

CHAPTER 2

Social, Historical and Political Background

- 2.1 In this chapter, we answer Term of Reference 4, which asks us to “Examine the political and societal environment during the period under review”, and its effect on: (a) the oversight of children’s homes, fostering services and other establishments run by the States; (b) the reporting of abuse; (c) the response to the reporting of abuse; and (d) the police and any other investigations.

Political background

- 2.2 Jersey is a Crown Dependency with its own Legislature, Executive and Judiciary. It has autonomy from the United Kingdom (UK) in all respects other than defence and foreign affairs. The legislature is the States Assembly, which currently has 49 elected members: eight Senators, 12 Connétables and 29 Deputies. It is headed by the Bailiff (who is unelected), whose office dates back to 1235. The Bailiff is appointed by the Crown after consultation within the island.
- 2.3 The office of Senator was created in 1948, and each Senator represents the whole of the island. Deputies are elected within constituencies that correspond with Parish boundaries. One Connétable is elected for each of the 12 Parishes. A Connétable automatically has a seat in the States Assembly. The Connétable of each Parish is head of the Honorary Police of that Parish.
- 2.4 The principal responsibilities of the States Assembly are to legislate and to appoint a Council of Ministers, Public Accounts Committee and Scrutiny Panels. The States Assembly also approves annual estimates of public expenditure and elects a Chief Minister from among its members. The Chief Minister nominates a Council of Ministers and the Assembly then votes on each proposed Minister. Under Jersey law, there are only 10 Ministers in addition to the office of Chief Minister.
- 2.5 The Bailiff is both the head of the States Assembly and the principal judge of the Royal Court. The Government of Jersey and the States Assembly are

given legal advice by the Attorney General (AG), who heads the Law Officers' Department (LOD). He is a member of the States Assembly "ex officio", although he has no right to vote. The AG is also the titular head of the Honorary Police.

- 2.6 The present ministerial system dates back to 2005. Before that, the Government of Jersey was run on a committee system, with committees for each State department. The Committee for Policy and Resources was the principal committee, with a role equivalent to that of the present Council of Ministers. The Civil Service in Jersey is headed by the Chief Executive of the Council of Ministers. Each department is headed by a civil servant known as a Chief Officer.

The "Jersey Way"

- 2.7 The Inquiry heard, in the course of the evidence, many references to the "Jersey Way". At its best, the "Jersey Way" is said to refer to the maintenance of proud and ancient traditions and the preservation of the island's way of life. At its worst, the "Jersey Way" is said to involve the protection of powerful interests and resistance to change even when change is patently needed.
- 2.8 Graham Power, former States of Jersey Police Chief Officer, said that part of the "Jersey Way" is "*never to do today what you can put off for ten years*". He said that, in the view of some, a disproportionate amount of power is concentrated in the hands of a few whose ancestors lived in Jersey for centuries and who are keen to maintain traditions and to resist "*Anglicisation*".¹ There was, in Mr Power's view, an "*old guard*" of those who resisted change in principle and some who said that if people did not like the way things were done in Jersey, they should move elsewhere.²
- 2.9 Former Deputy Trevor Pitman described the "Jersey Way" as "*the powerful, the establishment protecting the guilty and ensuring that those who probably should be held to account will not be held to account ... it is about protecting the status quo ... In a small community if you are part of a very entrenched*

¹ WS000536, pp.6-7

² Day 106/120

establishment and if there is a potential of it damaging Jersey's whiter than white reputation as a financial centre, you will not be held to account".³

2.10 Deputy Bob Hill said there was a "culture of fear" in Jersey, with people being afraid to come forward with information or criticisms of others who could have an influence over the informant's job or family. He believed that this culture impacted on child abuse investigations, as people were afraid to report abuse because they did not trust those to whom they might report to keep the information confidential. People did not question their betters or those in more senior positions. He said that Jersey residents had to keep quiet if they wanted to retain employment and security for their families.⁴

2.11 One anonymous witness told the Inquiry:

"We [also] have the impossible situation of the non-separation of powers between the judiciary and [the] political and there is a lot of secrecy, non-transparency and a lack of openness. This brings with it the lack of trust; the fear factor that many have spoken about, and contributes greatly to the Jersey Way."⁵

2.12 In November 2008, the Howard League for Penal Reform produced a review that included the following at paragraph 10.7, under the note "Life in Jersey":⁶

"There can be an appearance of, or actual existence of 'cronyism'. Important decisions are made or believed to be made through 'old boys' networks'. Powerful interlocking networks may exclude and disempower those outside of the groups and make it hard for those outside of those networks who have genuine concerns to raise them or make complaints in an effective way. This is likely to be particularly true of deprived, disadvantaged and powerless children."

2.13 Former Minister Ian Le Marquand said that unless there was a crisis in the public sector, resources would not be made available for improvements, "as a general rule that certainly has been the position because of the pressure on priorities and so on. I think things did slightly improve under the last administration ... but nevertheless as a general rule I'm afraid that the system is not very responsive".⁷ The priority for the States and the electorate was

³ Day 109/7

⁴ Day 104/5; WS000515

⁵ Submission in Phase 3c of the Inquiry – 04.01.16

⁶ WD007507/32

⁷ Day 105/112-113

(and remains), he said, the maintenance of the low tax status on the island. In his experience, working in the public sector for 18 years, lack of funding was a recurring issue.⁸

- 2.14 In our opinion, it does not matter what view one takes of the “Jersey Way” because it can have no place in the formulation of policy or its implementation so far as children in care are concerned. Societies change their policies from time to time because they perceive problems in an existing policy or seek improvement from a new one. No-one would change a policy that was working well simply because it was well established. Likewise, no-one would defend a policy that was not working well just because it was well established. As the Chinese king Wuling observed in the year 307 BC: “*A talent for following the ways of yesterday is not sufficient to improve the world of today.*”

Social and historical background

- 2.15 The Inquiry received evidence⁹ which provided an overview of the “societal environment” (see Term of Reference 4) in which children were placed in residential or foster care and in which they may or may not have raised concerns about abuse.
- 2.16 David Lambert and Elizabeth Wilkinson (DHSS Inspectors), in their 1981 Report, encapsulated some of the factors affecting Jersey across this period in a passage from which a short extract has already been cited above:

“Whilst Jersey is clearly not an industrialised area, such as Newham or Salford, there may be factors in the social structure which amalgamate to produce families and children which attract social work intervention. There are indications that the island has a high incidence of marital breakdown, alcoholism and heavy drinking and psychiatric illness. Social workers also indicated that housing and accommodation problems also contribute to family stress and difficulty. The breakdown or absence of extended family networks also leads to isolation and insecurity. The island also has experience of managing migrant workforces for both the farming and hotel industries. Many of these migrant workers seek a more permanent residence on the island ... Another contributing factor to the workload of the Section concerns the incidence of illegitimate births. Apparently, the number of girls coming

⁸ WS000648/2

⁹ Witness statements/exhibits; census information; States of Jersey Police and Children's Services records; policy documents/reports and expert evidence

to the island on a temporary basis and becoming pregnant has lessened of late, but it still remains a consideration. Equally worrying is the growth of heavy drinking by juveniles and young people. The case files studie[d] during the course of this inspection showed many examples of these factors at work in individual families.”

- 2.17 We note that, despite having a population comparable to Lincoln or Basingstoke, Jersey is required to have the structures and institutions of an independent state, including its own Government, Legislature and public services. We note that, for various reasons, there have been almost constant budgetary pressures on those providing for children in care.
- 2.18 The evidence considered by the Inquiry suggests that the particular features of Jersey made it a unique environment for children growing up here: an insular community with a modest population, with a legacy of German occupation during the Second World War, split into 12 Parishes and policed in part by a voluntary police force, politically independent from the UK but with heavy reliance on it for legislative innovation.

The Parish system

- 2.19 Jersey is divided into 12 Parishes. Each Parish is headed by a Connétable (Constable) and governed by the Parish Assembly.
- 2.20 The Connétable of the Parish played a pivotal role as an officer of the Honorary Police in carrying out statutory duties in relation to children. He was responsible, for example, for approving foster parents,¹⁰ although he had no formal training in that regard. The test for certifying fitness was simply one of whether the proposed foster parent was a “fit and proper person”; in effect, this amounted to whether the applicant was a good parishioner.¹¹ The Connétable could also make applications for admission of a child into care (for example, under the *Public Instruction Committee Acts 1946 and 1953*). In addition, he was responsible for the provision of “outdoor relief” under the Poor Laws. This was financial assistance provided by the Parish to those in need and funded from Parish taxation. The Connétable had considerable influence over parishioners who came into contact with him through his

¹⁰ Loi sur la protection d'enfance 1940

¹¹ Day 5/104

financial, executive and policing functions. He wielded considerable power in the Parish and was subject to little or nothing in the way of checks and balances.

- 2.21 John Rodhouse, Director of Education (1973–1989) explained that, during his tenure, Jersey was not a welfare state. The primary source of aid for those out of work or unable to work was Parish Relief. The granting of relief was subject to the personal judgement of the Connétable and could not always be relied upon. There was no right of appeal from the decision of the Connétable. Relief was provided by the payment of cash and the provision of items such as clothing or domestic appliances.
- 2.22 As noted above, in January 1958, the Education Committee, the States' body then responsible for residential child care provision, convened a meeting to review arrangements then in place for the welfare of children. This was in response to concerns raised by the UK Home Office about the lack of a Children's Department in Jersey. The result was the creation of the Children's Committee and the appointment of the first Children's Officer, Patricia Thornton.¹²
- 2.23 Following the formation of the Children's Committee in 1959, the Parishes continued to fund the placement of children in care, based on a boarding-out rate for each child agreed by the Parishes. A boarding-out tariff was paid for each child to the "Children's Department".¹³ The Connétable remained under a duty to report to the AG the case of any child who appeared to be in need of care, protection or control.¹⁴

The Occupation

- 2.24 Jersey was occupied by German forces from 1 July 1940 until 9 May 1945 (thereafter known as "Liberation Day").¹⁵ The Medical Officer for Health (MOFH) reported on 18 January 1946 that the children of the island had

¹² EE000046

¹³ Day 4/30 – the term "Children's Department" appears in records in the 1960s, although there was no formal department. The payments went to the Education Committee

¹⁴ Pursuant to Article 28(2), Children (Jersey) Law 1969; LG000032/24. This provision was not replicated in the Children (Jersey) Law 2002; LG000033/13

¹⁵ Richard Whitehead: EE000261/7

*“practically recovered to 1940 standards of height and weight, due to the abundance of food flowing into the island” following the Liberation.*¹⁶

2.25 The Inquiry had the benefit of evidence from a few individuals who were resident in children’s homes during and immediately after the Occupation.

Examples are:

- Malcolm Carver [Jersey Home for Boys (1944 and 1946–1951)] recalled *“war kids”* (presumably returnees to the island) *“pouring in”* to the Jersey Home for Boys (JHFB). There were only three members of staff (excluding gardeners and the cook), who were all ex-servicemen. He described a degree of bullying by older boys.¹⁷
- Giffard Aubin [Jersey Home for Boys (1941–1951)]. He complained of the lack of staff, the effect being that the boys were *“looked after”* by senior boys who bullied the vulnerable.¹⁸
- Malcolm Doublard [Jersey Home for Boys (1942)]. He was placed at the JHFB in 1942, when his father was taken prisoner by the Germans and his mother could not cope on her own, having been denied *“outdoor relief”* by the Connétable of St Ouen.¹⁹ He vividly recalls the home being clean, but the food being terrible.²⁰ He also described the restrictions on the boys’ freedom, as the adjacent field was used by the Germans for gun practice, and the boys could not go out when they were practising.²¹ He described severe bullying by older boys. Electrodes were used to administer electric shocks to the younger boys.²²

2.26 In his evidence, Tony Le Sueur commented upon the issues facing Jersey after the Occupation.²³ He noted that *“managing the reality of babies born during the Occupation who have been classed as illegitimate and whose parentage may have been in question”* was a particular issue. The Westaway

¹⁶ WD004847/9

¹⁷ Day 9/124

¹⁸ Day 8/15 WS000001

¹⁹ WS000093/2 and Day 22/45/25

²⁰ Day 22/4/9

²¹ WS000093

²² Day 22/51

²³ Policy Development Governance and Quality Assurance Manager; Day 4; EE000038/12

Crèche, the most likely recipient of unwanted illegitimate children, received an average of 28 admissions per year during the Occupation.²⁴ In addition, significant numbers of children were returning to the island after the War. Some of these children may have been orphaned, and this no doubt placed an additional burden on States provision for children at that time.

- 2.27 The end of the Occupation saw legislative reform in relation to children, in particular the enactment of the *Adoption of Children (Jersey) Law 1947*. In his statement, Richard Whitehead²⁵ said that the timing of the law might support anecdotal evidence that the trigger was the number of illegitimate births during and after the War. The rationale for this law was to give assurance to adoptive parents “*that the care, expense and attention which they give to the adopted child will not be lost and that the natural parent will not step in whenever it suits him to do so*”.²⁶ Mr Whitehead said that this specifically related to the post-War situation where families, having taken in illegitimate children, lived in fear that the purported father might try to reclaim the child.
- 2.28 At the time of the formation of the Children’s Committee at the end of the 1950s, John Le Marquand, in his *History of Education in Jersey (Part 3)*, noted that: “*It came very much of a shock to realise that the number of children in public care in Jersey was twice as high as the average figure for children's authorities in the United Kingdom.*”²⁷

The population of Jersey

- 2.29 Tony Le Sueur told the Inquiry that the population during the Occupation was of the order of 40,000, with 12,000 returning after the War.²⁸ He explained that a particular feature of post-War Jersey was the presence of itinerant farmworkers from France, who came to Jersey on a seasonal basis to work in agriculture. They brought their children with them, but without any provision for their care. The children were placed on an informal and temporary basis at

²⁴ EE000038

²⁵ Principal Legal Adviser, Law Officers’ Department

²⁶ EE000261

²⁷ [http://www.theislandwiki.org/index.php/Education in Jersey - Part 3](http://www.theislandwiki.org/index.php/Education_in_Jersey_-_Part_3)

²⁸ Day 4/21

Haut de la Garenne (HDLG), with board and lodging funded by the workers.²⁹ Tony Le Sueur said that the employment of the immigrant workers moved away from farming to tourism, notably from the 1960s.

- 2.30 In recent times, the Portuguese-speaking community (principally from Madeira) has contributed a significant proportion of Jersey's immigrant population (8.2%, according to the 2011 census). Tony Le Sueur said that a particular feature of the Madeiran population is the use of the extended family to look after the children rather than relying on States' provision. A consequence of this was a likely under-reporting of private fostering arrangements. By contrast, it was noted in the recommendations from Dr Kathie Bull's Report of December 2002 that one of the challenges for many parents in Jersey was a lack of familial support from extended family.
- 2.31 The Inquiry has seen records relating to the children of Irish parentage accepted into care, particularly in the early decades of the period under review. As with other nationalities, the reasons given for acceptance into the States' care included poor/overcrowded housing, alcohol abuse, domestic violence and problems arising from unstable domestic circumstances including the illegitimacy of the child in question. In their 1981 Report, Lambert and Wilkinson commented on the number of girls coming to the island on a temporary basis, becoming pregnant and then remaining in Jersey.³⁰
- 2.32 In terms of population, Jersey is comparable to Lincoln or Basingstoke,³¹ but it is required to have the apparatus of an independent state, with its own Government, Legislature and public services. Jersey has markedly lower taxation rates than the UK.³² A considerable number of witnesses, including politicians, Children's Services Managers and civil servants, described the constant budget pressures that they faced in providing for children in care.

²⁹ Day 5/18

³⁰ WD007382/17

³¹ WD007100/860

³² A maximum of 20% income tax; standard rate of 0% company tax (excluding financial service and utility companies)

Housing

- 2.33 One effect of Jersey's population density is competition for housing. There are laws that govern the entitlement to available properties.³³ Jersey has a system of "qualification" to entitle access to various parts of the housing stock. A citizen has to reside in Jersey for a significant period³⁴ before he or she can gain access to certain housing, including accommodation provided by the States.
- 2.34 It is clear from the evidence given to the Inquiry that the availability and cost of housing presented considerable difficulties for families in the period under review. Inadequate housing is cited in numerous Education and Health and Social Services Department records as a reason for the admission of a child into care. It often formed part of a background of deprivation, along with unemployment, alcoholism and domestic abuse.³⁵
- 2.35 In some cases, the bare fact of lack of accommodation was the reason for admission into care. One example is the case of sibling witnesses WN391, WN383 and WN385, admitted to Brig-y-Don and then HDLG in the early 1970s. "*Temporary homelessness*" was the reason given for admission.³⁶ Two and a half years later, they were still there. A case conference in March 1975 indicated that the family had been "*more or less blacklisted by the Housing Department*".³⁷ A letter from Children's Services to the Housing Officer concluded:

*"I would stress that these children are in the care of the States of Jersey Education Committee solely as a result of accommodation difficulties and I would therefore be grateful for any urgent consideration that could be shown towards this particular case before further serious damage is caused to the development and future welfare of this young family."*³⁸

³³ EE000038/20

³⁴ Currently 10 years; previously 19 years

³⁵ E.g. RS000613/25

³⁶ Day 52/67

³⁷ WD003541

³⁸ WD003554

- 2.36 Another example is provided by WN99 and his siblings. In September 1977, they were said to be remaining in care “*mainly due to housing difficulties*”.³⁹ WN99 was in HDLG for over 10 years. Both he and his siblings made allegations of abuse about their time in care.
- 2.37 The result was that, by reason only of housing difficulties, some children spent long periods in residential care, some of whom may have suffered abuse and deprivation.
- 2.38 These are not isolated examples. There are several references in the evidence to children being sent to residential homes because of a lack of housing or inadequate accommodation.
- 2.39 Restrictive practices by landlords appear to have been a factor in the lack of accommodation for families. Even as late as 1988, some landlords on the island adopted a “no kids” rule for let premises, as reported by the JEP in February of that year.⁴⁰ Thus, the already small pool of housing grew even more diminished.
- 2.40 The quality of housing for poor families was also a feature of the “*societal environment*” during the period under review. In many of the Children’s Services files, reference is made to inadequate sanitation, lack of running water and overcrowded or shabby accommodation, with families living in one or two rooms. Overcrowding remained a significant factor in Jersey, and the 2001 census noted that overcrowding affected 2,684 people.⁴¹
- 2.41 In July 2003, a report entitled “Hardship Experienced by Children and Young People in Jersey”⁴² was published. It stated:

“Circumstances that increase the risk of hardship appear similar to those in the UK (unemployment, lone parents, the sick and disabled and large families). Aspects that are more prominent in the island include the influence of inadequate and costly housing and the high cost of living in general and the effect this has on the work/life balance.”

³⁹ WD002788

⁴⁰ WD000383

⁴¹ WD009384/15

⁴² Co-ordinating Committee of the Decade for the Eradication of Poverty; WD009384/5

- 2.42 The 2003 Report noted that the States provided financial assistance to the residentially qualified. This was by way of mortgage interest relief, loans for first-time buyers, private-sector rent rebates, public-sector rent abatement and through the Housing Development Fund. An estimated 20% of Jersey residents did not have residential qualification. The vast majority lived in lodgings, with no security of tenure. Many of the lodgings were described as “unsuitable for family life”. Rent accounted for between 50% and 70% of income.
- 2.43 Professor Roger Bullock, in his expert evidence to the Inquiry,⁴³ said that overcrowding is known to produce depression, which results in poor parenting, which then produces behavioural problems in children. Lambert and Wilkinson also noted that housing pressures are likely to contribute to family stress and difficulties. They highlighted that this was a particularly acute problem when Children’s Services sought to place siblings together with a single set of foster parents.⁴⁴ Potential foster parents often did not have a spare bed, let alone a spare room for a child.
- 2.44 In 2003, Tony Le Sueur, in his role as Children’s Services Manager with responsibility for Adoption and Fostering Services, produced a report entitled “Housing Issues Affecting Children in Care and Children in Need”,⁴⁵ which is a useful summary of the impact on young children at that time. The key points were:
- 16-year-olds who no longer wished to remain in residential care were not entitled to Parish Welfare or Rent Rebate until the age of 17, and were not eligible for bedsit accommodation from the Housing Department, so it was left to Social Services to try to secure private accommodation;
 - 17-year-olds trying to access accommodation could apply for Parish Welfare or States-provided accommodation, but would have to demonstrate that they had no surviving relatives who could provide accommodation;

⁴³ Day 7/137; EE000136/50

⁴⁴ WD006122

⁴⁵ WD008733

- for families without housing qualifications, the only options were to take the children into care, or to fund the family in B&B accommodation – the former costing up to £40,000 per annum – and there being no funding for the latter;
 - there was a shortage of residential accommodation for children.
- 2.45 The Report concluded that greater co-operation was needed between the Housing Department and Children’s Services, with the former accepting its responsibility as “*corporate parent*” for children in care.
- 2.46 Pressure on housing also impacted on employees of Children’s Services. Posts that attracted workers from outside the island were either those with accommodation provided (such as HDLG) or those where individuals were classed by the Housing Committee as “*essentially employed*”.⁴⁶ At times, and for certain posts, recruitment by Children’s Services was limited to Jersey residents, and in some instances Jersey residents were favoured over UK applicants because accommodation did not have to be provided or subsidised. The tie between accommodation and work is significant.
- 2.47 As Dylan Southern (Director of Nursing and Mental Health) explained to the Inquiry, “*some people, if they lost their job here, would lose their housing, their status and they would have to leave the island*”.⁴⁷ Kevin Mansell, the former Principal of Les Chênes, stated that one of the reasons that he did not resign, despite being repeatedly blocked by the Education Department in requests for more staff and greater resources, was that he lived on site and, if he had resigned his job, he would have had nowhere to live.⁴⁸
- 2.48 If accommodation was not provided by the employer, individuals from outside Jersey were only able to secure accommodation if they were regarded as “*essentially employed*” staff. In this respect, the Inquiry has heard evidence that:
- as at July 1977, only staff with residential [care] qualifications were regarded as “*essentially employed*”. Nurses were regarded as “*essentially employed*”

⁴⁶ WD002616, WS000612, WS000629

⁴⁷ Day 116/110

⁴⁸ Day 80/78/4

so long as they remained in the employment of the Public Health Committee, and staff at Les Chênes were also accorded the status of being regarded as such. It would appear that staff at HDLG were not considered as “essentially employed”;⁴⁹

- in October 1979, an Act of the Education Committee noted that, from that point, all child care officers recruited from the UK were only to be considered for housing under the leasing arrangements included in the Assisted House Purchase Scheme and were not to be regarded as “essentially employed” in the same way as certain teachers were;
- status was determined by the Housing Committee, who refused to give this status to many posts within the Education Committee’s service in the 1980s;⁵⁰
- even those who were classified as being essentially employed were still limited as to which properties they could rent and were not able to purchase property for a prescribed period of time.⁵¹

2.49 The housing situation was also central to the issue of recruitment of staff in residential children’s homes. Geoffrey Spencer (Officer in Charge of Heathfield from 1987) told the Inquiry that the management at Heathfield recruited more people from Jersey than from the UK because of the housing issue. This was an unsatisfactory state of affairs because most employees from Jersey were not qualified, whereas those from the UK were qualified.⁵² Mr Spencer’s own letter of offer of appointment in April 1987 stated in terms: *“Housing: this is the most difficult issue which faces you in taking an appointment in Jersey.”*⁵³

2.50 Phil Dennett (Health and Social Services Department) said that the costs associated with recruiting from the UK were prohibitive (in terms of subsidising accommodation).⁵⁴ He stated that UK employees would often

⁴⁹ WD002616

⁵⁰ WS000612/18

⁵¹ WS000629/16

⁵² Day 75/25

⁵³ WD006417/25

⁵⁴ Day 95/99

move on very quickly due to the high cost of living in Jersey, particularly the cost of renting. There was therefore pressure to recruit applicants already resident in Jersey. On the retirement of Charles Smith (Children's Officer) the Housing Committee did not allow the post to be advertised outside Jersey. There was pressure to promote Anton Skinner, who was born in Jersey. In the event, he was appointed, but only on completion of a placement in the UK to gain relevant experience.⁵⁵

- 2.51 John Rodhouse (Director of Education 1973–1989) also complained that restrictions put in place by the Housing Department, throughout his period in Jersey, made recruitment very difficult. He told the Inquiry that, in the late 1970s and throughout the 1980s, there was concern about the growth of the island's population and there were real attempts to restrict growth.⁵⁶ He stated that this resulted in appointments being made from a limited field and that those appointed were not always the best candidates for the job.⁵⁷ Throughout the 1980s, he was not permitted to recruit primary school head teachers from off island as they would not have been given "*essential employee*" status at that time (and would therefore face difficulties in obtaining accommodation).
- 2.52 These recruitment problems persist. Tony Le Sueur told the Inquiry that the cost of living remains very high in Jersey and that this negates the attraction of the relatively high salaries in the island.⁵⁸ He indicated that the high cost of accommodation was central to the problem of recruiting skilled workers to Children's Services from abroad.

Impact of financial pressures

- 2.53 Many of the Children's Services historical files record that both parents were in some form of employment, with difficulties arising due to parental absence and lack of supervision. This was particularly so in cases where there was no extended family to care for the children. Lambert and Wilkinson noted in 1981 that many nurseries accepted babies from the age of two or three months

⁵⁵ Day 95/202

⁵⁶ Day 92/47/25

⁵⁷ Day 92/48

⁵⁸ Day 89/178

because, if Parish Relief was declined, mothers had no alternative but to find work and place their baby in childcare.⁵⁹

- 2.54 Jersey is known for its very high percentage of women in work.⁶⁰ A report in 2003⁶¹ said that hardship to children in Jersey derived from costly and inadequate housing, parental stress from long working hours and fear of taking time off when children were unwell. The lack of after-school and holiday care and the cost of living was also noted.

Social divisions

- 2.55 A notable feature of the evidence considered by the Inquiry is the perceived gap between the rich and the poor in Jersey. The social division is not limited to disparities in financial status but also relates to disparities in power and influence. A recurrent theme in the evidence is the description of a culture of “*them and us*”. A self-selecting powerful elite, referred to as the “*Establishment*”, is said to maintain the control of areas such as voluntary policing, the Parishes, politics and the media.
- 2.56 The authors of the 2003 Report⁶² noted the particular difficulties of being poor in Jersey, with Jersey’s affluent society stimulating aspirations beyond people’s means:

“In addition to the economic pressure on parents caused by the high proportion of income needed for fixed costs of rent and child care, Jersey’s affluent society stimulates aspirations beyond means. As one participant put it, ‘Here noses are pressed hard against shop windows’ ... This increases parental stress, especially for those who work very hard and still feel guilty that they cannot provide their children with what ‘everybody has’ according to them.”

- 2.57 In his evidence to the Inquiry, Anton Skinner⁶³ described Jersey as an affluent island with enormous poverty.⁶⁴ In his view, “*up until recent times*”, there was a patrician type of community, with the great and the good deciding how the

⁵⁹ WD007382/73

⁶⁰ See “Children and Young People: a strategic framework for Jersey” (2011) – WD007100/860

⁶¹ WD007100/852-860

⁶² WD009384/16; “Hardship experienced by Children and Young People in Jersey”

⁶³ Children’s Officer, 1986–1995; Director of Community and Social Services, 1996–2002

⁶⁴ Day 87/39–40

“poor and feckless” should be dealt with, saying *“it wasn’t an impressively democratic society”*.

Reporting and non-reporting of abuse

2.58 The perceived *“them and us”* culture, with its origins in divisions of wealth and power, as well as demonstrating a failure to understand the true causes of social inequality, appears to have been a powerful disincentive to report incidents of abuse, whether physical, sexual or emotional. The fear, on a small island, that the person complained about might be connected to the person to whom the complaint was being made would add to that disincentive – and the more if it would have consequences for employment and accommodation.

Findings: Social, historical and political background

2.59 We consider that an inappropriate regard for the *“Jersey Way”* is likely to have inhibited the prompt development of policy and legislation concerning children.

2.60 Parish Relief depended upon the personal judgement of the Connétable. No welfare net was provided by the States. Over a substantial period, the Connétable played an important role with regard to children in care, including the certification of foster parents, making applications for admission of a child into care, and reporting to the AG if any child appeared to be in need of care, protection and control. We have not seen any evidence of Connétables receiving training for any of these roles.

2.61 The shortage and cost of housing has had a marked impact on fostering in Jersey, with some potential candidates having insufficient space to accommodate foster children. We note that, at present, fostering couples have no priority in terms of access to States’ housing. Also, it is not a requirement that a fostering couple have one parent remaining at home. This reflects the fact that both are likely to be in work due to the high cost of living in Jersey. We consider that this has had a detrimental effect on the ability of Jersey to provide adequate fostering provision for children in care, although we acknowledge that the amount of provision has varied over the years.

- 2.62 In our view, pressures on accommodation in Jersey did have a detrimental effect on the ability of the relevant departments to recruit and retain suitably qualified and trained child care staff from outside the island. This led to the recruitment of more people from within Jersey, who were often less qualified and experienced.
- 2.63 The strong ties between accommodation and work, whereby individuals often either were provided with accommodation (for example, by HDLG) or needed to be employed in order to retain their accommodation (i.e. if classified as “essentially employed”), had an inhibiting effect on their ability to raise concerns.
- 2.64 On the basis of the evidence received by the Inquiry, we have noted a recurrent theme of social and economic disparity. Jersey appears to have relied heavily on private and/or voluntary intervention in its role in providing for children in care, and overseeing that provision.
- 2.65 In our view, the Housing Department did not, at any time, accept or discharge the role that it had to play in the States of Jersey’s responsibility as the “corporate parent” of children in care.
- 2.66 We note that Term of Reference 4 asks us to examine the effect of the political and societal environment in Jersey on specific issues found elsewhere in the Terms of Reference on various issues. We have approached this task by considering such effects in the following chapters:
- effect on oversight of children’s homes, fostering services and other establishments run by the States – Chapter 5;
 - effect on the reporting or non-reporting of abuse – Chapter 8;
 - effect on the response to reports of abuse – Chapter 9;
 - effect on the Police and other investigations – Chapters 10 and 11.