 WN80 transferred to Heathfield following the closure of Haut de la Garenne. He described the environment as being "*too close*" and complained that they could not get away from the behaviour of other children.⁵³⁷ WN616 provided a negative account of staff at the Home, saying he "*got no support from the people who were caring for him*".⁵³⁸
- 4.431 William Dubois, by contrast, recalls life at Heathfield in a more positive light⁵³⁹ "*... very different to the other homes I had been in; it was a functioning children's home. Punishments were only given out when they were justified ... Punished by being confined to your rooms, rather than any kind of violent punishment that I was used to from the other homes*". His behaviour improved and he absconded less frequently.
- 4.432 WN23 was admitted from Clos des Sables in 1989, following the arrest of Les Hughes, and she said that Heathfield was "*a very different environment*" from Clos des Sables; they were allocated key workers who "*made the effort*". She

⁵³⁵ WS000576/13

⁵³⁶ WS000619/23

⁵³⁷ WS000453/3

⁵³⁸ WS000435/6

⁵³⁹ WS000510/7

described her anxiety when male staff were working at the Home and there was no way of locking the bedroom door.⁵⁴⁰

4.433 Darren Picot was a resident in 1991 and described the majority of staff in positive terms, stating that he had the “*utmost respect for the staff at Heathfield ... and on the whole the staff looked after me*”.⁵⁴¹

4.434 In 2009, an email chain shows that when a query was raised about whether a resident could stay overnight with her friend, the Team Manager of the Child Care Team stated that it was a matter for the Heathfield staff to determine and there was no need for formal police checks in the absence of suspicions or concerns. It was stated that: “*What it needs is for you to do what any parent would do before agreeing or not*”, also taking into account the age of the young person.⁵⁴²

Governance

4.435 Some examples of the governance of Heathfield by Children’s Services have already been set out above, for example the involvement of Joe Kennedy as Residential Manager in 2005. Others are dealt with in Chapter 9, when considering the response of the relevant departments to allegations of abuse, for example the allegations against WN335 in 1991.

4.436 We also note that Geoff Spencer confirmed that there were no formal unannounced inspections of Heathfield during his time there (as noted in 2002 by Dr Kathie Bull⁵⁴³), which he contrasted with his experience in the UK.⁵⁴⁴ Sean McCloskey, who was at Heathfield until 1999, gave similar evidence and thought that they only saw social workers sporadically.⁵⁴⁵ In evidence to the Inquiry, Sean McCloskey noted that they kept logs of when CCOs visited and

⁵⁴⁰ WS000097/7

⁵⁴¹ WS000097

⁵⁴² WD009367

⁵⁴³ WD006417/367

⁵⁴⁴ WS000590/5

⁵⁴⁵ WS000576/14

would have a chat with the CCO before they saw the child, as well as sending monthly reports to them.⁵⁴⁶

Findings: Heathfield

- 4.437 The organisation and management of Heathfield was satisfactory during most of the 1980s and 1990s, when it was run by Geoff Spencer and subsequently by Phil Dennett and another member of staff.
- 4.438 Some staff were appointed without basic child care qualifications and people from Jersey were preferred to those from the mainland. Volunteer workers were appointed with no vetting system. We note that recruitment practices in 1988 involved police checks and that the Education Committee felt it was inappropriate to hire a member of staff with a previous conviction for domestic assault, on the basis that he would be looking after vulnerable children.
- 4.439 Staff do not appear to have been adequately trained during this period.
- 4.440 In practice, corporal punishment was banned and restraint only permitted in exceptional circumstances, according to the evidence.
- 4.441 By 2005, Heathfield was “failing” and had been struggling for a long time, with a litany of concerns raised by others and significant criticisms made of Kevin Parr-Burman’s management of the Home. We consider that the response to this, which included Kevin Parr-Burman blaming the young people for not engaging, and Joe Kennedy emphasising the necessity of control as opposed to care, was inappropriate. Blaming the children, even in part, shows, in our view, a lack of insight into the responsibility of those in charge.
- 4.442 The governance of the Home during the 1980s and 1990s appears to have been minimal, with no unannounced inspections and only sporadic visits from social workers. The involvement of Children’s Services and the relevant Committees in the response to allegations of abuse in the late 1980s, early 1990s, the 2000s, is dealt with in Chapter 9.

⁵⁴⁶ Day 69/171–173

La Preference: a Private/Voluntary Home (1951–1984)

Organisation and management

4.443 Flora Walden ran La Preference from its inception until her retirement in 1971.

An obituary written by Patricia Thornton in 1989 describes Flora Walden's "*wonderful flair with children of all ages*" and how she "*really understood how children felt and considered each one's individual needs*". It was thought that Flora Walden has "*pioneered in Jersey the family group approach to child care*" that she was a "*pioneer in residential child care*".⁵⁴⁷

4.444 Christine Wilson then ran the Home from 1971 until 1983,⁵⁴⁸ after having been a resident staff member from 1968. She had no real training or experience but in the mid-1970s she attended training sessions organised by Children's Services: for example, "Problems in adolescence" and "Child abuse in the family". Her husband was not formally a member of staff but was expected to play the role of Housefather when he returned home from work.

4.445 According to Christine Wilson, they advertised locally for staff and although it assisted if applicants had relevant background experience, there were no minimum requirements and no qualifications necessary. It would appear that there was a policy of generally recruiting "live in" staff who were vegetarians, however this was changed in 1975.⁵⁴⁹ According to Christine Wilson, at all times the other staff were not vegetarian.⁵⁵⁰ Christine Wilson would interview applicants along with Maxwell Lee, while the Children's Officer would only be involved to run checks on names.⁵⁵¹

4.446 The residents at La Preference were a mixture of children in the care of the Education Committee, those admitted by the Connétable and those placed privately. Even before it was registered as a Voluntary Home from 1970, residents had an appointed CCO. for example in 1967, a Ms Preece was

⁵⁴⁷ WD004284/4

⁵⁴⁸ Apart from a short period in 1975 when she was considering moving to New Zealand, but was asked to return: Day 96/28–29

⁵⁴⁹ Day 96/20, 29

⁵⁵⁰ Day 96/20

⁵⁵¹ WS000626/15

responsible for 12 children at La Preference.⁵⁵² This mixture of admissions continued following the introduction of the *1969 Law* – according to Christine Wilson, who joined the staff in 1968, the children at La Preference all came via Children’s Services, although some were not formally “in care” and their parents would pay for their care directly,⁵⁵³ although Christine Wilson’s views as to the suitability of the child would not be sought, she was given the child’s background.⁵⁵⁴

4.447 From the late 1970s onwards La Preference received more children from Haut de la Garenne. Some exhibited serious behavioural difficulties and had struggled to settle at other homes. Christine Wilson told the Inquiry that “*these children had a real impact on the behaviour of the existing family of children at La Preference*”. In evidence, she gave an example of the child, placed in the late 1970s, who needed more specialist help and on one occasion threatened to kill a policeman.⁵⁵⁵

4.448 The Lambert and Wilkinson Report in 1981⁵⁵⁶ noted that when Christine Wilson and her husband were at La Preference at the weekend, they were placed under “*considerable strain*”. The Home had accommodation for 20 children aged from birth to 20 years old; as at March 1981 16 children were in residence. Despite the age range identified in the Report, the Chair of the Vegetarian Society noted that there was “*no pressure exerted to make children leave when they reached a particular age*”.⁵⁵⁷ Christine Wilson recalled that they “*often had more than twenty children staying at the Home at any one time*”.⁵⁵⁸ She thought that the staff ratio was generally 1:4 or 1:6⁵⁵⁹ and Ernest Mallett (staff member) recalled that Christine Wilson was effectively on duty all of the time.⁵⁶⁰ On reflection, Christine Wilson considered

⁵⁵² WD005585

⁵⁵³ WS000626/3

⁵⁵⁴ Day 96/34

⁵⁵⁵ WS000626/17; Day 96/36

⁵⁵⁶ WD004129

⁵⁵⁷ WD004119; oldest resident then 22 years old

⁵⁵⁸ WS000626

⁵⁵⁹ Day 96/23

⁵⁶⁰ WS000602/11

that staffing levels were too low but that had to be balanced against her view that too many staff could destroy a family atmosphere.⁵⁶¹

4.449 Christine Wilson's approach to discipline was informal – children were sent to their room or given a smack on the bottom (for younger children) over the clothing. Older residents were grounded as punishment. She recalled only two incidents in the late 1970s when WN583 used a bamboo cane on the hands of a child. She described these incidents as exceptional and different to the minor problems otherwise experienced. She said that she would never advocate children being hit, but accepted that at that time it was probably the accepted form of severe punishment.⁵⁶² No violent behaviour was reported to her by the children⁵⁶³ and she "*did not witness any form of abuse*".⁵⁶⁴

4.450 There were no written policies or guidance on discipline and according to Christine Wilson, matters were discussed informally in the mornings.⁵⁶⁵

4.451 Christine Wilson decided to leave La Preference in 1983, partly for personal reasons and also partly due to there being more difficult children living at the Home than there had once been.⁵⁶⁶ Following a period of instability with three different people in charge between July 1983 and March 1984, it was decided that the Vegetarian Society (later to become the Vegetarian Charity) would no longer run La Preference (as above).

Culture

4.452 Christine Wilson told the Inquiry that during Flora Walden's time, the atmosphere was that of "*a very loving environment*" in which there was "*very little bad behaviour*".⁵⁶⁷ She is described as being firm and ensuring that children were aware of the boundaries, but she did not shout and was driven to make La Preference as homely as possible.

⁵⁶¹ WS000626/19

⁵⁶² Day 96/59

⁵⁶³ Day 96/60

⁵⁶⁴ WS000626/20

⁵⁶⁵ WS000626/13

⁵⁶⁶ WS000626/18

⁵⁶⁷ Day 96/18

4.453 Christine Wilson's philosophy was that she wanted children to view La Preference as their home. They were afforded a degree of trust and freedom; fewer rules and a more relaxed environment than in Homes run by the States. She said: "*Personally, all that I ever aimed to be was a substitute mother, not a replacement mother but someone who could show children ... love and affection*".⁵⁶⁸

4.454 Ernest Mallett, who arrived in 1982, also found the Home to have a "*family atmosphere*" that ran in a relaxed way and worked well. This concurs with the Lambert and Wilkinson report in 1981, which noted "*The atmosphere at the home is certainly one of a large, but happy and sometimes chaotic family*".⁵⁶⁹ They noted that although some incidents of misbehaviour were reported, the general impression was that children find the atmosphere a settling one and receive a caring experience. Discipline at La Preference was described by one member of staff as "*firm*".⁵⁷⁰

4.455 On reflection, Christine Wilson said that children at the Home were more stable in the early years when, under Patricia Thornton, the approach was to place children at La Preference for medium to long-term care. However, this shifted to an approach of trying to ensure that children were returned to their families as soon as possible, which Christine Wilson said that she could understand but thought was less successful in keeping children settled.⁵⁷¹

4.456 The residents' perspective on the Home is reflected in the following accounts:

4.456.1 WN212 (admitted 1954, aged three) described Flora Walden as a "*lovely woman*" who was interested in the children; he said that they were quite a "*happy band of children*".⁵⁷²

4.456.2 WN201 (1971–1980) describes the Home as strict but fair, it was "*generally fine*" and he was better off there than with his mother.⁵⁷³

⁵⁶⁸ WS000626/20

⁵⁶⁹ WD007382

⁵⁷⁰ WD007382/64

⁵⁷¹ WS000626/8

⁵⁷² Day 54/41

⁵⁷³ WS000430/5

4.456.3 WN617 stated that the Home was a nice place when run by the voluntary sector but deteriorated once the States of Jersey took over.⁵⁷⁴

4.456.4 WN214 (resident from 1977) describes a feeling of worthlessness. *“The warmth comes from the people sharing their love, being with the children. This never happened”*.⁵⁷⁵

Governance

4.457 When run as a Voluntary Home, La Preference was overseen by the Vegetarian Society in the UK. Christine Wilson recalls that when Maxwell Lee took over as Chairman of the Society in about 1970, he visited four times a year for a week at a time; he was interested in the welfare of the children.⁵⁷⁶ Prior to that the focus, she thought, was more on finance and administration rather than the children’s welfare, although members of the Society would visit the Home, particularly at Christmas. In April 2008, the SOJP spoke to an Ian Jeffries, who was a Committee member of the Vegetarian Society and came over to La Preference on his own on four or five occasions to see how the money was being spent, during which he would spend time on a one-to-one basis with some of the children. He said that none of the children ever told him about any abuse suffered, of any nature.⁵⁷⁷

4.458 Christine Wilson would write general reports on the Home for the Vegetarian Society, but these would not be on individual children.⁵⁷⁸ They kept some records in respect of each child (such as school reports and medical issues), but they were not official records. The child’s file was kept by Children’s Services.⁵⁷⁹

4.459 In March 1975 (during the brief period when Christine Wilson had left her role in charge of the Home), a member of the Children’s Sub-Committee raised

⁵⁷⁴ WS000436/2

⁵⁷⁵ WD000670

⁵⁷⁶ Day 96/15

⁵⁷⁷ WD006378

⁵⁷⁸ Day 96/20

⁵⁷⁹ Mrs Wilson, Day 96/38

concerns about the care of the children. The Children's Officer, Charles Smith, responded that he had visited the Home and identified the difficulty as being caused by inexperienced staff and "*the inability of the Governing Body of the Home to recruit trained staff who were also vegetarian*".⁵⁸⁰ A month later the problem was resolved when La Preference agreed to recruit staff who were not necessarily vegetarian. The Committee noted that "*a minimum of four childcare staff were employed for the twenty children resident there*".⁵⁸¹

4.460 At the same time, it was recorded that Charles Smith had been invited to attend the AGM of La Preference in London and had accepted the nomination to be Vice President of the Home (showing a similar degree of Children's Services involvement as with Brig-y-Don). He had also agreed to help establish a local Committee to help administer the Home.⁵⁸² By 1981, it was noted in the Lambert and Wilkinson Report that there was a local executive committee.⁵⁸³ Christine Wilson thought that before this local Committee was set up, Children's Services were not that concerned with La Preference, to the extent that in hindsight, she was surprised that they had been placing children there.⁵⁸⁴

4.461 Christine Wilson recalls that two or three Child Care Officers visited the Home every week, usually without prior notice. This was the main part of Children's Services oversight according to her. Although she had contact with Charles Smith there were no formal meetings with him or members of the Education Committee.⁵⁸⁵ Lambert and Wilkinson noted in 1981 that there was no formal review system.

Findings: La Preference: a Private/Voluntary Home (1951–1984)

4.462 There is little evidence about the running of the home during the 1950s and 1960s when Mr and Mrs Walden were in charge. Patricia Thornton described Flora Walden as having pioneered the family group approach to child care in

⁵⁸⁰ WD004114

⁵⁸¹ WD004115

⁵⁸² WD004115

⁵⁸³ WD004129

⁵⁸⁴ Day 96/18

⁵⁸⁵ WS000626/11

Jersey. Staff noted no abuse or cruelty and described it as a “*very loving environment*”.

- 4.463 The organisation and management of La Preference during the period from 1971 to 1983 was largely adequate; however, this was primarily due to efforts of Christine Wilson, who worked with very little, if any, time off. This was particularly the case towards the end of the period, when the Home began accepting more children from HDLG, who tended to pose difficulties for staff. For most of the period, Christine Wilson’s husband was not formally a member of staff but was expected to play the role of Housefather when he returned from work – a situation akin to that which existed in Family Group Homes.
- 4.464 Insufficient staffing levels meant that Christine Wilson and her husband were under “considerable strain”. Recruitment criteria were not strict and no qualifications or minimum requirements for background experience were in place, although until 1975 it would appear that “live-in” staff were only recruited if they were vegetarians. Most staff, including Christine Wilson, had no real training or experience when they began working at La Preference. Christine Wilson at least attended some training sessions organised by Children’s Services in the mid-1970s, but we suspect that the general lack of staff training was another consequence of the lack of proper oversight noted below.
- 4.465 During this period, there was an informal approach to discipline, with caning described as “exceptional” by Christine Wilson and methods such as grounding the child more common. There were no written policies or guidance for staff. We consider that in fact, the approach to discipline was adequate and progressive, but one of the consequences of the lack of oversight was that there were no guidelines or rules, which was not an adequate state of affairs.
- 4.466 The evidence suggests that during this period, the Home had a family atmosphere and a more relaxed environment. Christine Wilson tried to be a “substitute mother” and this appears to have had a positive effect on the culture of the Home.

4.467 Although the Inquiry did not review the records of the Vegetarian Society, they appear to have maintained some governance of the Home but were not particularly concerned with the welfare of the children.

4.468 From 1969/1970, the States of Jersey took on a supervisory responsibility for the Home. A local committee of the Vegetarian Society was established in the mid-to-late 1970s and Children's Services were more involved from then. Prior to this point, the lack of interest shown in the Home by Children's Services is concerning – given that they were placing children in care in the Home, they should have taken more responsibility for ensuring that standards were adequate.

La Preference: run by the States of Jersey (1984–2012)

Organisation and management

4.469 The number of residents varied in this period from nine in June 1985, to 14 in October 1988 and December 2002, and then down to 12 in March 2004. According to Ernest Mallett, when the Home transferred to States ownership there was a turnover of residents as they tried to rehouse as many as possible with their families before those from HDLG moved across.⁵⁸⁶ There was a need for stricter procedures to accommodate these children as they had "*more behavioural issues*", said Ernest Mallett. He thought that the challenges grew in the absence of any training on restraint, which was only received in 2000. There was no training on dealing with children misusing drugs.⁵⁸⁷

4.470 Fay Buesnel (now deceased – former Matron at HDLG) was Officer in Charge from the beginning of this period. She remained in post for 15 years.⁵⁸⁸ A number of staff moved across from HDLG and existing staff had to re-apply for their jobs.⁵⁸⁹ According to Ernest Mallett, staff recruitment was discussed

⁵⁸⁶ WS000602/17

⁵⁸⁷ WD006090

⁵⁸⁸ WD00691/6

⁵⁸⁹ WS000602/

between Fay Buesnel and himself but they were unable to recruit without reference to Children's Services.⁵⁹⁰

4.471 Ernest Mallett said that staff meetings were held each week and "key worker principles" implemented in a "*more formal fashion*".⁵⁹¹ If a child had to be restrained, the fact was recorded in a log; if the matter was serious the CCO would be informed.

4.472 WN283 moved to become a member of staff at La Preference and recalled how much better it was run than Clos des Sables (her previous role); there were regular staff meetings, all staff were involved in discussions about child care, and there was an organised filing system.⁵⁹²

4.473 Fay Buesnel left in 1999 and WN687 was appointed Officer in Charge (a role he carried out until 2003). A "Home Statement"⁵⁹³ was created⁵⁹⁴ which set out a list of objectives including:

4.473.1 *"to identify each child's physical, emotional and social needs and to work with children to arrange appropriate care experiences or programmes; and*

4.473.2 *to properly prepare young people for independent living"*.

4.474 WN687 and his Deputy managed the Home with a further six residential CCOs who had a variety of qualifications, and most of whom had extensive experience. They were supported by a cook, cleaning staff and five night supervisors.

4.475 The "Home Statement" set out the procedure for drawing up care plans, holding planning meetings and holding internal case reviews. It directed that the SOJP be informed within two hours of a child's expected time of return if they went missing, or immediately if considered vulnerable and at risk. The Statement also advised that children who wished to complain should in the

⁵⁹⁰ Day 81/174

⁵⁹¹ Day 81/174

⁵⁹² WS000725/17

⁵⁹³ A requirement of Part II of the Children's Home Regulations 1991

⁵⁹⁴ WD009233

first instance tell “*the member of staff they trust most*”, WN687 or their CCO, failing which they should tell their teacher, parent or the Children’s Officer.

4.476 A document entitled “Sanction Book Guidance” set out rewards for positive behaviour and sanctions for negative behaviour: for example, mobile phone confiscated, “*grounded*” or “*home visits cancelled*”.⁵⁹⁵

4.477 WN687 gave a statement⁵⁹⁶ to the SOJP in March 2009 and highlighted the following about his time at La Preference:

4.477.1 he was constantly “*badgering*” the States for more staff and more therapeutic input for the children; he was not given what he requested and ended up “*falling out*” over the money situation;

4.477.2 by 2002/2003 the numbers increased and at one point there were 18 in the unit rather than the agreed 10 that were there when he started;

4.477.3 some of the children admitted should have been on remand – there was no behavioural management of the children.

4.478 During this period, Ernest Mallet recalls that if they wanted to take children out, they had to undertake risk assessments and other things which in practice meant that the frequency of such trips reduced significantly.⁵⁹⁷ Ernest Mallett describes WN687 as having an attitude problem and thinks that he did not listen to staff, as well as having brought in a number of new rules that restricted the running of the Home.⁵⁹⁸ Examples of this are that a ratio of one adult for two children was imposed when taking children out. On reflection in his evidence to the Inquiry, Ernest Mallett thought that, although there had to be a balance between protecting staff and allowing the children flexibility, there was a loss of family atmosphere in general when the States took over the running of La Preference and there was not the same sense

⁵⁹⁵ WD005599

⁵⁹⁶ WD005343

⁵⁹⁷ WS000602/18

⁵⁹⁸ WS000602/22

that the staff truly cared about the children.⁵⁹⁹ Ernest Mallett did accept that it probably was not realistic to expect that atmosphere to continue given the challenges that Children's Services were facing.⁶⁰⁰

4.479 By March 2007, the unit was being run by an individual who described himself as a qualified social worker with specialist skills in human rights advocacy.⁶⁰¹ In August 2009 Kevin Parr-Burman became Manager, having moved from Heathfield after an allegation of assault made by resident there. In August 2010, he left La Preference after another allegation of assault was made against him. During the disciplinary investigation in relation to the alleged assault at La Preference, he described the management and organisation during the year he spent there:⁶⁰²

- 4.479.1 he was supervised monthly by his Line Manager, Joe Kennedy;
- 4.479.2 he was a qualified social worker, who had worked in children's services since 1978 and in secure units in the UK for 15 years before moving to Jersey in 2004;
- 4.479.3 he was trained in therapeutic crisis intervention (including a refresher course) and also in General Service Training (GST). He noted that the latter would not be appropriate in a children's home and would only be used in a secure unit;
- 4.479.4 his role was to manage the unit, the budget and staff; and to ensure that care plans were up-to-date. Occupancy lists were completed each day by staff "running reports" were completed as soon as possible;
- 4.479.5 in the summer of 2010 they had six or seven residents; two or three staff on duty during the day, and one sleeping and one waking member of staff at night;

⁵⁹⁹ WS000602/28

⁶⁰⁰ Day 81/171

⁶⁰¹ WD005844/107 – we have little other evidence from this period

⁶⁰² WD009059/24

4.479.6 on arrival at the Home, residents were given a Young Persons Handbook⁶⁰³ which included behavioural expectations and what happened in the event of misbehaviour. This would be explained and discussed with the young person.

4.480 In an exit interview from April 2012, Kevin Parr-Burman made the following points:⁶⁰⁴

4.480.1 staffing of residential units in Jersey was far below UK standards;

4.480.2 training opportunities were very limited;

4.480.3 despite criticism of the management of Children's Services arising out of the Historic Abuse Inquiry, the same people remained in place and thus nothing was likely to change;

4.480.4 he had not received good supervision in comparison with that received in the UK;

4.480.5 children's services, particularly residential services, were run on a "blame culture" and staff were not supported by management. Any efforts to bring in change were seen as interference and morale was very poor, with staff being moved around regularly in disregard for their individual choice and the needs of vulnerable young people;

4.480.6 he had been subject to "*malicious complaints*" by residents, the management and investigation of which had been very poor.

4.481 When these points were put to Phil Dennett in evidence, he agreed with Kevin Parr-Burman about the insufficiency of staffing, but disagreed with the other points.⁶⁰⁵ We do note these comments in the context of the allegations of assault made against Kevin Parr-Burman in 2008 and 2010.

⁶⁰³ E.g. WD009368

⁶⁰⁴ WD009174

⁶⁰⁵ Day 134/84–91

Culture

4.482 The following evidence from former residents provides some insight into the culture at La Preference across the relevant period:

4.482.1 WN3 went to La Preference right at the beginning of the period when it was run by the States of Jersey (1984). She described the staff as really nice, although she said the Matron was quite strict. She says she would go to the youth club, get taken to fetes and go on camping trips while at the Home and really enjoyed her time there.⁶⁰⁶

4.482.2 One child went to La Preference in 1992 when she moved out of the Blanche Pierre Family Group Home.⁶⁰⁷ It was noted in a report dated 27 February 1998, prepared for the intended prosecution of Alan Maguire, that her move to La Preference made her realise that it was possible to be treated differently (from the way she was treated at Blanche Pierre) and she considered the staff at La Preference to have time to listen to any problems.⁶⁰⁸

4.482.3 WN73 was in La Preference in the early 2000s and described the Home as being “alright”, stating that it had much more of a family feel (than Les Chênes). He says that it was quite nice but his problem there was that he never had his own room and, for most of his time there, stayed on a put-me-up bed in the chill-out lounge.⁶⁰⁹ In his oral testimony, WN73 said that the staff were a lot more friendly at La Preference and actually wanted to help the children. He said *“they were more interested in your life I think as opposed to containing you. You were treated I feel with a lot more respect [...]”*⁶¹⁰

⁶⁰⁶ WS000470

⁶⁰⁷ WD001095/60

⁶⁰⁸ WD001082/31

⁶⁰⁹ WS000443/6

⁶¹⁰ Day 56/48

Governance

4.483 La Preference was a States run children's home during this period with governance provided over the years by the Children's Sub-Committee, the Education/Health and Social Services Committee, the Minister for Health and Social Services and the Children's Executive.

4.484 Dr Kathie Bull's 2002 Report noted that La Preference (as with Heathfield) was often more than 40% over-occupied and had an inadequate number of staff. Criticisms were made about the level of staff training and expertise, the lack of external monitoring and the weak case planning. There was also the difficulty of separating younger children "*whose behaviour might be affected or worsened by the presence of older children*".⁶¹¹ The Report did praise staff commitment and their effort to foster good relationships with the children.

4.485 Ernest Mallett was surprised that he was not spoken to by Dr Kathie Bull, despite having worked at La Preference for nearly 20 years. He agreed with the criticism of staff competency and training, and said that there was overcrowding to the extent that, towards the end of his time at La Preference (around 2002/2003), children were sleeping downstairs in the living room.⁶¹²

4.486 By the time of the Williamson Report in 2008⁶¹³ and the Coordination of Services for Vulnerable Children Sub Panel Review in 2009,⁶¹⁴ La Preference was regarded more positively.

Findings: La Preference: run by the States of Jersey (1984–2012)

4.487 The organisation and management of the Home was largely adequate during the period in which Fay Buesnel was in charge (up to 1999). Staff meetings were held each week, restraint logs were kept and key worker principles were implemented.

4.488 During the early 2000s, the organisation and management of the Home appears to have deteriorated, although this may be, at least partly, due to

⁶¹¹ WD004106/363

⁶¹² WS000602/25–26

⁶¹³ EE000070/13

⁶¹⁴ WD006407/7

governance failings. While the Home Statement from the early part of this period properly recognises the importance of identifying the needs of each child and preparing them for independent living, as well as providing guidance for residents to complain, this period was characterised by insufficient funding and overcrowding. The Home was often more than 40% over occupied, had insufficient staffing levels and the staff that were there were insufficiently skilled or trained, despite their commitment and efforts to foster good relationships with children. At some points, children were sleeping downstairs in the living room. This is an unacceptable way for a Home to be run in the 21st century and reflects poorly on the governance in place at the time.

4.489 When the Home was run by Kevin Parr-Burman, there does appear to have been supervision and attempts to recruit experienced and trained staff. However, Kevin Parr-Burman later described this supervision as comparably poor and said that staffing levels and training were below UK standards.

4.490 In terms of culture, the Home was run more strictly than when it was a Voluntary Home, with an increase in procedures and policies that staff had to follow. This may have led to a loss of a family atmosphere, however we think that overall this was likely to be a positive change and showed that the Home was, at least to some extent, moving with the times – for example, imposing staff to children ratios when taking children out of the Home. Although we note the allegations of abuse during this period (as discussed in Chapter 9 below), we consider that the culture remained generally positive, largely because of the willingness in staff to listen to the residents and try to help them.

4.491 We consider that failings in governance are likely to have been responsible for the situation in which the Home found itself in the early 2000s. Later reports from 2008 and 2009 suggest that the position subsequently improved.

Brig-y-Don: a Private/Voluntary Home (1934–2009)

Organisation and management

Residents/admissions

4.492 The Inquiry conducted an analysis of the number of children in residential care at Brig-y-Don from 1969 to 2000,⁶¹⁵ which showed a sustained drop in numbers from the 1980s onwards. This corresponded with an Education Committee decision to prioritise placement in States owned Homes for financial reasons in the early 1980s.⁶¹⁶ A brief rise in numbers occurred between 1982 and 1987 alongside the decision to close HDLG, with the Director of Education emphasising the need to develop a stronger link with independent children's homes.⁶¹⁷

4.493 Margaret Holley said that, during her time in charge (1973–2004), admissions were generally either, (i) by the States of Jersey, or (ii) under private placements agreed between the child's family and the Home. The private placements would typically be of short duration and a CCO was not assigned to the child. Private placements were often arranged by the family doctor, on the basis that the parents paid.⁶¹⁸ By the mid-1980s, residents were almost entirely placed by Children's Services; staff and children were better supported and Brig-y-Don received a payment per child per day in the initial period.⁶¹⁹ By the late 1980s/1990, funding was via an annual grant in order to make planning easier.⁶²⁰ According to Margaret Holley, the amount of information given about children being admitted varied and they did not have much discretion to refuse the admission of a child for whom there was a vacancy.

4.494 When Margaret Holley's period in charge began, the children were mostly of primary school age and the Home's expertise was with younger children. She

⁶¹⁵ WD005072

⁶¹⁶ WD005018

⁶¹⁷ WD005014

⁶¹⁸ WS000575

⁶¹⁹ Day 68/49; Margaret Holley, Matron 1973–2004

⁶²⁰ WS000575/7

thought it was regrettable when children had to stay at Brig-y-Don rather than being fostered and also saw the value of children transferring to Haut de la Garenne, as they catered more for older children. In her view, those children who had a good attachment to their own families managed very well at Brig-y-Don.⁶²¹

4.495 In 2000, two of the children who subsequently became involved in the “X Children” litigation,⁶²² were placed at Brig-y-Don. The Plaintiffs’ expert, Maria Ruegger, noted that the practice of using residential care for this age group (four and under) was significantly out of step with practice in the UK. The Defendants’ expert, Stephen Pizzey, noted the children of that age would ordinarily be cared for in foster care as placement of such young children in a residential setting with regular staff changes would likely lead to more problematic behaviour. He noted however that in Jersey at that time, placement of young children for rehabilitation in Brig-y-Don was standard practice.⁶²³ Elsewhere, the presumption was against placing young children in residential care. By 2005, Brig-y-Don had refused to admit a child due to their view that “*it was not the right admission*”, they were under no obligation to do so, and they did not want to disrupt their present children.⁶²⁴

Staffing

4.496 Patricia Thornton considered that, in 1971, “*present staffing arrangements were unsatisfactory*” and insisted upon the appointment of a Deputy Matron to bring the complement up to five.⁶²⁵ In 1972, a further nursery nurse was added and the Home catered for 14 residents and 10 day-care children.⁶²⁶

4.497 When Margaret Holley became Matron in 1973, after being interviewed by the Brig-y-Don Committee and Charles Smith (Children’s Officer), she had no formal qualifications. She was NNEB trained and had extensive experience

⁶²¹ Day 68

⁶²² Recent litigation on behalf of children against the States of Jersey

⁶²³ WD008980

⁶²⁴ Day 68/10

⁶²⁵ WD004856

⁶²⁶ WD0048

working in a nursery and as a nanny.⁶²⁷ During her time in charge (she retired in 2004), she had sole responsibility for recruitment of most positions, albeit Children's Services had oversight by virtue of their involvement in the Brig-y-Don Committee. Margaret Holley viewed previous experience as the most important quality in potential staff and qualifications would be an added bonus.⁶²⁸ Margaret Holley said that a staff/children ratio of approximately one to two and the key worker/co-worker systems were important elements in the Home's success.⁶²⁹

4.498 Margaret Holley did recall that members of the community would sometimes, around Christmas, get in touch about helping with the children or getting to know them. However, she said "*there was absolutely no way we could do that. We would always refer anyone who felt they could help to the Children's Services*". We note that this appears to have been a different approach to that taken in HDLG.

4.499 Margaret Holley recalled that during the early period there was little recorded information about the children and information was passed between staff orally.⁶³⁰ WN503 was recruited from HDLG and brought an insight into the way a care home was run by the States of Jersey, as opposed to Brig-y-Don's "charity focus", and was described as the driving force in the 1990s for the Home's progress in updating and developing child care practice, introducing paperwork/audit trails.⁶³¹ Margaret Holley recalls that on occasions where they were understaffed, other staff would usually be flexible. She believes that "*the low turnover of staff at Brig-y-Don meant that children were provided with continuity*".⁶³² Margaret Holley opined that it was very valuable having these core members of staff who really cared and knew the children well.⁶³³ There were regular staff meetings and a system of supervision evolved. In the 1990s

⁶²⁷ WS000575/2

⁶²⁸ Day 68/55

⁶²⁹ Day 68/79

⁶³⁰ Day 68/89

⁶³¹ WS000575/10

⁶³² WS000575/11

⁶³³ Day 68/47

Margaret Holley was supervised by someone within Children's Services, generally the Children's Officer.

4.500 Specific training was not given to staff but they were invited and delighted to attend training organised for the States-run children's homes. Examples of the type of training/advice received included:

4.500.1 how to spot signs of children who were sexually abused and how to communicate with them;

4.500.2 National Children's Home training programme in 1989;

4.500.3 fostering course to facilitate work with families managing the transition;

4.500.4 targeted training on ways to deal with challenging children.⁶³⁴

4.501 Margaret Holley noted that there were "*limits to the training and qualification of staff at Brig-y-Don*", which meant that they had to obtain external support as much as necessary, for example when medical issues arose.⁶³⁵ Margaret Holley was protective of her staff and wanted them to work within the limits of their training and not beyond.⁶³⁶ In the absence of training, Ms Holley recalled that the staff would "*communicate a lot and discuss different situations, so that people were comfortable with the children they were seeing to*".⁶³⁷

4.502 As noted in Chapter 3 on the type and nature of the Home, in the late 1980s and early 1990s Brig-y-Don was closely involved with Children's Services' "shared care" scheme, whereby children would be able to maintain regular contact with their family while spending time at the Home during the week. An "outreach" service was also provided, which aimed to support families in their own home and support children after they had left Brig-y-Don. This outreach

⁶³⁴ Training provided by Pat Curtis

⁶³⁵ WS000575/15

⁶³⁶ Day 68/70

⁶³⁷ Day 68/63

work would usually be done by the relevant “key worker” and it was noted in 1994 that there were “*five children on outreach*”.⁶³⁸

4.503 The “key worker” system was introduced in the 1990s⁶³⁹ which allowed a child one-on-one time with an assigned member of staff. It also assisted the transition into independent living or foster care when they left. A system of co-workers provided a secondary dedicated person for the child if the key worker was not available. The system ran in parallel with the child having a CCO.⁶⁴⁰ Both had the “*same goal of the child being happy*”.⁶⁴¹

Culture

4.504 Margaret Holley told the Inquiry that she considered it the Home’s ethos for staff to be as “*friendly, helpful and caring*” as possible.⁶⁴² It was important to ensure that the Home was not institutionalised while establishing a routine to make children feel secure.⁶⁴³ She acknowledged that one could never replace the family home and said that with small children one would not aim to do that, but felt that they should aim to make it comfortable and to have a warmth about it.⁶⁴⁴

4.505 Discipline was described by Margaret Holley as a “*firm but fair*”. There was no beating or caning, and there were no detention rooms.⁶⁴⁵ In the initial period, discipline was left to the judgement of those running the Home rather than directed by Children’s Services or the Committee. This approach changed by the 1990s with Children’s Services advising that there should be no physical contact, and the approach changed to attempts to defuse situations and revoke privileges as punishment.⁶⁴⁶ She was trained in restraint by Pat Curtis, but this was rarely used.

⁶³⁸ WD005488/107

⁶³⁹ By which time it had already been implemented at Heathfield

⁶⁴⁰ Margaret Holley recalled regular visits, with the child taken off the premises – Day 68/75

⁶⁴¹ Day 68/74

⁶⁴² Day 68/26

⁶⁴³ WS000575/19

⁶⁴⁴ Day 68/33

⁶⁴⁵ WS000575/23

⁶⁴⁶ WS000575/24

4.506 In the 1990s Margaret Holley introduced children's meetings which allowed residents to make their views known if they considered something unfair.⁶⁴⁷

4.507 A lot of children were only resident in Brig-y-Don for a short time, often when they were very young. As a result, although we received evidence from a large number of children who attended Brig-y-Don during this period, many of them did not give evidence about their time at the Home. Notwithstanding this, the residents' perspective on the culture of the Home is reflected to some extent in the following accounts:

4.507.1 John Doublard attended just before the Second World War and then later in the 1940s. He told the Inquiry that Brig-y-Don "*was for me a home from home*".⁶⁴⁸

4.507.2 WN118 (resident at the end of the 1950s) said that the staff were nice.⁶⁴⁹

4.507.3 WN23 (resident in 1979) said it was "*a great place for children*", close to the sea. Staff were strict about meals; she had to sit and finish a meal after everyone had left. Generally, she had very happy memories.⁶⁵⁰

4.507.4 WN3 (resident for two years in the 1970s) stated that staff were "*really nice*" and she would like to have stayed at Brig-y-Don long-term.⁶⁵¹

Governance

4.508 Brig-y-Don was overseen by a Committee during its time as a Voluntary Home and Margaret Holley said that she was answerable only to them.⁶⁵² The membership, according to her, tended to be "*pillars of the community*" from a range of professional backgrounds, and included a representative of

⁶⁴⁷ Day 68/337

⁶⁴⁸ Day 22/54

⁶⁴⁹ WS000540

⁶⁵⁰ Day 20/18

⁶⁵¹ Read in on Day 57

⁶⁵² WS000575/3

Children's Services. Meetings were monthly and held at the Home. Margaret Holley presented short written reports about the Home and then expanded on this orally; the Committee prepared annual reports.⁶⁵³

4.509 Although the Committee had overall responsibility for the Home, Margaret Holley recalled that if there were any concerns about a child then they would raise this with Children's Services. They did so on two occasions in particular due to suspicions of abuse in the family home.⁶⁵⁴ Each child would also have a CCO, who would visit and spend time with the child.⁶⁵⁵

4.510 There was a period in the early 2000s in which the financial viability of Brig-y-Don was in issue due to the growing preference of Children's Services to place children under the age of 11 in foster care rather than Brig-y-Don.⁶⁵⁶ However, Margaret Holley and others on the Brig-y-Don Committee felt at that time that there was still a need for Brig-y-Don due to the insufficiency of foster placements.⁶⁵⁷

Findings: Brig-y-Don: a Private/Voluntary Home (1934–2012)

4.511 During Margaret Holley's tenure as Matron of Brig-y-Don, the management and organisation of the Home were adequate. Brig-y-Don succeeded as a children's home largely because of the leadership of Margaret Holley. To her credit, she kept pace with the thinking elsewhere, and maintained a high staff to child ratio. In the late 1980s and early 1990s, the Home was at the forefront of shared care, outreach and key worker schemes, which helped to focus on the individual child and to maintain close contact between children and their families. WN503's recruitment helped to drive progress in developing child care practice at the Home.

4.512 Recruitment was largely the responsibility of Margaret Holley, although the Brig-y-Don Committee, in which Children's Services played a role, was also involved. Qualifications were seen as a bonus and previous experience was

⁶⁵³ WS000575/5

⁶⁵⁴ WS000575

⁶⁵⁵ Day 68/75

⁶⁵⁶ WD005488/40

⁶⁵⁷ Day 68/553

seen as the most important quality. Although they were sometimes understaffed, staff turnover was low due, no doubt, in large part to the culture of the Home. A system of supervision evolved and Margaret Holley herself was supervised by someone within Children's Services, despite Brig-y-Don's status as a Voluntary Home. We think that the approach to supervision and recruitment was adequate for the standards of the time.

- 4.513 Staff attended training sessions run by the States of Jersey and Margaret Holley encouraged discussion between staff. We consider that this was largely adequate in itself, and think that Margaret Holley's insight as to the limits of the training and qualifications of her staff was a positive thing. This ensured that they would obtain external support when necessary.
- 4.514 The placement of young children under four years of age in residential care at Brig-y-Don up to and during the 2000s was not an adequate policy according to the standards of the period under review. It was "*significantly out of step with practice in the UK*" according to Maria Ruegger.⁶⁵⁸ Children of that age in the UK were usually placed in foster care. However, we note that any fault does not lie with the management of Brig-y-Don, and that a likely cause for these placements was the lack of available foster parents – a problem which we discuss in Chapters 2 and 3.
- 4.515 On the basis of the limited evidence available to us, we find that the culture of the Home was generally a positive one, with a friendly and warm atmosphere. Discipline was left to the judgement of staff and was "firm but fair", and the approach to discipline progressed in line with practice elsewhere in the 1990s.
- 4.516 On the basis of the evidence of Margaret Holley, children were provided with the opportunity to raise complaints in the 1990s. We consider that this was a positive step and in line with the developing position in the UK at the time.
- 4.517 Governance of Brig-y-Don during this period was adequate. In comparison to the other major Voluntary Homes at this time, La Preference, Brig-y-Don had a Committee that appears to have provided proper oversight of the children in

⁶⁵⁸ Consultant Guardian and Social Care Expert

its care. Annual reports were prepared by the Committee, and Margaret Holley reported to them on a regular basis as to the welfare of the children.

4.518 By the mid-1980s, a large proportion of children at Brig-y-Don were placed there by Children's Services, and we note that they retained some oversight of the Home. A representative from Children's Services was on the Brig-y-Don Committee, they would be involved if there were any concerns about a child at the Home, and each child had a CCO who would visit and spend time with them. We consider that the involvement of Children's Services in the governance of Brig-y-Don was adequate.

Brig-y-Don: run by the States of Jersey (2011 to present)

4.519 The Inquiry did not hear oral evidence from any witness who was resident or who worked in Brig-y-Don during this period. As a result, our analysis is based on documentary evidence, as well as the oral evidence of Phil Dennett, who held an oversight role at that time.

4.520 As noted in Chapter 3, in June 2011 Brig-y-Don re-opened as a small six-bedroom unit run by the States of Jersey, taking the young people previously resident at Heathfield. Admissions were by application of the allocated social worker to the Placement and Resource Panel, or in an emergency, to the Manager of Residential Secure Services. Children were provided with a Children's Guide and an information pack prior to arrival. An induction period of four weeks followed with an assessment of needs completed within the first two weeks.⁶⁵⁹

4.521 In the "Statement of Purpose and Function" for Brig-y-Don, dated May 2013, the staffing structure is set out, noting that there should be one or two care staff on duty at any one time.⁶⁶⁰ The Manager and/or Senior Shift Leader was responsible for running the Home. The qualifications and experience of the 12 care staff are set out, and we note that the vast majority have many years' experience working with children and young people.⁶⁶¹

⁶⁵⁹ WD009223

⁶⁶⁰ WD000729/7

⁶⁶¹ WD008729/13

4.522 In October 2012, there were three children in Brig-y-Don House and one child with “*multiple emotional and physical problems*” in one of the flats. The Board of Visitors noted in their annual report: “*despite all its obvious advantages Brig-y-Don does not appear to have the feel or the same happy relaxed atmosphere that the smaller homes ... appear to have achieved ... The larger size, wider age range and staff changes may have contributed to this. The staff are friendly and professional and do their best to deal with some challenging behaviour*”.

4.523 In June 2013, the SOJP noted that a recent increase in “*missing persons*” reports from the Home was partly due to an SOJP directive (about how things were logged) as a result of concerns about child sexual exploitation.⁶⁶² Phil Dennett, (Manager of Children’s Services), told the Inquiry that Children’s Services were a key partner agency in Operation Vessel.⁶⁶³ One of the ways they were addressing sexual exploitation of children in care was by responding immediately when someone went missing. He thought that the reason for absconding at Brig-y-Don was due to a combination of factors. This included lack of stability and good relationships that provide emotional attachment for young people.⁶⁶⁴ At this time, serious concern was expressed by the Honorary Police about the control of a number of young people housed at Brig-y-Don.

4.524 In October 2013, there were six residents described by the Board of Visitors as “*challenging in their individual ways*”. The annual report expresses concern about “*a lack of leadership ... Staff being at a loss to know how best to deal with the many challenging situations that arise. We feel that the culture of the home needs to change in order to provide a suitable environment for the (young person) to grow and develop*”.⁶⁶⁵ They noted that the Home had “*the character of a turbulent Children’s Home*” despite the staff efforts and the fact that facilities were of a high standard. There was a large turnover of residents, which led to a lack of community feeling between them. Several of the

⁶⁶² WD009031

⁶⁶³ A 2013 investigation into allegations of child sexual exploitation of 12 girls aged 12–16

⁶⁶⁴ Day 134/121

⁶⁶⁵ WD009019/17

residents were waiting for suitable foster placements, making it difficult for them to remain positive.

- 4.525 In November 2013, an email from the Health and Social Services Health and Safety Manager noted 127 reports⁶⁶⁶ (dating back to 2011) reported on Datix,⁶⁶⁷ which had not been investigated. In total, there were 47 reports in 2012 and 135 reports in 2013.⁶⁶⁸ These reports consisted of requests for police attendance, occasions on which physical restraint was used, and incidents of violence and aggression. In evidence to the Inquiry Phil Dennett said that he thought that investigations were undertaken but the managers were not “*signing off*” electronically.
- 4.526 In a meeting between Phil Dennett and the Manager of Brig-y-Don in March 2014, Phil Dennett expressed “*great concerns regarding Brig-y-Don*”.⁶⁶⁹ These included: “*children absconding, an increase in the use of restraint and challenging behaviour by young people*”.⁶⁷⁰ He acknowledged that the situation was complex, but noted that other outside agencies in addition to the Board of Visitors had expressed their concerns about the situation at the Home. During this meeting, Phil Dennett explained that the Manager would be moved into a different team and that Joe Kennedy would go into Brig-y-Don.
- 4.527 Phil Dennett was asked why, mindful of Dr Kathie Bull’s Report, Children’s Services were still having problems dealing with children with behavioural difficulties. He replied that the small number of children remaining in residential care were “*probably the most challenging*” and also thought that it could be partly explained by the political decision to use a six-bedded home, when his preference would have been for three-bedded units.⁶⁷¹ He also stated that an outside person, Mike Weldrick, was brought in to analyse each and every report where physical restraint had to be used.⁶⁷²

⁶⁶⁶ Some requiring police attendance, some recording physical restraint, some recording violence and aggression

⁶⁶⁷ Reports requesting police attendance, recording physical restraint, incidents of violence and aggression

⁶⁶⁸ WD9029

⁶⁶⁹ WD009022

⁶⁷⁰ WS000708/6

⁶⁷¹ Day 134/118

⁶⁷² Day 134/118–119

4.528 By October 2014, Brig-y-Don was considered to be “*no longer in a state of crisis*” although there was still some way to go.⁶⁷³ Improvements still needed included routines being put in place and unity of purpose among staff, refurbished rooms, improved all round relationships, and the project lead doing regular daytime hours as opposed to shifts. Staff at the Brig-y-Don Flat were praised for their care for the one young person in residence, although the accommodation was criticised as leaving him isolated.

Findings: Brig-y-Don: run by the States of Jersey (2011 to present)

4.529 On the basis of the documentary evidence, between 2012 and 2014, the management and organisation of the Home were not adequate. By then, this was an entirely different institution to that which had been privately run. Although the number and quality of staff appear to have been adequate, in 2013, the Board of Visitors were “*very concerned*” about the situation at the Home, noting that it had “*the character of a turbulent children’s home*”. Reports show a high number of incidents of violence and aggression, and several requests for police attendance and incidents of physical restraint. We acknowledge Phil Dennett’s evidence that residents may have posed challenges and that a change in management occurred in 2014 after he also expressed “*great concerns*” about the Home. Things appear to have improved from this point.

4.530 The culture of the Home during this period appears to have been a negative one, with the Board of Visitors noting in 2012 that it did not have a “*happy relaxed atmosphere*” and in 2013 that “*the culture of the home needs to change in order to provide a suitable environment for the [young persons] to grow and develop*”.

4.531 We do not have sufficient evidence to come to a finding on the governance of Brig-y-Don during this period, however we do note the intervention of Children’s Services following the critical reports by the Board of Visitors and other outside organisations.

⁶⁷³ Report WD009325/15

Family Group Homes

General background across the Family Group Homes

4.532 We have begun by setting out some of the general background across the Family Group Homes (FGHs) that existed in Jersey from 1960 to 1993, and making findings on these Homes as a whole. We then go on to look at each of the individual Homes and make findings on the adequacy of the management, organisation, culture and governance of the Home.

4.533 In 1960, the Education Committee sought approval from the Housing Committee for its proposal that a purpose-built FGH should be built. This replicated the approach adopted in England that FGHs should, where possible, be part of new housing stock to blend in with ordinary family housing. In June 1960, the Housing Committee let the first house selected, 46 Nicholson Park, to the Education Committee as a FGH. In 1962, the Housing Committee allocated a house on the Clos des Sables estate, for use as an FGH.

4.534 In 1970, the Home Office Inspectorate report⁶⁷⁴ noted that the five FGHs seemed to have been envisaged as large foster homes, however some had developed differently. It recommended that that the FGHs needed a more professional development into small children's homes, and a possible later expansion in numbers. The Inspectors also said that they hoped to see the Houseparents regarded as "*salaried staff carrying out a defined job, rather than as substitute parents looking for the particular emotional satisfaction which this can offer*". They thought that the staffing structure of one Housemother with a part-time relief assistant and a domestic help was "*quite suitable*" but that the number of children needed to be limited to eight, including staff children.

4.535 In July 1976, a review of the FGH system was carried out by the Education Committee.⁶⁷⁵ The review noted that:

⁶⁷⁴ WD006194/4-5

⁶⁷⁵ WD001402; WD001403

- 4.535.1 the Houseparents at the different FGHs approached the task differently, ranging from a strictly professional approach to a “*more cosy, but questionable atmosphere of some sort of pet name for the Housemother, e.g. ‘mummy’ or ‘auntie’*”;
- 4.535.2 members of the sub-committee were recommended to visit regularly, giving no more than two hours’ notice;
- 4.535.3 CCOs tended not to visit the children very often because the FGHs were regarded as a reasonably stable environment;
- 4.535.4 the Housefather is responsible for the Home and for supervising staff in the event that the Housemother is absent for up to four weeks or more;
- 4.535.5 some Housemothers felt isolated from their colleagues in child care (both residential and field staff) and resented the inevitable change in field staff allocated to the children.
- 4.536 In 1977, a statement from the President of the Education Committee about FGHs noted, among other things, that the five original FGHs could together accommodate 33 children, but, following a re-organisation, they could provide places for 18–20 children. Senator Jeune said that they would continue to provide FGHs for as long as there are children in care requiring this kind of environment and if more young children came into care in the future, the Committee would wish to open more.
- 4.537 The maximum number of FGHs at any one time was five. During most of the 1980s, only two remained: Blanche Pierre and Clos des Sables. Following allegations of abuse, Clos des Sables closed in 1989 and Blanche Pierre in 1993, ending Jersey’s use of FGHs.
- 4.538 The SCCO responsible for the FGHs was Brenda Chappell. She was unable (by reason of ill health) to give evidence to the Inquiry about her role as SCCO.

4.539 Anton Skinner gave the following general evidence to the Inquiry about FGHs:⁶⁷⁶

4.539.1 They were designed for children on long-term placements in care but for whom foster homes could not be found.

4.539.2 Housemothers undertook rudimentary training (such as on nutritional needs) but it was not extensive.

4.539.3 The aim of the FGH may have been a naive concept; asking two people without any training to look after large groups of emotionally damaged children. The work required a high level of understanding, patience and intuition and he felt that Houseparents were given an impossible task.

Findings: Family Group Homes as a whole

4.540 We find that the rationale for setting up FGHs in the late 1950s/early 1960s, based on Patricia Thornton's experience in England of breaking down large institutions and giving children in care the experience of living in a family, was an appropriate policy to have adopted at the time.

4.541 By the early 1970s, the concept of the FGH, as a means of residential child care in Jersey, was being abandoned across the UK as unworkable, not least because it was becoming difficult to recruit couples only one of whom would be paid. Poor oversight and unsuitable, inadequately trained, or poorly supervised staff, led to children suffering abuse or failing to receive nurturing care.

4.542 The expectations and responsibilities placed on the Houseparents (particularly the Housemother) were too onerous and absent of any professional training or guidance.

4.543 A system whereby the Housefather was expected to look after children in care, without being employed by or accountable to Children's Services, was inadequate.

⁶⁷⁶ Days 87–89; WS000614

4.544 In 1970, the Home Office Inspectors advocated more professional development of FGHS, with the Housemother less emotionally involved.⁶⁷⁷ This was not pursued in Jersey and arrangements for support were inadequate.

4.545 The intended arrangements for support were inadequate. Visits by CCOs were irregular and ad hoc visits by the Children's Officer insufficient. In an island as small as Jersey, this is inexcusable and inexplicable.

4.546 There was insufficient attention paid to the need to maintain children's links with members of their birth family. Indeed, on the evidence available to the Inquiry, in some of the FGHS, those links were positively discouraged.

Nicholson Park/Clos de Roncier

4.547 There is limited information about the operation of this FGH due to the length of time that has elapsed since its closure in 1977 and the fact that the only Houseparents, Mr and Mrs Edwards, are both deceased.

4.548 We note that Mr and Mrs Edwards were offered the Houseparents' posts at Nicholson Park, and the Children's Officer's 1961 report stated that the children were "*now much welded into a family*".⁶⁷⁸ As with other FGHS, some oversight of the running of the Home appears to have been by way of biannual reports about the children presented by the Houseparents.⁶⁷⁹

4.549 In March 1965, the Houseparents and residents moved to a new property at Clos de Roncier, which coincided with an increase in the number of residents.⁶⁸⁰ Following Mrs Edwards' death in 1977, the Home was closed. The residents were redistributed across the other States' facilities and Mr Edwards was given notice to quit.⁶⁸¹

⁶⁷⁷ WD006194/4-5

⁶⁷⁸ WD004986

⁶⁷⁹ E.g. WD004991 from Jan 1965

⁶⁸⁰ WD004991

⁶⁸¹ WD004998

Findings: Nicholson Park/Clos de Roncier

4.550 We do not have sufficient evidence on which to make findings about this FGH, although we do note that there is only one allegation of abuse made in relation to this Home, and that the children were described in 1961 as “*welded into a family*”.

Clos des Sables

Organisation and management

4.551 Janet Hughes told the Inquiry that, on her appointment as Housemother at Clos des Sables in 1964, the expectation was that the maximum number of children residing at the home (including her own) would be 10.⁶⁸² Instead of applying, she was approached by Patricia Thornton and Charles Smith, who explained the concept of FGHs to her during an informal first meeting.⁶⁸³ She said that the expectation was that Les Hughes “*would have some input for which he was not going to be paid a salary, but he was given free board and lodgings*”.⁶⁸⁴

4.552 The Children’s Officer received positive references for Janet and Les Hughes prior to their appointment. Janet Hughes was described as a “*truly wonderful mother*”, Les Hughes as someone who would “*assert his discipline in a sensible and fatherly way*”.⁶⁸⁵

4.553 WN283 applied for a job at Clos des Sables, having seen an advertisement in the newspaper. She had no qualifications but had one reference from her father’s solicitor saying that she came from a good family. She recalled an informal conversation with Janet and Les Hughes and a short interview with Charles Smith. She met the children and was given a book of information about them.⁶⁸⁶

⁶⁸² Day 69/17

⁶⁸³ Day 69/16

⁶⁸⁴ Day 69/20

⁶⁸⁵ WD006122/10

⁶⁸⁶ WS000725/2

4.554 Janet Hughes initially had only one day off a week, when she was also expected to visit the Children's Department.⁶⁸⁷ When WN283 joined, Janet Hughes was able to have two days off per week. WN283 states that she did everything from domestic work to helping with the children. She worked over 40 hours per week, mostly when Janet and Les Hughes were not there. There were periods when she worked three days on her own which she found "extremely challenging". According to WN283, it was impossible to get hold of a CCO at the weekend although Children's Services did occasionally send a member of relief staff to help.⁶⁸⁸ She felt that Janet and Les Hughes "*did the bare minimum to keep the place ticking over*" and in her view the Home was "*very badly run*".⁶⁸⁹ In a Probation Service Report from 1989, it is noted that Janet Hughes had described herself as having "*reached a stage of near breakdown*" and having found the task too difficult almost from the very beginning.⁶⁹⁰

4.555 Janet Hughes recalled that she was assisted at the outset by WN635 who worked 22 or 25 hours per week.⁶⁹¹ According to Janet Hughes, there was only a single staff member on duty at any one time and she relied on her husband to help especially during the evening meal. In a 1989 report Anton Skinner noted an increase in the staff in 1984 to three in order to give the Hughes at least two days per week out of Clos des Sables.⁶⁹² Janet Hughes commented that "*they should have had a higher level of staffing, not all that responsibility should have been dumped on one person. I mean okay, my husband was there, but it was not his responsibility ultimately*".⁶⁹³

4.556 In his police interview in 1989, Les Hughes said that he was employed outside of the Home, but helped his wife attend to the children's needs when he returned.⁶⁹⁴ Janet Hughes recalled in evidence that Les Hughes was

⁶⁸⁷ In a Probation Service Report from 1989, Mrs Hughes described that she found her task too difficult almost from the beginning

⁶⁸⁸ WS000725/3

⁶⁸⁹ WS000925/17

⁶⁹⁰ Day 69/57

⁶⁹¹ Day 69/18

⁶⁹² WD000166

⁶⁹³ Day 69/95

⁶⁹⁴ WD006099

effectively involved in all parts of looking after the children, as well as assisting with maintenance and repairs. He spent time alone with the children, including reading them bedtime stories, which seemed “*quite normal*” to her.⁶⁹⁵ Janet Hughes said that she would have been unable to manage Clos des Sables without his input and that Children’s Services expected him to help with the children.⁶⁹⁶ He also said that he attended Education Committee case conferences if he was available and was permitted to do so. He was, in the main, fully acquainted with the history of the children in his care.⁶⁹⁷

4.557 There were several short periods when Janet Hughes was ill and Les Hughes was temporarily employed as a CCO and paid a salary.⁶⁹⁸ He rejected the request from Children’s Services that he also be employed and Janet Hughes had the feeling that Children’s Services knew about Les Hughes’ increasing role, but thought it was “*an answer to their prayers, they did not have to find someone to fit this role*”.⁶⁹⁹ Janet Hughes recalled that her husband was “*totally trusted*” by the Children’s Department,⁷⁰⁰ but said that she was “*surprised when I read that he was not supervised, or asked questions or anything*”.⁷⁰¹

4.558 Janet Hughes told the Inquiry that she was never offered training nor expected to receive any before starting at Clos des Sables. The occasional symposium, organised for all the Family Group Homes, took place roughly every six months; these included some role-playing and discussion about behavioural problems.⁷⁰²

4.559 WN283 said “*I was expected to do everything to meet the different needs of all of the children, with no support or training*”.⁷⁰³ In her 15 years at Clos des Sables, WN283 received no training. Even after the allegations about Les Hughes came to light, she noted “*we did not receive any training in how to*

⁶⁹⁵ Day 69/51

⁶⁹⁶ Day 69/54

⁶⁹⁷ WD006102/15

⁶⁹⁸ WD006122/20

⁶⁹⁹ Day 69/62

⁷⁰⁰ Day 69/77

⁷⁰¹ Day 69/95

⁷⁰² Day 69/48

⁷⁰³ WS000725/4

deal with disclosures of allegations of abuse. There was no change to the way that we worked”.⁷⁰⁴

4.560 In response to a question about whether training may have made a difference to her husband’s sexual assaults, Janet Hughes said:

*“I’m sure it would have done. I for one would have recognised the signs when this child was getting very distressed. There were times when she was not a happy little girl and she was very distressed, but she had difficulties with her own mother ... to me she was reacting quite normally to all the awful things that were happening to her ...”*⁷⁰⁵

4.561 At one stage, Janet Hughes came to the view that the Home could not “*work in the way intended by the Children’s Department*”, recalling that there came a time when the residents were “*a very disparate group of all sorts of children with various problems, each one of them needing more attention than another*”. She later described this as having gradually evolved from a Family Group Home into a “*small children’s home*”.⁷⁰⁶ She recalled that as each child left, the gap was filled almost immediately by another child and that this high turnover caused difficulties in that the children were expected to welcome this new person into the situation.⁷⁰⁷

4.562 Janet Hughes retired in March 1990 following the conviction of Les Hughes. Anton Skinner did not instigate any investigation into the governance of the Home. Indeed, notwithstanding the fact that Janet Hughes had had the day-to-day management of the Home and the wellbeing of the children, he wrote a letter on behalf of the Education Committee passing on “*their appreciation for your many years of loyal and excellent service to the Department*”.⁷⁰⁸

4.563 When Audrey Mills was asked to take over at Clos des Sables for a few months after the departure of Janet and Les Hughes, she was told that abuse had taken place but was given no details. She said “*the role I was given was*

⁷⁰⁴ WS000725/17

⁷⁰⁵ Day 69/94-95

⁷⁰⁶ Day 69/66

⁷⁰⁷ Day 69/83

⁷⁰⁸ WD006104

to give stability to the children and I stayed at the Home until (the remaining children) were placed elsewhere".⁷⁰⁹

4.564 WN283 described the environment as "*immediately more relaxed*" when the Home was managed by Audrey Mills. Children went on day trips for the first time ever and Audrey Mills "*did much more for the children*".⁷¹⁰

Culture

4.565 WN283 said that Janet and Les Hughes "*rarely showed any love towards the children*" and she recalled "*the negative environment of the home*". The food that Janet Hughes left for the children "*never seemed to be enough*". Janet Hughes locked the food cupboards and the fridge freezer which WN283 "*found very odd, and I had to go out to buy more food for the children*". She was not reimbursed but "*could not let the children starve*".⁷¹¹

4.566 Marnie Baudains (CCO at the time) thought that efforts had been made to integrate the children within the estate and that the Home had quite a pleasant feel. She thought it odd that the Hughes' adult son lived at Clos des Sables after Les and Janet Hughes moved out into their own accommodation. She also noticed the frugality of food at Clos des Sables but did not recall a padlock on part of the fridge.

4.567 Janet Hughes recalled that she certainly did not want the children at Clos des Sables to call her "Mummy" – some called her "Auntie", others called her "Janet" and one or two even referred to her as "Mrs Hughes", which she says was "*fine by me*". She also said that she and her husband made no distinction between the children in care and their own children, which was corroborated by her daughter.⁷¹²

4.568 The 1981 Lambert and Wilkinson Report⁷¹³ noted:

⁷⁰⁹ WS000585/11

⁷¹⁰ WS000725/8

⁷¹¹ WS000725/7

⁷¹² Day 69/88

⁷¹³ WD007382/63

- 4.568.1 the Houseparents had excellent relationships with local schools and the children were *“exceptionally well integrated into the local neighbourhood”*;
- 4.568.2 Janet and Les Hughes maintained a good relationship with CCOs. Although there was frequent contact with the Children’s Officer, *“one would have looked for more frequent contact with senior staff”*;
- 4.568.3 most of the children had been resident in other establishments and presented few major problems but were vulnerable and in need of a *“sympathetic and secure home base”*;
- 4.568.4 the FGH offered a reasonable alternative in cases where natural parents may have objected to fostering.
- 4.569 WN23 was a resident from the age of six until she was 15 (1974–1985) and described that in practice, Janet and Les Hughes ran Clos des Sables along with another full-time staff member. The Hughes’ son also lived in the Home which WN23 thought was odd – a sentiment shared by WN148.⁷¹⁴ WN148 told the Inquiry that Janet Hughes was in charge and that Les Hughes acted as *“backup”*.⁷¹⁵
- 4.570 WN148 moved to Clos des Sables in 1978 and said that Janet Hughes showed no love or emotion and was *“there to do a job”*.⁷¹⁶ When social workers visited it was to speak privately with Janet Hughes. They only spoke briefly to WN148 and then in a room adjoining the kitchen. WN148 therefore felt unable to tell social workers what was going on at the Home. She confirmed that Clos des Sables was run on a tight budget and that the children could not just help themselves to food.⁷¹⁷ WN148 told the Inquiry that it was Les Hughes who put the children to bed.⁷¹⁸ Once she had left Clos des

⁷¹⁴ WS000083/6

⁷¹⁵ Day 21/29

⁷¹⁶ Day 21/30

⁷¹⁷ Day 21/28

⁷¹⁸ Day 21/37

Sables she was not allowed to return to visit WN23 because she was not a family member.⁷¹⁹

Governance

4.571 Janet Hughes said in evidence that it was her impression that Charles Smith (Deputy Children's Officer and then Children's Officer) was more interested in financial expenditure at Clos des Sables rather than the wellbeing of the children.⁷²⁰ Each child had a CCO who visited with varying degrees of regularity. Some would turn up unexpectedly and she "*did her level best*" to give them the opportunity to speak to the child individually in a room alone or by taking the child out.⁷²¹

4.572 WN283 did not remember the children "*ever being given the opportunity to talk to a social worker on their own*".⁷²² She never received guidance from Children's Services or any information about the children's backgrounds. There was no supervision or monitoring and it was her impression that Brenda Chappell (Senior Child Care Officer) did not want to hear about what she had to say in case it "*rocked the boat*". Contact with Children's Services was not encouraged.

4.573 David Castledine (CCO) disagreed with the suggestion that Family Group Homes were isolated. He said that he visited fortnightly or at least monthly; this was the same with foster placements. He could not comment regarding his colleagues at the time; they each had responsibility for their own caseload.⁷²³ He did not think that Les Hughes had managed to assault children at Clos de Sables through lack of supervision.

4.574 Janet Hughes produced reports for the Children's Sub-Committee, which she read out at meetings and on which she answered questions if necessary. Some members visited Clos des , and Janet Hughes recalled that they "*would*

⁷¹⁹ Day 21/51

⁷²⁰ Day 69/36

⁷²¹ Day 69/38

⁷²² WS000725/10

⁷²³ Day 85/19

always listen to any problems that I had.⁷²⁴ Despite this positive relationship, Janet Hughes recalled that, in response to the changing environment at Clos des Sables, she was “*left with the problem and was supposed to work it out for myself*”.⁷²⁵

Findings: Clos des Sables

4.575 The management and organisation of Clos des Sables was inadequate. The lack of support staff for Janet Hughes meant that she barely had any time off and was often caring for 10 children by herself. Although this improved by 1984, all that the Hughes’ could do was “*the bare minimum to keep the place ticking over*” and Janet Hughes described herself as having “*reached a stage of near breakdown*”, having found the task too difficult almost from the very beginning. This was, at least in part, caused by the structural problem of FGHs themselves, which had the number of residents of a small children’s home, and the staffing structure of a foster home.

4.576 Another of the structural problems with FGHs was highlighted at Clos des Sables: there was a reliance on Les Hughes to provide care for vulnerable children in the care of the States of Jersey, without any training, supervision, or questions asked. He was effectively carrying out the role of foster parent to a large number of children, without any of the same supervision. In this case, the nature of his role had dreadful consequences for children living in the Home.

4.577 Janet and Les Hughes were recruited in the 1960s with positive references, which we consider was an adequate recruitment process by the standards of the time.

4.578 There was a lack of training for FGH Houseparents and staff, which was inadequate by the standards of the time. This lack of training continued up to 1989 (even after the disclosures of abuse had been made).

⁷²⁴ Day 69/81

⁷²⁵ Day 69/102

4.579 Evidence on the culture of the Home is mixed, with witnesses noting the frugality of food available to the children and some noting locks on cupboards and the fridge. On the other hand, Marnie Baudains thought that the Home had quite a pleasant feel and Lambert and Wilkinson noted that the children were well integrated into the local community. The fact that for most of the Home's existence, children were being sexually abused in a relatively small environment, suggests to us that there was a culture of impunity.

4.580 Governance of the Home was inadequate. Although CCOs visited fairly regularly, senior social workers within Children's Services (for example, Brenda Chappell and Charles Smith) largely left the Hughes' to run the Home by themselves. It is unclear how regularly CCOs were able to see children by themselves, but we note that it was their efforts that contributed to disclosures of abuse in the late 1980s.

Family Group Home run by WN279 and WN281

Organisation and management

4.581 The job of Housemother was offered to WN279 in November 1966.⁷²⁶ She had previously worked for a couple of days per week at another of the Family Group Homes and was interviewed along with her husband at the Children's Office with Patricia Thornton and a couple of others, during which they provided some background information about their beliefs and way of life. They were never asked about qualifications or previous experience, although WN281 thinks that WN279's previous experience in dealing with people who were sick and vulnerable was looked upon favourably. He does not remember providing any references, but is sure that references would have been obtained.⁷²⁷

4.582 WN279 was paid a salary plus a "*responsibility allowance*" and a further sum in recognition of the fact that she had certain qualifications. Her husband WN281 was entitled to free board and lodging in return for helping with the

⁷²⁶ WS000713/3

⁷²⁷ WS000713/3

children and household activities. WN279 accepted the post from 1 January 1967 and until the FGH was ready, she worked at HDLG.

4.583 A report from December 1967 notes that two Assistant Housemothers worked at the Home.⁷²⁸ The post of full-time relief Housemother was created in April 1969. One of the original Assistant Housemothers resigned in October 1970 and was replaced by a part-time domestic member of staff.⁷²⁹ WN287 moved to the FGH in 1975, after having trained in England and qualified as a Residential CCO there, and having been involved in child care work in Jersey for several years. When she was appointed, Brenda Chappell asked her to report any concerns in respect of children in the care of WN279, which she believes was simply because Brenda Chappell was anxious to ensure that the children were OK.⁷³⁰ WN281 notes that relief staff would help out with the chores and generally with the children. Prospective applicants would apply to Children's Services for the job, but he and WN279 would be involved in interviewing them and WN279 would make the final decision as to the choice of the candidate.⁷³¹

4.584 WN279 and WN281 had every other weekend off and the relief staff would care for the children including their own children. WN281 worked outside of the Home during the week. He left the practicalities of running the Home to WN279. They did not receive any training while at the FGH, nor any guidance as to acceptable forms of discipline.⁷³²

4.585 In May 1974, WN279 fell seriously ill, requiring surgery. The Assistant Housemother took charge until WN279's return to full-time duty in September 1974.⁷³³ WN281 said that during the next 18 months caring for the children was extremely difficult and they relied more on the support of the Assistant Housemother and relief staff who effectively became the primary carers.

⁷²⁸ WD001390

⁷²⁹ WD001407

⁷³⁰ WS000594

⁷³¹ WS000713/5

⁷³² WS000713

⁷³³ WD001387

WN281 told the Inquiry they considered giving up the Family Group Home at this stage but did not want to let down the children.⁷³⁴

4.586 In January 1977, the Children's Sub-Committee was informed that WN279 wished to retire on the basis that she had been advised by her doctor to cease working. She was granted early retirement on the grounds of ill health and a temporary Housemother was appointed on a monthly basis.⁷³⁵ WN281 says that they took this decision themselves despite his concerns about what would happen to the children,⁷³⁶ although (as we discuss in Chapter 9) there is also some evidence to suggest that WN279 was asked to retire due to an allegation being made against her.

4.587 The Assistant Housemother, WN287,⁷³⁷ remained at the FGH until two of the remaining children were placed back with their mother and the other three at La Preference. She said she did not receive any additional training before taking on the role⁷³⁸ and left at the end of August 1977.

4.588 By the time the Home closed in August 1977, only a small number of children remained, some of whom were "*rehabilitated*" with their mother. An Educational Psychologist recommended that the remaining children be placed in a larger establishment "*because of their experiences towards the latter part of [WN279]'s service*". There is no further information as to the "*experiences*" referred to by the psychologist but we note the allegations of physical assault that had been raised against WN279 at that time, as discussed in Chapter 9.

Culture

4.589 In evidence to the Inquiry, WN281 made a number of points about the routine, the approach to discipline and the contact between the children and their natural families, including:⁷³⁹

⁷³⁴ Day 137/22

⁷³⁵ WD001399

⁷³⁶ WS000713/17

⁷³⁷ WN287 was a qualified residential Child Care Officer who moved to the Family Group Home in 1975

⁷³⁸ WS000594

⁷³⁹ WS000713/10; Day 137

- 4.589.1 They occasionally took the foster children (those children who were placed in their care by the States of Jersey, as opposed to being their own children) away on holiday with them but not always.
- 4.589.2 The reason their own children went to private school and the foster children went to state schools was that they wanted their own children to go to Catholic school.
- 4.589.3 They did not treat the foster children and their own children differently, and there was no segregation.⁷⁴⁰
- 4.589.4 If children misbehaved, he would speak to them and persuade them what they had done was not right. If that failed, he would pretend to be really cross. He may have given the children a tap on the bottom over their clothing, but certainly did not hurt them. He did not believe in violence.
- 4.589.5 WN279 may have raised her voice at the children from time to time and given them a light tap on the wrist, but she did not injure them.
- 4.589.6 The foster children had almost no contact with their natural families but knew that WN279 and WN281 were not their natural parents.
- 4.590 WN281 was asked to comment upon a contemporaneous note from the children's CCO, Ms Hogan, in which she stated that WN279 had told two of the children that they were to address a letter to their mother by her first name rather than "*Dear Mummy*".⁷⁴¹ He said that his wife never stopped the children from writing to their mothers and that although the foster children called them "Mum and Dad" they never insisted upon it.⁷⁴²
- 4.591 In February 1975, allegations of physical assault were made against WN279, as discussed in Chapter 9. The CCO, Ms Hogan, noted some other matters at that time:

⁷⁴⁰ Day 137/11

⁷⁴¹ WD009278/6

⁷⁴² WS000713/11

- 4.591.1 Mr Shepherd (Head Teacher for some of the children) commented that WN279 never came to parents' evenings or discussed the children's progress.
- 4.591.2 Mr Shepherd was unimpressed with WN279. None of the children were allowed to join any outside organisations.
- 4.591.3 WN279 was "*tense and watchful*" during Ms Hogan's visits to the Home and rarely left her alone with the children.⁷⁴³
- 4.591.4 The teacher for one of the residents (WN214) had mentioned that after one or two of WN214's friends went to tea at the Home, they had commented on the tense atmosphere.⁷⁴⁴ Ms Hogan herself thought that there was a "*very controlled atmosphere*" in the Home and WN279 did not seem to want Ms Hogan to be alone to talk to WN287 (Assistant Housemother).⁷⁴⁵
- 4.592 In his evidence to the Inquiry, WN281 said in reply that he and his wife usually attended parents' evening; the children did join organisations such as Guides and Scouts; and although the Home atmosphere might have changed a little after his wife's illness, it was still "*a family atmosphere*". WN281 said that either Ms Hogan misinterpreted the situation or the record is not accurate.⁷⁴⁶ As to whether there was any change in culture after his wife became ill he thought that the children would have noticed a difference. WN279 became much quieter and might have become a bit more impatient.⁷⁴⁷
- 4.593 The Assistant Housemother, WN287, told the Inquiry that the children were verbally chastised in her presence; some stood to attention and said "*Yes, Mummy*" and "*No, Mummy*". The children were called by their surnames when chastised and denigrated about their backgrounds.⁷⁴⁸ WN279 spoke harshly to the foster children and did not look after their emotional needs, according to

⁷⁴³ WD009278/25

⁷⁴⁴ WD009278/23

⁷⁴⁵ WD009278/25

⁷⁴⁶ Day 137/335

⁷⁴⁷ Day 137/23

⁷⁴⁸ Day 76/149

WN287. On the other hand, children were (contrary to some suggestions) allowed to chat at mealtimes, and the foster children were not treated any differently to WN279 and WN281's own children. WN281 denied the negative assertions made by WN287 and said that his wife was a caring person.⁷⁴⁹

4.594 In a note from 1975, Ms Hogan recorded WN279 saying in respect of one group of the children that "*they are all, and always have been, persistent liars*".⁷⁵⁰ WN281 said that they did not think of the children as "*persistent liars*".⁷⁵¹

4.595 The witness evidence regarding life at this Family Group Home is diametrically opposed. Three former residents allege an abusive regime while other former residents maintain that it was a reasonably normal household.⁷⁵² In addition some witnesses state that the natural children were treated differently from the foster children, while others maintain that all were treated equally.

4.596 Examples of the evidence about daily life are set out below:

4.596.1 "*We lived under a reign of terror ... Constantly beaten with sticks, belts, brushes, broom handles, whatever was to hand*".⁷⁵³

4.596.2 "*The beatings happened so often that it was just accepted by us as everyday behaviour and how we had to live*".⁷⁵⁴

4.596.3 "*All of these punishments I have described happened to all of the foster kids to some degree. They would not punish you in private but in front of the other kids*".⁷⁵⁵

4.596.4 "*The overall feeling I had is that it was a happy place. Every child there was treated exactly the same and like any normal child*".⁷⁵⁶

⁷⁴⁹ Day 137/38

⁷⁵⁰ WD005553/114

⁷⁵¹ Day 137/554

⁷⁵² The allegations and the response to the reporting of abuse are addressed under Terms of Reference 8, 10 and 11

⁷⁵³ WN45: WS000168

⁷⁵⁴ WN318: WS000170

⁷⁵⁵ WN319: WS000171

⁷⁵⁶ WN321: WS000174

4.596.5 *“During the nine years or so that I spent at [the Family Group Home] I always felt secure and never witnessed any mistreatment of any of the children”*.⁷⁵⁷

4.596.6 *“It was a very happy home, just normal ... I was not aware that there was a difference between the children, it did not register at the time that we had different surnames”*.⁷⁵⁸

Governance

4.597 Children’s Services staff visited about once a week, in order to meet with WN279 and check that everything was OK, and WN279 visited the Children’s Office each month to present reports and discuss the progress of the children. WN281 said that people were always visiting and they had an open house policy.⁷⁵⁹

4.598 WN281 said that his wife was well supported by the Children’s Office and would have told him if she felt otherwise. In his view, the biggest challenge to the system of FGH was the departure of Patricia Thornton, as her replacement Charles Smith did not have the same commitment to support him and his wife.⁷⁶⁰

4.599 WN287 thought that the infrequency of visits was one of the major downfalls of the FGH system. She thought that CCOs did not visit regularly enough and rarely spoke to the children, and reported her concerns about the lack of communication to Brenda Chappell. She thought it was important that the children had the opportunity to speak to someone independent and would speak to visiting CCOs about the children, although WN279 did not like the CCOs speaking to her or the children when they visited. WN287 could not recall any informal or unannounced visits by members of the Children’s Sub-Committee.

⁷⁵⁷ WN320: WS000172

⁷⁵⁸ WN322: WD008825/40

⁷⁵⁹ WS000713/12

⁷⁶⁰ WS000713/114

Findings: Family Group Home run by WN279 and WN281

- 4.600 Management and organisation of the Home appear to have been largely adequate during this period, although there is a lack of primary evidence on the matter. The Home was sufficiently staffed, with relief and Assistant Housemothers taking on some of the workload.
- 4.601 In line with the other FGHs, neither the staff nor the Houseparents received any training, nor any guidance as to acceptable forms of discipline. Even for the standards of the time, this was inadequate, although it perhaps reflected the *laissez-faire* attitude taken by Children's Services to the management of FGHs. At the very least, Houseparents should have been made aware of the disciplinary rules in force at HDLG at the time.
- 4.602 Recruitment was adequate, with WN279 and WN287 both having some relevant qualifications and experience, and both going through interviews.
- 4.603 The evidence on the culture of the Home was mixed. For at least some of the residents, there was a tense and controlling atmosphere, in which the children in care were spoken to harshly and did not have their emotional needs looked after. WN279 said at the time that a group of the children were "persistent liars" and this sort of disdain appears to have been reflected in the culture of the Home. One witness referred to it as a "*reign of terror*" and the contemporaneous records suggest that the ability of the children to speak out was limited. On the other hand, other children spoke positively about their time at the Home.
- 4.604 As with other FGHs, we consider that governance was largely inadequate. Although there were regular visits by CCOs and reasonable support given to the Houseparents, nothing appears to have been done about Ms Hogan's critical reports in 1975 about the culture of the Home. Furthermore, as discussed in more detail in Chapter 9, the allegations of physical abuse that were raised in 1975 and 1977 against WN279 were inadequately handled at a high level: this was a failure of governance.

Norcott Villa

Organisation/Management/Culture/Governance

4.605 Following the dismissal of WN791 (discussed in Chapter 3 above), in April 1972, WN332 and WN331 became Houseparents of Norcott Villa. WN332's previous experience was in nursing and they got the job after having filled out an application form, along with a form entitled "Particulars of husband of applicant", and references.⁷⁶¹

4.606 A report from the Houseparents, dated April 1974,⁷⁶² noted:

4.606.1 Problems with the property that made it difficult to create a real home atmosphere.

4.606.2 Difficulties meeting the rising cost of living which would affect the children's welfare if allowances were not reviewed.

4.606.3 Two children (WN171 and WN147) were resident at Norcott Villa for a year but were removed due to being "*totally incompatible*" with the other children in the group.

4.606.4 The view of the Houseparents that "*the children needed attention, more comfort and good food; that they needed discipline without harshness ... and to meet more people not connected with childcare ... and needed more fun and laughter in their lives*".

4.607 A report six months later provided further insight into how WN332 and WN331 saw their roles:

"Our aim is most definitely to provide a family atmosphere in which the children may develop physically, mentally and emotionally despite the damaging effects of former deprivation, for many of them come from seriously disrupted or disturbed families."

4.608 The Assistant Housemother WN287⁷⁶³ recalled the differences between her experience at Norcott Villa and FGHs in England. In Jersey, children under

⁷⁶¹ WD005059

⁷⁶² WD005053

five were placed in FGHs if their siblings were there, whereas in England they were placed in foster care. Jersey did not have “live-in” residential Housemothers to assist the Houseparents. In comparison with her time in England she was required to do a lot of domestic work in Jersey. That inevitably reduced the time available for her to get to know the children.

4.609 In an interview with the police in June 2009, WN331 recalled that he would leave the Home each morning to go to work and return in the evening. During the day, WN332 and all of the staff cared for and looked after the children. WN331 said that he had no part in disciplining the children and that this was down to the other employees.⁷⁶⁴

4.610 WN171, a resident, mentioned the strictness of the regime under WN331 and WN332.⁷⁶⁵ WN506 said that he did not like the fact that he had to share WN332 with so many other children.⁷⁶⁶ WN745 said he found it difficult moving to Norcott Villa but enjoyed his time there, saying that playing football with all the children was great.⁷⁶⁷

4.611 The Houseparents separated in December 1979. WN332 remained at Norcott Villa until April 1980, when the Home closed.

Findings: Norcott Villa

4.612 In the first few years of the Home’s existence (1969-1972), the management and organisation of the Home were inadequate. As noted in Chapter 3, WN791’s employment was terminated following “*adverse reports affecting the care and control of the children and adolescents*”.

4.613 The management and organisation of the Home under WN332 and WN331 appear to have been more adequate. Their reports from 1974 demonstrate good insight into the needs of the children in their care.

⁷⁶³ WS000594/7

⁷⁶⁴ WD005555

⁷⁶⁵ WD005064

⁷⁶⁶ WD005554

⁷⁶⁷ WD005556

4.614 Although there is not much evidence about the culture of the Home, it appears to have been relatively strict, but one in which the Houseparents recognised the need for children in care to have “*more fun and laughter in their lives*” – which we consider was a positive approach.

4.615 We do not have sufficient evidence to consider the governance of the Home during most of the time it was open, but we note that the Children’s Sub-Committee was able and willing to intervene to dismiss WN791 in 1972 following adverse reports. This suggests that the Sub-Committee was able to take decisive action at this time, in contrast to the handling of allegations at other FGHS.

Blanche Pierre

4.616 As a result of the overlap between the matters we have to consider under Term of Reference 2 for Blanche Pierre, all are reviewed in one section, in a broadly chronological order.

Organisation/Management/Culture/Governance

4.617 In early 1980, Jane Maguire took over as Housemother in charge at Blanche Pierre. She had previously worked as a residential carer at HDLG and was NNEB trained.

4.618 Blanche Pierre was visited during the preparation of the 1981 Lambert and Wilkinson Report. The report detailed the layout of the property noting that the Houseparents have the use of one large sitting room and a moderate sized bedroom which “*allow for no privacy*”. There was no office at the Home and the filing cabinet (containing the children’s files) was located in the hall. The Inspectors noted the age range of the children to be from 12 months to 15 years; with a number of sibling groups, as well as individual children from separate families. There are references to some of the children having outside activities such as Cubs and Brownies and the Home having close links with the children’s schools. The children were said to be, in many ways, “*experiencing as normal a family life as possible*”.

4.619 The Report noted that Alan Maguire “*follows his own employment but takes an active part in the life of the Home in return for free board and lodging*”. Another staff member was employed for 44 hours per week and there were nine hours a week of domestic help. Following the placement of a baby “*a second Housemother ... who normally splits her time between the two Family Group Homes, is working forty hours per week*”.

4.620 The use of a “daily occurrence” book was noted,⁷⁶⁸ as well as a menu book, accounts and maintenance books. The Houseparents were said to have “*considerable autonomy*” in how they managed their budget, receiving a quarterly allowance for the Home. The Report also noted that case records on each child “*are extremely limited*” and review forms completely without input from the Houseparents. “*These are matters which require some attention*”.

4.621 The Report concluded that Jane and Alan Maguire “*should be receiving help and support in understanding the needs and sensitivities of the children who have separated from their families*”.⁷⁶⁹

4.622 Brenda Chappell, in her role as Senior CCO, had overall responsibility for the Family Group Homes at this time. In evidence to the Inquiry, Anton Skinner said that he would have expected Brenda Chappell to have provided Jane and Alan Maguire with the support identified by the Inspectors.⁷⁷⁰

4.623 Social Services records relating to children placed with Jane and Alan Maguire provide an insight into Blanche Pierre:

4.623.1 May 1981: Brenda Chappell reported to Charles Smith regarding a sibling group: “*the rota has been reorganised ... and I have talked to Mrs Maguire at some length about her own personal problems*”.⁷⁷¹ (There is no indication in the records as to the nature of Jane Maguire’s “*personal problems*”).

⁷⁶⁸ This “daily occurrence” book may have developed into the “house diaries” referred to in evidence to the Inquiry

⁷⁶⁹ WD007382/62

⁷⁷⁰ Day 87/141

⁷⁷¹ WD000556

- 4.623.2 May 1981: another memo from Brenda Chappell refers to tension in the home, due to Jane Maguire's relative inexperience in dealing with parents. She is also described as being "*far too emotionally involved with the baby [WN81] ... I am sure she has the potential to make an excellent Housemother but there are still problems that we must discuss and I will be seeing Mrs Maguire again*".⁷⁷²
- 4.623.3 June 1982: a CCO (Ms Bird) recorded contact with the father of some of the children who ... "*said the children had told him that 'big Alan' smacked them a lot. He agreed the children do tend to exaggerate*".⁷⁷³
- 4.623.4 July 1986: Richard Davenport (CCO) recorded that a group of siblings recently admitted "*continue to settle well at Le Squez*".⁷⁷⁴
- 4.623.5 1987: Richard Davenport recorded that "*The 'ship' at group home now seems much more stable and by and large we seem to have a happy home*".⁷⁷⁵
- 4.623.6 1987: Jane Maguire completed a job questionnaire.⁷⁷⁶ Under "*the purpose of your job*" was typed "*... to provide a secure, loving and happy family life for up to eight children ... This role is a vital part of a necessary child care service to Jersey*". Under "*main responsibilities*" was included: "*The end product is to produce stable, confident, responsible members of society who will be the caring parents of the next generation of children in the Island*". Under the concluding part – "Additional Information" – the following was typed: "*I do this job with the help of my husband, as a couple we feel we can offer the children a stable, loving alternative family life. As this is a stressful job we both need the understanding and support of each other. We offer the children love without taking away the natural feelings towards their own parents. We feel that with the right care*

⁷⁷² WD000535

⁷⁷³ WD000325

⁷⁷⁴ WD000415

⁷⁷⁵ WD000398

⁷⁷⁶ WD006633/6

and preparation growing up is not always the frightening experience that [it] seemed [sic]. A great deal of my time is spent counselling children whose problems are not related to the home, but more to problems they bring after visits to relatives. Although I do not discourage these visits I often feel these are the reason for many of the child's problems".

4.623.7 December 1987: Richard Davenport visited and recorded Jane Maguire's request that Darren Picot be removed: "*I asked Mrs Maguire as to whether I should now embark upon the proposed specialising⁷⁷⁷ as we had discussed at review but Mrs Maguire felt that this was not now likely to be productive. I thought we had agreed this course of action but cannot really embark without the Maguires' co-operation. There is a definite resistance by these Houseparents to 'outside intervention' and yet the frequency of being asked 'to do something' is quite frightening.⁷⁷⁸ Mrs Maguire does seem to be incapable of handling Darren. Other staff have not made any such similar complaint about Darren to myself".⁷⁷⁹*

4.623.8 June 1988: Richard Davenport visited "at Mrs Maguire's URGENT request", noting: "*[Darren] once again. I was taken upstairs to Darren's bedroom and shown the further holes he had made in his bedroom door. I had a long session with the Maguires and also Darren. Darren maintains he wishes to remain at Family Group Home. He does agree he gets angry and feels this mostly with himself ... he is a thirsty boy but says he is going to try not to drink at night in the hope of remaining dry ... I see no real changes in the whole Group Home scenario. It seems to me that increasingly the church takes all priority. Mr and Mrs Maguire seemed tired and dishevelled on my visit ... Darren still seems to be scapegoated and seems too sad too often ... communication between the staff at the Group Homes seems poor. In any event I seem effectively*

⁷⁷⁷ From other records, it would appear that this refers to behaviour therapy to be carried out by Pat Stevens

⁷⁷⁸ WD000563

⁷⁷⁹ WD000564

*powerless to change the situation and wonder whether we should act on Darren's behalf".*⁷⁸⁰

4.623.9 1989: Darren Picot was moved from Blanche Pierre to Heathfield and Richard Davenport prepared a report setting out his history with Jane and Alan Maguire.⁷⁸¹ It noted "*Ms Stevens' (CCO in 1987) assessment indicated that staff views often did not correspond to Mrs Maguire's own perception. Darren was kept in nappies by the Maguires, much to my own personal horror! Ms Stevens then left the Department, Mrs Maguire, after asking for help, had rejected Ms Stevens' conclusion. The status quo resumed with periodic complaints from the Maguires and requests to remove the boy*".

4.623.10 April 1989: on an unannounced visit Richard Davenport recorded: "*on entering Family Group Home Mr Maguire was at home and he became very agitated with his wife saying that he was 'sick of being talked to by the children ... like dirt'... Quite frankly he was ranting and Mrs Maguire was clearly upset. I felt it best to leave*".⁷⁸²

4.623.11 June 1989: Anne Herrod (Senior CCO) wrote to Richard Davenport regarding WN85... "*she has never been happy at Le Squez. Jane and Alan are always rowing, they sent Darren away ... They are not able to watch TV until after tea ... [certain children get anything they asked for]. The others can do no right. Jane is always picking on her and calling her names*".⁷⁸³

4.623.12 July 1989: Richard Davenport compiled a report on WN85's difficulties at the Home noting at one point: "*Alan Maguire seemed very much in two minds as to his desire to have WN85 return and is not prepared for any flexibility in "House Rules". Such rigidity is unlikely to succeed in WN85's case*".

⁷⁸⁰ WD001115

⁷⁸¹ WD000201

⁷⁸² WD000548

⁷⁸³ WD000519

4.623.13 January 1990: Mr Dallain (CCO) recorded a visit to Children's Services by WN83: *"[he] said that he had fallen out with the Maguires and wished to go to the Boys Hostel. He assured me that this was not just an isolated incident but he had been unhappy there for some time and on several occasions Mr Maguire had apparently told him that the door was there if he wished to leave ... The Duty Officer was not informed that WN83 was missing"*.⁷⁸⁴

4.623.14 February 1990: A memo from Geoff Spencer to Richard Davenport in the same month recorded Jane Maguire's willingness to help one of the children with parental loss and said *"It may be useful if we arranged to meet in order to discuss the children at Le Squez in general ... I know that you have very definite views on this and would wish to take account of them when planning with Jane and Alan in our supervision sessions"*.⁷⁸⁵

4.624 We note that the records in this decade show regular six-monthly reviews of children placed at Blanche Pierre by CCOs.⁷⁸⁶

4.625 During this decade (1980–1990), Marion Robson was moved from HDLG to work as Relief Care Worker at two group homes (Blanche Pierre and Clos des Sables); she spent more time at the former. She told the Inquiry that Jane Maguire was *"very much in charge ... it was very much run to her requirement and liking"*. She never saw Jane Maguire hit the children but she was strict and *"she could reprimand the children if she did not like them saying certain things, or a certain way they did something"*.⁷⁸⁷ She remembers trying to have a rapport with the children as she had had at Haut de la Garenne and Jane Maguire taking her to one side and telling her that she was the *"Mum"*, recalling: *"there was a kind of jealousy really she did not want anybody else to have a close relationship with the children ... she was not a lady who took any sort of criticism"*.

⁷⁸⁴ WD000338

⁷⁸⁵ WD000409

⁷⁸⁶ See, e.g., WD000373, WD000384, WD000400, WD000412, WD001160, WD001161, WD001099, WD001116

⁷⁸⁷ Day 76/77

- 4.626 Marion Robson said that Jane Maguire preferred certain children to others: *“Darren Picot ... would end up coming in from school and being told to get his pyjamas and dressing gown on and basically not do very much ... I felt very sorry for him”*.⁷⁸⁸ She did not remember him being made to stand in a corner and did not remember Jane Maguire washing the children’s mouths out with soap, but with regard to the latter, said: *“she was very much the sort of person who would have still done that type of thing”*.
- 4.627 She recalled Jane Maguire criticising the children’s parents in front of them.⁷⁸⁹ None of the children complained to Ms Robson – in her view *“I just do not think they had the confidence to talk about what was happening”*. Marion Robson thought that *“looking back”*, she should have intervened and told Jane Maguire that her treatment of the children was *“unacceptable”*. She remembered visits to Blanche Pierre from Brenda Chappell and described her relationship with Jane Maguire as *“... a kind of cosy relationship ... it lacked professional scrutiny”*. Brenda Chappell did not ask her about the children and had she complained about the treatment she said *“I do not know if I would have been believed”*. She also said: *“I mean really I suppose I could have said something to Jane. I think she knew by our expressions we ... were not too happy about the situation but it was very much her husband’s wishes and I think she was torn between the feeling that it was inappropriate but at the same time not wishing to fly in the face of her husband’s say so ... she would say to the children ‘You cannot disobey Big Al’”*.
- 4.628 WN307 also worked at Blanche Pierre between 1980 and 1989. She told the police in 1998: *“I always remembered the time I spent at the Home as happy ... I worked at the Home every single day ... there was never any sign that anything was wrong ... the Maguires were always very fair [with the children] ... I never saw any violence used”*.⁷⁹⁰ When Marion Robson was asked to comment on this statement, she said: *“It’s strange because I thought she, like me, thought there were some problem ... it was only concerning the one little boy that ... she was not very happy about”*.

⁷⁸⁸ Day 76/78

⁷⁸⁹ Day 70/80

⁷⁹⁰ WS000549

4.629 In her statement to the Inquiry, Susan Doyle (staff member) described the terror of the children when they returned home from school, Jane and Alan Maguire's strictness and the constant shouting at the children.⁷⁹¹

Residents' perspective

4.630 In summary, a number of the former residents describe a harsh regime with silent mealtimes and frequent punishments; only allowed to speak when spoken to and punished by hitting with a spoon in the event of any breach. Corroborated by the "Home Diary",⁷⁹² the daily routine was punctuated with punishments; smacking; making children stand on "sentry duty", depriving them of food and privileges, washing mouths out with soap for swearing and hitting them with a slipper and a sandal. The washing of mouths with soap for swearing was said to be one of the House Rules as was the re-serving of food at subsequent meals if a child did not eat it.⁷⁹³ WN82 said that "*the soap happened a couple of times a week*" and the "*hitting happened nearly every day and went on for the six years I was there*".⁷⁹⁴

4.631 WN76 said that "sentry duty" was a regular occurrence. A child was made to stand by the front door, "*even in winter we would be in our nighties*" and "*forced to stay there until we nearly collapsed*".⁷⁹⁵ Darren Picot told the Inquiry that he was made to stand with his nose to a tree (called, by the residents, "Darren's tree") for at least two to three hours, wetting himself if he could not hold his bladder.⁷⁹⁶

4.632 A common theme in the evidence of former residents is that Jane Maguire would threaten the children with punishments to be meted out by her husband on his return home from work. "*She did not have to do it so much because she'd say 'wait till Alan gets home' and we'd be petrified*".⁷⁹⁷

⁷⁹¹ WS000547

⁷⁹² WD000205 – Home Diary corroborates this account

⁷⁹³ WS000547

⁷⁹⁴ WS000160

⁷⁹⁵ WS000160

⁷⁹⁶ Day 25/111

⁷⁹⁷ WN83: WD000313

4.633 With regard to bedwetting, WN76 and WN82 were made to wear nappies until they were at least 11 or 12 years old, according to former residents and staff. In the case of WN76 it is alleged that she had to strip her bed each day, was not allowed to drink after 5.30pm and was made to eat dry crackers. Susan Doyle also confirmed that WN76 received no bereavement counselling when one of her parents died and no medical assistance to deal with her enuresis: *"I have seen WN76's mouth dry and encrusted, it was so dried out."*⁷⁹⁸

4.634 WN76 told the Inquiry that Jane and Alan Maguire ate fish each Friday. Notwithstanding the fact that she hated fish, she described being force fed by Alan Maguire. She went for periods without food and had to steal dog biscuits from the cupboard.⁷⁹⁹

4.635 Three former residents give a more positive account of their time at Blanche Pierre:

4.635.1 WN248 (1980–1985) *"the home was run as a normal house – rules which people had to abide by, as you would have in any home – none of the kids ever complained to me about their treatment"*.⁸⁰⁰

4.635.2 WN247 (1979–1984) *"I never saw anyone mistreated – they were punished but never mistreated – they were grounded or had their pocket money stopped but they were never hit"*.⁸⁰¹

4.635.3 WN316 (1976–1987) describes the arrival of Jane and Alan Maguire as marking an improvement in the running of the Home.⁸⁰²

4.636 Jane and Alan Maguire left Blanche Pierre in 1990 and, from June 1990, Audrey Mills managed the Home. The Home was the last FGH in Jersey and closed in 1993.

4.637 Audrey Mills was unaware of the specific reasons for Jane and Alan Maguire's departure and why she had been brought in to manage the Home. In her

⁷⁹⁸ WS000144

⁷⁹⁹ WS000166/3

⁸⁰⁰ WD000217

⁸⁰¹ WD000576

⁸⁰² WD000577

statement⁸⁰³ to the Inquiry she said there was no formal handover: *"I took the children out to give the Maguires time to remove their things from the house"*.⁸⁰⁴ She recalled that all the children lacked confidence: *"they would tell me how the Maguires used to call them stupid and generally belittle them ... the thing that struck me most ... was their use of the phrase "we cannot do this" or "we're not allowed"*.

4.638 When Blanche Pierre closed in 1993 Audrey Mills fostered several of the children in a house across the road from Blanche Pierre. She received *"very little help if any from Children's Services"*.⁸⁰⁵

4.639 The Inquiry made attempts to locate Jane Maguire with a view to inviting her to give evidence, but those attempts were unsuccessful.

Findings: Blanche Pierre

4.640 The management and organisation of the Home were inadequate, particularly in the last few years of the 1980s. Jane Maguire tried to prevent staff from establishing a rapport with the children and certain children were scapegoated. The inadequacies of Jane and Alan Maguire were blamed on the children, at least one of whom was sent away.

4.641 Their approach to the issue of bedwetting was inexcusable – Jane and Alan Maguire subjected the children to humiliating and degrading treatment by the standards of the time.

4.642 Recruitment to the Home, on the basis of the evidence that we have, was adequate. Staffing numbers appear to have been sufficient and staff were suitably qualified for the standards of the time.

4.643 The culture of the Home, on the balance of the evidence, was extremely negative, at least in the second half of the 1980s. Purely on the basis of contemporaneous records and the evidence of members of staff, we find that Jane and Alan Maguire oversaw a punitive and strict regime in which certain

⁸⁰³ WD008858

⁸⁰⁴ WS000585

⁸⁰⁵ WS000585

children were terrorised. As reported by the former residents and corroborated by the Home Diary, the daily routine was punctuated with harsh punishments that were completely inappropriate, including hitting, washing of mouths, and making children stand in one place for prolonged periods.

- 4.644 We note the reports of at least one member of staff and some children that suggest a more positive culture, and observe Jane Maguire's 1987 comment that they "*offer the children love*" and that her job was "*... to provide a secure, loving and happy family life*" for the children. However, we think that, on balance, this did not represent the reality of life at the Home, at least in the late 1980s.
- 4.645 Governance of the Home was inadequate. Although the response of Children's Services and the Education Committee to the allegations of abuse is discussed in Chapter 9, even before such allegations were made, there should have been intervention. As far back as 1987–1988, CCOs were recording Jane Maguire's inability to cope and resistance to outside intervention, yet nothing was done about this.
- 4.646 Brenda Chappell's friendship with Jane Maguire meant that she became unable to apply proper professional scrutiny in her oversight role as Senior CCO. Individual CCOs appear to have carried out regular reviews and wrote reports, some of which contained damning information, yet their concerns were not heeded at a higher level. This suggests that there was inadequate supervision of CCO records.
- 4.647 Lambert and Wilkinson had noted, as early as 1981, that there was a daily occurrence book, which likely became known as the 'Home Diary'. There is no evidence that these were inspected, either as a matter of routine, or at all. If they had been, at least in the late 1980s, the alleged abuses perpetrated by Jane and Alan Maguire would have been identified much earlier. We find it astonishing that in this FGH, a record was kept of punishments that the Houseparents apparently thought would be acceptable to Children's Services.

Les Chênes

4.648 Most of the evidence concerning Les Chênes can be dated, and therefore given its context, by reference to the individual then in charge.

Introduction: context

4.649 Under the *Children (Jersey) Law 1969*, the Education Committee was required to ensure that adequate provision was made for the care and custody of young offenders. Principally the Committee was concerned with juveniles (under 16) on remand awaiting trial and those found guilty of criminal offences and committed to the care of the Committee by the Court. Les Chênes took over the remand role that had previously and controversially been designated to Haut de la Garenne. It was initially intended that Les Chênes should have both teaching and care staff.⁸⁰⁶ At the outset Les Chênes was overseen by an Advisory Committee and subsequently by a Governing Body, although it is not immediately apparent when this changed. Following the designation of Les Chênes as a remand centre alone in 2003 (at which point it changed its name to Greenfields), the Governing Body was soon replaced by a Board of Visitors, modelled on the prison system. The Principal of Les Chênes was answerable to the Education Committee and the Director of Education until 2003. When care staff were introduced in late 2003, the newly named Greenfields was then overseen by the Health and Social Services Committee.

Tom McKeon (1977–1988)

4.650 Tom McKeon was the first principal of Les Chênes. He was principal from May 1977⁸⁰⁷ to 1988. He had worked at St Edwards an Approved School in the UK – the last Approved School in the UK to close. The school did not have a secure unit. Children were placed in a dormitory on admission. While working there he remembers meeting John Rodhouse, Charles Smith and the President of the Education Committee who were fact-finding with the intention

⁸⁰⁶ WD004268

⁸⁰⁷ WD004271

of opening a residential school in Jersey. He was invited to apply for the post of principal at Les Chênes.

4.651 He told the Inquiry that his brief was “*to establish a residential school that would provide for children who were placed on remand by the Courts and who would require extended periods of residential care. That was about as far as the brief went*”.⁸⁰⁸ He was given what he described as a “blank sheet”.⁸⁰⁹ The original school was a farm property.⁸¹⁰ He was involved in the building plans. These included the construction of a secure suite, which he said followed “the Home Office Guidelines of the time”.⁸¹¹ The four cells that were built “met the requirements of the day”.

4.652 Mario Lundy joined Les Chênes as deputy principal within a short time of the school opening. He told the Inquiry that there was a mistaken perception that Les Chênes was a children’s home: it was “*an approved school and remand centre for young offenders and juveniles who were out of control*”.⁸¹² It had also been necessary to establish a school in the Island following the abolition of Approved Schools in the UK and the difficulty of making placements from Jersey into community schools with education in the UK.

Management/Organisation

Merit award scheme

4.653 Children were first admitted to the school in 1978.⁸¹³ Tom McKeon introduced a merit award scheme (MAS)⁸¹⁴ to Les Chênes – based on a system used in an assessment centre in Birmingham⁸¹⁵ – which the Advisory Committee referred to as a “*behaviour modification scheme*”.⁸¹⁶ The minutes noted that his objective was:

⁸⁰⁸ Day 77/9

⁸⁰⁹ WD006487/2

⁸¹⁰ Day 77/118

⁸¹¹ Day 77/119

⁸¹² Day 74/8

⁸¹³ Day 77/10

⁸¹⁴ Based on a system used at an assessment centre in Birmingham

⁸¹⁵ WS000598/5

⁸¹⁶ WD006487/7

“not only to contain the children but also to modify their existing behaviour patterns. It is necessary to observe and record behavioural patterns and attempt to reinforce desirable behaviour and eliminate undesirable behaviour. One element of the programme is the Merit Award System whereby boys gain and lose points as a result of their work and behaviour ... in the first two weeks a boy has no contact with home but can then go home at the end of every six weeks. However, if a boy has misbehaved and lost points he would lose that privilege. Children who cannot go home for various social reasons, could go out for the day with a member of staff, e.g. sailing or fishing. The boys need a break from Les Chênes from time to time, and must maintain contact with the community to which they will eventually return”.

4.654 When asked in evidence why contact with family was prohibited in the first two weeks Tom McKeon replied: – *“When I reflect on that I would say that was inappropriate. I cannot now see any reason why children were not able to have contact with their parents during that two week settling in period. It probably would have been advantageous to all concerned”*.⁸¹⁷

4.655 The MAS system was set out in detail in an eight-page document dated October 1978.⁸¹⁸ The system allowed for rewards depending upon the number of points based on an assessment of behaviour by staff over any given day at the school. The most significant element was the *“leave programme”* which entitled a child to go home if he had sufficient points. Tom McKeon told the Inquiry that he had no regret over the choice of a behavioural model as against a therapeutic model; an educational psychologist and a clinical psychologist were available to provide support in therapy *“as and when needed”*.⁸¹⁹

4.656 When Les Chênes first opened, the expectation was that because the majority of placements were either remand or sent by the Courts, *“residents would not go home”*. The Education Committee was opposed to home leave: it viewed Les Chênes as a junior prison – young people should serve a sentence and be released into the community at the end of the sentence. Tom McKeon told the Inquiry that he had *“to persuade them that the children should have regular consistent extended contact with the home and time away from Les*

⁸¹⁷ Day 77/87

⁸¹⁸ WD006487/235

⁸¹⁹ Day 77/15

*Chênes. That's a very important part in developing the circumstances for their reintegration into the community. I do fervently believe that contact with family is an essential element of any residential care provision".*⁸²⁰ He believed that the MAS was effective during his time as Principal. In order to avoid points being awarded arbitrarily and inconsistently (a criticism made by Dr Kathie Bull 20 years later) Tom McKeon said that he reviewed daily the incident book in which points were recorded. Weekly staff meetings would include discussion about points. He accepted that there was inconsistency, "*we did all we could to mitigate the risks of inconsistency*".⁸²¹

4.657 Mario Lundy agreed that when Les Chênes first opened the external expectation was that because the majority of placements were either remanded or sent by the Courts the residents "*would not go home*". He told the Inquiry that the MAS was a way of encouraging people to look at the treatment of offenders differently, "*you need to build on the relationships that exist between the young person and the community and their families*".⁸²² Mario Lundy would not be drawn on whether in fact the MAS was "one size fits all": "*Those young people were not placed at Les Chênes because there was an alternative approach, they were placed at Les Chênes because the referring agency felt that the approach that we had was in the best interests of those young people*".⁸²³

4.658 Tom McKeon did not accept that there should not be a link between going home and getting points: "*I think that the Merit Award System as it operated was fair and reasonable for the children and that they benefited from it and that there was a concept of progression through from a situation where there is a high degree of supervision to a situation where there is virtually no supervision*".⁸²⁴

4.659 Mario Lundy did not come across a teacher using the system in spite to punish a child and prevent them going home. Consistency was discussed

⁸²⁰ Day 77/18

⁸²¹ Day 77/90

⁸²² Day 74/72

⁸²³ Day 74/73

⁸²⁴ Day 77/81

*“pretty regularly at staff meetings ... the system was a framework ... it was important to have conversations with people about why they lost points ... what can we do to avoid this behaviour ... you would always know if there was somebody at risk for not going home ... you could take a child aside ... we need to do something about that”.*⁸²⁵ It would have been unusual for a child not to go home. For Mario Lundy something would have had to have gone *“pretty wrong ... Staff would be very keen on ensuring that young people got home at weekends”*. In his view without the MAS, *“young people were more prone to arbitrary decisions being made by members of staff ... we had pretty much eradicated that type of inconsistency”.*⁸²⁶

4.660 Monique Webb recalls some staff being *“a bit fickle”* about the points system.⁸²⁷ Some of the children went home regularly every weekend but others not so often: the majority went home more often than she would have thought: *“But I mean you could get home quite easily on the points system. As long as you kept your head down and you did your lessons and you did your cleaning and your bed and everything else the way you should it was quite easy to get the 350 or whatever points they needed”.*⁸²⁸ The MAS was in use throughout her time at Les Chênes. She found it a useful tool and that children generally knew how it worked *“they could see the sense in it”*. She could not remember any child complaining about the system.⁸²⁹ She never had misgivings about linking home visits with home leave, although now she understood the reasons why children should have been able to go home regardless. Some parents did not care less whether or not their children were at home. She thought the system worked well for the staff too.⁸³⁰

4.661 Jonathan Chinn (1982–2003) remembers the MAS being in use for the majority of the time that he taught at Les Chênes. When he first joined the school *“I think I must have shadowed somebody for the first week or first few days to see how it works”*. The MAS would be discussed with students in

⁸²⁵ Day 74/81

⁸²⁶ Day 74/78

⁸²⁷ Day 70/55

⁸²⁸ Day 70/27

⁸²⁹ Day 70/50

⁸³⁰ Day 70/52

school assemblies, *“I think towards the end we took the negatives off, you could only have positive points”*. He did think that MAS helped to modify children’s behaviour. The Principal or Deputy Principal would know which members of staff were allotting points as their initials would have to be put against their entries.⁸³¹

4.662 In 1987, the Principal’s report to the Governing Body recorded that it was the tenth anniversary of Les Chênes. It noted that the MAS was on its “third major variation” and recognised that any system *“becomes more complex in its operation and less relevant to a particular group of children. It is essential that they identify with what becomes their system to the development of which they have made a significant contribution”*.⁸³²

Use of restraint

4.663 Physical restraint was viewed *“very much as a last resort”* according to Tom McKeon:⁸³³ only when a child *“represented a threat to himself or others would it be appropriate to restrain him and then to use the minimum amount of force necessary to hold the child”*.

4.664 Monique Webb, who worked at Les Chênes for 16 years as a Matron and as a teacher, told the Inquiry that there was no guidance on how to deal with violent behaviour. If a situation did escalate there was a male teacher in the next room and she could call someone straightaway.⁸³⁴ Tom McKeon never saw a member of staff hit a child but did witness a staff member pushing a child against a wall.⁸³⁵ *“I just orally warned the member of staff and made a note on his file”*.⁸³⁶ Jonathan Chinn (1982–2003) thought that the first restraint training he received was in 2003. Until then *“we debriefed each other when restraint happened and talked about it and which was the safest and best way for the student”*. He used his own initiative when devising a safe means of restraint, *“A sort of bear hug around the arms so [you] restrict the arms so the*

⁸³¹ Day 71/53

⁸³² WD006339/31

⁸³³ Day 77

⁸³⁴ Day 70/29

⁸³⁵ Day 77/31

⁸³⁶ Day 77/126

arms are not flying about. ... de-escalation is the most important thing of working with these sorts of students because the last thing you want is to be restraining a student you have been spending 40 hours a week with, as a last resort".⁸³⁷

Use of corporal punishment

4.665 Tom McKeon told the Inquiry that, in his 10 years as Principal: "*corporal punishment was administered on about a dozen occasions and in the last three or four years, no corporal punishment was administered at all*". Its use was abolished by the Education Committee in schools in the mid-1980s.⁸³⁸ He said: "*My view as of today is that corporal punishment is an inappropriate way of dealing with children's behaviour*".⁸³⁹ He explained his approach to caning a child.⁸⁴⁰

4.666 Mario Lundy remembers corporal punishment being used but infrequently. He did not think it was effective; it built up feelings of resentment. He remembers that there would always be an adult present as a witness and that the caning would be recorded, setting out the number of strokes and the reason.⁸⁴¹

4.667 Jonathan Chinn thought that corporal punishment went completely against the ethos of the school: "*We worked with the students and they were there 24/7 some of them. We were there to encourage them to move forward. We certainly were not there to punish the students – I think Les Chênes was probably ahead of its time, they did not want to use corporal punishment*".⁸⁴²

Use of the secure suite and secure cells

4.668 In 1983, Tom McKeon produced a paper: "*Arrangements for children placed on remand at Les Chênes Residential School*".⁸⁴³ This document is significant as it reflects the rationale behind the use of the secure unit when children

⁸³⁷ Day 71/15-16

⁸³⁸ WD006121/55

⁸³⁹ Day 77/ 66

⁸⁴⁰ Day 77/72

⁸⁴¹ Day 74/150

⁸⁴² Day 71/61

⁸⁴³ WD006504

were first admitted: *“The aim with child on remand has been to expose them to a process characterised by the establishment and achievement of behavioural goals, marked by the granting of rewards and enhanced status within the school”...“When children first arrive at the school ‘on remand’ or indeed on placement via other means, they are normally placed in the secure accommodation for the purpose of sleeping. In extreme circumstances, the ‘secure suite’ in conjunction with the ball court, could, for a short period of time, be used to ‘contain’ children who could not be integrated into the normal operation of the school. Once a child has settled in (showing a ‘reasonable controlled pattern of behaviour’) he was to be moved to one of the bedrooms ‘in the main house’.*

4.669 The paper recognised that some children had been held on remand at the school: *“in excess of many sentences at the Young Offenders Centre ... or at Prison”.*

4.670 Tom McKeon maintained that the use of the cell on admission was not a means of control: *“I think it would have been singularly inappropriate for secure accommodation to be used in that way”.*⁸⁴⁴ In response to a Panel question, Tom McKeon reflected: *“I do not think you can resolve a problem by locking it away ... on the very odd occasion when children were locked away because of their presenting behaviour it was something that caused me great anxiety”.*⁸⁴⁵ Tom McKeon agreed that locking a child in on the first night was to both prevent them running away when short staffed and to make the child feel secure: *“in the absence of any constant staff presence to provide security for the child you had to lock the door and that was at a time when the staff presence was at its minimum”.*⁸⁴⁶ How that made the child feel secure depended on how it was managed, he told the Inquiry.⁸⁴⁷

4.671 Children on welfare placements were not placed in the secure unit according to Tom McKeon, only those on remand: other children would be placed in one of the bedrooms. When passages of his statement were put to Tom McKeon

⁸⁴⁴ Day 77/94

⁸⁴⁵ Day 77/135

⁸⁴⁶ Day 77/136

⁸⁴⁷ Day 77/154

describing CCOs “*dropping children off*” who would then “*sleep in secure*” he replied: “*To the best of my recollection it was only children who were on remand who would have been placed in the secure accommodation. There were very few children who came by alternative routes at that particular stage*”.⁸⁴⁸ He was asked to respond to the evidence of WN651 who in 1986 spent his first two weeks on admission (not on remand) in a secure cell at night where he felt scared and isolated. It was not an account that “*resonated*” with Tom McKeon, but he could understand how a child might be distressed from being away from home: “*and sleeping in a secure room may well have caused a degree of distress ... I’m not aware of any child who experienced difficulties with that and I attribute that to the sensitive way in which it was managed by members of staff*”.⁸⁴⁹ The rationale for staying in the secure suite was “*to get to know the child, to make sure that the child was settling in reasonably well, to try to determine were there any problems of interaction between the child and other children ... the process we adopted seemed to work perfectly well for the children ... it was never seen as punitive*”.⁸⁵⁰

4.672 Mario Lundy said that on admission children would undergo a six-week assessment which included an assessment by an educational psychologist addressing the child’s therapeutic needs. A report was then put on the child’s file.⁸⁵¹ It assessed educational position, attainment, educational needs, relationships with staff and other pupils, family relationships, and any changes that occurred.⁸⁵² He believed that a number of young people at Les Chênes needed more than periodic assessment by a psychiatrist and probably needed a bespoke programme of therapy.⁸⁵³

4.673 Over 20 years later, Dr Kathie Bull said that “*the use of the secure suite for all young people on entry to Les Chênes is most unacceptable*”. Tom McKeon agreed but said what had changed since his time as Principal was “*an increasing number of youngsters that have been placed on voluntary order ...*

⁸⁴⁸ Day 77/52

⁸⁴⁹ Day 77/55–56

⁸⁵⁰ Day 77/55

⁸⁵¹ Day 74/17

⁸⁵² Day 74/257

⁸⁵³ Day 74/260

whose presenting problems were of a psychological rather than an offending nature ... The nature of the placement had significantly changed over time.⁸⁵⁴

Use of the secure accommodation as punishment

4.674 Tom McKeon could remember only “two or three times” when it had been necessary to use the secure accommodation because of a child’s behaviour. He did not think it was appropriate, adding “that’s probably why it was used so very sparingly”. It is not clear whether he thought it was inappropriate to use at the time.⁸⁵⁵ Monique Webb could not remember the cells being used for punishment “ever”.⁸⁵⁶ Jonathan Chinn remembers that in the early days when he joined “the secure suites would go months without being used ... they were used for storage at one point [and] as a games room for a massive Scalextric set”.

Staff: rules and routine: culture

4.675 In 1978, Tom McKeon produced a Handbook for the school.⁸⁵⁷ The Handbook pages 175–180 set out a timetable from 7.30am until 10.30pm, with the evening routine delineated 4.30pm–4.40pm–4.55pm–5.20pm–6.15pm–8.00pm–8.30pm–8.45pm–9.00pm–10.30pm. Also included are procedures on handover, night supervision, clothing as well as a separate section (“Part Two”) on the merit award scheme. The Handbook also provided guidance on the use of the secure rooms.⁸⁵⁸

4.676 Monique Webb remembers that the hours were longer than the teaching job she had had before:

“Those long days were hard going from 7.30 in the morning to 5.30 because you had to be acutely aware of what was going on around you all the time and by the time you had worked from 7.30 in the morning until 5.30 you had had enough by the time 5.30 came along. But I did not notice it much at the beginning, but the older I got I did notice it and

⁸⁵⁴ Day 77/57

⁸⁵⁵ Day 77/67

⁸⁵⁶ Day 70/57

⁸⁵⁷ WD006326/147

⁸⁵⁸ WD006326/185–187

*then the next day you did not come on until 5.30 and then you were on until 10.30”.*⁸⁵⁹

4.677 She told the Inquiry that was very happy at Les Chênes and had enjoyed her job.

4.678 Jonathan Chinn would teach on two days during the week and worked in the evenings on two days doing activities and sport. He would have one day off. At the weekend he would normally work both days – “*general management*”. The school drew on supply staff which he felt was a “*bonus*” to the school.⁸⁶⁰ On the evening shift there would be three staff; only in later years did the number of residents go up to 20 and then it had an impact on the activities in the evening.⁸⁶¹

4.679 For Derek Carter, “*the routine was strict in term time because we had to commit to certain times for lessons ... in the evening the priority was to get the children settled before the night staff came on*”.⁸⁶²

4.680 Tom McKeon remembers that he visited most families on a termly basis,⁸⁶³ he provided parents with regular progress reports and he welcomed visits whenever parents wished. He told the Inquiry that in a week there would be anything “*between three and half a dozen occasions when parents would come to the school*”. There was a sitting room for visiting families and they could wander round the grounds.⁸⁶⁴ Although parents could come any time, “*not many of them did mind you*” recalls Monique Webb, although the visits were welcomed by staff.⁸⁶⁵

4.681 Tom McKeon told the Inquiry that when the school started “*the vast majority who were employed at Les Chênes were ... teachers*”; they had qualifications and experiences related to child development and support. Staff at the school “*had worked in special schools, with children with special educational needs*

⁸⁵⁹ Day 70

⁸⁶⁰ Day 71/25

⁸⁶¹ Day 71/43

⁸⁶² Day 96/93

⁸⁶³ Day 77/7

⁸⁶⁴ Day 77/143

⁸⁶⁵ Day 70/26

or in Community Homes in the UK. It was difficult to recruit the right staff at the outset” because of the pay offered and there were fewer holidays.⁸⁶⁶ In his 1979 Report to the Advisory Committee he said that *“these factors leave us some considerable way behind similar schools in the UK and could well continue to create considerable problems in the future”*.⁸⁶⁷ He subsequently negotiated better terms and conditions for teaching staff.

4.682 In 1987, Tom McKeon wrote to John Rodhouse, the Director of Education agreeing with John Rodhouse’s concerns that care and teaching were becoming separate which Tom McKeon saw as *“most regrettable”*:

“One of the great strengths of the school is that we have a staff, composed predominantly of teachers, who undertake a combined commitment to the educational and social programmes of the school. They use the skills of the teacher not only in the classroom but throughout their varied contacts with children. I am personally convinced that it is only because of the qualities and experience of such staff we can make progress with those children who have proved difficult to even contain in a wide range of settings”.⁸⁶⁸

4.683 In evidence to the Inquiry, Tom McKeon recognised that as *“the nature of children or the nature of children presenting problems changed there was a greater need for people who were specialist providers of care”*.⁸⁶⁹

4.684 Mario Lundy said that the idea of an all teacher staff was to promote consistency in terms of standards and expectations of behaviour rather than having care staff in the evenings as happened with similar models in the UK.⁸⁷⁰ Teachers at Les Chênes had to be prepared to work long hours and sacrifice traditional teacher holiday periods.

4.685 When asked to explain why WN246 continued working at Les Chênes with young people despite the fact that Tom McKeon had had to reprimand him for striking a child and in the light of what was known about him, he said:

“It could be argued that sufficient steps were not taken, that this individual should have been removed from the service immediately ...

⁸⁶⁶ Day 77/24

⁸⁶⁷ WD006487/13

⁸⁶⁸ WD006679

⁸⁶⁹ Day 77/14

⁸⁷⁰ Day 74/24

*He had many good qualities which he exercised on behalf of the children and was going through a very difficult and traumatic time in his life so needed to be supported as well as disciplined”.*⁸⁷¹

4.686 In January 1979, there were eight members of staff as well as the Principal. They taught both academic and non-academic subjects and outdoor activities.⁸⁷² There were weekly staff meetings.

4.687 Derek Carter joined the staff in 1980 and worked at Les Chênes and subsequently at Greenfields until 2006. He was a qualified teacher in handicrafts. Jonathan Chinn had been a PE teacher in England and joined the staff in 1982. His job description included some management responsibility. He was a Team Leader in charge of a shift but received no formal training.

4.688 Monique Webb told the Inquiry that there was no formal process for staff complaints. Tom McKeon agreed “*people had to exercise their own judgements*”.⁸⁷³ Ms Webb was the only female residential staff member in the 16 years she worked at the school. She recalls no difficulty keeping discipline in the classroom “... *lovely kids ... I think they knew I liked them*”.⁸⁷⁴

4.689 Jonathan Chinn said: “*the majority of the students were fantastic*” although some were very difficult, “*violent, aggressive, unpleasant*”.⁸⁷⁵

Relationship with Children’s Services

4.690 This was an ambivalent relationship according to Tom McKeon. Some CCOs were enthusiastic, others questioned whether Les Chênes was suitable for its purposes. Some were hugely effective in their contact with the school and families, others had to be encouraged. He never got the sense that Les Chênes was marginalised by Children’s services. In a paper, “*Role of CCO Les Chênes Residential School*”, dated May 1979, Charles Smith set out how the relationship between the school and the CCO should work in practice, concluding that the CCO who “*knows the family will continue to be*

⁸⁷¹ Day 74

⁸⁷² WD006487

⁸⁷³ Day 77/36

⁸⁷⁴ Day 70/34

⁸⁷⁵ Day 71/32

responsible for the child at Les Chênes.⁸⁷⁶ The key worker system was not adopted at Les Chênes.

4.691 Staff recollections vary. Monique Webb remembers the CCOs bringing welfare placements but that she rarely saw the CCOs, and was never asked for her input when it came to planning for the child.⁸⁷⁷ Jonathan Chinn recalled CCOs being in the school “a lot” as were Probation Officers.⁸⁷⁸

Culture

4.692 Tom McKeon said that he and Mario Lundy shared a similar ethos; both had been assertive and robust. His ethos was “*structure and discipline*”,⁸⁷⁹ there were “*high expectations of children’s behaviour ... respect of children, respect of staff by the children that had to be applied with rigour. That’s what I mean by ‘robust’*”.⁸⁸⁰ He considered that the balance of being robust but not excessive had been “appropriate” and that intervention “*should conclude with some proper discussion about what had occurred ... and what needed to happen to prevent it happening in the future*”.⁸⁸¹

4.693 Mario Lundy said that when he first joined Les Chênes “*education was at the forefront ... It was also about trying to help young people modify their behaviour and give them a period of stability where they were not offending, so that they can enjoy a better quality of life*”.⁸⁸² He remembers that although in the “early days” there were bars on the window the Principal had these removed, “*it was not the type of culture and ethos that we were trying to create. The idea was that for the most part security would be managed by good relationships between staff and young people ... the outside doors were locked*”.⁸⁸³

⁸⁷⁶ WD006326/38

⁸⁷⁷ Day 70/62

⁸⁷⁸ Day 71/71

⁸⁷⁹ Day 77/28

⁸⁸⁰ Day 77/68

⁸⁸¹ Day 77/68

⁸⁸² Day 74/12

⁸⁸³ Day 74/124

4.694 Monique Webb said that the school was run as a tight ship “... *an emphasis on keeping order in your classrooms ... not an awful lot of emphasis on the emotional needs*”.

4.695 John Pilling visited Les Chênes in 1980. His perception was that at that time most of the residents were there on care orders. He recorded his impression of the culture:

*“Once inside, the strong impression is the certainty of purpose about the establishment. Doubt about what to do does not seem to exist ... and everything is linked to a points system ... Within this certainty of purpose there must be advantages for the children who have to live there. There is no doubt in their minds about what happens, and the predictability of what will happen – do X and Y follows. On reflection, I wonder if the system practised at Les Chênes operates from the same base as that practised at Haut de la Garenne. Both systems emphasise the efficiency of group control; both systems could be in existence more to meet staff needs than children’s needs. I cannot, for example, accept that home visits can ever be related to points of behaviour. Some children NEED home emotionally and failure to recognise this is, in my opinion a lessening of the professional task with which educationalists are charged”*⁸⁸⁴

4.696 Tom McKeon commented that John Pilling’s views were those of a “*field social worker*” from a different position on the spectrum of social care from those responsible for managing Les Chênes. He believed that “*the approach that I developed and that we adopted and maintained at Les Chênes during the time that I was principal was entirely appropriate ... it was appropriate in its day*”.⁸⁸⁵

4.697 Mario Lundy did not think that John Pilling’s concerns were justified, even though he agreed that at that stage most of the residents were on care orders: “*some of the people who came to Les Chênes [on care orders] were actually beyond the control of their parents at home, so it was not a very satisfactory relationship at home, it was important for us to rebuild that*”. John Pilling’s concerns did not cause the school to amend the MAS.⁸⁸⁶

⁸⁸⁴ WD006487/70

⁸⁸⁵ Day 77/84

⁸⁸⁶ Day 74/85

4.698 Tom McKeon would not be drawn on whether he agreed with Dr Kathie Bull's view that "*denying visits home to those who are not on secure placement is very unacceptable practice*". He said that her point of view was "*valid*" and he understood it "*particularly with reference to the population that the school might then have been dealing with*".⁸⁸⁷

4.699 During his time as Principal, Tom McKeon thought Les Chênes was a "*dynamic*" institution – he told the Inquiry that he thought the school provided "*a very effective resource for young people and provided a great aid and support to young people*".⁸⁸⁸ He felt that the work done at Les Chênes during the early years "*where we had great success with many of the children, was part of the culture that changed attitudes among politicians and other members of the community*".⁸⁸⁹

4.700 Monique Webb thought that the approach at Les Chênes when she was there worked:

" ... things were different, and I thought that some of the things they used to say about their home life and how they used to stay up until all hours and all the rest of it, I think that on the whole the regime at Les Chênes, with the regular meals and everything, which by the way was something they did not get at home, I think on the whole they all prospered physically and did very well, you know. I think Les Chênes suited them".⁸⁹⁰

4.701 In their 1981 report Lambert and Wilkinson commented on Les Chênes.⁸⁹¹ The premises were "*extremely suitable for their work*". The report set out the amenities and nature of placements, "*... the teachers were enthusiastic and able. Certainly the children seemed committed to their work and there was a noticeably diligent and creative attitude to educational tasks*". The report concluded:

"the establishment is providing a unique experience for the resident children, based on what appears to be a high quality of specialised education and on a very warm and committed approach to the children

⁸⁸⁷ Day 77/85

⁸⁸⁸ Day 77/106

⁸⁸⁹ Day 77/123

⁸⁹⁰ Day 70/75

⁸⁹¹ WD007382/45

by the adults. The establishment is also very 'professional' in its task, having worked out its conceptual frame work in advance of operation, and consequently refining practice within this frame-work. This appears to have led to a security and sense of purpose which is shown by the behaviour and responses of children and staff alike We see an enhanced role for Les Chênes in future years, working with many more difficult children, especially those who are in care but not necessarily defined as delinquent in the narrow sense".

Governance (i)

4.702 Les Chênes Residential School Advisory Committee held its first meeting in February 1977. It reported to the Education Committee. Members included Jurats, Youth Panel members and local clergy. The Principal of Les Chênes was accountable to the Advisory Committee. Minutes were confidential. Admissions were discussed and Tom McKeon recognised that by modern standards "*it would be quite inappropriate to share the names of these young people with the Committee*".⁸⁹²

4.703 During his time as Principal, Tom McKeon told the Inquiry that the Advisory Committee never inspected Les Chênes, although some did visit;⁸⁹³ according to Tom McKeon, the attitude of some members and "*a fairly broad group of society in Jersey was that naughty children should be put away and kept away*".⁸⁹⁴

Mario Lundy (1986–1996)

Management and organisation

4.704 Tom McKeon resigned in 1988. His post was taken by Mario Lundy who had been the Deputy Principal since 1979. For a brief three-month period in 1985 Mario Lundy had worked at HDLG. He had qualified as a teacher in Manchester and then worked at St Edwards, the last remaining Approved School in the UK. Mario Lundy left Les Chênes in 1997 becoming Head Teacher at Grainville School. In 2004, he was appointed Assistant Director of

⁸⁹² Day 77/21

⁸⁹³ Day 77/41

⁸⁹⁴ Day 77/123

Schools and Colleges for Jersey before becoming Director of Education in the island in 2008.

4.705 At the time he took up the appointment, the total capacity of Les Chênes was 20 pupils of which four spaces were set aside for pupils from Guernsey. The staff included the Principal, Deputy Principal, two teachers, three teacher/care workers, one gardening instructor, two domestic staff, one night supervisor and 2.6 full-time staff.

4.706 During his time as principal, the numbers admitted to Les Chênes increased rapidly, particularly in the 1990s, following a revised admissions policy which allowed for a child to be admitted for long-term placement at Les Chênes: *“on the imposition of a Probation Order with residence at Les Chênes being a condition of that Order”*.⁸⁹⁵

4.707 By 1991, there was pressure on the school from the Court *“to provide remand facilities for 16/17 year olds as there is inadequate provision in the Island now that the Junior Remand Wing at the prison has been closed”*. The dilemma raised by the pressure was summarised in Governing Body⁸⁹⁶ minutes for January 1991: *“Should these older delinquents be remanded to prison they could be subjected to the influence of convicted criminals. However, if they were remanded to Les Chênes their influence on younger more impressionable pupils would similarly be unacceptable”*.⁸⁹⁷ At the next meeting, the proposal appears to have been abandoned:

“A meeting was held in November 1990 between representatives of the Offenders Education Committee and the Prison Board to discuss the role of Les Chênes in relation to the remand of young people aged 16 to 17 years. It was generally agreed that neither the prison nor Les Chênes were appropriate for such remands but, until the Young Offenders Institute reopens, the school should continue to exercise flexibility in relation to immature 16 year olds and the Magistrates would carefully consider the use of a custodial remand in such circumstances”.⁸⁹⁸

⁸⁹⁵ WD004214

⁸⁹⁶ The successor body to the Advisory Committee

⁸⁹⁷ WD006326

⁸⁹⁸ WD006326/207

4.708 Peter Waggott thought that the probation order with a condition of residence *“in the beginning and for most of the 1990s ... was pretty effective. No one seemed to have questioned the notion that probation is not a custodial sentence so those that were on probation orders did well, the vast majority of them”*.⁸⁹⁹

Merit Award System

4.709 Mario Lundy told the Inquiry that the MAS was *“introduced to get children home, not to keep them from going home”*. He recognised the two separate categories of welfare and remand placements but it would have been *“difficult to run two distinct philosophies in the same small scope ... the [welfare] placement was made because it was felt by whoever the referring agency was that this young person would benefit from the programme at Les Chênes”* including the MAS and home leave provisions. Children’s Services were aware that children would not be allowed home for the first 12 weeks. This changed: *“as the school started to take more young people with emotional behavioural difficulties as opposed to delinquents, then the Merit Award System started to evolve ... if you look at the later years the system got to the point where young people could actually work towards very quickly being day pupils”*.⁹⁰⁰

4.710 At a Governing Board meeting in January 1990 Mario Lundy set out the aims of the behavioural approach represented by the use of the MAS:

“ ... we strive to encourage good behaviour and appropriate attitudes by rewards and sanctions available through the Merit Award System. In a primitive form this is no more than a management tool for staff but the system has changed significantly during the past year, becoming much more sophisticated. Fundamentally, there is now a greater emphasis on pupils accepting more responsibility, making decisions and recognising the consequences of those decisions. While behaviour modification and token economies have been around for some time, our particular adaptation of the concept is very effective and probably quite unique”.⁹⁰¹

⁸⁹⁹ Day 75/184

⁹⁰⁰ Day 74/68

⁹⁰¹ WD006326/50

- 4.711 In 1991, the MAS was reviewed by HMI Sylvester who noted that the scheme had value but needed to be kept in balance and have flexibility. Mario Lundy agreed and told the Inquiry that this is what he established.⁹⁰²
- 4.712 Monique Webb thought that the MAS was less strictly applied under Mario Lundy than previously: *“In some ways a bad thing because the kids soon cottoned on and caused more trouble but in other respects not a bad thing I suppose”*.⁹⁰³
- 4.713 WN834 remembered that during her time at the school (the first half of the 1990s) a pupil appraisal system was introduced that enabled pupils to earn time away from the school: *“The system allowed for a more regular pattern of home leave and ... a clearer understanding of the system for pupils”*.⁹⁰⁴ In her view, the system also allowed: *“... for a fair, but punitive measure as well as a reward for prosocial and learning behaviour. For example, in negotiation with the pupils, a tariff was established of the number of points to be removed from an individuals’ point tariff if they displayed aggressive behaviour or disrespectful language. The involvement of pupils in developing the pupil appraisal system was considered to be at the forefront of educational thinking by my professional colleagues on mainland Britain”*.⁹⁰⁵
- 4.714 Kevin Mansell remembers that, for a small section of residents, the MAS was not an incentive as they did not want to go home: *“ ... just one or two who did not, and then we would start working with Children's Services, as it was at the time, to see if an alternative placement could be arranged. And actually we would work quite hard with the parents, to try to get the young people home”*.⁹⁰⁶
- 4.715 In his statement to the Inquiry, Kevin Mansell gives the example of one resident who struggled to get sufficient points so that he had not managed to get home for six months. Kevin Mansell remembers going to Mario Lundy who allowed the resident to go home even though he had not got the points under

⁹⁰² Day 74/145

⁹⁰³ Day 70/37

⁹⁰⁴ WS000719

⁹⁰⁵ WS000719/2

⁹⁰⁶ Day 80/18

the system. Kevin Mansell told the Inquiry that the 11-year-old boy's situation had "*escaped people's notice*". He said that this was an exception and that the system was not inflexible – "*it was robust but there was always room for manoeuvre*".⁹⁰⁷

Secure accommodation

- 4.716 Secure accommodation was used for sleeping on arrival and according to Mario Lundy only remand residents were taken to the secure cells and locked in. The use of secure cells for "*time out*" did not "*happen often*"; he said that this reason "*phased itself out really*".⁹⁰⁸ The unit was never, in his view, used for the convenience of staff. The evidence that children were kept in secure cells for days was, he said, fabrication – someone would have noticed had a child gone missing he added.⁹⁰⁹
- 4.717 The Les Chênes School Handbook 1990 stipulated that secure cells were only for sleeping children on remand and for medical isolation – the cells were not to be used for "*time out*" isolation or containment. Mario Lundy accepted however the possibility that after 1990 the cells may still have been used for this purpose.⁹¹⁰
- 4.718 Kevin Mansell was invited to comment on the "*Les Chênes School – Handbook 1990*" and specifically on the secure accommodation section.⁹¹¹ He could not remember getting the handbook when he started. His memory of what happened to children on admission differed to Mario Lundy's: "*When I worked there and Mario Lundy was head, secure was not really used ... it was really only after Mario had left and that a new Principal had come that we started to receive a significant number of people from Court when that would be the case*".⁹¹²

⁹⁰⁷ Day 80/25

⁹⁰⁸ Day 74/163

⁹⁰⁹ Day 74/167

⁹¹⁰ Day 74/168

⁹¹¹ WD006488/11

⁹¹² Day 80/32

- 4.719 He thought that the first remand placement he remembered after having joined the staff in 1991 was in 1994. None of those admitted during that time were placed in secure: “ ... *they were placed in the bedroom next to the night supervisor’s room upstairs*”. He could remember only one incident when it was used to calm a resident down, and then only for 10 minutes: “*I remember going to get the young person because I was teaching them*”.
- 4.720 Monique Webb remembers that children were only in a secure room at night: “ ... *they were not in there during the day. It was only at night. They were never kept in secure accommodation, they mixed with the other children during the day*”.⁹¹³
- 4.721 Peter Waggott, an English teacher who joined the staff in May 1989, was asked to explain his understanding of the rationale for placing a child on a welfare order in the secure suite on admission when the building itself was secure: “*It was simply as brief as possible a settling in period ... They had come from extremely chaotic and disturbed circumstances ... A night of quiet and calm really would help them settle in*”.
- 4.722 Peter Waggott remembers that young people could be sent to the school on secure remand: “*These residents were not allowed out of the school and would be taught lessons in the secure vestibules. In the early days all remands were under the same regime of sleeping in non-secure rooms and being educated with everyone else*”.⁹¹⁴
- 4.723 The Principal or Deputy would decide when to move a child out of secure following admission.⁹¹⁵ Later in his evidence, and in a different context, when commenting on the fabric of Les Chênes by the early 2000s, Peter Waggott was sceptical about the building being secure: “*The secure unit had been built in 1976 when the school was opened ... by 2003 Home Office spec was way beyond what we had and the security of the rest of the building was pretty much like anyone’s house.*”

⁹¹³ Day 70/61

⁹¹⁴ WS000591

⁹¹⁵ Day 75/161

It was an old farmhouse with standard double glazed windows, ordinary doors ... there was not anything secure about it at all".⁹¹⁶

Jonathan Chinn recalls that by the 1990s, when the suites came to be used more, they were quite dated but that they remained a "safe environment":

"The students would be put there perhaps if they had come back on drugs, etc, or they were coming down. Perhaps if they had been very confrontational perhaps with another student, or they had been on the booze the night before and they just would have come into school and been a complete disruption. But the secure suite was just down from the teaching area so quite often the door was left open and they would just be sleeping in there".⁹¹⁷

4.724 WN834 recalled being shocked when she was left in charge that she had been delegated responsibility for the use of the secure suite, "without reference to any other external personnel". This arose when she had had to admit two young women from La Preference who "had developed a pattern of absconding behaviour":

"Whilst most of the residents were male, the handbook made no reference to the non-admission of females, so both girls were admitted and a programme of social activities put in place to ensure that evenings and weekends when they did not have home leave, were filled with appropriate activities. The admission request came from Anton Skinner [Children's Officer] and he 'signed off' the plan for a programme of support prior to the arrival of both children".⁹¹⁸

Restraint

4.725 Mario Lundy told the Inquiry that there was no restraint training at Les Chênes. He had had none by the time he left in 1996 and that none had been offered. This accords with Kevin Mansell's evidence who joined the teaching staff in 1991: he says that the first training he received was in about 1998. According to Kevin Mansell, restraint training was not available prior to that in Jersey.⁹¹⁹

4.726 As Mario Lundy characterised it:

⁹¹⁶ Day 75/165

⁹¹⁷ Day 71/63

⁹¹⁸ WS000719

⁹¹⁹ Day 80/12

*“Restraint did happen, there were quite a number of occasions over the 18 years when I was there when restraint was used, but it didn’t characterise the culture of the school and you have two reports, perhaps more than two reports, but at least the Lambert and Wilkinson Report and I think another report from HMI who actually – they refer to the positive relationships and the behaviour and attitudes of the young people. That’s what characterised the culture of Les Chênes, not restraint, but restraint was used”.*⁹²⁰

4.727 He told the Inquiry that he recognised that, on occasion, he had to be assertive and robust although he added that this was not part of the general culture of Les Chênes, *“I stood my ground when I was challenged ... There would be times when I had to put a hand out and push the young person back and say ‘back off’,... times I would have pulled a young person away from another ... times when I put my arms around a person and even wrestled them to the floor, and on a few occasions when there was a weapon involved I would always go for the arm that had the weapon”.*⁹²¹

Staffing

4.728 WN834 was a member of staff for two years in the first half of the 1990s. Her appointment was subject to a *“vigorous selection procedure”*, part of which included being interviewed by students. This she considered to be one example *“of the progressive strategic planning that I experienced whilst working at Les Chênes”*. One of her tasks was to help introduce a more holistic assessment of pupil need. There was an induction process for her on appointment.⁹²² She said she shared Mario Lundy’s concern about the quality of staff *“who might be working with vulnerable children but without a professional background qualification”*. She said (speaking of the time around 1994) that qualified social workers, youth workers or mental health workers could not readily be found on Jersey.⁹²³

4.729 Mario Lundy remembers at the time that many residential care staff were unqualified and that by contrast teachers would have been through some training but he recognised with hindsight that there was not sufficient training.

⁹²⁰ Day 74/31

⁹²¹ Day 74/155

⁹²² WS000719

⁹²³ WS000719/2

He remembers that while still Deputy he was sent on a training course in Birmingham after the Lambert and Wilkinson Report came out. The course was funded by the Director of Education.⁹²⁴

4.730 Peter Waggott joined the teaching staff in May 1989, as an English teacher. He had a PGCE in English and Physical Education. While working as a teacher in a comprehensive in Newcastle, he had gone on to obtain a certificate in the psychological management of disturbed children and adolescents at the Nuffield Clinic, Newcastle University in 1986.⁹²⁵ He thinks staff at Les Chênes would have benefited from doing, as a minimum, the same sort of course.⁹²⁶ He worked under Mario Lundy, and went on to work under WN109, Kevin Mansell and Joe Kennedy. When he joined there were eight staff covering both education and care.

Record keeping

4.731 Mario Lundy told the Inquiry that any significant event was recorded in a daybook; initially one central book, but later sheets for each child. Each child had a file to which staff had access. Kevin Mansell recalled as did others that each resident would have a file to which the staff had access.

Intake of pupils/admissions process

4.732 Aside from remand placements, children would be admitted by the Education Committee because they were beyond care and control of either their parents or other children's homes.⁹²⁷ With voluntary placements, parents with disruptive children would have been made aware that Les Chênes was available as a facility. In such cases placement at the school, without the need for a care order, was made through a referral by Children's Services or by the educational psychologist.⁹²⁸ Not every child would see the educational psychologist – it depended on the nature of the initial placement and if the child was already seeing one at the point of admission. The educational

⁹²⁴ Day 74/27

⁹²⁵ WD006416/3

⁹²⁶ Day 75/131

⁹²⁷ Day 74/22

⁹²⁸ Day 7/23

psychologist would be called in when “*we had a concern we felt [he] could help us with*”.⁹²⁹

4.733 In the early days of Les Chênes, when children were admitted they were would be given clothes. Children would wear a school uniform during the day. At a later stage they were allowed to bring their own clothes which they could change into after school.⁹³⁰

Absconding

4.734 When children went missing the school would inform the police immediately. Although the assumption was that the police would then handle it in practice it was often staff from Les Chênes who would return the young person. Once back the staff would talk to the young person to find out why they had absconded. Mario Lundy never had the police tell him on bringing back a young person that they had complained to the police about how they were being treated.

4.735 Mario Lundy remembered a period when the school had had to “*address*” absconding. He described the approach that was taken: “*most of it would have been about discussing the consequences of absconding*”. He said that this was so successful such that in his time as principal, “*I opened all the doors so that it was no longer a secure school*”.⁹³¹ He had not needed to consult the Courts because “*a lot of the kids at that time were on voluntary placements*”.

4.736 In January 1990 Mario Lundy reported to the Governing Board that the main door of the school had not been locked during the school day for “*almost a year*” and there had been no absconding. He said that the school policy was that security be maintained through “*quality supervision and good relationships between staff and pupils*”.⁹³²

⁹²⁹ Day 74/58

⁹³⁰ Day 74/112

⁹³¹ Day 74/127

⁹³² WD006326/50

Violence against staff

4.737 Mario Lundy was invited to comment on an account, recorded in June 2003, of residents threatening to attack staff. Did this happen when he worked at Les Chênes?:

*“Not on a day-to-day basis. There were incidents at Les Chênes that were similar to this, some even more aggressive and violent, but it is easy to start thinking that life at Les Chênes was all like this, it was not, there were sometimes very difficult youngsters, very difficult situations, physical situations, aggression, violence, but as I say it did not characterise the school. There were many young people there who themselves would not associate with that and who did very well there and the culture and ethos of these young people was very good. It was a positive environment”.*⁹³³

Contact with CCOs

4.738 Mario Lundy told the Inquiry that the frequency of visits to Les Chênes by CCOs depended on the individual CCO. They would come in the early days of admission then it would fall off, preferring to see the child at home. He had an expectation that the child would be seen regularly *“but that would not always be the case”*. When asked if the CCO was not central to the welfare of children placed at Les Chênes, Mario Lundy suggested that:

*“I think probably when the school had taken over the day to day work with the child they probably saw less of a role for themselves at that time. They were more about supporting the family ... the main point of contact with the child on a day to day basis were the staff at Les Chênes”.*⁹³⁴

4.739 Apart from the six-monthly review, CCOs would also come to speak to Mario Lundy about allocated children.

4.740 Peter Waggott's experience of Children's Services was a negative one: *“as teachers we did not have a valid opinion about the young people and we took exception to that ... we spent sometimes 14 and half hours non-stop with these young people and you get to know them really well ... When I went to*

⁹³³ Day 74/121

⁹³⁴ Day 74/63

*case reviews ... there was a feeling that everybody knew more than we did and better”.*⁹³⁵

4.741 Probation Officers were in the school “*on a weekly basis*”.⁹³⁶ Mario Lundy told the Panel that the Probation Officers would take part in the activities organised by the school.⁹³⁷

Culture

4.742 Monique Webb described Mario Lundy as a “*very powerful fellow who uses strength to defuse many a situation*”. She assumed that he had had training: he would envelope them so that they could not hurt themselves or anybody else. He would try talking to them first but sometimes it just did not work.⁹³⁸

4.743 She recalled he would be rough at football and/or rugby matches and she, as Matron, was called upon to deal with injuries to the children. He was physical but only when warranted and there was no alternative.⁹³⁹

4.744 Mario Lundy responded that his “*roughness*” was not malicious but “*banter*” with the older residents as opposed to anything sinister. He accepted the description of himself as “*assertive and robust*” but not the account given by one witness that he would come out of the gym spoiling for an argument with residents.⁹⁴⁰

4.745 Mario Lundy expressed his frustration that records at Les Chênes had been destroyed as Les Chênes had been portrayed as an abusive regime when “*it was not*” ... “*When I look at what was happening in England with detention centres, community homes with education on the premises, I felt that Les Chênes was light-years ahead of that and I think those day books would have reflected quite accurately the culture and ethos*”.⁹⁴¹

⁹³⁵ Day 75/180

⁹³⁶ Day 74/64

⁹³⁷ Day 74/245

⁹³⁸ Day 70/39

⁹³⁹ Day 70/41; Day 74/152

⁹⁴⁰ Day 74/152

⁹⁴¹ Day 74/107

4.746 Peter Waggott remembered Mario Lundy as being “*much more hands-on head*”, adding, “*He was around a lot. He interacted with the students a lot. He was available to speak to pretty much whenever you needed to ... I think he's a great ideas man and he was always coming up with new ideas and visions and approaches of how we might do things, but he did not so much as impose them on you as suggest this might be a good way forward and then we would discuss it at a staff meeting and quite often*”.⁹⁴² Mario Lundy believed that “*education had huge spin-off value for the residents at Les Chênes and I think we was right ... Mario was keen to see the academic side of the school grow*”.⁹⁴³ When just starting at Les Chênes he remembered Mario Lundy telling him that relationships with young people at Les Chênes, “*is the key really to everything and if you can establish good relationships with them then everything flows from that*”.⁹⁴⁴

4.747 Jonathan Chinn remembers Mario Lundy as “*very fair, very straight, firm, assertive*”.⁹⁴⁵

4.748 Kevin Mansell did not agree that the ethos when he first joined was predominantly one of physical activity. For a child who did not enjoy physical activity: “*they would be given things to do they would be given opportunities to go into the workshop. Some young people spent absolutely hours in the workshop, making coffee tables, chairs, making things to take home they absolutely loved it. Other young people were given the opportunity to do cooking*”.

4.749 WN834, who taught at the school in the first half of the 1990s, believes that the school was “*well managed, staffed by appropriately trained and supervised teachers who acted with professional integrity. The unconditional positive regard for residents was paramount in the work*”.⁹⁴⁶

⁹⁴² Day 75/137

⁹⁴³ WS000591/3

⁹⁴⁴ WS000591; Day 75/133

⁹⁴⁵ Day 71/118

⁹⁴⁶ WS000719/4

WN109 (1996–2000)

4.750 WN109 was a member of staff at Les Chênes from 1995 to 2000. In his first year he had worked as a senior member of staff under Mario Lundy. He had received training as a teacher in child protection. In late 1996 Mario Lundy went on secondment to Canada, leaving WN109 in charge until April 1997. In fact, Mario Lundy was appointed Headteacher at Grainville School in the interim. WN109 remained in charge assisted by Kevin Mansell.

Management/organisation

4.751 Derek Carter told the Inquiry that WN109 was good and supportive to work with. The Home felt more relaxed during the time that he worked with WN109.⁹⁴⁷

4.752 Strains over the type and number of remand placements and the approach of the Courts were apparent during this period. This is highlighted by WN109 in December 1999 in a letter to Tom McKeon (then Director of Education) about the Magistrate's decision to remand a young person notwithstanding the Court being told that Les Chênes was overcrowded.⁹⁴⁸ In February 2000 WN109 wrote to the Chief Probation Officer saying that the population was in excess of that which was intended and asking Probation "*to consider alternative methods of dealing with those who breach their Probation Order or are continually offending at a low level*".⁹⁴⁹

Restraint training

4.753 WN109 says that the staff did receive restraint training from Prison Officers. The only child he had had to restrain was a 15-year-old girl who was having a temper tantrum and had hold of a cutlery knife. He had held her by the forearms and told her to drop the knife which she had done.

4.754 Kevin Mansell, in his capacity as Deputy Principal, investigated what restraint training was available during this period. He recalled that Strategies for Crisis

⁹⁴⁷ Day 96/154

⁹⁴⁸ WD007366

⁹⁴⁹ WD006902

Intervention and Prevention (SCIP) training was provided for Les Chênes and other institutions in Jersey.⁹⁵⁰ He was able to compare SCIP with Therapeutic Crisis Intervention (TCI), *“I think SCIP was more aimed or targeted at younger people ...10, 11, 12 year-olds ... the school was taking in more and more 14, 15, 16 year-olds who had been remanded by the Courts for violent offences and so needed a form of managing behaviour which was more appropriate to the age and size of the people we were now dealing with”*.⁹⁵¹

Discipline: points system

4.755 WN544 remembers a points system being in place when he joined the staff in 1998. Though complex, it was *“very effective ... the lack of conflict there was quite staggering considering we had some quite tricky kids”*.⁹⁵²

Secure rooms

4.756 WN109 remembers that the secure rooms were *“officially called cells”* but that he did not like the term and always referred to them as *“secure rooms”*. Although there were four, only three were used *“because one did not have a window and so the fourth was used as a store room ... A window and speaker was inset into each of the doors. The only item in the room was a vinyl covered mattress which was covered in normal bedding. There was no toilet in the rooms”*.⁹⁵³

4.757 WN544 recalls that the *“detention rooms”* were never used for punishment and were very rarely used when he first started. He remembers that those on remand would often be given a *“proper room”* straight away, *“only difficult/agitated children were placed into secure but we wanted to move them out as soon as possible”*.⁹⁵⁴

⁹⁵⁰ Day 80/12

⁹⁵¹ Day 80/14

⁹⁵² WD006631

⁹⁵³ WD006141

⁹⁵⁴ WD006631

Staff and non-staff view on the operation and culture of Les Chênes

4.758 WN109 remembers that new staff would have plenty of “*school sense*” but not what he described as “*secure accommodation*” sense. By way of example WN109 would tell staff that children would have to go in the back of a vehicle when it was being driven by a sole member of staff; whenever he had to speak to any of the girl residents in an office “*he always left the door open and ensured that his secretary was outside so that she could see and hear what was going on*”.⁹⁵⁵

4.759 He felt that the culture of the school came from Mario Lundy’s time as Principal. He said it was to be always very clear, to be very structured and to involve a lot of humour.⁹⁵⁶ He remembers that Jim Hollywood, an Educational Psychologist, would be a “*regular visitor*” to the school who would be encouraged to “*eat and mix*” with the residents.⁹⁵⁷

4.760 WN544 started working at the school in 1998, providing both academic and non-academic teaching. He was at the school for five years. He saw the school in this period as “*a sort of holistic home for kids with a remand wing*”. He thought this approach was “*very effective*”: the curriculum was very broad “*which was what the students wanted: an outward looking approach to which they responded well*”.⁹⁵⁸

4.761 Kevin Mansell told the Inquiry⁹⁵⁹ that as Principal, WN109 was academically rigorous and proactive in *engaging* other agencies with the school; counselling services were provided; there were more visits from educational psychologists and Probation Officers and also more contact with Social Services and outside schools. Training was provided and he recalled “*lots of staff going away on courses and coming back into school*”. Training was sought out: “*I remember lots of staff going away on courses and coming back into school*”. He said that WN109 was strict but had a good relationship with the young people.

⁹⁵⁵ WD006141

⁹⁵⁶ WD006141

⁹⁵⁷ WD006141

⁹⁵⁸ WD006631

⁹⁵⁹ Day 89/128

- 4.762 Kevin Mansell provided a rationale as to why there were no allegations of physical abuse in this period: *“I think young people related well to [WN109] ... but also it was a time of change within the school. There was a lot of positive things happening. That is not to say positive things were not happening under Mario Lundy but, you know, there were a lot of investments in this area, we had different staff coming in, some younger staff were being appointed. And so it was a different environment.”*⁹⁶⁰
- 4.763 In Tom McKeon’s view, Les Chênes had lost its way by the late 1990s: *“it had reached the stage where it was reacting to circumstances, reacting to pressures, rather than pro-actively developing programmes that were agreed by all stakeholders”*. He described the school as *“falling apart”*.⁹⁶¹ When asked why it then took until 2003 for effective action to be taken, Tom McKeon described the additional support provided the school *“with a view to it becoming stabilised”* but that *“this was a slow process of decline and the interventions proved to be inadequate to prevent that decline from gaining pace”*.⁹⁶² He thought by then and given *“the intensity of the challenge”*, the school was *“incapable of providing an appropriate response and that is why the provision that is made today and that was made shortly into the 2000s was of a very different nature”*.⁹⁶³
- 4.764 Tom McKeon described the situation at the school at the time, *“And you had this situation where more and more children were being placed on Voluntary Care Orders, with the agreement of the parents, fewer and fewer were coming through the Court route, so the process was beginning to become blurred. Then there was a particular spate of challenge at the turn of the century, a lot of young people committing offences and more and more children being placed on remand, more children than certainly I ever experienced during my time as Principal of the school, to the point where the Magistrate was requiring these children to be held in secure placement and there were insufficient secure placements actually available at the school ... I think the*

⁹⁶⁰ Day 80/44

⁹⁶¹ WS000598/26

⁹⁶² Day 77/96

⁹⁶³ Day 77/107

*problems associated with the pressure caused by that very significant number of children who were being placed at Les Chênes created problems that ... the institution was unable to withstand”.*⁹⁶⁴

4.765 The issue of overcrowding at Les Chênes, which continued into the early 2000s, is discussed further below.

Kevin Mansell (2000–2003)

Management and organisation

4.766 After graduating from university in London, Kevin Mansell worked in outdoor centres in Wales where he said he gained “*some residential care experience*”. He completed a PGCE and a Master’s degree in special education at Sheffield University before coming to Jersey in 1980 to teach at Le Rocquier school. He joined the staff at Les Chênes in 1991, as a geography teacher, although he had had previous contact with the school in helping with canoeing. For Kevin Mansell teaching at Les Chênes was appealing: “*whilst the role required forty hours of work per week staff were only expected to teach for two days. This meant that a large portion of the role involved the provision of extracurricular support and care during evenings and weekends*”.⁹⁶⁵ In 2000, he was appointed Principal.⁹⁶⁶ He thereafter presided over what staff describe as a particularly difficult period for the school. The evidence suggests that this was due to a combination of factors coinciding, including:

- 4.766.1 the approach adopted by the Court in ordering remand placements;
- 4.766.2 a particular cohort of young people with emotionally demanding behaviour being placed in the school;
- 4.766.3 the adequacy of training for teaching staff in meeting the challenges presented by the large number of remand placements;
- 4.766.4 the increased population and overcrowding in the school;

⁹⁶⁴ Day 77

⁹⁶⁵ WS000599/3

⁹⁶⁶ WS000599; WD006488

4.766.5 the role of the Board of Governors and the Director of Education.

4.767 Evidence from staff working at Les Chênes during this period highlighted the fact that they were reacting to what was happening rather than proactively managing the school.

Use of the secure cells/suite

4.768 Staff remember that the cells were used in this period: there were log books;⁹⁶⁷ the cells were checked when occupied;⁹⁶⁸ residents were placed in the cells “*for their own safety and the safety of others*”.⁹⁶⁹ Several describe a vinyl mattress (“*gymnastic type plastic mattress*”), a duvet, pillow and nothing else in the cell. There was an intercom.⁹⁷⁰

4.769 Kevin Mansell remembers that the cells were increasingly used from 2000 onwards for new arrivals who had been drinking or taking drugs and not been eating well – the provision of the secure suite and cell would allow them to rest, eat well and to sleep. He explained why in those circumstances at night time they would be locked in the cells, “*they would be monitored by the night staff*”.⁹⁷¹ In response to Dr Kathie Bull’s finding that all young people began their time by being placed in secure, Kevin Mansell told the Inquiry that by the time her report was written, “*welfare placements on a residential basis had pretty much ceased because of the number of people that were being remanded from Court*”.⁹⁷²

4.770 Kevin Mansell agreed that by the 2000s “*when we had no financial support to buy in the staff that was needed*” residents on remand were placed in the secure suite while staff meetings took place. The practice was stopped he thought in 2001, but he recognised that it was inappropriate to use the secure facility in this way, and notwithstanding that the level of supervision was

⁹⁶⁷ See, e.g., WD006154

⁹⁶⁸ See, e.g., WD006128

⁹⁶⁹ See WD006154

⁹⁷⁰ See, e.g., WD006127; WD006135

⁹⁷¹ Day 80/36

⁹⁷² Day 80/36

increased when this happened, as it was effectively being used to “*control and contain*”.⁹⁷³

4.771 An analysis of the use of the secure cells between 2000 and 2006 concluded:

“As every member of staff stated, the secure system was a difficult system to operate and was just as unpopular with the staff as with the residents – space was at a premium, extra staff were needed to monitor/control residents, longer hours were spent outside the classroom (after all they were teachers and not social worker/jailers)”.⁹⁷⁴

The Magistrate’s Court and the Governing body: the crisis at Les Chênes

4.772 The approach adopted by the Magistrate’s Court in the early 2000s in sending young offenders to Les Chênes put considerable pressure on the school. As suggested earlier the pressure had begun to build in the late 1990s. An analysis of the minutes of the Governing Body suggested that overcrowding was due to the increased number of young offenders placed at the school and the increase in school leaving age from 15 to 16 and a perceived change in the approach of the courts appeared increasingly willing to send young offenders to Les Chênes.

4.773 In February 1997, the Governing Body noted the concerns about the shortage of places at Les Chênes: “*Mr Birtwistle voiced his concerns in respect of the shortage of places as Les Chênes is currently being filled by the Courts and Guernsey were continuing to use all their places. Mr Birtwistle felt that children at risk needed to be placed in Les Chênes before the age of 15. It was agreed that the raising of the school leaving age had contributed to the shortage of places available at Les Chênes. Following further discussion, it was decided to hold a special meeting to discuss the increasing pressure on places at Les Chênes and to draw up proposals to help alleviate the situation for submission to the Education Committee*”.⁹⁷⁵

4.774 A report on pupil numbers in 1997 indicated that a Magistrate, Mr Trott, continued to remand children to Les Chênes even when advised that there

⁹⁷³ Day 80/39

⁹⁷⁴ WD006188

⁹⁷⁵ WD004230

were no available beds. A further meeting of the Governing Body in 1997 identified the increasing number of referrals as a “*continuing trend*” and that the “*shortage of places was likely to continue*”. It was agreed that a statement be prepared “*for the Education Committee from the Governors expressing their concern in respect of the unreasonable pressure staff experience when too many severely damaged youngsters are placed in a small environment*”.⁹⁷⁶

4.775 In March 2000 Magistrate Ian Le Marquand wrote to the Governing Body expressing his view that all remands of those under 16 years of age should be accepted at Les Chênes. He also set out his concerns about the school’s dual role as both a provider of education and a secure remand facility.

4.776 In November 2000, the JEP published an article on overcrowding at Les Chênes, prompting Ron McLean, the Chairman of the Board of Governors, to write to the Director of Education:

*“The Magistrate’s letter [published in the JEP] has made public something that we (the Board of Governors and the Education Committee) have known for some considerable time – the School is overcrowded and the situation is not going to improve. We may have the Magistrate’s sympathy and support, but he has no alternative in Law other than to remand young people to Les Chênes – the fact that we cannot accommodate them is not his problem. The Board has minuted a resolution that I write to you expressing its deep concern at the overcrowding situation at Les Chênes”.*⁹⁷⁷

4.777 In December 2000, the Governing Body wrote to the Director of Education (Tom McKeon) alerting him to their concerns about overcrowding.⁹⁷⁸ Kevin Mansell told the Inquiry (as did other witnesses) that at this time “*there was a small group of young people who are committing a significant number of offences ... we are probably talking about ten or twelve*”. Pressure was consequently placed on Les Chênes to provide additional secure accommodation. The school had no control over admissions and from 2002 regularly exceeded the maximum occupancy level; it was by this time no longer taking welfare placements.⁹⁷⁹ In response to the overcrowding, “*some*

⁹⁷⁶ WD004227

⁹⁷⁷ WD004237

⁹⁷⁸ WD004237

⁹⁷⁹ Day 80/47

*people had to be sent home. Completely inappropriate, you know, hot-bedding should not happen”.*⁹⁸⁰

4.778 Kevin Mansell told the Inquiry that he met with the Magistrates on several occasions. He was told that Les Chênes was the designated remand facility for those of school age and that if they needed to remand somebody then they would. As Principal he was not in a position to refuse placements which had been ordered by the Court.

4.779 The Principal’s follow-up report to the Governing Body noted: *“Two issues of immediate concern are the increased number of remand cases followed by the length of time that it takes for cases to be resolved e.g. a number of students have been on remand for over five months which is totally inappropriate. At the present time there is very little that can be achieved in relation to the remand cases as those numbers merely reflect the fivefold increase in the number of young people who have appeared in Youth Court in recent years. The magistrates are actively looking for ways to reduce the length of remands that some young people are on, which may be of benefit to the school”.*⁹⁸¹ A subsequent report recorded 23 students on the roll during March 2001.

4.780 Kevin Mansell told the Inquiry that cases where children were remanded could have been dealt with more efficiently and that alternatives to custodial remands should have been explored. The Probation Service was aware of the pressures on the school – he said that he probably spoke to them on “*a daily basis*”. One significant consequence of Dr Kathie Bull’s Report in 2001 was the removal of Probation Orders with a condition of residence.⁹⁸² Kevin Mansell remembered that that *“did ease the situation significantly”.*⁹⁸³

4.781 He recalled that, following one meeting in 2001, the Magistrates had accepted his invitation to visit Les Chênes, following which they concluded that Les

⁹⁸⁰ Day 80/47

⁹⁸¹ WD006416/18

⁹⁸² Day 80/57

⁹⁸³ Day80/57

Chênes was not suitable for the most severe cases and *“insisted that certain young people were kept in certain areas”*.⁹⁸⁴

4.782 Minutes of a Governing Body meeting in October 2001 also record the dilemma facing the school at the time (by which date the Bull Report had recommended that Les Chênes become a remand unit only): *“When WN627 had appeared in Court for sentencing the Magistrate would not accept the recommendation of probation and attendance at anger management and pitstop as it was felt this was insufficient. This sentence was the maximum that could be imposed whereas if WN627 had been an adult he would have been facing a one-month prison sentence. The Magistrate had therefore remanded the case for another week in the hope that an alternative recommendation could be made. Bail was not granted, as he believed WN627 was at risk of re-offending. The Governors were advised that in the past WN627 would have been returned to Les Chênes on a condition of residence but now that the school was a remand unit only this was not possible and there was no other provision in the Island. It was agreed that this gap in provision, together with the role of Les Chênes, should be discussed as a matter of urgency but would not solve the current problem”*.⁹⁸⁵

4.783 The approach adopted by the court and the effect on Les Chênes was summarised by Peter Waggott in this way:

“... under the age 15 a young person could be remanded into custody but not sentenced to custody ... there was a sense with a few of the young people ... they were habitual offenders ... that they needed locking up, but they could not be given a custodial sentence so they were held on remand and then they would go to Court ... sentencing was delayed because it was a requirement for a background report, or a probation report or a psychologist’s report and so these inevitably took time and sometimes I think that it was the case that it took a lot longer than it should have”.⁹⁸⁶

4.784 An example of the length of remand placements imposed by the Magistrates is found in the case of WN73.⁹⁸⁷ Peter Waggott told the Inquiry that WN73

⁹⁸⁴ Day 80/55

⁹⁸⁵ WD004264/54

⁹⁸⁶ Day 75/150

⁹⁸⁷ Day 56; see also Appendix 2

spent *“a great deal of time”* in a secure area of the school.⁹⁸⁸ He agreed with WN73 who said that at that time the secure units were being used for far longer than had previously been the case.⁹⁸⁹ Peter Waggott’s view was that young people were placed on long remands for *“spurious reasons and there was no doubt in my mind that the Court did this as a punitive measure”*.⁹⁹⁰

4.785 Peter Waggott told the Inquiry that in the early 2000s the Court had brought in different categories of remands (used for instance in WN73’s case): *“Secure 1 was someone who has to be kept separate from the rest of the student population and only both sleeping and educated within the secure vestibule area and that was difficult because you were locked in with one or two students, not in a classroom, so you did not have any of your teaching resources ... very often you were one-to-one with that person and if they were being difficult you were a little bit exposed”*.⁹⁹¹ Peter Waggott explained that “Status 1” remand and “Secure 1” remand was the same thing. It meant that children were kept separate for both sleeping and education within the secure unit. Secure 1 remand was used for those guilty of a number of repeat offences rather than a single serious offence, while Secure 2 was imposed *“things like assault ... breaking and entering”*.⁹⁹² He thought that the categorisation was brought in by Ian Le Marquand,⁹⁹³ while Kevin Mansell thinks it was started by his predecessor, Magistrate Trott.

4.786 Peter Waggott remembered that those on long periods of remand would sleep, be taught, and would eat in the secure area and exercise in the ball court: *“they were not totally cut off ... Because we were concerned that they were spending so much time within the four walls of the secure area we set up a room ... we had a computer in there and a games console and a TV”*.⁹⁹⁴

⁹⁸⁸ Day 75/51

⁹⁸⁹ Day 75/152

⁹⁹⁰ WS000591/6

⁹⁹¹ Day 75/146

⁹⁹² Day 75/182

⁹⁹³ Day 75/156

⁹⁹⁴ Day 75/155

- 4.787 WN73 said that as a “Status 1” remand admission he was not allowed out of the secure suite under any circumstances.⁹⁹⁵ He was rotated between two cells with another resident so that neither would go for more than 24 hours without a window. He states that “*it was insane to treat children like that ... No one should be placed in 24-hour solitary confinement as a child, no matter what they have done*”.⁹⁹⁶
- 4.788 WN73 spoke of his loneliness and his slide towards depression as a result of being kept in isolation.⁹⁹⁷
- 4.789 The longest single period WN73 spent on Status 1 remand was two months and the longest period in solitary confinement was one week.
- 4.790 A number of other witnesses allege that during this period they were placed in secure accommodation for prolonged periods lasting months at a time.⁹⁹⁸
- 4.791 Kevin Mansell told the Inquiry that he questioned whether it was appropriate to remand young people with such frequency and for such long periods of time. He was concerned at the possibility of a breach of their human rights and raised the issue with the Director of Education, Tom McKeon.
- 4.792 Tom McKeon recalled a meeting with Magistrate Ian Le Marquand to discuss the Courts’ approach in an effort to resolve the issue.⁹⁹⁹ Ian Le Marquand had written to the Director of Education concerned that the Governors could not reassure him that young people could be placed in a custodial environment at Les Chênes: “*I do not think that the general public will be at all happy to learn that the Courts do not have any secure post sentencing custodial facility for young people under the age of 15 who repeatedly re-offend with serious offences because the only facility which existed has been withdrawn by the Education Committee*”.¹⁰⁰⁰

⁹⁹⁵ WS000443/10

⁹⁹⁶ WS000443/13

⁹⁹⁷ Day 56/70–71

⁹⁹⁸ WN627: WS000447/3; WN630: WS000450/4; WN698: WS000511/7; WN628: WS000448/2

⁹⁹⁹ Day 77/108

¹⁰⁰⁰ WD003955

4.793 Tom McKeon's assessment to the Inquiry (in his role as Director of Education) was that:

"... the problems that were being confronted by the school at that time were not just a reflection of what was happening in the community, because there was a spate of offending by young people, but were also a reflection of the requirements that were being laid upon the school by the Court. The Court was adopting an increasingly inflexible approach to the way in which the children could be provided for and it added to the pressure that the school was facing, hence my meeting with Ian Le Marquand to try to resolve the issue".¹⁰⁰¹

4.794 Tom McKeon agreed in evidence with the suggestion that Ian Le Marquand appeared to take a punitive approach toward the children at Les Chênes.¹⁰⁰²

Staffing issues

4.795 Peter Waggott told the Inquiry that from 2000 onwards he was aware that the Principal had made a number of approaches to the Education Department for additional funding to employ more staff or to completely change the staffing model with care staff and teaching staff as separate bodies. He said that the Department was not interested at that point.¹⁰⁰³

4.796 Tom McKeon thought Peter Waggott's conclusion was "very unfair" and reflected a "high degree of frustration and concern because (the staff) were not able to provide appropriately for the young people in this very challenging situation", adding, "I'm in no way critical of the staff at Les Chênes ... at any time and of the work they were trying to undertake. I do believe that as the pressures grew the provision proved to be entirely inadequate"¹⁰⁰⁴ He told the Inquiry that he did view the predicament at Les Chênes at the time as a pressing concern: "in the sense that I would not want any part of our service to feel inadequately resourced but the source of challenge was beyond our control ... the level of challenge was becoming something that the place could no longer deal with".¹⁰⁰⁵

¹⁰⁰¹ Day 77/108

¹⁰⁰² Day 77/124

¹⁰⁰³ Day 75/158

¹⁰⁰⁴ Day 77/100

¹⁰⁰⁵ Day 77/105

- 4.797 In July 2002, Tom McKeon wrote to Anton Skinner (Acting Chief Executive, Health and Social Services Department) stating that the Education Committee had determined that henceforth Les Chênes was to be used “*exclusively for the purposes of secure remand*” in line with the Bull recommendations. He added that it was the Committee’s belief that the “*school ethos and training, experience and skill set of the current staff are ill suited to the changed circumstances*”.¹⁰⁰⁶
- 4.798 In Kevin Mansell’s view Les Chênes was “*left to struggle*”; the budget was insufficient to deliver the services the school was expected to deliver.¹⁰⁰⁷ He was asked to respond to the view expressed by the Chair of the Governing Board (Mr McLean) that from 1997 “*it became clear that the organisation of Les Chênes was falling apart*”. Kevin Mansell in turn considered this unfair. The staff were dedicated and doing their best for the young people, but were not receiving support (mainly financial) to develop resources at the school.¹⁰⁰⁸
- 4.799 Kevin Mansell said in evidence that he did not think that Tom McKeon was aware of how difficult things were at Les Chênes in this period.¹⁰⁰⁹
- 4.800 Jonathan Chinn felt that the teaching staff were not well equipped to deal with this new intake (later he put this down to the number of students coming in rather than the nature of the intake *per se*):

*“A lot of the earlier days I think it was good old fashioned delinquent children. When it started coming into drugs – and you're talking serious drugs here, heroin, etc, and everything else that goes along with that – and self-harm – some students started to self-harm and that was something that I did feel uncomfortable about because that was a sort of different spectre, or different from what we had been used to dealing with before and I did not think I was quite trained up to be a psychiatric nurse, which I sometimes said that, we really need a psychiatric nurse, but obviously with the finances and the number of students we had in there it would not have been worth that sort of expenditure, but I know the school as quickly as it could be used to get the Ed Psych in and everyone to try and get some support or help”.*¹⁰¹⁰

¹⁰⁰⁶ WD007368

¹⁰⁰⁷ Day 80/159

¹⁰⁰⁸ Day 80/70

¹⁰⁰⁹ Day 80/78

¹⁰¹⁰ Day 71/72

4.801 Jonathan Chinn also remembered that by 2002 the school was containing children on remand “*in the ordinary bedrooms*”. He agreed that by this stage there were some students who were being kept in Les Chênes in a way that the Court had not envisaged. It was he says through no fault of the school or the staff, “*it became difficult for staff to work there and obviously the students were becoming huge problems with the drugs, there were children absconding and I think that put more pressure on the school because the Courts were unhappy that the children were absconding*”. He believes that staff would have had the expertise to manage some of the intake “*if there had not been so many of them*”.¹⁰¹¹

4.802 Peter Waggott told the Inquiry that in this period he and his colleagues had been taken by surprise by “*a sudden influx of a cohort of young people who had committed lots of offences together outside of school*”.¹⁰¹²

Running Les Chênes after the Bull Report 2001

4.803 Jonathan Chinn told the Inquiry that when Dr Kathie Bull’s 27-page 2001 Report¹⁰¹³ was published, Kevin Mansell was keen to bring about the changes recommended.¹⁰¹⁴ One recommendation was that those on remand be placed back in a mainstream school. Running Les Chênes after the report came out was “*extremely difficult because we were understaffed*”. Kevin Mansell said that significant input was needed to enable the transition but no additional funding was provided.¹⁰¹⁵ The recommendations he did implement included individual care plans, education plans and risk assessments.

4.804 Having reviewed a raft of management and other issues,¹⁰¹⁶ the report was widely critical on a number of fronts. The report identified the pressures placed on the school:

¹⁰¹¹ Day 71/89

¹⁰¹² Day 75/165

¹⁰¹³ “*Review of the Principle, Procedures and Practices at Les Chênes Residential School*”; the report was commissioned by the Director of Education after a specific incident of violence towards a member of staff at Les Chênes

¹⁰¹⁴ Day 80/68

¹⁰¹⁵ Day 80/68

¹⁰¹⁶ Admissions, assessment, court procedures that impact on the school’s role and function, use of the secure unit, behaviour management and the use of physical force, staffing and staff training, premises and accommodation and proposed redevelopment

“The number and type of young person admitted to Les Chênes have changed markedly over a period of at least three years but certainly over the last eighteen months. It would be usual for a special school to have admission's procedures which allow each pupil to have a settling in period before another pupil is admitted. This so as not to destabilise the existing cohorts. However, such a routine is not possible. Pressures on the Court as a result of a rise in the number of young people appearing before it and the changing profile of youth crime is having a serious and detrimental knock-on effect upon the school. Indeed, at points throughout the year the school has had to admit: (a) more pupils in total than it has space to accommodate (b) more pupils on custodial remand than it has secure beds to accommodate (c) an excess of pupils for which the staffing ratios are inadequate”.

4.805 It called into question whether Les Chênes as an educational establishment could meet the needs of those on secure remand, those on welfare placements and those *“who are vulnerable and may require a place of safety”*. The Report queried whether this provision should be within the remit of the Education Department.

4.806 In respect of the use of the secure suite *“for all young people on entry to Les Chênes”* the Report concluded that this was *“most unacceptable”* and that the fabric and configuration of the secure unit was *“not fit for purpose”*. The MAS (revised in 1996) was seen to be of limited use. The home leave element of the system was a *“major weakness”* – *“leave should be a right for any child in a residential school”*. The absence of behaviour plans was *“not wholly defensible”*. The report expressed concern about the absence of training in the use of restraint. A policy for the use of reasonable force was needed *“across major departments”*.

4.807 The Report found that *“the absence of qualified and experienced childcare professionals is not acceptable”* and reliance on supply cover for staff *“an overwhelming weakness of the organisation”*.... *“Without a radical overhaul and review it is possible that the current weaknesses will be perpetuated, with little gained overall for the young people. The present arrangement whereby the head teacher and the deputy share, over a 36 day period, the management of the school, 24 hours daily, is clearly unsustainable”*.

4.808 Other recommendations included agreeing with the Magistrate *“a set of procedures for the admission and detainment of young people”* reflecting

concern for the “*very serious weaknesses*” at Les Chênes and “*the extreme constraints*” on accommodation. A policy for the use of reasonable force was needed “*across major departments*”.

August 2003: police called to Les Chênes

4.809 In mid-August 2003,¹⁰¹⁷ the police were called to Les Chênes following an incident involving two residents. Derek Carter was on duty and called for the police to attend; he also telephoned Peter Waggott (Acting Principal) who arrived at about 9.30pm. Derek Carter gave detailed evidence to the Inquiry about the episode.¹⁰¹⁸

4.810 Peter Waggott described the two young people involved as “*habitual offenders ... hell bent on creating trouble*”. The police used CS spray. Peter Waggott said that, had he been asked at the time, he would not have sanctioned its use.¹⁰¹⁹

4.811 Peter Waggott felt unsupported over the incident and his impression was that the Director, Tom McKeon, held him responsible as Acting Principal for what had happened. He told the Inquiry:

*“We had requested that staffing was improved and the building was improved and repeatedly that had been knocked back and our perception was that [Tom McKeon] because he had established the school thirty years earlier on a particular model ... that model was okay and if we were not managing on that model it was us that was at fault”.*¹⁰²⁰

4.812 A member of the care staff (2002–2003) gave an account to the police of the build up to the incident. She believed that two of the residents “*kicked off*” and a member of staff locked them both in a glass room next to the day room and the secure area. The room contained computers and other expensive electrical devices. Police photos received in evidence show extensive damage;¹⁰²¹ the armed response Police were called and the building evacuated. She felt that locking the boys inside the glass room was

¹⁰¹⁷ See WD006416/

¹⁰¹⁸ Day 96/151

¹⁰¹⁹ Day 75/185

¹⁰²⁰ Day 75/174

¹⁰²¹ The Inquiry received in evidence a folio of police photographs of the scene following the incident: WD007341

“inappropriate in the circumstances”.¹⁰²² At the time she did not hear the commotion as she was in the secure area *“minding a young female”*.

*The Madeleine Davies Report*¹⁰²³

4.813 In 2003, two residents at Les Chênes disclosed that WN708, a staff member, had supplied them with drugs. The police were informed and WN708 was suspended with immediate effect. There were also concerns that he had acted inappropriately with female residents.¹⁰²⁴ He subsequently pleaded guilty to possession of drugs. This episode may have prompted the commissioning of a report from Madeleine Davies, Head of Staff Services published in 2003.¹⁰²⁵

4.814 Madeleine Davies carried out an unannounced inspection of Les Chênes in August 2003 at the request of the Director of Education (Tom McKeon). It addressed the following issues:

4.814.1 keys to the secure area;

4.814.2 checks on the secure cells;

4.814.3 observations on the day rooms, classrooms and offices;

4.814.4 recording procedures;

4.814.5 young persons' interviews;

4.814.6 staff induction and training;

4.814.7 records on absconding, and

4.814.8 procedures on administration.

4.815 An extract from the report highlighted *“some inappropriate and legally dubious methods of managing pupils because both the Court and the Committee have endorsed the caveat ‘as deemed appropriate by the Principal’ without the*

¹⁰²² WD006144

¹⁰²³ WD004276

¹⁰²⁴ WD006182/93

¹⁰²⁵ WD004276

necessary training and guidance being given to both teaching and non-teaching staff. The management of young people's behaviour is through a points system. Staff are not consistent in the awarding or removal of points".

4.816 Peter Waggott accepted in evidence that the report was damning. When asked for how long he had felt that the staff at Les Chênes had been too stretched, he said: *"I honestly think that for most of the time when I was Deputy Principal we were stretched. I would say that the Principal and I were working 70, 80, sometimes 90 hours a week trying to cover shifts that could not be covered in any other way".*¹⁰²⁶

Residents' perspectives

Culture

4.817 WN13 was admitted to Les Chênes in around 1980 and spent approximately two and half years at the Home. He states that *"it was much better than Haut de la Garenne and although it was strict, the regime was better with good educational programmes in place".*¹⁰²⁷

4.818 WN625 was resident at Les Chênes between 1984 and 1986. He gives a positive account when it came to discipline at the Home, stating that the cane was used rarely and generally *"there were words but no violence".*¹⁰²⁸ The only violence he witnessed at Les Chênes was directed towards staff by residents.¹⁰²⁹ WN625 adds that *"during the entire time I was at Les Chênes I did not see anything wrong. It was a great school and the system worked perfectly. My memories are all good ones, and always will be".*¹⁰³⁰

4.819 By contrast, WN311, who was admitted to Les Chênes in 1981, states that *"Les Chênes was worse than Haut de la Garenne as you would get locked up in your rooms and there was a points system in place where you would get*

¹⁰²⁶ Day 75/178

¹⁰²⁷ WS000354/4

¹⁰²⁸ WS000441/3

¹⁰²⁹ WS000441/3

¹⁰³⁰ WS000441/4

*rewarded for doing certain chores and would have points deducted for not doing what you were told”.*¹⁰³¹

4.820 William Dubois, who resided at Les Chênes for temporary periods while on breaks from his boarding school during the late 1980s, describes his first impressions of Les Chênes as being worse than that of other children’s homes *“because it was like a prison for children and the staff there were worse than they were at any other children’s home”.*¹⁰³²

4.821 WN73 states that he was admitted to the Home at various points between 2002 and 2005, under a care order. In his evidence to the Inquiry, he stated that the Home was run more like a borstal than any sort of rehabilitation centre.¹⁰³³ He describes the mix of children who were resident at the home at that time, and explains the effect this had on his own behaviour: *“It was very easy to fall in with a bad crowd when you are in such places because you are forced to mix with children that have committed offences and there was not a lot of contact with other friends from home and school. I became friends with the other young people in Les Chênes who were stuck in an endless cycle of reoffending, being remanded in custody and being released”.*¹⁰³⁴ WN73 also recalls there being regular *“kick offs”* and even riots at Les Chênes when rooms were damaged by residents and the police were called.¹⁰³⁵ He also describes residents using illegal drugs while admitted to Les Chênes and states that these were supplied by a member of staff at the home, WN708.¹⁰³⁶ WN73 reflects that *“these incidents show that not only had I been put, by the police and the Children’s Service, in an environment where I was mixing with a bad crowd of children, but the staff were also helping me and other residents to get drugs”.*¹⁰³⁷

¹⁰³¹ WD003499/4

¹⁰³² Day 62/35

¹⁰³³ Day 56/96

¹⁰³⁴ WS000443/9

¹⁰³⁵ WS000443/14

¹⁰³⁶ WS000443/15

¹⁰³⁷ WS000443/16

Daily routine

4.822 Edward Walton was a resident at Les Chênes between 1979 and 1982. In his witness statement he gave a detailed description of the routine at Les Chênes:

“The routine at Les Chênes was the same every day. The children would wake up at 7am. We would have a wash, get our clothes on and make sure our beds were immaculately made. We would then go down for breakfast ... After breakfast some of the children cleaned up the breakfast pots, whilst others went to carry out morning chores and clean their rooms. After this, staff would come and inspect our work and, depending on how well we had done, award points on our orange points cards. After breakfast and inspection, there was assembly ... At the end of assembly WN108 would usually see those children that were due to be punished. After assembly we went to class ... followed by lunch ... Dinner was then served at around 4.30pm. We often played sport in the afternoons. This usually consisted of a game of football in the field next to the buildings. As there were only eight children there WN108 and one of the other teachers would usually join in”.¹⁰³⁸...“The routine was relaxed a little bit at weekends. At weekends we were allowed to get up later. We all mucked in to cook a fry-up breakfast. We would often do activities, and I remember on many occasions being taken in a minibus to the beach when the weather was fine. Given that the weekend timetable was less rigid, this was a good time to get points on your card. I glazed the greenhouse for four points per pane and would mow all the lawns in the grounds for around 150 points.”¹⁰³⁹

4.823 A similar description of the daily routine was given by WN625, who was resident at the Home between 1984 and 1986: *“On a normal day you got up at 7.30, went for breakfast and after that there was a rota system where you had to do some cleaning in an area for half an hour. Then you went to assembly conducted by WN108 in the day room and after that everyone would go about their school lessons ... You would have your lunch at normal time, and dinner which was at about 5pm”.*¹⁰⁴⁰

¹⁰³⁸ WS000492/13

¹⁰³⁹ WS000492/14

¹⁰⁴⁰ WS000441/2

Staff and the MAS

4.824 Edward Walton describes WN108 as being “*firm but fair*”¹⁰⁴¹ and recalls having a positive relationship with Mario Lundy.¹⁰⁴² He describes the points system in positive terms, stating that it was effective and that its connection with home leave was not intended to punish residents but to provide them with an incentive.¹⁰⁴³ He told the Inquiry, “*I had a bad experience in La Preference ... Les Chênes ... was a better environment and I think it was definitely more nurturing than the home environment*”.¹⁰⁴⁴ He remembers WN108 would be required to physically intervene on occasions to prevent children from fighting.¹⁰⁴⁵

4.825 WN387, who was admitted to Les Chênes in around 1986, provides a similar description of WN108 and of Mario Lundy as “*strict but fair*”.¹⁰⁴⁶

4.826 WN625 also gives a positive account of staff at Les Chênes, stating that “*all the teachers at Les Chênes, they were all brilliant, very committed, right on top of their game. They needed to be to make that school work*”.¹⁰⁴⁷ WN626, who was at Les Chênes from around 1984 to 1986, describes the staff as being “*approachable*” and “*reasonable*”.¹⁰⁴⁸

4.827 WN624 recalls that, every week, WN108 would sit down with children one on one to discuss their points. She is one of a number of witnesses who recalls different members of staff approaching and applying the system in different ways. While some were more generous with points she states that others, like WN246, used to take away points for no reason.¹⁰⁴⁹ She is also one of a number of witnesses who refers to the “*600 club*”, which referred to children who had enough points to go home every weekend, and suggests that this

¹⁰⁴¹ WS000492/14

¹⁰⁴² WS000492/116

¹⁰⁴³ Day 62/36

¹⁰⁴⁴ 62/68/11

¹⁰⁴⁵ WS000492/14

¹⁰⁴⁶ WS000366/2

¹⁰⁴⁷ WS000441/4

¹⁰⁴⁸ WS000442/2

¹⁰⁴⁹ WS000509/8

was for the “*extra smart children*”.¹⁰⁵⁰ WN624 describes the inconsistencies in treatment in the following way: “*Points seemed to be another way of getting us to retaliate and compete against each other. Certain children who were the teachers’ favourites always seemed to get more points than others. The staff were certainly not fair in the way they awarded points. I often found that I was good through the whole of a lesson, but would only be given five points. Someone else might have been a pain but still be given nine points. It felt as if points were being taken off because my face did not fit. All in all the points system was not a fun way to live life*”.¹⁰⁵¹

4.828 WN311 also gives a negative account of the points system that was in place, suggesting that it was open to abuse by staff. She states that “*points would be deducted by the staff for poor behaviour but often they would take points off you for nothing and some enjoyed telling you that you could not go home*”.¹⁰⁵²

4.829 Two witnesses, WN623 and WN673 gave accounts of staff deliberately docking points from residents¹⁰⁵³ or preventing them from obtaining points,¹⁰⁵⁴ with WN623 stating that staff would do this when they knew they had plans at weekends.¹⁰⁵⁵ The allegedly arbitrary and inconsistent application of the points system was a source of complaint for many witnesses.

4.830 The connection between points and home leave is criticised by other former residents of Les Chênes, including WN215, who describes the “*mental torture*” he suffered due to the points system, which meant that he could not visit home at weekends.¹⁰⁵⁶ WN624 describes how residents “*were scared of doing anything wrong, as it meant that you could not go home for the weekend*”.¹⁰⁵⁷ WN630, a resident at Les Chênes between 2001 and 2004,¹⁰⁵⁸ gave a negative account of this system, stating that “*it was very hard to get the points and very much easier to lose points. You had to earn 500 points*

¹⁰⁵⁰ WS000509/8

¹⁰⁵¹ WS000509/9

¹⁰⁵² WD003500/2

¹⁰⁵³ WS000508/4

¹⁰⁵⁴ WS000498/4

¹⁰⁵⁵ WS000508/4

¹⁰⁵⁶ WD003114/10

¹⁰⁵⁷ WD003500/4

¹⁰⁵⁸ Les Chênes was re-designated Greenfields in September 2003

just to get your trainers back. You lost points for swearing, inappropriate behaviour like throwing food around and 'play fighting'. Most of my weekends were spent in the day room".¹⁰⁵⁹

The use of the secure suite and secure cells

4.831 WN621 was admitted to Les Chênes in around 1984. She provides a description of the secure cells at the Home: *"It was basically an empty room with just a mattress in it which was in the corner on the floor. You were not allowed possessions in there with you. If you needed the toilet there was a bell you rang to get someone's attention. You had to sleep in there and the night staff would watch you. The doors were solid wood doors with glass panels to see in at you. There was a light but it was accessed and controlled from the outside by staff".¹⁰⁶⁰*

4.832 Many witnesses recall being placed in the secure cells when they first arrived at Les Chênes, including WN627,¹⁰⁶¹ WN629,¹⁰⁶² WN651,¹⁰⁶³ WN145,¹⁰⁶⁴ WN673¹⁰⁶⁵ and WN153.¹⁰⁶⁶ they say they found this a frightening introduction to life at Les Chênes. There are varying accounts as to how long this initial placement in secure accommodation would last. WN625 states that it would only be used for the first night of admission,¹⁰⁶⁷ whereas WN622 states that he spent around two weeks in the secure cells and was locked in at night but would be allowed out during the day.¹⁰⁶⁸ William Dubois describes being kept in the secure unit in the temporary periods he spent at Les Chênes when he returned from boarding school, and not being allowed to participate in activities with other young people who were resident at the Home.¹⁰⁶⁹

¹⁰⁵⁹ WS000450/3

¹⁰⁶⁰ WS000438/2

¹⁰⁶¹ WS000447/2

¹⁰⁶² WS000449/2

¹⁰⁶³ WS000478/2

¹⁰⁶⁴ WS000485/2

¹⁰⁶⁵ WS000498/3

¹⁰⁶⁶ WS000675/9

¹⁰⁶⁷ WS000441/3

¹⁰⁶⁸ WS000439/6; WN387 also states that the initial period was a couple of weeks (WS000366/2)

¹⁰⁶⁹ Day 62/55

- 4.833 In respect of his initial placement in secure, WN651 states that *“the purpose of my first two weeks was so that I would acclimatise but it just left me feeling scared and isolated. I had come from a family home into a locked cell and basically cried myself to sleep every night. I thought it was well out of order to treat a young lad in that way in his first two weeks of detention”*.¹⁰⁷⁰
- 4.834 As well as the secure cells being used on admission, varying accounts are given in relation to whether and to what extent the secure accommodation was used as punishment for residents at Les Chênes. WN625 states that secure cells were only used on the first night that children were admitted to Les Chênes but were never used as a punishment in the time that he was resident at the Home, between 1984 and 1986.¹⁰⁷¹
- 4.835 By contrast, WN622 recalls around 10 occasions on which he claims he was placed in secure accommodation for half a day at a time as punishment for misbehaviour.¹⁰⁷² Similarly, WN621 claims that she was placed in the secure unit once for swearing at WN112.¹⁰⁷³ Other witnesses who allege that they were placed in the secure cells as punishment include WN250, for absconding from the Home with a friend¹⁰⁷⁴ and William Dubois for failing to wash dishes quickly enough.¹⁰⁷⁵
- 4.836 Some residents, such as WN624, state that they were never placed in the cells at Les Chênes, not even on arrival, though she recalls that sometimes other children would be locked in the cells for a couple of weeks, and would only be allowed one hour of exercise outside the cell per day.¹⁰⁷⁶
- 4.837 The evidence from residents in relation to Les Chênes in the early 2000s is of a different character from the earlier period. During this time, a number of residents make allegations of more prolonged admissions to the secure unit at the Home. WN73 provides a description of the secure accommodation during

¹⁰⁷⁰ WS000478/2

¹⁰⁷¹ WS000441/3

¹⁰⁷² WS000439/6

¹⁰⁷³ WS000438/3

¹⁰⁷⁴ WS000081/4

¹⁰⁷⁵ WS000299/10

¹⁰⁷⁶ WS000509/5

this period in similar terms to WN621 above, though he explains that a frame for the bed and a table and chair were later added to the rooms.¹⁰⁷⁷ He and another witness state that at this time new admissions were strip-searched and placed in a cell for 24 hours when they first arrived.¹⁰⁷⁸ Reference has already been made to WN73's account of being kept in secure.

4.838 A number of other witnesses allege that they were placed in secure accommodation for prolonged periods, lasting months at a time. WN627 was admitted to Les Chênes in around 2000 and states that following an attempt to escape he was placed in secure for a period of one to two months.¹⁰⁷⁹ WN698 was also admitted in around 2000 and recalls being placed in the secure cells for prolonged periods, commenting that she found it *"unbelievable that children of my age could be locked away like that for such long periods"*.¹⁰⁸⁰ WN630 recalls that he frequently spent time in the secure unit. He states that residents would be placed in secure accommodation for refusing to do something when asked by a member or staff or for fighting, and they could be placed there for three or four days.¹⁰⁸¹ WN630 further alleges that, in 2004, he was kept in the secure unit for a period of nine months, during which time he was given lessons in the vestibule area.¹⁰⁸² WN628 was admitted to Les Chênes on remand in 2003, and alleges that he was taken to the secure unit on arrival and spent the duration of his two-month admission in isolation, save for one hour per day.¹⁰⁸³

Governance (ii)

4.839 Les Chênes was governed by a combination of an Advisory Board (later known as the Board of Governors) and by the Education Committee during the relevant period. The input of these bodies into the management and organisation of the School is addressed under the heading of each Principal above. Furthermore, the specific question of the oversight provided by the

¹⁰⁷⁷ WS000443/8

¹⁰⁷⁸ WS000443/4; this process is also described by WN620, WS000450/2

¹⁰⁷⁹ WS000447/3

¹⁰⁸⁰ WS000511/7

¹⁰⁸¹ WS000450/4

¹⁰⁸² WS000450/5

¹⁰⁸³ WS000448/2

Board of Governors is addressed in detail in Chapter 5, in which we consider the evidence that Ron McLean provided to the Inquiry.

Findings: Les Chênes: under Tom McKeon

- 4.840 When Les Chênes first admitted children in 1978, Tom McKeon described the facility as “*an approved school and remand centre for young offenders and juveniles who were out of control*”. In our view by 1978 this was no longer a viable model of education; we note that, in 1971, Approved Schools had been abolished in England to be replaced by Community Schools with Education. Although we are mindful of the scale of Jersey and the consequent small intake at Les Chênes we question whether from its inception it was predicated on a flawed model in combining an Approved School ethos with a remand centre.
- 4.841 We are mindful of John Pillings’ assessment of Les Chênes in 1980, in which he suggested that the management of Les Chênes placed emphasis on the efficiency of group control and like HDLG “*could be in existence more to meet staff needs than children’s needs*”. We note the evidence from the 1978 handbook and from Monique Webb and Jonathan Chinn on the highly structured timetable. Set against that is the assessment by Lambert and Wilkinson, in 1981, that Les Chênes appeared to the Inspectors to have been providing a unique experience for the resident children, based on what appeared to be a high quality of specialised education and one they described as “*a very warm and committed approach to the children by the adults*”. The report identified a “*security and sense of purpose*” and professionalism.
- 4.842 We take note of Tom McKeon’s acceptance of the validity of Dr Kathie Bull’s view that, in 2001, denying home visits was very unacceptable practice. While Tom McKeon thought this applied to the group of children in 2001, we find that it applied equally to the intake while he was Principal in the late 1970s and 1980s. We see no justification for this practice in whatever period of Les Chênes’ existence.
- 4.843 We note the apparent conflict in evidence between Tom McKeon, who maintained that only those on remand were placed in the secure suite on

arrival, set against that of his own statement describing CCOs dropping welfare placements off to the secure unit, his 1983 paper (“*when children first arrive at the school or indeed on placement via other means they are normally placed in secure*”) and the evidence of WN651, which suggested that welfare placements were also placed in secure. We find that welfare placements were placed in secure as a matter of routine when they first came to Les Chênes during Tom McKeon’s tenure. We find that this was wrong and an inadequate means of management. Although we do not recognise the validity of Tom McKeon’s distinction between a child with psychological problems and those with “*an offending nature*”, even on Tom McKeon’s own account, he recognised that placing a child with psychological problems in secure was unacceptable. Even on the two or three occasions as suggested by Tom McKeon, that the secure unit was used under his tenure as a means of punishment, we again find that this was wrong and a less than adequate approach.

4.844 While we recognise that there would have been little external guidance or training available at the time on restraint, given what we find to be the prescriptive and heavily structured regime at Les Chênes at this time, we question the absence of any internal guidance for staff on the use of physical force. We find that this absence will have given rise to inconsistent and at times excessive use of force by adults on children. We consider this to have been an inadequate aspect of the management of Les Chênes at the time.

4.845 We conclude that under Tom McKeon, Les Chênes was managed in a strict and physically dominant way by the Principal and Deputy, Mario Lundy. We also note the number of allegations of physical abuse that relate to this period. The culture and ethos of Les Chênes was closer to what was by then the outdated model of an Approved School.

Findings: Les Chênes: under Mario Lundy

4.846 On the evidence that we heard, including that of Mario Lundy himself, we consider that the culture of Les Chênes was entirely determined by the personality and presence of Mario Lundy: his was a physical and robust

approach informed by his own vision of how the school should function and what its goals should be.

4.847 Both staff and resident witnesses describe the quality of teaching during this period and Mario Lundy's drive and involvement. We think in this respect that the educational provision for those placed at Les Chênes was adequate during Mario Lundy's tenure, and that this reflects positively on his management of the school.

4.848 There is contrasting evidence about the use made of the secure suite during Mario Lundy's period as Principal. Mario Lundy told the Inquiry that the use of the secure cells was "phased out". We question whether this was in fact the case, given that on our understanding the school was receiving remand placements throughout the decade, as Mario Lundy himself recognised. The 1990 Les Chênes School Handbook stated that secure cells were not to be used for "*time out*" isolation or containment, yet Mario Lundy acknowledged that the cells might still have been used for these purposes after 1990. We call into serious question the use of the secure cells in the early 2000s and specifically in relation to welfare placements (as described). We find that the secure cells probably were used for isolation and containment in the 1990s, bearing in mind Mario Lundy's qualified response on the issue.

Findings: Les Chênes: under WN109

4.849 We note the generally positive evidence on WN109's approach to the curriculum at the school in the three years he was Principal. We also note that there are no allegations made against WN109 in this period.

4.850 However, and as identified by Dr Kathie Bull and as we read in evidence, the problems of over-crowding, hot-bedding and mixing welfare and remand were already evident from 1997. We conclude that there was a failure of governance to address these issues sooner and notwithstanding that they were being identified by WN109 and brought to the Board of Governor's attention.

Findings: Les Chênes: under Kevin Mansell

4.851 Evidence from staff suggests a combination of factors coinciding at this particular time:

4.851.1 a particular group of challenging young people being placed in the school;

4.851.2 the approach adopted by the Court in ordering remand placements;

4.851.3 the apparent sudden influx of increased population in the school;

4.851.4 the adequacy of training provided teaching staff in meeting the challenges presented by handling a large number of remand placements;

4.851.5 the role played by the Director of Education.

4.852 Evidence from staff working there at the time suggests that over this period they were reacting to what was happening rather than being able to manage the school. We find this to have been the case.

4.853 We find that the management of Les Chênes under Kevin Mansell fell substantially below an adequate standard. We attribute the failure in management in large part to circumstances beyond the control of Kevin Mansell and his staff, although their response to the pressures they were under also falls to be criticised. Notwithstanding the assault and threats to which he and his family were exposed in 2001, and the enormous pressure that he and his staff were under, we find that Kevin Mansell failed to manage his own staff. This was a pressure to which they should not have succumbed, regardless of the lack of support that they should have been given by the Education Committee and Director of Education. This pressure resulted in poor decision making – for instance, keeping children in secure while having staff meetings – as well as to over-reaction in the use of restraint and what we find to have been the indiscriminate use of the secure suite.

4.854 We find that Kevin Mansell and his staff were poorly supported by the Director of Education, Tom McKeon, who appears to have distanced himself from Les

Chênes in this period. We find that his evidence to the Inquiry about this period reflected his view that Les Chênes had lost its purpose and way. We conclude that the Education Department failed to give adequate support to Les Chênes and allowed it to flounder.

- 4.855 We consider the comprehensive failings identified by Dr Kathie Bull relating to all aspects of the running and management of Les Chênes are failings that should have been identified earlier. We conclude that the Director of Education, the Education Committee and the Board of Governors at Les Chênes failed to exercise proper oversight and governance during this period. While it might be argued that those responsible for Les Chênes could not control decisions of the Magistrate's Court it is difficult to justify the fact that they expressly concurred in a plan to mix remand prisoners and children in care in the same school. The resulting gradual transformation of the school into a remand centre was entirely foreseeable, as was the potential damage to those children not on remand. The result was that those responsible for the care of children effectively surrendered control.
- 4.856 We view the attitude and approach of Magistrate Le Marquand as indicative of an attitude on the island at the time encapsulated in the Chair of the Board of Governor's Ron McClean's view that Les Chênes was full of "*little villains*". We are under no illusion as to the management issues posed by individual young people placed on remand at Les Chênes at this juncture, but we consider that there was a failure of agencies – the school, the Director of Education, the Probation Service, Children's Services and the Courts – to work together constructively and decisively. The result was disastrous for staff and residents at Les Chênes alike. The experience of WN72 is an example of the consequences of this failure: his repeated detention in the secure suite over a long period was a serious failure of management.
- 4.857 The ethos was one of containment and control rather than any therapeutic focus. Throughout its existence, Les Chênes was a harsh and inappropriate regime.
- 4.858 The initial decision to have Les Chênes staffed entirely by teachers was we find controversial. The 2001 Bull Report called into question the deployment

of an all-teacher regime. We find that this issue should have been addressed far sooner by those overseeing the management of Les Chênes.

4.859 The August 2003 “riot” incident at Les Chênes was in fact a relatively minor incident of disorder that, as a result of poor handling by staff, escalated out of all proportion. Once it had, the shift leader should have called the Acting Principal, Peter Waggott, before he called the police. The situation was not helped by the presence of the police rapid response team.

Greenfields

Management and organisation

4.860 In around September 2003, what had been called Les Chênes was re-named the Greenfields Centre.¹⁰⁸⁴ Greenfields was to be run by a “Children’s Executive”¹⁰⁸⁵ and a team of care staff was to work alongside teaching staff. By October 2003 Greenfields’ first “Centre Manager” WN687 had resigned; in the interim Greenfields was run by Wendy Hurford and Danny Wherry from “Social Services” before Joe Kennedy took up his appointment in November 2003.

Joe Kennedy (2003–2006)

4.861 Prior to 2003, Joe Kennedy had spent 24 years working in the Jersey Prison Service. From 1979 to 1991, he had been a Prison Officer based at La Moye. He then went on to be responsible for training and development of prison officers. He also ran the Young Offenders Institute (YOI) at La Moye, the island’s prison: this had included managing the introduction of a new regime in the YOI. It was, he told the Inquiry, “*a radical departure*” from the way that it had been run before. He ran it from 1994 to 2003. He told the Inquiry that throughout his time at the YOI he had been unaware of Les Chênes. He had not known that 60% of those who had left Les Chênes had gone to La Moye,

¹⁰⁸⁴ WD006312/7

¹⁰⁸⁵ WD006312/7: although this is the phrase used in the minutes, it is not clear whether this is correct

nor did he realise that, in 2000, consideration had been given to deploying prison officers at Les Chênes.¹⁰⁸⁶

4.862 The Greenfields' Governing Body minutes for October 2003 record that Mike Kirby, Prison Governor, had agreed to release Joe Kennedy on a short-term basis until mid-January 2004. The same minutes recorded that: "*The Director [of Education] acknowledged that he had become increasingly aware that retaining Greenfields as a school was not sustainable. It was clearly no longer an educational establishment but a remand centre. The children were very disturbed with numerous behaviour problems. Education would continue to be provided within the confines of the Centre*".¹⁰⁸⁷

4.863 In his evidence to the Inquiry, Joe Kennedy contrasted the admissions process to the YOI and to Les Chênes, describing the approach that he had adopted as the "my kid" approach: what would it take for that child to feel safe?¹⁰⁸⁸ He challenged the suggestion the children were placed in solitary confinement or isolation at Greenfields, "*... where you have aberrant behaviour that threatens the stability or whatever of the environment you're in with a child or with a prisoner, it's often practical to remove them to allow those that are adversely affected by that behaviour not to experience it anymore and for the person who is causing that behaviour the opportunity to realise that (a) it is not tolerated and (b) that they can reflect on that*".¹⁰⁸⁹

4.864 He explained the difference between what he termed "*dynamic security*" and "*physical security*". He told the Inquiry that when he started at Greenfields the staff's standards on security were "*evolutionary*". In his view, the care staff felt that they had to "*hold things secure ... A reliance on the physical security of the building*" and on their ability to control the young people who lived on site.¹⁰⁹⁰

4.865 In response to questions he confirmed that in both the old Greenfields (formerly Les Chênes) and in the new Greenfields Centre buildings (opened in

¹⁰⁸⁶ Day 72/77

¹⁰⁸⁷ WD006312/7

¹⁰⁸⁸ WS000581/4

¹⁰⁸⁹ Day 72/80

¹⁰⁹⁰ Day 72/84

2006), bedroom doors could be locked from the outside and the water and electricity supply to the rooms was controlled externally. He took the Inquiry through the plan of the new Greenfields Centre.¹⁰⁹¹ When the new building was being constructed Joe Kennedy recalled that he arranged for the viewing windows on doors to bedrooms and the cells to be removed, *“I found the viewing windows unsettling to think that someone walking past a child’s bedroom could look in”*. He did not agree with the suggestion that the desired approach for the new Greenfields Centre was more informed by prison design than residential design,¹⁰⁹² but accepted that having bedrooms at Greenfields which were a variation on a prison cell was not an appropriate way to deal with disturbed young people. Extracts from minutes of a Board of Governors meeting in 2005 recorded Joe Kennedy presenting site proposals for the new Greenfields. He told the Inquiry that he had visited *“a number of facilities in the UK”* although these had not included prisons or YOIs. In relation to rooms he said *“some rooms would be suitable for isolation or upgrading as part of an incentive scheme. All rooms would look inwards”*.¹⁰⁹³

4.866 Jonathan Chinn felt that Joe Kennedy made the school safe for both the staff and children, *“he seemed to get it organised. The staff seemed to have respect for him, the students seemed to have respect, it was still a difficult place ... but things seemed to work a lot better”*.¹⁰⁹⁴

4.867 Kevin Mansell felt that although Joe Kennedy had a prison background he had had the best interests of the young people at heart. He remembered that under Joe Kennedy, the teaching staff were not able to place children in secure.¹⁰⁹⁵

4.868 One member of the care staff (November 2003–2009 and employed at time of statement to police) remembers that a month after he had started at Greenfields, Joe Kennedy *“changed the cells and accommodation in each*

¹⁰⁹¹ WD006312/66

¹⁰⁹² Joe Kennedy provided plans of the new Greenfields: WD006312/67

¹⁰⁹³ WD006172

¹⁰⁹⁴ Day 71/100

¹⁰⁹⁵ Day 80/98

room by building a fixed bed and a small table/workspace".¹⁰⁹⁶ Another member of care staff who started work in October 2003 remembers there being *"utter chaos until Joe Kennedy arrived [in November 2003] the young people had gained control of the unit. We had a lot of difficulties, they brought in four staff from the UK, they worked for an agency that provided police transport"*.¹⁰⁹⁷

4.869 WN73 was resident at the home from 2002 to 2005 and recalls that following the transition from Les Chênes to Greenfields, there was an increase in the incidence of staff restraining young people at the Home and states that, in general, the Home became a lot stricter.¹⁰⁹⁸ He states that *"it became clear that they were going to restrain young people despite there being no real need, as it was my understanding that to be restrained you had to be putting yourself or others at risk. The care staff were using it in such a way to begin with that you lost free speech"*.¹⁰⁹⁹

4.870 A similar account of the use of restraint is given by WN630, who was resident at Les Chênes from 2001 to 2004. He states that when staff were trained in restraint following the transition to Greenfields in around 2004, the staff behaved in an inappropriate manner and *"they got really heavy in taking advantage of the situation because they could do what they liked, instead of interacting with you and trying to sort out your problems. There were people getting restrained all around you all day"*.¹¹⁰⁰

The "Grand Prix" system

4.871 Joe Kennedy introduced the "Grand Prix" system as a means of managing behaviour. He told the Inquiry that the incentives and earned privileges system used in the YOI at La Moye prison was not the same system introduced at Greenfields although both drew on the model of Grand Prix racing. He thought the "Grand Prix" system had worked in the prison environment because *"it was a very clear system. It was actually an incentive*

¹⁰⁹⁶ WD006130

¹⁰⁹⁷ WD005847

¹⁰⁹⁸ WS000443/18

¹⁰⁹⁹ WS000443/18

¹¹⁰⁰ WS000450/4

scheme". It was much easier to adopt a universal approach at Greenfields than it had been at the YOI.¹¹⁰¹

4.872 The "Grand Prix" system¹¹⁰² subsequently attracted controversy as a means of management of the old Greenfields.¹¹⁰³ Under that system being "*in the pits*" meant that a resident would be placed in the secure suite and not in a bedroom.¹¹⁰⁴ When asked whether the cells were used as a form of punishment under his management, Joe Kennedy told the Inquiry:

*"It is an interesting distinction. I'm sure they felt quite punitive to people, but that was not why they were there. The purpose of the rooms being removed and constructed in the way they were was to allow young people to be removed if they were presenting a threat from the other young people. It was also to demonstrate to the other young people that if a member of that particular community presented in such a way as to threaten them, then they would be safeguarded from that."*¹¹⁰⁵

4.873 Joe Kennedy was asked about an entry in the communication book from December 2006, which read:

*"All staff – as from today room one will now be the new admissions room, where new admissions will be placed after full admission. They will remain in room one for twenty-four hours with good behaviour. Should any unwanted behaviour be shown then the twenty-four hours may be started from the start of compliant behaviour."*¹¹⁰⁶

4.874 He said that the entry misrepresented what happened: "*the actual practice ... the young person will be taken out into the ball park ... and often would spend the entire day out there with staff*". He said that the Inquiry could "*confidently*" reach the conclusion that "*the pits*" were never used to lock someone up for 24 hours.¹¹⁰⁷ He reflected, "*I was not wedded to the Grand Prix system, but I believed then and I still believe now that in order to successfully manage an environment which contains young people of that profile that there needs to be a clear and understandable code of conduct. I think it needs to recognise*

¹¹⁰¹ Day 72/89

¹¹⁰² WD005763

¹¹⁰³ See JEP article WD006168 and the Howard League Report

¹¹⁰⁴ Day 72/89

¹¹⁰⁵ Day 72/109

¹¹⁰⁶ WD005769

¹¹⁰⁷ Day 72/11

*and promote positive behaviour and that's its purpose, but equally I think it's essential that people – young people in particular – recognise that anti-social behaviour is not acceptable and it is recognised as such by the people who are charged with looking after them”.*¹¹⁰⁸

4.875 One member of care staff (2003–2009] recalls that the “Grand Prix” system sounded harsher on paper but *“in reality it was a better system which the residents made no complaints about”* – in his account to the police he explained how it worked in practice:

*“If a resident was displaying bad behaviour, they would be placed in a cell for 3 days until they calmed down and behaved accordingly. They did not spend the full 3 days in there alone as a member of staff would sit and have a meal with them, watch television with them and take them out into the ball court for an hour’s exercise, maybe longer. This episode was called the Qualifier (Level 1). If they did not calm down when they were first placed into the cell, then the 3 days would not begin until they did behave, hence why a resident once stopped in there for 4 days. On their release, they would be on Grid (Level 2) for 7 days which allowed them to have a television in their room as well as a radio. After the 7 days, they would be on Track (level 3) which allowed them to have a play station along with their television and radio. They were allowed to go out whilst on Grid, including home visits at weekends. As they moved up a level, the residents were also allowed to go to bed at a later time”.*¹¹⁰⁹

4.876 Joe Kennedy told the Inquiry that, by 2008, the Pits had been abandoned. They were abandoned because Joe Kennedy said that *“We were better informed”*. The evidence on the use of isolation as part of the pits under the “Grand Prix” system is confused. Joe Kennedy said that by the time of the move to the new Greenfields Centre, site security was sufficient not to require use of isolation in the secure unit. As at December 2006 a young person would be separated in their room, not in a cell.¹¹¹⁰ He never explained what he meant by *“better informed”*. Later in his evidence to the Inquiry, when discussing Simon Bellwood’s tenure, Joe Kennedy said that once the new Greenfields building was occupied, the “Grand Prix” system was *“abandoned”*:

¹¹⁰⁸ Day 72/126

¹¹⁰⁹ WD006130

¹¹¹⁰ Day 72/113

*“... the Grand Prix system as it existed in the Old Greenfields was sufficient and of its time. Having moved in the new building I had anticipated that Simon Bellwood would introduce a way of working that would be different from the old Grand Prix system ... My hope was that any such system would not only promote pro-social behaviour but would also address aberrant or anti-social behaviour. My observations were that such aberrant or anti-social behaviour was not being addressed and that caused me great concern”.*¹¹¹¹

4.877 In 2007, the Howard League for Penal Reform¹¹¹² set out its findings on the “Grand Prix” system, based on the documentation that it had been sent by Senator Syvret, who had invited the League to prepare a report on its legality. It commented that most children would not “*grasp the system*” as the document was not written in a “*child friendly*” or clear manner. The Howard League concluded:

“... It also lends itself to a ‘male’ regime based on ‘formula one’ car racing and may make girl prisoners feel excluded. In light of the physical and oversight concerns raised above, the regime appears predicated on a complex system using isolation and deprivation as a means of control. At its most punitive a child could remain in the ‘pits’ for an indefinite period deprived of light, writing equipment, association with peers and warmth or comfort for extended periods. In light of the prevalence of mental health problems amongst this group of children with a negative response to boundaries and control, the risk is high of such an outcome. In the absence of any ‘check and balance’ on the use of such control the risk of ‘abuse’ must be high”.

4.878 In an undated single-sided document that, from its context, appears to coincide with the Howard League’s letter, Joe Kennedy, then Residential Services Manager, responded to a series of questions raised by the Howard League in relation to the secure suite in the “former” Greenfields.¹¹¹³ The response includes an assertion that: “*single separation was not used as a punishment. It was only used where a young person was a danger to self or others*”.

4.879 A folio of policies and procedures headed “Greenfield Centre” covered the following issues: risk assessment; complaints; confidentiality; remand of school-aged children (11–16); staff training courses; visitors; violence and

¹¹¹¹ Day 72/123

¹¹¹² The Howard League were provided with a copy of the system (WD006312/10–16 and set out their findings in a letter to Senator Stuart Syvret (WD006312/99)

¹¹¹³ WD005766

aggression in a residential setting; child protection and bullying. Other written policies included “Greenfield Centre: Physical Restraint”¹¹¹⁴ and “Greenfield Centre: Physical Restraint – Reporting Requirements”.¹¹¹⁵ Two pages related to an amended “Grand Prix” system in use at the Greenfields Centre.¹¹¹⁶

4.880 Under “staff training and courses”, Greenfields would “endeavour” to give care staff TCI training within six months of joining, the aim was to give staff six training days a year and it was noted that staff “*will have regular supervision*”. When Joe Kennedy took on full-time management of Greenfields in early 2004, all the care staff received therapeutic crisis intervention (TCI) training.

Governance

4.881 When Les Chênes closed as a school and Greenfields Centre opened as a secure facility the Governing Body of Les Chênes was replaced in March 2000 by a Board of Visitors¹¹¹⁷ for Greenfields which met “*twice a year minimum with visits to the Centre on a monthly basis*”.¹¹¹⁸

4.882 Guidelines were produced for individual visits by Board Members which stipulated “*at least twenty-four hours’ notice to be given to Greenfields*” and that requests for one-to-one meetings with a child “*MUST be rejected*”. If the Visitor wished to see “*Kevin Mansell or a member of staff or any child – this would need to be for specific reason*”. The Guidelines conclude: “*It is essential that visits are treated with the utmost confidentiality: what goes on at the campus must be kept in there. Resist any temptation to discuss any matters with others outside of the Board of Visitors*”.¹¹¹⁹ Examples of monthly visits were in evidence before the Inquiry.¹¹²⁰

¹¹¹⁴ WD005765

¹¹¹⁵ WD005764

¹¹¹⁶ WD005767/28–29

¹¹¹⁷ Modelled on the body used in the prison system

¹¹¹⁸ WD006312/61

¹¹¹⁹ WD006171

¹¹²⁰ WD006169

4.883 In October 2009, the Board of Visitors resigned en masse. This followed a recommendation in the Williamson Report¹¹²¹ that the responsibilities of the Board should be extended to include Heathfield and La Preference.

Simon Bellwood (2006–2007)¹¹²²

Management and organisation

4.884 In 2006, Simon Bellwood was appointed to run the new Greenfields Centre. He had a background in social work, qualifying in 2000. He worked initially with a youth offending team. In 2004, he was appointed Operational Manager of a unit at Leverton Hall Secure Unit in Essex for children between the ages of 11 and 17.¹¹²³ Following his appointment Simon Bellwood was suspended in early 2007 from the role and never returned. There then followed a protracted series of formal investigatory procedures and employment proceedings initiated by Simon Bellwood. The employment proceedings were settled.

4.885 Simon Bellwood told the Inquiry that the Leverton Secure Unit had had a damning inspection report following which a behavioural management system was introduced, which, he told the inquiry, he was later to replicate at the new Greenfields site, or at least “75/80 per cent” of it. Leverton formed part of the UK’s secure accommodation network. Simon Bellwood had found little to criticise about the system and approach at Leverton, which had also been subject to unannounced inspections.¹¹²⁴ Solitary confinement at Leverton would take place in the young person’s bedroom – it was called “single separation”. The door to the bedroom would be locked. He described in some detail the admissions process at Leverton which included informing the young person of their rights, the complaints procedure and the routine during the day. There would then be a search process before the new arrival would be taken into the unit. Where a child was admitted and there was a risk of self-

¹¹²¹ WD006175

¹¹²² WS000608; WD006710

¹¹²³ WS000608; WS006710

¹¹²⁴ Day 84/71

harm they would be observed while locked in their room at night (locking in at night was standard for all residents).¹¹²⁵

4.886 Simon Bellwood said that young people should be the focus of all the work believing, “ ... *It's very empowering for a young person to feel that they're fully involved and that they feel that they have a degree of control and responsibility and empowerment over what happens to them, rather than feeling that everything about their life is dictated to them and that they're just a pawn in a game really*”.¹¹²⁶ For example, the default position in the UK was that the young person was always present at the review process. He noted that the new Greenfields building did not provide an independent meeting room where a young person, their social worker and parents could meet without compromising security.

4.887 Simon Bellwood told the Inquiry about his concerns relating to the admission process to the Greenfields Centre and the use made of Probation Orders: “ ... *it essentially had allowed the power of the Magistrate to be handed over to the social worker because the social worker was the one that could then change the address that the person had to reside in, rather than the Magistrate ... the bigger concern was that they could hold the child in custody by virtue of their chosen residence*”.¹¹²⁷

4.888 The default position in the UK was that the young person was always present at the review process. He noted that the new Greenfields building did not provide an independent meeting room where a young person, their social worker and parents could meet without compromising security.

4.889 He described as “*archaic*” the Greenfields review process in Jersey and said that “*the young person was pretty much not present*”. The review process “*effectively determines whether they stay in secure accommodation*”. He remembered that there were some policies in place when he took over but these were disjointed and some out of date: “*The whole thing needed*

¹¹²⁵ Day 84/77

¹¹²⁶ Day 84/82

¹¹²⁷ Day 84/85

completely overhauling".¹¹²⁸ When he came to Greenfields he developed management plans for an individual to help staff – these sat alongside care plans which were documents created with/by Children's Services. These plans had not existed before he came to Greenfields, though he stated that they might not have been warranted depending on the behaviours displayed.

4.890 Simon Bellwood compared the infrastructure of Leverton with Greenfields:

"In my view Leverton was more homely because they had doors that perhaps would not look dissimilar to what's in this room, but they're still built to a standard and have the same locking systems, etc etc, so they provide the same security and structural function, but from an aesthetic point of view I was very much of the belief that there is a distinct difference between a secure children's home and a young offender institute, by the very nature of how people are admitted and how people are cared for and balancing the fact that in a young offenders institute you do not get young people there who are there for their own welfare, whereas in a secure children's home you do, so if the building can be designed to take into account that you may get an 11-year-old female who is there for no criminal route whatsoever, then if I had been involved in the design of the building then making it homely would be one of the considerations and in my belief you can do that without compromise to security".¹¹²⁹

4.891 Simon Bellwood provided the Inquiry with the final version of the behavioural management systems he introduced and which he had emailed to Joe Kennedy.¹¹³⁰ He wanted to discard the "Grand Prix" system (the "power of the key") and to introduce a more therapeutic approach. Under his behaviour management system, negative behaviour was dealt with by denying rewards. Simon Bellwood told the Inquiry that it was a positive award system rather than one based on sanction.¹¹³¹

4.892 He was asked whether the difference between himself and his critics at the time was due to a fundamental difference in ethos towards young people in the island with challenging and difficult behaviour. He replied, *"I think it goes broader than that. I think the culture of how to manage young people in Jersey is directed not only by the staff who work within the units, or the managers*

¹¹²⁸ Day 84/88

¹¹²⁹ Day 84/90–91

¹¹³⁰ WD006710/71

¹¹³¹ Day 84/119

*that run the units, also there is a degree of public demand and Jersey is quite a way behind bigger places like the UK in lots of areas ... There's also a lot of funding issues, there's a lot of training issues ... I think fundamentally the one thing that made it the most difficult was my relationship with Joe Kennedy and the fact that Joe Kennedy was essentially a prison officer and I was a social worker".*¹¹³²

4.893 He believed that the culture towards young people is politically driven and change would have to come from the top down.¹¹³³

4.894 Simon Bellwood recognised that there were issues of scale for Jersey compared with the UK. The latter has specialised facilities as a suitable alternative to secure accommodation which it would not be possible for Jersey to have. As a consequence, he believed that young people might end up in Greenfields sooner than an equivalent child in the UK would in an equivalent facility. Staffing levels at Greenfields had been reasonable. Levels of staff training in Jersey were very different to those available in the UK; he did not think that this was necessarily excused by its being a small island. He told the Inquiry that those admitted to Greenfields for the most part would not have been admitted to secure accommodation in the UK.¹¹³⁴

4.895 Simon Bellwood said that children in Jersey lacked a voice regarding their placement. The same applied to complaints, *"if you do not believe that you have a voice and nobody is going to listen, why would you complain?"*¹¹³⁵ Ironically a concern at his previous home had been the lack of complaints where there was a procedure for complaints; this had suggested that the complaints procedure was not robust enough. He hoped Jersey would by now have had a culture shift in this regard.¹¹³⁶

4.896 He said that external scrutiny was needed; there was a lack of external scrutiny or force to drive through change. There is a reliance on individuals to bring about change but those individuals may be fearful of losing their jobs.

¹¹³² Day 84/121

¹¹³³ Day 84/123

¹¹³⁴ Day 84/124

¹¹³⁵ Day 84/148

¹¹³⁶ Day 84/148

They do not have recourse to moving to another county/local authority (as in the UK).¹¹³⁷

4.897 Simon Bellwood's complaint to the Chief Executive of Health and Social Services Department was that Joe Kennedy had "*enforced a behaviour management procedure that can potentially involve locking a young person in a room (known as single separation) for over thirty-six hours*".¹¹³⁸ In March 2007 Phil Dennett, Coordinator for SEBD Services¹¹³⁹ prepared a report which included a review of complaints made by Simon Bellwood relating to the use of isolation. The report noted that the use of secure accommodation under Joe Kennedy's management reduced from 25 occasions in 2005 to nine occasions in 2006. Joe Kennedy said in evidence that the fall in numbers was "*because the relationships and running of the unit were much more positive*".¹¹⁴⁰

4.898 One member of staff who had worked under Joe Kennedy remembers Simon Bellwood's arrival and moving to the new Greenfields site, "*The day we moved to Greenfields we had a totally new behaviour system which ran well and had worked in Simon's previous post. ... I think it went Gold, Silver, Bronze and Platinum or something like that ... He did not agree with the twenty four hours in their bedrooms. He believed that the young person should come out automatically and mix with other young people. If there was a valid reason for them not to come out ie upset, or horrendous time before they came to us then I am sure he would not force them out. He thought there was no reason to keep young people in their bedrooms for hours*".¹¹⁴¹ When comparing having worked under both, she viewed the "Grand Prix" system as needed when "*the place was in crisis*" as it set "*very firm boundaries*". Simon Bellwood's system "*involved a lot of therapeutic skill that not everybody was ready to use because they had not had the right training*". She says that while Simon Bellwood was away, a new resident was admitted who was very challenging: there was a return to placing new residents in their rooms for 24

¹¹³⁷ Day 84/149

¹¹³⁸ WD005769

¹¹³⁹ Children with Severe Emotional and Behavioural Difficulties

¹¹⁴⁰ Day 72/12

¹¹⁴¹ WD005847

hours on admission. As at 2008, *“The twenty four hour secure does not happen at all now, we now have level one, two and three. Level one they have a radio in their room and 8 pm bedtime, that's for three days, level two they get a TV in their room, and bed at 8.30 pm and that lasts for seven days, level three they have 9 pm bedtime, a TV, PlayStation and a stereo in their room that lasts as long as”*.¹¹⁴²

2007–2014

Management support for Greenfields

4.899 In 2007, a review of the policies and procedures at Greenfields was carried out by Linda Dodds, then Team Manager, Assessment and Child Protection.¹¹⁴³ There was no evidence that safeguarding of young people or staff had been compromised. She reviewed the most recent admission process and concluded: *“It is important to assess each young person as part of the admission process and this required some degree of isolation for a short period of up to 24 hours”*.

4.900 Linda Dodds provided an addendum to her report having met with Simon Bellwood. She concluded that there was no evidence that on admission a resident will be locked up and isolated for 24 hours.

4.901 WN854 was employed at Greenfields in 2007 and 2012; she worked under Joe Kennedy. In her statement to the Inquiry she said that one of her first jobs on arriving was to shred documentation mostly on the “Grand Prix” system. She says that she was asked to do so by Phil Dennett and Joe Kennedy as *“Simon Bellwood was opening an Inquiry”*.¹¹⁴⁴ She also recalled staff putting young children in the secure unit *“while they sat around cooking breakfast”*.¹¹⁴⁵ In responding to the allegation by WN854, Phil Dennett said that he had never asked her to do so and that specific paperwork relating to the “Grand Prix” system would only have been shredded if they were duplicates. He also pointed out that the issues raised by Simon Bellwood about the “Grand Prix”

¹¹⁴² WD005847

¹¹⁴³ WD005847

¹¹⁴⁴ Day 119/121

¹¹⁴⁵ WS000684

system were already in the public domain at the point when WN854 took on her role.¹¹⁴⁶

4.902 The Greenfields Statement of Purpose and Function¹¹⁴⁷ dated April 2013 set out the organisation of the centre, *“Greenfields Centre is a secure facility for young people aged between 10 and 16 years of age, and the building can cater for up to 8 residents at any one time. There are provisions for residents to be educated in classrooms on site with-in the secure environment. Greenfields Centre's main living quarters are divided into 3 corridors with the 1st corridor housing four rooms, the 2nd corridor housing two rooms, and the 3rd corridor housing a further two rooms. There are two rooms that have the ability of using cameras to monitor high risk residents, (the cameras are live feed and have no recording capability). On site there is a fully equipped gym a sports hall with a full and diverse range of sports on offer. There is an arcade area with a pool table, art room and also a movie and games lounge where the residents can socialise under supervision of staff”*.

4.903 The Statement records that the Greenfields Centre provides single accommodation for up to eight residents between the ages of 10 and 16. It can provide accommodation for those who are disabled or who have special needs. It also provided an educational establishment, and all residents were expected to attend education at the specified times.

4.904 Admissions to Greenfields would usually be through either the criminal justice system or by an application to the Royal Court for a secure accommodation order made by the young person’s CCO. Key workers are allocated to each resident and take responsibility for their care together with regular reviews of their placement and care plan. The staff team is set out but, unlike other “Statements of Purpose and Function”, there is no evidence regarding qualifications or experience of staff members save for the Centre Manager. All staff receive comprehensive training on appointment and throughout their employment at the facility.

¹¹⁴⁶ WS000708

¹¹⁴⁷ WD008739

Findings: Greenfields

4.905 The Panel visited Greenfields Centre in 2015. We were concerned about the nature of the facility and the regime, as described to us at the time of our visit. We found the design and layout of Greenfields Centre was like that of a prison; we felt that the ethos remains one of control and containment. In our view, the ethos is not welfare based.

4.906 The States of Jersey is a very recent signatory to the *United Nations Convention on the Rights of the Child (1989)*. Article 3 states:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or interested parties, the best interests of the child shall be a primary consideration”.

4.907 The Howard League’s Review in 2008 highlighted difficulties with children’s custody in Jersey and noted that *“There is far too high a level of custody, and we believe that measures should be taken to eliminate it”*.¹¹⁴⁸ The League concluded that: *“If our vision for the elimination of custody in Jersey comes to pass, there will be a greatly reduced use for the Greenfields Centre as a secure Children’s Home, although it is likely that there will be a continuing need for “welfare” cases to be held there. But in any event, it is likely that thought needs to be given to a more flexible use of Greenfields and a great reduction in its use as a secure facility”.*

4.908 We, in 2017, agree, and are concerned to be echoing those sentiments nine years later. There is an over-provision of secure accommodation (11 beds) for young people in Jersey, given the population of 100,000. We note that Joe Kennedy told the Inquiry that, on the date on which he was giving evidence (in 2015), only one young person was placed at Greenfields. By way of comparison, Edinburgh, with a population of 496,000, provides for only nine places. The existence of Greenfields reflects a cultural malaise on the island on the approach to young people who have become marginalised.

¹¹⁴⁸ Paragraph 10.1b

4.909 The Howard League were also critical of the language and construction of the leaflet given to residents explaining the “Grand Prix” system, saying “*It is unlikely that most children would grasp the system*”. We endorse the criticisms expressed by the Howard League. The “Grand Prix” system as applied at Greenfields between 2003 and 2007 was totally inappropriate for a setting such as Greenfields.

4.910 We consider that the changes sought to be implemented by Simon Bellwood were positive and necessary. We echo his sentiments that children in Jersey do not have a voice – or, at least, not one that is taken seriously or respected.