

CHAPTER 3

The Type and Nature of Children's Homes and Fostering Services; and the Reasons why Children were Placed and Maintained in these Services

Introduction

- 3.1 In this chapter, under Term of Reference 1, we establish the type and nature of children's homes and fostering services in Jersey, with a particular focus on the period after 1960. No findings are made on this topic, as the evidence itself fulfils this part of the Term of Reference. We also consider, in general terms, why children were placed and kept in care, and make findings accordingly.
- 3.2 The provision of children's homes during the period under review was split between homes run by the States of Jersey and those run by the voluntary or charitable sector. Some of the homes evolved in their nature, starting as voluntary institutions and later coming under States' provision. Brig-y-Don and La Preference are two such examples. Some homes remained under the control of the States of Jersey but evolved in their constitution or use; for example, Jersey Home for Boys (JHFB) merged with the Jersey Home for Girls (JHFG) and in 1959 became known as Haut de la Garenne (HDLG).
- 3.3 Fostering services were historically split between what was known as "boarding out" and what is referred to as "fostering". The former was the placement of children, in the care of the States of Jersey, with foster families. Fostering was the placement of children on a private basis by the birth family with another family. This distinction is somewhat confused by the fact that "fostering" was often used to describe both, and in the modern era "fostering" has been the accepted parlance to describe both types of arrangements.

Children's homes

Jersey Home for Boys

- 3.4 The home was built in 1866 in the Parish of Gorey and was known as the Jersey Industrial School until 1900, when the name was changed to Jersey Home for Boys.¹ It originally catered for 45 boys, and records show 142 admissions during the German Occupation. The Public Instruction Committee was responsible for the JHFB from 1922 onwards.
- 3.5 The 1935 *Loi* enabled children under 14 to be sent to the Home if they had committed an indictable offence or were "in need of protection", until they were 16.² The *Public Instruction Committee Act 1946*³ set out that boys between six and 15 years of age were to be admitted to the Jersey Home for Boys "*and will normally remain there until they attain school leaving age*". A boy admitted "*by order of the Royal Court*" was to remain there until "*the Court has sanctioned his leaving the Home to take up suitable employment*".
- 3.6 In May 1958, the Education Committee recommended that the JHFB and the JHFG be amalgamated. There were "*rather more than 40*" residents at the JHFB, and it was noted that most children were admitted at the direct request of the Connétable of the Parish rather than being committed by the Royal Court.⁴
- 3.7 In 1959, the Education Committee approved a scheme for the reconstruction of the Jersey Home for Boys to accommodate a maximum of 35 boys and 10 girls. This was to include temporary accommodation for some children remanded by the Royal Court and facilities for a small number of babies under the age of two years. As at January 1968, there were 67 children in the Home (51 boys and 16 girls).⁵

¹ WD007012/59

² EE000261/4

³ EE000255

⁴ WD005364/40

⁵ WD004915

Jersey Home for Girls

- 3.8 Jersey Home for Girls was set up as the Jersey Female Orphans Home in 1862, in the Parish of Grouville.⁶ From 1933, the JHFG gained “semi-official status”, in that the Royal Court was empowered to send children there as an alternative to being sent to an Approved School in the UK (as was the case with the JHFB).⁷ Until 1939, the institution was run by the “Trustees of the Jersey Female Orphans Home”, at which point the property was ceded to the States of Jersey to “*ensure that young girls will in the future receive the same high degree of comfort and advantage as is now, and has been for many years, received by boys at the Jersey Home for Boys*”.⁸
- 3.9 The *Public Instruction Committee Act 1946* set out that girls between the ages of six and 12 years should be admitted to the JHFG “*and will normally remain there until they attain the age of 17*”. In May 1958, there were “*rather fewer than 20*” residents at the JHFG – most admitted at the direct request of the Connétable rather than being committed by the Royal Court.⁹
- 3.10 The JHFG closed in 1959, when it was amalgamated with the JHFB, and subsequently became known as Haut de la Garenne. The *Jersey Female Orphans Home Law 1961* authorised the transfer of remaining trust funds to the States, reflecting the policy of placing in HDLG those boys and girls who could not be boarded out.¹⁰

Westaway Crèche

- 3.11 The Westaway Crèche was established in 1934, in the parish of St Helier, as “*a Crèche and day nursery for babies so that widows could go out to work*”. From 1941, the Crèche routinely housed orphans and abandoned babies before they were placed with a foster family or moved to the JHFB or JHFG.¹¹

⁶ EE000038/3

⁷ EE000152/3

⁸ EE000152/6

⁹ WD005364/5

¹⁰ EE000173

¹¹ EE000038/4

- 3.12 The Crèche operated as a private organisation until 1940, when it became the responsibility of the Education Committee. By December 1947, the Public Instruction Committee was the sole authority responsible for the care of “*deprived children*”, including those at Westaway. The *Public Instruction Committee Act 1946*¹² set out that children under six years of age were to be admitted to the Crèche.
- 3.13 The majority of those admitted to the Crèche were short-stay cases¹³ and the capacity appears to have been for about over 40 children,¹⁴ although less than half of that number were in residence at various points over the next decades.¹⁵
- 3.14 The May 1946 minutes of the Public Instruction Committee note that the Crèche was overcrowded, with 48 residents, and was also understaffed. In January 1948, an inspection by members of the Public Instruction Committee noted 46 children resident; four months later, it described the Crèche as “*full to capacity*” and rejected several applications for admission.¹⁶ Three months later, the minutes note that 11 children from the Crèche left the island under a South African adoption scheme. This presumably alleviated the pressure on capacity. In August 1958, a Senator on the Public Instruction Committee inspected the premises and reported that they were “*totally unsatisfactory*”.¹⁷
- 3.15 The Crèche was staffed by nursery nurses. In November 1955, two nurses resigned in protest at the treatment of children placed at the Crèche and at staff working conditions. The Public Instruction Committee investigated and concluded that there was no definite evidence of cruelty to children. Two boys had been punished in isolation for three or four days and nights. It was noted that this was not a proper punishment for small children. What is not clear from the entry in the minutes is whether the criticism is of the use of isolation within the home or its duration. One of the boys was referred to the Child

¹² EE000255

¹³ EE000255/1

¹⁴ Day 144/111

¹⁵ E.g. EE000052/2

¹⁶ Day 144/111

¹⁷ Day 144/112

Guidance Clinic – a recognition, perhaps, that the more appropriate management of challenging behaviour was not punishment but treatment.

- 3.16 A report in October 1964 on the need for a nursery at Haut de la Garenne noted that the “mixing of children” was not harmful and was something positively beneficial to more disturbed children.¹⁸
- 3.17 Although the States of Jersey approved the closure of Westaway Crèche in 1959, as it was due to be amalgamated with the JHFB and JHFG as part of the new HDLG, it remained open until February 1966, when the terms of the original trust were amended. At this point, staff and babies from the Crèche moved to the “Westaway Wing” at HDLG and the Crèche became a day nursery for some time.¹⁹ One of the perceived advantages of the amalgamation was that members of large families could all be placed in the same children's home.²⁰

The Sacré Coeur Orphanage

- 3.18 The Sacré Coeur Orphanage was established in 1901, in the parish of St Helier, to be used as a convent for French Catholic nuns and an orphanage for Catholic children.²¹ By 1904, 78 primary-school-age children and 13 babies were living on site with nine Catholic sisters.
- 3.19 The Inquiry heard from former residents and staff members that the institution ran alongside a textile/knitwear factory known as “Summerland”, in which children worked.
- 3.20 In May 1958, the Director of Education noted that there were 66 children at Sacré Coeur and it was “*not subject to public supervision or inspection*”, which, as below, did not change until 1969.²²
- 3.21 Sacré Coeur received a mixture of children placed privately, and those who were in care, for whom it received a boarding-out allowance, although the

¹⁸ WD006912

¹⁹ EE000038/9

²⁰ WD004582/4

²¹ Sacré Coeur: Catholic order: Congregation de la Sainte-Famille d'Amiens

²² WD005364/4

former appear to have constituted the large majority of residents.²³ Sacré Coeur also operated a nursery, which was registered in May 1970 under *Article 68 of the Children (Jersey) Law 1969*.

3.22 Although Tony Le Sueur gave evidence suggesting that Sacré Coeur closed its residential provision in the mid to late 1960s,²⁴ the evidence about registration and the evidence of WN327²⁵ and WN807²⁶ suggest that full-time care ceased around 1972.

Haut de la Garenne (1959–1969)

3.23 Haut de la Garenne was formed as an amalgamation of the JHFB and the JHFG (and subsequently the Westaway Crèche).²⁷

3.24 It was located in the former premises of the JHFB, in the parish of Gorey, and, by September 1959, all the girls from the JHFG had been transferred to HDLG. The Home had three different names until the States of Jersey changed the name of the institution to Haut de la Garenne in 1960.²⁸

3.25 When the formation of the Home was first proposed in May 1958, it was intended to serve five separate purposes:²⁹

- Function 1 – a long-stay home for those who were not suitable for boarding out in “cottage homes”;³⁰
- Function 2 – a short-stay home for children – for example, those whose mothers entered hospital for a few weeks;
- Function 3 – to accommodate very young children who could not be boarded out and who were too young for cottage homes (i.e. replacement of Westaway Crèche);

²³ E.g. see WD004989/2 and WD004111

²⁴ EE000038/12

²⁵ WD005137/6

²⁶ WS000741

²⁷ EE000047

²⁸ EE000049

²⁹ WD005364/8

³⁰ The idea of “cottage homes” was replaced with Family Group Homes

- Function 4 – a remand home for those remanded by the courts: *“for this function a small separate building would probably be necessary”*;
- Function 5 – a reception centre to which all children would go in the first instance.³¹

3.26 As mentioned above, the young children from Westaway Crèche were moved to a wing of HDLG in February 1966. Printed letterheads from the Home indicate that HDLG was viewed as providing all-encompassing residential child care: *“Haut de la Garenne Combined Reception Centre, Remand Home and Children's Home.”*³²

3.27 In the 1968 annual report, the Children's Officer suggested that HDLG was no longer intended to provide long-term care. She noted:

*“For children needing long-term care, and above all for large families, our four Family Group Homes provide a vital and continuing service.”*³³

3.28 A statistical analysis was compiled by the Inquiry for the 1959 to 1969 period³⁴ and setting out, among other things: the number of children resident at the end of each month; the number of admissions/discharges each month; the reasons for admissions; and the number of admissions by “Constable's Requests”.

3.29 Over this period, the number of children resident ranged from 41 to 72. The primary reasons for their being in care and being placed at the Home were *“mother's illness”*, *“social inadequacy of parents/behaviour problems”* and *“remand/condition of probation”*. The capacity envisaged for the Home in 1962 was between 60 and 66,³⁵ and the only month in which this number was exceeded was August 1966. By 1970, it was noted that HDLG could accommodate *“up to about 60 children of all ages until they leave school”*.³⁶

³¹ It is unclear to what extent a reception centre was useful in Jersey in the 1960s, given that the decision was primarily between a child remaining at Haut de la Garenne and being fostered

³² E.g. WD000188

³³ EE000064/4

³⁴ WD001178

³⁵ WD001174/4

³⁶ WD002619/2

Haut de la Garenne (1970–1986)

- 3.30 A Home Office Review carried out by Cuffe and Heady in 1970³⁷ provides an insight into the type and nature of establishment that Haut de la Garenne was at the beginning of the decade. It noted that boys and girls were cared for in groups; the older children had their own sitting room; a nursery wing had been built (designed for 10 small babies, although 24 children under school age were in residence). It was also noted that it was undesirable for HDLG to accommodate a group of difficult adolescents.
- 3.31 The Inquiry also conducted a statistical analysis of children in care at HDLG from 1970 to 1979.³⁸ This highlighted the wide range of children who were admitted: those who had been abandoned, those for whom a place of safety was needed, those beyond parental control and those on remand. The number of children admitted on remand varied widely – ranging from 18 in 1970 and 15 in 1973, down to 0 in 1975 and 1977. The total number of children resident at the home was generally between 48 and 58.
- 3.32 HDLG continued to accept children on remand until early 1979, by which time Les Chênes had opened.³⁹ The remand facilities were then used as “*single separation rooms*” primarily for “*more difficult older girls*”.⁴⁰ HDLG ceased to be a designated remand centre in 1980.
- 3.33 In a July 1979 memo to the Children's Officer, Superintendent Jim Thomson identified that he saw the Home's function:
- “ ... as providing facilities for short stay, intermediate and long stay care for children from 0 to 16 years. Anyone 17 years or older should not normally be accommodated here except in the most exceptional circumstances”.*⁴¹
- 3.34 In 1981, Lambert and Wilkinson's inspection of HDLG highlighted that it had two primary functions, which could easily be in conflict, which was “*highly unsatisfactory*”:

³⁷ WD002619

³⁸ WD002622

³⁹ WD002622/14

⁴⁰ Lambert and Wilkinson Report 1981, WD007382/56

⁴¹ WD002606

- *“as the major and most accessible residential resource it provided a ready facility for a great deal of emergency and short-term care”*; and
- *“as a long-stay children’s home for a substantial group of young people who have spent many years at Haut de la Garenne”*.⁴²

3.35 Other points identified in the inspection provide an insight into the “*type and nature*” of HDLG at that time:

- a great number of short stay children – some admitted for reasons that would not have led to residential placement on the mainland;
- ability to accommodate larger families which was “*obviously, a bonus in any service*”;
- many families of children, coming in and out of care on a “*fairly regular, if not short term basis*”;
- the location of the Home, in an open rural setting, five miles from St Helier, reduced opportunities for employment and recreation for older children;
- “*in professional terms the building is not suitable for any of the tasks in which it is currently engaged*”.

3.36 Following the Lambert and Wilkinson report, a working party recommended a phased closure. In February 1983, the remaining children at the Home were reorganised into two groups: Dunluce and Aviemore. In 1984, children and staff in Aviemore moved to La Preference, which had recently been purchased by the States of Jersey. In December 1986, the remaining children and staff moved to the newly established Heathfield.⁴³

Heathfield

3.37 In December 1986, Heathfield opened to provide residential care for the final children left in the Dunluce group of HDLG and was “*especially for children with behavioural problems which may have resulted from an experience of*

⁴² EE000065/50

⁴³ WD004664

chaotic family life or similar very disturbing experiences".⁴⁴ It appears that Heathfield was, in general, used for those children regarded as "*more difficult*" but who were not involved in the criminal justice system (at which point they would go to Les Chênes). La Preference was used for children who were regarded as being easier to deal with.

3.38 There were a number of significant changes to the organisation and function of Heathfield following its foundation.⁴⁵ This included the creation of an Adolescent Community Services Team (AST), which was designed to prevent admission into residential care whenever possible by supporting children and families in the community. "Adolescents" were defined as those aged over 13 years, and the intention was to "*develop a multidisciplinary service*" to meet the needs of them and their families.⁴⁶

3.39 It is unclear whether the whole of Heathfield was used for the AST and, if so, for how long this remained the case. In November 1989, it was noted that there were eight adolescents in residential care at the Home.⁴⁷

3.40 In an undated "Home Statement"⁴⁸ it was noted that Heathfield had a "*dual residential and preventative function*" and that its residential care package could include:

- respite – very short but frequent breaks;
- short-term care – periods of up to three months for assessment of child situation/work with their family. If up to six months, would lead to long-term care;
- long-term care – children in care for six months or more who were unable to live at home or with relatives; which could eventually lead to semi-independent living.

⁴⁴ WD004664

⁴⁵ As part of a broader restricting of Children's Services generally

⁴⁶ WD004674/2

⁴⁷ WD004655/62

⁴⁸ WD004658

- 3.41 In addition to residential care, in the late 1980s and early 1990s, Heathfield operated a "shared care" facility, the aims of which were to provide a safe and supportive environment for young people to enjoy leisure pursuits, as well as to provide emotional and developmental support for young people and their parents. This involved a child arriving at Heathfield from school and staying until around 8:30pm, integrating fully with those living at the Home. Heathfield was also developing "play and family therapy" where it was considered to be in the interests of the child.⁴⁹
- 3.42 In Andrew Williamson's 2008 Report on Heathfield, in contrast to the accounts we heard about the running of the Home in previous eras, he found it to be "*running well and in a calm professional manner*".⁵⁰ In his Implementation Plan, dated 2009,⁵¹ he recommended that the Home be closed due to its being underused and its residents relocated to a smaller six-bed unit. The remaining residents moved to Brig-y-Don in June 2011. Heathfield closed in August 2011.⁵²

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

- 3.43 In 1951, Flora and Sidney Walden accepted three children (previously in residential care in Liverpool) into a "vegetarian guesthouse" in the parish of St Martin.⁵³ In 1952, the UK Vegetarian Society established La Preference as a "Vegetarian Children's Home", although, for several years, the residents were regarded as being fostered by Flora Walden.⁵⁴
- 3.44 In 1954, Flora Walden had a permit to look after 14 children. However, there appear to have been 21 children in residence⁵⁵ and, by 1957, there is a note from Dr Darling of the Public Health Committee that he "*would like to cut down on the number of children at La Preference*".⁵⁶ A letter from the Children's

⁴⁹ WD004659/36

⁵⁰ WD006408

⁵¹ WD007433/31

⁵² Day 59/126

⁵³ Day 54/2

⁵⁴ EE000038/8

⁵⁵ WD004109/2 and Day 54/3/15

⁵⁶ WD004109/3

Officer, dated December 1959, notes that she has “*always found a very pleasant atmosphere*” and that 12 children were in residence at that point.⁵⁷

The number of residents stayed fairly constant for the next decade, although, by 1975, 20 children were resident.⁵⁸

- 3.45 We heard no evidence of any discussion at the time as to whether it was appropriate that children had a particular dietary regime simply by virtue of being placed into care.
- 3.46 From 1970 onwards, with the passing of the *Children (Jersey) Law 1969*, La Preference was regarded under the legislation as a “voluntary home” that had to be registered with the Education Committee and could be subject to conditions and inspections.⁵⁹ The only external inspection carried out appears to have been the one carried out by Lambert and Wilkinson in 1981, however, as noted below, the Education Committee took more of an active interest in the running of the Home from this point.
- 3.47 In March 1984, the Management Committee of La Preference “*concluded that they no longer wished to operate La Preference as a Children's Home and the Director had indicated that the Education Committee would be interested in purchasing the Home as a going concern*”.⁶⁰ In June 1984, the Education Committee purchased the Home, in which there were with 20 children, nine care staff and two domestic staff. The Home would continue to be called “La Preference” but would not be run on vegetarian lines from that point onwards.⁶¹

La Preference: States-run Home (1984–2012)

- 3.48 During this period, the number of residents ranged from nine in June 1985, to 14 in October 1988 and December 2002, and down to 12 in March 2004. As discussed below, Dr Kathie Bull's 2002 Report noted that La Preference was

⁵⁷ WD004134

⁵⁸ WD004115

⁵⁹ Day 54/9

⁶⁰ WD004121

⁶¹ WD004125

often over 40% over-occupied and had an inadequate number of staff.⁶² As the Home re-housed many of the children moving across from HDLG, it had to cope with "*more behavioural issues*" than before, according to Ernest Mallett.

⁶³

3.49 A 'Home Statement'⁶⁴ (from approximately 1999 to 2002) notes that the objectives of the Home included: "*To identify each child's physical, emotional and social needs and to work with children to arrange appropriate care experiences or programmes*" and "*to properly prepare young people for independent living*".⁶⁵

3.50 A complaint in February 2004 about the behaviour of residents at La Preference noted that "*things have deteriorated steadily with States ownership*", and a list of individual complaints were made.⁶⁶

3.51 The Williamson Report: Implementation Plan, dated January 2009, noted that La Preference provided residential care for a maximum of 10 residents. It recommended that:

- up to three residents be transferred to the White House; and
- any remaining young people at Brig-y-Don be transferred to La Preference while Brig-y-Don was refurbished, and then all remaining at La Preference be transferred to the new Brig-y-Don, and that La Preference be closed and sold.

3.52 La Preference closed in October 2012, and the remaining residents (many over 16 and some over 18) were transferred to Field View, which had been renovated to provide bedsit accommodation to assist with independent

⁶² WD004106/366

⁶³ WS000602/18

⁶⁴ This appears to have been a requirement under Part II of the Children's Home Regulations 1991, but only one has been seen by the Inquiry

⁶⁵ WD009233

⁶⁶ WD006090

living.⁶⁷ This was around two years later than the originally intended closure date of La Preference.⁶⁸

Brig-y-Don: Private/Voluntary Home (1925–2009)

- 3.53 Brig-y-Don, in the Parish of St Clement, was established in 1925 as a convalescent home for children, particularly those suffering from tuberculosis. In 1932, the “Friends of Brig-y-Don Children’s Convalescent and Holiday Home” was formally established as a Public Voluntary Charitable Society.⁶⁹
- 3.54 The bye-laws of the Home provided that children would be accepted up to school leaving age (then 14) and would generally be short-term admissions (two weeks) unless a longer period of residence was approved by the Matron.⁷⁰ On average, most children stayed at the Home for about eight weeks.
- 3.55 Following the near-eradication of tuberculosis and the improved general health of Jersey’s population, the Home changed. Children under 12 years of age could be admitted, if they had been “*deprived whether wholly or temporarily of their normal home life*”, as could those “*in need of care and attention*”.⁷¹ It had previously been resolved that such “*deprived children*” were “*not to remain in the home for a period longer than eight weeks except in special circumstances allowed by the education committee*”.⁷² Up to at least 1974, there appears to have remained a general three-month limit on stays at the Home, although longer stays were necessary in special cases.⁷³
- 3.56 In February 1970, Brig-y-Don was registered as a voluntary home under the *Children (Jersey) Law 1969*, enabling the Education Committee to arrange

⁶⁷ Day 134/132

⁶⁸ WD007433/32

⁶⁹ WD004849

⁷⁰ WD004847/6

⁷¹ WD004847/10

⁷² WD004850

⁷³ WD005500

inspections.⁷⁴ From this point onwards, Children's Services had an increasing role in how the Home was run.

- 3.57 The 1981 Lambert and Wilkinson Report⁷⁵ noted the important role that the Home played for those requiring short-term admission due to a lack of short-stay foster homes, and identified that, along with La Preference, it played a "*major part in providing a wide range of residential services for children in care*". It was recognised that the policy of the Home was still to provide care for as short a period as possible, although noted that "*some children do become longer-term placements*". They recorded that the Home had accommodation for 16 children, with the eldest at the time of the inspection being aged nine.
- 3.58 Between 1987 and 1992, the Home was involved with the policy of "*shared care*", whereby children would spend time at Brig-y-Don during the week while maintaining regular contact with their families, in order to give parents and children a break and maintain family contact.⁷⁶ From 1992, Children's Services decided to phase out this policy and to use the expertise of Brig-y-Don to provide ongoing support for foster placements.⁷⁷
- 3.59 In the 1980s and 1990s, Brig-y-Don also operated an "outreach" service. This was a programme aimed at supporting families in their own homes. This service also supported children after they had left Brig-y-Don.⁷⁸ The Home offered a playgroup service and, by 1994, this had grown to accommodate 50 children.⁷⁹
- 3.60 In 1996, formal changes were made to the constitution of Brig-y-Don.⁸⁰ From this point, its main objectives were to provide and maintain a Home and service for children in need; to support children in their own homes; to assist

⁷⁴ WD004854

⁷⁵ WD004830/61

⁷⁶ WD005021; WD005020

⁷⁷ WD005022 to WD005023

⁷⁸ WS000575/21

⁷⁹ WD005488/107

⁸⁰ WD005027

in the placement of children with substitute families; and to provide a day care/playgroup service to the community.

3.61 The Williamson Report: Implementation Plan, dated January 2009, noted that Brig-y-Don, which operated outside of the Children's Executive, provided residential care for a maximum of nine children,⁸¹ who were generally of primary school age. In August 2009, the decision was taken to close Brig-y-Don as a Voluntary Residential Children's Home and the property was leased to the States of Jersey.⁸² The decision was due partly to growing financial pressures and partly to the separate but related issue of the role that a large children's home could play in the provision of care in Jersey.⁸³

Brig-y-Don: States-run Home (2011 to present)

3.62 Brig-y-Don was refurbished into a small unit run by the States, and re-opened in June 2011,⁸⁴ taking the young people who had previously been at Heathfield. It consisted of:

- Brig-y-Don House; a residential home for younger people aged between 10 and 16 years that could cater for up to six residents; and
- Brig-y-Don Flats; residential accommodation for young people from 10 to 16 years of age and providing a "supported living programme" or, in emergency situations, a package of one-to-one support for those with complex needs.⁸⁵

3.63 Further evidence about the operation of Brig-y-Don as a recent children's home is discussed in Chapter 4 below.

Les Chênes/Greenfields

3.64 Under the *Children (Jersey) Law 1969*, the Education Committee was required to ensure adequate provision for the care and custody of young offenders. Les Chênes took over the remand role previously allocated to

⁸¹ WD007433/28

⁸² WD004841

⁸³ WD005036; WD005030

⁸⁴ WD004832

⁸⁵ WD008730

HDLG. It was initially intended that Les Chênes should have both teaching and care staff.⁸⁶

- 3.65 Les Chênes was overseen by an Advisory Committee at the outset, and then by a Governing Body. When Les Chênes was designated as a remand centre alone in 2003 (and changed its name to Greenfields), the Governing Body was replaced by a Board of Visitors, modelled on the prison system. The Principal 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 came to be overseen by the Health and Social Services Committee.
- 3.66 Les Chênes was never designated as a children's home: it was a residential school for children.
- 3.67 Most of the evidence concerning Les Chênes and its successor, Greenfields, can be dated by reference to the individuals then in charge.

1977–1988: Tom McKeon

- 3.68 Tom McKeon was the first Principal of Les Chênes. He told the Inquiry that his brief was "*to establish a residential school that would provide for the children who were placed on remand by the courts and who would require extended periods of residential care*".⁸⁷
- 3.69 Tom McKeon had worked at St Edwards, an approved school in the UK that did not have a secure unit. When he came to Jersey, he was given what he described as a "*blank sheet*".⁸⁸ This included the construction of a secure suite on the Les Chênes property. Tom McKeon said that it followed "*the Home Office Guidelines*" of the time.⁸⁹ The five cells that were built "*met the requirements of the day*".
- 3.70 Mario Lundy joined Les Chênes as Deputy Principal shortly after the school opened. He said that there was a mistaken perception that Les Chênes was a

⁸⁶ WD004268

⁸⁷ Day 77/9

⁸⁸ WD006487/4

⁸⁹ Day 77/119

children's home, whereas in fact it was "*an approved school and remand centre for young offenders and juveniles who were out of control*".⁹⁰ We note that, according to Monique Webb, about half of the children were there on welfare placements.⁹¹ He said that it was 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 for education in the UK.

3.71 Tom McKeon resigned in 1988, and his post was taken by the Deputy Principal, Mario Lundy.

1986–1996: Mario Lundy

3.72 During this period, the number of children admitted to Les Chênes increased rapidly, particularly in the 1990s, following a revised admissions policy.⁹² This policy 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*".⁹³ In effect, this provision gave the court the power to sentence a child to placement at Les Chênes. The admission of children on long-term placement under a condition of a probation order undoubtedly put pressure on staff and created a tension with Les Chênes' function as an educational environment for children with behavioural difficulties.

3.73 At this time, the total capacity of Les Chênes was 20 pupils, of which four spaces were set aside for pupils from Guernsey. Staff included the Principal, Deputy Principal, two teachers, three teachers/care workers, a gardener, two domestic staff, one night supervisor and other full-time staff.

3.74 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 on the island*

⁹⁰ Day 74/8

⁹¹ Day 70/7-8 – this would be under Article 27 of the Children (Jersey) Law 1969

⁹² See Day 55/32

⁹³ WD004214

now that the junior remand wing at the prison has been closed".⁹⁴ That proposal appears to have been abandoned:

*"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."*⁹⁵

3.75 In fact, some Magistrates ordered repeated remands of young people, meaning that they were, in effect, serving sentences at Les Chênes.

1996–2000: WN109

3.76 WN109 was a member of staff at Les Chênes from 1995 to 2000. For the first year, he worked as a senior member of staff under Mario Lundy. He had received training, as a teacher, in child protection, and began being in charge at Les Chênes in late 1996.

3.77 Strains relating to the type and number of remand placements, and to the approach of the courts, were already apparent in Les Chênes during this period. Examples can be seen in a letter from WN109 to Tom McKeon (in his role as Director of Education) in December 1999, recording the Magistrate's decision to remand a young person in spite of being told that Les Chênes was overcrowded,⁹⁶ and also in a letter to the Chief Probation Officer in February 2000, in which WN109 refers to the population of Les Chênes being in excess of what was intended and asks the Probation Service "*to consider alternative methods of dealing with those who breach their probation orders or are continually offending at a low level*".⁹⁷

2000–2003: Kevin Mansell

3.78 The period over which Kevin Mansell presided was, from an organisational perspective, the most challenging in the history of Les Chênes. We consider this in more detail in Chapter 4, but, for present purposes it suffices to note that, during this period, considerable use was made of the secure cells/suite;

⁹⁴ WD006326

⁹⁵ WD006326/207

⁹⁶ WD007366

⁹⁷ WD006902

staffing levels were insufficient, leading to significant numbers of temporary staff; there was overcrowding; there were threats to Kevin Mansell and his family by a resident; prison staff were deployed on at least two occasions; there were issues with drugs being supplied by a member of staff (WN708); and, in August 2003, armed police were called to Les Chênes.

- 3.79 In 2001, a report to review the procedures and practices at Les Chênes was commissioned from Dr Kathie Bull. The 2001 Report⁹⁸ (discussed in more detail below) was triggered by specific events at Les Chênes in which a young person became violent toward members of staff,⁹⁹ and was critical of nearly all aspects of the school – in particular, the dual role of Les Chênes as a remand centre and a residential facility for young people with behavioural problems. Tom Mansell's evidence was that, by this time, "*welfare placements on a residential basis had pretty much ceased because of the number of people that were being remanded from court*".¹⁰⁰ In 2003, there was another damning report – this time by Madeleine Davies, as a result of an unannounced inspection.¹⁰¹

2003–2006: WN687 (interim)/Joe Kennedy

- 3.80 Les Chênes was relaunched in the second half of 2003 as Greenfields Centre. A meeting of the Governing Board in September 2003 recorded the change in responsibility of the teaching staff and the appointment of "*9/10 care staff including (WN687)*".¹⁰² In October 2003, the Greenfields Centre Governing Body recorded that WN687 had resigned and noted:

*"(WN687)'s expectations of staff had been unrealistic. Currently the centre was full with ten very challenging children."*¹⁰³

- 3.81 This assessment of the children as "challenging", in our view, misses the point. The function of the Home was to look after children who might well present difficulties.

⁹⁸ Review of Principles, Procedures and Practices at Les Chênes residential school, WD004270

⁹⁹ Day 80/113

¹⁰⁰ Day 80/36

¹⁰¹ WD004276

¹⁰² WD004031

¹⁰³ WD006312/7

3.82 Although the new Greenfields was in the same building as Les Chênes at that stage, Peter Waggot told the Inquiry that they had entirely different regimes, the former being a secure remand facility.¹⁰⁴ The building of a new facility to provide secure accommodation commenced straight away, and the new Greenfield Centre started operating in August 2006; as of today, the facility still operates from the same site.

3.83 Joe Kennedy told the Inquiry that, in about late 2002 or early 2003, he was approached to help with the running of Les Chênes. From 1979 to 1991, he had been a prison officer, based at La Moye; thereafter, he was responsible for training prison officers and running the Young Offenders Institute (YOI) at La Moye. He was not aware of Les Chênes throughout his time at the YOI, nor that children were held there on remand. Furthermore, he did not know that 60% of those who left Les Chênes had gone on to commit offences, for which they received custodial sentences at La Moye prison.¹⁰⁵

3.84 The Governing Body minutes for October 2003 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 will continue to be provided within the confines of the centre.”*¹⁰⁶

3.85 Joe Kennedy considered that the student population in Les Chênes and in Greenfields could properly be described as “*detainees*” because they were, he said, “*detained*”. Prior to the involvement of care staff, he thought that the teaching staff had faced an “*almost impossible task of trying to merge school and home all at once*”.¹⁰⁷

3.86 During this period, Greenfields was required to accept admission of remanded children aged 11–16. As noted in its policies and procedures dated 2005, “*Greenfields is the designated remand centre for the Youth Court of Jersey and the purpose is to provide a high standard of secure accommodation,*

¹⁰⁴ Day 75/144

¹⁰⁵ Day 72/77

¹⁰⁶ WD006312/7

¹⁰⁷ Day 72/100

education and support for those young people for whom a remand in custody is deemed appropriate".¹⁰⁸

3.87 As discussed in detail in Chapter 4, the "Grand Prix" system of behaviour management¹⁰⁹ was in operation during much of this period and attracted much controversy.

2006–2007: Simon Bellwood

3.88 In 2006, Simon Bellwood was appointed to run the new Greenfields. He said that, when he was interviewed for the post at Greenfields, it was made explicit to him by Joe Kennedy and Phil Dennett that the new manager should introduce the English National Minimum Care Standards.

3.89 Joe Kennedy told the Inquiry that he had expected Simon Bellwood to be much better informed "*in terms of the standards that applied*" to secure units.

3.90 In early 2007, Simon Bellwood was suspended; he never returned to Greenfields. There then followed a protracted series of formal investigation procedures and employment tribunal proceedings initiated by Simon Bellwood. The employment proceedings were settled, and the details of those proceedings are not a matter for this Inquiry.

3.91 The concerns expressed by Simon Bellwood in 2006/2007 about the management and governance of Greenfields, including the use of the "Grand Prix" system, are considered in Chapter 4. During this period, Simon Bellwood introduced a different behavioural management system.¹¹⁰

2007–2014

3.92 Following the investigations arising from Simon Bellwood's complaints, Linda Dodds and Phil Dennett concluded that there was no abusive regime and that the unit was operating well.¹¹¹ The Greenfields "Statement of Purpose and

¹⁰⁸ WD005767

¹⁰⁹ WD005763

¹¹⁰ WD006710/71

¹¹¹ WD005240/74; WD006179; WD006167

Function”,¹¹² dated April 2013, noted that Greenfields provides single accommodation for up to eight residents between the ages of 10 and 16. It can also provide accommodation for those who are disabled or who have special needs. It has an educational establishment, and all residents are expected to attend education at the specified times.

3.93 It records that admissions would usually be through either:

- the criminal justice system, or
- an application to the Royal Court by the Child Care Officer for a “*secure accommodation order*”.

3.94 Joe Kennedy told the Inquiry that, as at the date of his giving evidence (June 2015), there was one occupant at Greenfields and that new policies and procedures were in the process of being drafted. As at the date of this report, it is not clear whether those are now in place.

Recent/current children's homes

3.95 The Inquiry has heard little or no primary evidence from those who have resided or worked in the following children's homes, however, as these constitute a significant proportion of the States' residential care provision in recent years, we have carried out a review of the documentary evidence held in relation to each. This is relevant both for the establishment of the “type and nature” of the Homes under Term of Reference 1, and also for our recommendations in Chapter 13.

3.96 The relevant homes are: Field View; Casa Mia; the White House; Ulvik House; and St Mark's Adolescent Centre.

3.97 The “Statements of Purpose and Function” exist for each of the homes, and the following factors are common to all:

- commitment to listening to views of residents;
- a list of fundamental rights afforded to each resident;

¹¹² WD008739

- promotion and protection of health;
- a description of how the home consults with residents, and facilities offered;
- the home's "Behaviour Management" policy;
- policy/procedure for reporting of abusive behaviour by staff;
- staff supervision on a regular monthly basis and annual performance review and appraisal.

3.98 The policy in respect of reporting of abuse¹¹³ emphasised that it was the duty of all employees to report to their manager/supervisor any witnessed or suspected incidents of abuse. Employees were assured that their jobs would not be threatened by reporting the abusive behaviour of others. Any employee found to have abused a resident would face disciplinary action, which might include dismissal.

3.99 Most of the Homes also set out a common policy on control, restraint and discipline.¹¹⁴ This emphasises that restraint of a resident may be undertaken only in extreme circumstances (i.e. only when other less intrusive methods had been attempted/considered) and only in extreme situations. All occasions must be recorded, and records must be made available for regular external review.

Field View

3.100 Field View opened in October 2012, following one of the recommendations of the Breckon Report in 2009¹¹⁵ that:

"some six bedded units are provided for young people who need specialised support to provide a semi-independent living prior to leaving the care or custody system".

3.101 Field View's "Statement of Purpose and Function", written in July 2012 (before the Home opened), notes that:

¹¹³ E.g. WD008737/14

¹¹⁴ E.g. WD008729/14

¹¹⁵ WD006407/17

“Field View is a residential home for young people aged 16 years plus. The building can cater for up to six residents. While some residents may be care leavers, others may never have had any prior experience of residential care.”¹¹⁶

3.102 As regards the Home's aims and objectives, it notes:

“we aim to provide a need led service which treats all young people as individuals. The objective is to work with young people to empower and support them to move into their own accommodation, when they have the confidence and skills to do so”.

3.103 The Home provided services for those in care, those who had just left care and those who had never been in care but were deemed to be “in need” or for whom such a placement would “safeguard or promote” their welfare.¹¹⁷

3.104 There would generally be one or two care staff on shift (with six residents) and the “Statement of Purpose and Function” set out that daily risk assessments would be carried out to ensure that sufficient staff were available to adequately deal with the needs of residents. Each resident would have a support worker with responsibility for the “*most important aspects*” of their care. The relevant qualifications and experience of 10 care staff are set out,¹¹⁸ from which the following can be noted: that all had done child protection courses, all were trained in therapeutic crisis intervention (TCI), and almost all had at least an NVQ Level 3 in Health and Social Care/Care of Children and Young People.

3.105 The Board of Visitors' Annual Report from October 2013 noted¹¹⁹ that staff numbers had remained the same as in La Preference, but, due to the age of the residents and the independent living plan, it had been suggested that the number of staff would reduce in the future. The 2014 Report of the IVYP,¹²⁰ the new incarnation of the Board of Visitors, found that all the original residents had moved on, and that the ethos was very different to that at La Preference, which had more of a “family feel”, but this was likely to be due to the increased independence of the young people. No issues had been raised

¹¹⁶ WD008737

¹¹⁷ Article 17, Children (Jersey) Law 2002

¹¹⁸ WD008737/9-12

¹¹⁹ WD009019/10

¹²⁰ WD009325/11

by residents, although the IVYP were finding it difficult actually to meet with them because they were usually out.

Ulvik House/Casa Mia

3.106 Ulvik House opened as a children's home in March 2011.¹²¹ The property was rented on a short-term lease and, as at 2012, two young people with specific needs lived there.¹²² When the lease expired in September 2012, the residents and staff moved to Casa Mia, in the Parish of St Lawrence.¹²³

3.107 The "Statement of Purpose and Function" document for Casa Mia, approved in May 2013, states:

*"Casa Mia is a residential home for young people from the age of ten. Casa Mia can cater for up to 3 residents. The home was set up specifically for young people requiring a higher level of intense support and nurturing."*¹²⁴

3.108 The age range for admission is 11–16 years¹²⁵, and the reports note that the residents are able to stay until 18 years of age.¹²⁶ The "Statement and Purpose" notes that there should generally be two care staff on shift, although, at night, one would be sleeping and one waking. The relevant qualifications and experience of seven care staff is set out,¹²⁷ from which the following can be noted: that all have done some child protection training, TCI and general systems theory (GST), and all have at least six years' experience of working with children and young people, with some having far more.

3.109 An undated "Young Person's Guide" shows the information provided to residents upon arrival at the Home. It notes some of the potential consequences for misbehaviour, such as grounding, extra chores and "*temporary separation from other young people*". It also highlights some of the things that staff would not do, including "*hitting you; depriving you of food or*

¹²¹ EE000080

¹²² Children's Policy Group report, WD007059/10

¹²³ WD009365/8

¹²⁴ WD008748

¹²⁵ WD009225/2

¹²⁶ WD009019/9

¹²⁷ WD008748/10

drink, restricting visits; punishing a group for the acts or omissions of a single person".

3.110 Children are admitted to the Home by the Placement Panel,¹²⁸ following an application by the allocated social worker, and various assessments of the child's suitability for the Home. No emergency admissions are accepted.¹²⁹

3.111 The Board of Visitors' Annual Report dated October 2013 noted that the dynamic of the Home changed when the family bedroom "*originally intended as a study*" was used for emergency placements. One resident said "*it is now not viewed as a home, a tight unit, but as a care house where everyone is now expected to make room for another person*". The Board of Visitors concluded that "*whilst it is important to accommodate vulnerable children, the tenets on which each Home was founded should not be disregarded in the way they appear to have been in this instance*".

3.112 In relation to this Report, Phil Dennett explained in evidence¹³⁰ that one of the problems Jersey faced as a small jurisdiction was placement for emergency cases. He told the Inquiry: "*our philosophy was ensuring minimum disruption to the young people already in residential care, but what we do not have the luxury of here is going further out of town, to the next authority, looking for a placement*".

3.113 A six-monthly report of the IVYP was completed in April 2014.¹³¹ It noted that the Home had become more settled, the number of residents had been only temporarily increased to four and there was increased continuity of staff members.

The White House

3.114 The White House opened for specialist residential purposes in 2009, on the refurbished site of the Headmaster's House at the old Les Chênes.¹³² A file note from the Law Officers' Department, after a visit to the White House in

¹²⁸ This was established in 1999 to decide where to place children in care

¹²⁹ WD008748/6

¹³⁰ Day 134/130/17

¹³¹ WD009310/4

¹³² EE000038/16

June 2009, noted that the Home was used to provide intensive care to two children. It was very expensive due to the requirements of 24-hour care.¹³³

3.115 In evidence to the Inquiry, Phil Dennett described his vision for the White House as being:

“trying to have some flexibility in the staff group that we would keep the White House as a response where we could house very quickly young people who needed to come into residential care on an emergency basis and with staff that we could call on to man that home for a short period of time whilst we considered the longer term vision and we had actually created that ability because the White House, the young people who had been there had moved on and we on paper kind of closed that unit, but it was in a vision to kind of mothball it so it was available for these kind of emergency situations. It was not available when this situation arose at Casa Mia”.

3.116 The “Statement of Purpose and Function”, approved in July 2012, states: *“The White House is a residential home specialising in therapeutic care for two young people”* and notes that it *“provides therapeutic parenting to young people traumatised by their life journey to date”*.¹³⁴

3.117 Staffing ratios were generally supposed to be 1:1, and the relevant qualifications and experience of seven care staff are set out,¹³⁵ from which it can be noted that all have done some child protection training, TCI and GST. There is no reference to the level of experience of the team of staff, in contrast with the documents on Field View and Casa Mia.

3.118 The Board of Visitors' July 2012 quarterly report described the White House as *“the home situation to which all the other Homes should aspire”*, noting that there were excellent relationships between residents and staff, the Home was well run and was a happy place to visit.¹³⁶

¹³³ WD007354

¹³⁴ WD008749/5

¹³⁵ WD008749/10

¹³⁶ WD009237

- 3.119 The Home was closed in April 2013 due to relocation of residents – something that the staff felt was due to “*financial dictates*”.¹³⁷ It re-opened in 2014, when three young people were admitted.¹³⁸
- 3.120 In July 2015, a serious case review was published about events at the White House two years previously, involving a young person being admitted to the Home and therefore becoming a “looked after” child.¹³⁹ The Review noted, when looking at the assessment and management of risk, that the focus of the staff at the White House, in that one specific case, had been one of “*containment*”. The only treatment that was offered was through medication, which was regularly reviewed. There was “*no structure or plan to the days and psychological therapies were not offered in a systematic way*”.
- 3.121 The Home provides accommodation in single rooms for young people within the age range 10–16+ years.¹⁴⁰ The admission procedure is as described for Casa Mia.
- 3.122 The 2014 Annual Report by the IVYP noted that, upon the re-opening of the Home at the beginning of the year, there had been a reliance on staff from other Homes or on bank staff, which meant that there was a lack of continuity for the residents and the staff themselves. However, the situation was eventually remedied with the appointment of more permanent staff. They noted that the Home continued to provide a homely atmosphere for the young people, with staff working hard to try to prevent challenging situations from escalating. The Report also recorded admiration for the speed and professionalism of the response by so many staff following the tragedies involving young people at Christmas.

Other facilities

Seaview Flat

- 3.123 A facility used, as of October 2014, when foster placements have failed.¹⁴¹

¹³⁷ WD009019/15

¹³⁸ WD009325/13

¹³⁹ The events dealt with in the report fall within the timeframe with which the Inquiry is concerned

¹⁴⁰ WD007356/3

Homeless Young Persons' Project (HYPP)

3.124 HYPP opened in October 1989, as a joint venture between the Children's Department and the Youth Service, to provide accommodation for eight homeless young people aged 16+ years.¹⁴² By 1995, it was accommodating 10 young homeless people in the 16-20 age range.¹⁴³ Situated on St Mark's Road and commonly known as "St Mark's",¹⁴⁴ it was described by Tony Le Sueur as having had "*minimal staffing*"¹⁴⁵ and, as at 1994, it is recorded that residents did not normally have a child care officer ("CCO").¹⁴⁶

St Mark's Adolescent Centre

3.125 HYPP evolved into the St Mark's Adolescent Centre in 2000, providing accommodation for the homeless aged over 16 years, or those who arrived in Jersey with no viable means of financial support. All staff working in St Mark's were residential CCOs,¹⁴⁷ and a policy document from 2006 shows that staff were required to be trained in "De-escalation and break away techniques", but not in TCI. Although it appears that some young people were resident at St Mark's who were not in residential care, it is clear that, in 2006, it was regarded as the responsibility of the Children's Service,¹⁴⁸ and Joe Kennedy gave evidence that, at that point, he was involved in the management of Heathfield, St Mark's and La Preference.¹⁴⁹ In 2012, it was described as providing accommodation for 11- to 18-year-olds to prepare them for independent living. In 2013, the building being "*no longer fit for purpose*", most residents were relocated to Strathmore.¹⁵⁰

¹⁴¹ WD009325/8

¹⁴² Recommended by Lambert and Wilkinson Report; EE000038/12

¹⁴³ WD006276

¹⁴⁴ E.g. see WD006276

¹⁴⁵ Day 4/101

¹⁴⁶ WD004672

¹⁴⁷ WD004832

¹⁴⁸ WD008738/8

¹⁴⁹ WS000581

¹⁵⁰ WD009019/13

Strathmore

3.126 Strathmore is a hostel providing high-support, medium-term accommodation for 21 vulnerable young people aged between 16 and 25 years old. The hostel has 18 rooms. Most residents are working young people, many of whom have come through the care system, and *“once they have the skills to support themselves they can move into one of these homes and take up a more traditional bedsit arrangement, pay their rent and then they will be considered to go into the private sector”*.¹⁵¹ In advice provided by the Law Officers' Department in July 2013, it was noted that any resident under the age of 18 who is accommodated for longer than 24 hours would be considered a “looked after child” under the *Children (Jersey) Law 2002*.¹⁵²

Aviemore

3.127 The former Westaway Wing of Haut de la Garenne was converted to provide residential respite care for children with special needs. Although we have no evidence as to exactly when, at some point the unit was renamed “Aviemore”. In 2004, the two self-contained flats transferred to the newly established “Lifelong Special Needs Service” and the flats were used for two adults. As discussed below, this unit was the subject of allegations of physical and sexual abuse in the 1990s and 2000s.

Eden House

3.128 Eden House opened in June 2009, to take over the short-break service for children and young people on the autistic spectrum that had previously been provided by Aviemore.¹⁵³

3.129 Despite this original intention, it became a *“permanent home base for a couple of young people who could not live permanently with their family, with severe challenging behaviour around their autism and special needs”*,¹⁵⁴ and the “Action for Children Report” in 2012 noted:

¹⁵¹ Day 4/113, Tony Le Sueur

¹⁵² WD009379

¹⁵³ WS000618/26

¹⁵⁴ Day 134/133/4

*"It is well documented that the unit has suffered from having to spread its resources across a very wide remit that includes shared care arrangements and long-term emergency arrangements. This has disrupted the respite arrangements and caused additional concern and pressures for children, families and staff."*¹⁵⁵

3.130 In March 2015, Dr Catherine Howden (Medical Adviser for Looked After Children) noted that only respite for younger children was carried out at Eden House, due to the lack of space.¹⁵⁶

Oakwell

3.131 In September 1986, Oakwell was developed in the Parish of St Brelade as a specialist children's home for physically handicapped children. It offered permanent residential care for three children, with a fourth bed for respite care, and although operated by the Special Education Needs Sub-Committee of the Education Committee, according to Tony Le Sueur: *"there was an acknowledged interest in the home on the part of the Children's Sub-Committee"*. Over the years, this developed as a specialist unit for those with multiple and/or profound health and social needs. It was managed by the Life-long Special Needs Service from 2004 and then moved to the Children's Services directorate in 2011.¹⁵⁷ A report from July 2009 by Ann Kelly, Lead Nurse for Children, concluded that Oakwell provided an *"invaluable service for vulnerable children and their families"*, however, there were some concerns about governance, lack of security and the lack of a clear vision for the future.¹⁵⁸ In the 2012 "Action for Children" report,¹⁵⁹ it was noted that Oakwell accommodated up to four children or young people with profound or multiple disabilities or severe mobility problems.

Family Group Homes

3.132 The proposal to establish Family Group Homes (FGHs) on the island was put forward by the Director of Education in 1958 and was agreed by the

¹⁵⁵ EE000082/8

¹⁵⁶ WD009327/2

¹⁵⁷ EE000038/12/16

¹⁵⁸ WD009361/26

¹⁵⁹ EE000082

Education Committee in 1959.¹⁶⁰ As noted below, in Jersey, there were five FGHS in all, and the first one opened in 1960. FGHS had been set up in England in the 1950s, originally as Cottage Homes.

3.133 The concept was to provide children in residential care with as normal a home and family life as possible, by placing them in a Home no larger than one for a large family, with a couple in charge acting jointly as Houseparents. The idea was that, in this way, siblings could grow up together in a less institutionalised setting. The concept was abandoned in the UK in the early 1980s, and the final FGH in Jersey (Blanche Pierre) was closed in 1993.

Nicholson Park/Clos de Roncier

3.134 46 Nicholson Park, in the Parish of St Saviour, was the first FGH and was ready for occupation by September 1960. It catered for a small number of children ranging in age from nine months to 14 years,¹⁶¹ and the Houseparents were Mr and Mrs Edwards. In March 1965, they moved with the residents to a new property at Clos de Roncier, which coincided with an increase in the number of residents.¹⁶² The Home closed in June 1977, following the sudden death of Mrs Edwards, at which point Mr Edwards was given notice to quit. The residents were re-distributed across the other States' facilities.¹⁶³

Clos des Sables

3.135 Clos des Sables opened as a FGH in September 1964, in the Parish of St Brelade, and provided accommodation for up to eight children.¹⁶⁴ The Housemother, Janet Hughes, was employed by the Education Committee to run the Home and be the primary carer. The Housefather, Leslie Hughes, was given "*full keep*" in exchange for his share of responsibility in running the Home. He was expected to "*follow his own employment*".¹⁶⁵ Although he was

¹⁶⁰ WD005364; WD004999

¹⁶¹ EE000052/2

¹⁶² WD004991

¹⁶³ EE000038; WD004998

¹⁶⁴ WD007382/62

¹⁶⁵ WD000166

not an employee of the Education Committee, he was responsible for children who were in the care of the States.

3.136 The Lambert and Wilkinson 1981 Report noted that "*accommodation at the home is extremely limited*". At the time of the inspection, fewer than eight children were in residence, and most were teenagers and female.

3.137 Mr and Mrs Hughes left Clos des Sables in March 1989, following allegations of sexual abuse made against Mr Hughes. He was arrested and, in October 1989, was convicted on five counts of sexual assault against three girls who had been in care at Clos des Sables.¹⁶⁶

3.138 Audrey Mills took over the management of the Home before it closed at the end of 1989. The remaining residents moved on to various other homes.

Family Group Home run by WN279 and WN281

3.139 This FGH opened in May 1967,¹⁶⁷ and the Houseparents WN279 and WN281 lodged their first report with the Children's Sub-Committee in December 1967.¹⁶⁸ The children at the Home were two sets of siblings and one individual child. One of the sets of siblings was chosen by WN279 and WN281 after they had met them at HDLG along with another family.¹⁶⁹

3.140 In December 1968, new premises were leased by the States¹⁷⁰ and the children and Houseparents moved in around June 1969¹⁷¹ to another address. The FGH closed in 1977, following the retirement of WN279 and WN281.

Norcott Villa

3.141 In September 1968, the Education Committee agreed to rent a property in the Parish of St Saviour.¹⁷² Houseparents WN791 and WN585 moved in by July

¹⁶⁶ WD000165

¹⁶⁷ WD001388

¹⁶⁸ WS001390

¹⁶⁹ WS000713

¹⁷⁰ WD001392

¹⁷¹ WD001394

¹⁷² WD005048

1969, with two part-time Assistant Housemothers and a group of children. Norcott Villa initially housed children from three different families.¹⁷³

3.142 Although the Housemother, WN791, had her appointment confirmed after completing a probationary period in March 1970,¹⁷⁴ her employment was terminated two years later "*following adverse reports affecting the care and control of the children and adolescents*".¹⁷⁵ The Inquiry has not seen any evidence as to the origin of these adverse reports, nor whether they related to any allegations of mistreatment or simply a lack of control.

3.143 WN331 and WN332 applied for the role of Houseparents and were offered the job in April 1972. A report from July 1976 suggests that, between October 1975 and February 1976, 10 children were in care at Norcott Villa.¹⁷⁶

3.144 In November 1976, the Children's Sub-Committee recommended the closure of Norcott Villa. In September 1977, the Houseparents and some of the children moved to a vacant property on the Le Squez estate.¹⁷⁷

3.145 The Houseparents separated in December 1979, and WN332 remained in post until April 1980. The Education Committee set out its recommendations for recruiting replacement Houseparents and noted that:

*"Following the appointment of the new Houseparents, the word 'Family' be deleted and the establishment be seen as a Group Home, enabling the maximum children accommodated to be increased to 10."*¹⁷⁸

3.146 This change in wording resonates with the evidence given by Houseparents of other FGHS, such as Janet Hughes, about the gradual evolution of the FGHS into small children's homes.¹⁷⁹

3.147 In April 1980, WN332 moved to HDLG and the "Group Home" on the Le Squez estate was taken over by Jane and Alan Maguire. Jane Maguire previously worked as a residential carer at HDLG.

¹⁷³ EE000038/11

¹⁷⁴ WD002050

¹⁷⁵ WD006970

¹⁷⁶ WD001406/67

¹⁷⁷ WD005051

¹⁷⁸ WD005060

¹⁷⁹ Day 69/67

Blanche Pierre (Le Squez Estate)

3.148 As discussed above, in April 1980, Jane and Alan Maguire were appointed Houseparents of the Group Home on the Le Squez estate, which we refer to as "Blanche Pierre" (as it became more commonly known during the Police investigations in the 1990s).

3.149 Mr and Mrs Maguire ran Blanche Pierre, in which a number of sibling groups were resident, until 1990, when allegations were made by two staff members that Mr and Mrs Maguire had been mistreating the children in their care. These allegations, and the response to them, are dealt with in considerable detail in Chapter 9. The running of Blanche Pierre was taken over by Audrey Mills until 1993, when some of the children returned to their parents and some were fostered by Audrey Mills.

Fostering services

3.150 In this section, we set out, in some detail, the type and nature of fostering services over the relevant period, including: its role within the wider provision of children's services; recent policies, procedures and guidance; and the evidence of foster parents themselves about how fostering operated in practice. We are not required by the Terms of Reference to make any findings under this section (as to the type and nature of the services), however, we do make findings on the oversight of fostering services in Chapter 5.

Background

3.151 As set out above, fostering services have included the placement of children privately from one family to another (sometimes called "private fostering") and the placement by the States of Jersey of children in their care with approved foster parents (sometimes called "boarding out").¹⁸⁰ The term "foster child" is used throughout the evidence to refer to either type of placement.

3.152 In Tony Le Sueur's report to the Inquiry,¹⁸¹ he referred to some of the issues that arose specifically in relation to fostering in Jersey:

¹⁸⁰ Day 60/103

¹⁸¹ EE000038

- limited social welfare services;
- restricted housing stock and restrictive housing laws;
- large number of itinerant workers;
- factors particular to the Occupation, including children being sent to the UK; managing the return to the island for those who had left; and children born during the Occupation and regarded as “illegitimate” at that time.

3.153 For context, we note the following finding from the 1946 Curtis Report, reviewing child care provision in the UK: *“On the whole our judgment is that there is probably a greater risk of unhappiness in a foster home but that a happy foster home is happier than life as generally lived in a large community.”*¹⁸² The *Public Instruction Committee Act 1949* confirmed the boarding out of children wherever possible as a definite policy.

1945–1959

3.154 The Public Health Committee had responsibility during this period for the supervision of private fostering arrangements and the placement and supervision of children boarded out.¹⁸³ The *Public Instruction Committee Act 1954* provided that any application for a child to be received into care would be made by the Connétable or the person responsible for the maintenance of the child. The Act gave the Committee the discretion to admit such children to a children's home or to board them in a private home.¹⁸⁴

3.155 Following the Act becoming law, the Medical Officer of Health expressed concern about the multiplicity of controls between the Public Health Committee, the Connétable and the Poor Law Commission relating to *“children boarded out or otherwise under the care of the States”*. On

¹⁸² EE000096/68

¹⁸³ Under the 1940 Loi: GD000002

¹⁸⁴ LG000181

occasions, this resulted in different agencies making conflicting decisions about the suitability of a prospective foster mother.¹⁸⁵

- 3.156 Reports from the 1950s record attempts to place a greater number of children in care with foster parents, recognising that it was a better solution than any institution.¹⁸⁶ In 1951, a report by Ms Gracey of the Public Health Committee noted that there were 35 foster mothers caring for 54 children.
- 3.157 Although, in Jersey, there was no equivalent of the *Boarding Out Regulations 1955* (until 1970) and therefore no legislative requirements stipulating the frequency of visits, reports etc, boarded-out children were visited by officials such as the Health Visitor, and foster parents had to have permits issued by the Public Health Committee.¹⁸⁷ On the basis of the files reviewed, it is unclear to what extent guidelines were in use about visiting children or granting/revoking permits for foster parents.
- 3.158 The 1955 Annual Report to the Education Committee noted that there were 41 children boarded out privately, 56 boarded out by the Parishes, seven boarded out by the Education Committee and one transferred from England. They stated that "*new foster homes are urgently required*" and went on to note that:

*"Under the present law, a child attaining the age of fourteen years ceases to be a foster child. The problems of some of these adolescents are still much in evidence and provision for help and advice are very necessary. The advantages of placing children in suitable foster homes are not fulfilled unless adequate supervision is available where it is needed between the ages of fourteen and eighteen years."*¹⁸⁸

1959–1969

- 3.159 The year 1959 saw the appointment of Jersey's first Children's Officer, Patricia Thornton – 11 years after similar appointments had been made in England. Annual reports were published,¹⁸⁹ which included statistics about the number and proportion of children in care who were in foster homes, and the

¹⁸⁵ EE000157

¹⁸⁶ EE000153

¹⁸⁷ WD004603

¹⁸⁸ WD008743

¹⁸⁹ E.g. EE000052/3; WD004577; WD004578; WD004579

increasing numbers suggest that Patricia Thornton encouraged the boarding out of children. It is noteworthy that, by the end of 1961, 59% of children were in foster homes, although a proportion of them were privately placed, and this number dropped over the next couple of years.

3.160 Despite there being no legislative regulation governing the boarding out of children during this period, the Public Health Committee appears to have considered applications under the *1940 Loi* designed for private fostering.¹⁹⁰ There appears to have been a system for the approval of foster mothers, including applications by the Children's Officer, the inspection of the home, the obtaining of certificates, the consideration of an application by the Public Health Committee and the issuing of permits by the Deputy Greffier of the States.¹⁹¹

3.161 A 1965 Home Office Inspection of children's services in Jersey spoke positively about the supervision of boarded-out and privately fostered children, noting that the breakdown of placements was very rare.¹⁹² By 1968, there were 150 registered foster parents on the island who held permits under the *1940 Loi*.¹⁹³ The Medical Officer of Health requested Ms Thornton to check and update the list every three months, although it is unclear whether this in fact happened.¹⁹⁴

3.162 Foster parents caring for "difficult" children who needed special attention received supplementary payments from 1968.¹⁹⁵

1969–1981

3.163 In 1969, the *Children (Jersey) Law* was passed. The Law crystallised the duty of the Education Committee in relation to all children in care to "*exercise its powers with respect to [the child] so as to further his best interests and to afford him opportunity for the proper development of his character and*

¹⁹⁰ WD002448/6

¹⁹¹ WD002448

¹⁹² WD006689

¹⁹³ Loi sur la Protection de l'Enfance

¹⁹⁴ WD004619

¹⁹⁵ WD004625

abilities". The Committee was required to give primary consideration to boarding out a child received into care and only to place a child in a Home where boarding out was not practicable or desirable.¹⁹⁶ Furthermore, the regulation of private fostering arrangements was tightened.¹⁹⁷ As was provided for in the 1969 Law, the *Children (Boarding Out) (Jersey) Order 1970* was subsequently passed to regulate the boarding out of children.

3.164 David Castledine noted that, during the 1970s (when he was a CCO), the assessment and registration of foster parents was not as thorough, although an application still had to be made, references would be taken, and accommodation would be checked.¹⁹⁸ He said that the provisions of the 1970 *Boarding Out Order* were not always followed. He spoke to Charles Smith, the Children's Officer, about his concerns. However, Mr Smith thought that the constraints of manpower made adherence difficult.¹⁹⁹

3.165 In 1970, Lucy Faithfull (Oxford's Children's Officer)²⁰⁰ visited the Children's Department in Jersey and commented that she was impressed by the quality of foster parents but thought that the boarding-out allowances should be increased:

*"Whether with the rising cost of living you would not consider that the boarding out allowances are somewhat low. Should foster parents fail to offer a service it would be necessary to set up more residential accommodation for children which is extremely expensive although very necessary for some children."*²⁰¹

3.166 Evidence about the adequacy of allowances and attempts made to recruit foster parents runs through various reports. There appear to have been regular reviews in the 1970s of allowances in Jersey in comparison with those paid by local authorities on the mainland; there are examples of increases in the rates in 1975, 1977 and 1979.²⁰²

¹⁹⁶ Articles 89-90; EG000032/51-52

¹⁹⁷ Articles 55-64

¹⁹⁸ Day 85/22

¹⁹⁹ Day 85/82

²⁰⁰ Later Baroness Faithfull, Chair, All Party Parliamentary Group for Children

²⁰¹ WD004624

²⁰² WD004613; WD004612; WD004609

3.167 In 1979, the Education Department voiced concerns about “illegal” private fostering, i.e. those engaged in private fostering arrangements but not registered with the Education Department. The Children’s Officer Charles Smith, is recorded as commenting at the time that the Children’s Department had a “*minimal role to play*” in private fostering and that they simply had to ensure that “*physical standards*” were satisfactory, with “*none of the stringent procedures*” required for those boarded out.²⁰³ In fact, there was an explicit duty, under *Article 57 of the 1969 Law*, “*to satisfy themselves as to the well-being of the children*” and not simply ensure that the “*physical standards*” were satisfactory.

3.168 Professional fostering was first advocated by Charles Smith (Children’s Officer) in 1977. The concept was that foster parents would be trained to care for so-called “*disturbed, delinquent and handicapped*” children and recruited at a higher rate of pay.²⁰⁴

3.169 The proposal was raised again at various stages, but, as at April 2014, it had not been launched. Evidence suggests that, during the 2000s, a scheme was implemented whereby enhanced allowances were offered for the placement of young people regarded as “*difficult to place*”, as distinct from professional fostering whereby skilled and experienced individuals are paid to be full-time foster parents. There were further attempts from 2011 onwards to develop a “*specialist fostering service*”.²⁰⁵

1981–2002

3.170 The 1981 Lambert and Wilkinson Report made a number of comments about fostering in Jersey.²⁰⁶ They concluded that professional fostering would “*flounder before it is off the ground through lack of basic groundwork and adequate staff*”.²⁰⁷ They also noted that “*the unique housing problems of the island mean the potential foster parents often do not have a spare bed let alone a spare room for a foster child*”. Specific reference is made to issues in

²⁰³ WD004611

²⁰⁴ WD002185; WD004593

²⁰⁵ See section on 2002–2014

²⁰⁶ WD007382

²⁰⁷ WD007382/32

respect of recruitment and training of foster parents, and criticisms are made of the standard of record keeping and lack of senior reviews. However, the department's guidelines (not seen by the Inquiry), indicating bi-monthly visits for long-standing cases, were followed in most cases.

3.171 Two key recommendations were made; first, for the appointment of a dedicated Fostering Officer, which was implemented in 1982; and, secondly, for a policy setting out fostering as the primary method of substitute care for children. It is noted that this policy was contained within the *1969 Law* (and in a previous Act of the Public Instruction Committee) and therefore it is perhaps of no surprise that no specific policy appears to have been articulated.

3.172 In 1982, David Castledine was appointed as Fostering Officer (or Child Care Officer (Fostering)) and remained in post until approximately 1993. In evidence to the Inquiry, he said that he was concerned that the fostering systems were incoherent and therefore began to establish a more organised process. On appointment, he remained as a CCO with a huge caseload and no teams to support him.²⁰⁸

3.173 David Castledine's first annual report to the Children's Sub-Committee in 1983²⁰⁹ noted the implementation of an assessment programme for potential foster parents, as well as other support for foster parents. David Castledine noted in his statement to the Inquiry that he began using British Association for Adoption and Fostering (BAAF) precedents to establish formal structures in the assessment process and also implemented a requirement that each applicant undertook training over a three-month period before registration. Once registered, they would be offered continual training programmes that were non-compulsory.²¹⁰ His annual report in 1987²¹¹ made the following points:

- He thought that there were three categories of children whom it was difficult to place:

²⁰⁸ WS000609

²⁰⁹ WD004705

²¹⁰ WS000609

²¹¹ WD004587

1. those with special needs – for example, emotionally disturbed children;
 2. children in a large families (three or more); and
 3. teenagers who *“appear to be the least attractive fostering prospects and the group with the highest ratio of breakdown”*.
- Training was: *“a subject I view as a priority ... a group of trained foster parents would widen the scope that is necessary for those difficult to place”*.
 - There was a need for *“available families”* able to offer to accept, in an emergency at any time of the day or night, those children with problems.

3.174 In 1988, a major fostering campaign was launched and, while there was a *“fairly good response”*, the Children's Sub-Committee go on to say:

“however, it is also noticeable, as in the past, that the response of the Jersey community to fostering appeals is fairly muted compared with ... a mainland area”.²¹²

3.175 In evidence to the Inquiry, David Castledine said that, during his time as Fostering Officer (1982–1992/93), a Fostering Panel would not have been possible due to the lack of manpower.²¹³ He also said that CCOs would regularly visit children in foster care and any suggestion of abuse would be met with increased contact; that there was ongoing supervision of foster parents when a child was placed; and that he brought in a process for deregistration of foster parents. Examples of deregistration, which subsequently became the role of the Fostering Panel, can be seen in Chapter 9 below, in relation to allegations of abuse. However, we also note a 2007 example of a foster mother being de-registered following a number of complaints about her ability to communicate, her lack of insight and the risk related to her providing foster care for vulnerable children. This was initially recommended by the supervising social worker, then by the Fostering Panel,

²¹² WD004589

²¹³ Day 85/89

and then finally decided upon by Tony Le Sueur as "Agency Decision Maker".²¹⁴

3.176 In August 1999, an "Adolescent Fostering Research Project" report²¹⁵ made the following findings and recommendations:

- current resources for adolescents did not meet their needs, and the Home Finding Team was under resourced;
- placement of an adolescent (those aged over 12 years) would be sanctioned only after a six-week assessment at Heathfield;
- a CCO should be appointed as a Training Officer for all foster parents, increasing support available to foster carers, including the provision of "*complete information*" at the time of placement;
- the lack of a Fostering Panel was contrary to good practice in the UK and in Guernsey. The Report recommended that a panel be established to determine the suitability of a foster carer and the number/age range of children for which they were to be approved;
- communication with foster carers, young people in care and others needed improving;
- closer supervision of link workers and CCOs regarding their communication with foster carers;
- a Placement Panel be created to ensure that all children in care were appropriately placed and monitored;
- "*independence training*" to begin at 15 years of age, along with supported lodgings to those over 16 who wanted to live semi-independently.

²¹⁴ WD008575

²¹⁵ WD009208

2002–2014

3.177 This period began with Dr Kathie Bull's 2002 Report, which identified the advantages of placing children in foster care and the urgent need for increased investment, including the development of professional fostering and the introduction of treatment foster care programmes. The Health and Social Services Committee noted, in the same year, that " ... *increased investment would be required to achieve the provision of similar levels of long term fostering to the United Kingdom*".²¹⁶ The total cost of a new professional foster care service (based on the UK model) was estimated at £402,000 per year.²¹⁷

3.178 Tony Le Sueur became Team Manager of "Fostering and Adoption and Children in Care" in February 2002, having previously been responsible for the services under the aegis of the Homefinding Team since October 1999. He gave evidence to the Inquiry²¹⁸ and described an element of "*disbelief*" that Dr Kathie Bull's proposals on fostering were not implemented. He said that attempts to secure additional funding for fostering were unsuccessful due to a lack of political will. He also highlighted some of the reasons for the lack of available foster care, including "*limited and very expensive accommodation in the island*" and "*the very high cost of living*", which inevitably caused both partners in a relationship to have to work. In oral evidence, he noted that Jersey was one of the few places not to require one of the foster parents to be at home and that they had also tried to offer enhanced rates.²¹⁹ He made various recommendations to overcome the problems with fostering, including assistance from the Housing Authority and the reform of tax arrangements to assist families who take on fostering.

3.179 The *Children (Jersey) Law 2002* introduced comprehensive legislative changes, including detailed provision on private fostering. The legislation did not come into force until 2005²²⁰, at the same time as new Boarding Out

²¹⁶ WD004600

²¹⁷ WD004601

²¹⁸ Day 90; WS000619

²¹⁹ Day 5/26–29

²²⁰ See Richard Whitehead's expert evidence: EE000261/38

Regulations. By this time, a Fostering Panel was in place²²¹ that was responsible for registration and de-registration of foster parents and reviewing placements for children.

3.180 Andrew Williamson's 2008 Report, "Inquiry into Child Protection in Jersey",²²² noted that the success of the programme to recruit more foster carers and adoptive parents had led to a significant reduction in bed occupancy at Heathfield and La Preference. We also note the explanation of the function of the Fostering and Adoption/Permanence Panels in place as at January 2009, which can be found in an appendix to the Williamson Implementation Plan.²²³

3.181 The Scrutiny Panel's report²²⁴ (the "Breckon Report") into the "*Co-ordination of services for vulnerable children*" in July 2009 made the following findings/recommendations, with the assistance of reports by Professor Ian Sinclair:

- Of 32 looked after children of primary school age, 78% were in family placements (17 with foster carers, six with kinship foster carers and one home on trial) and eight in residential care.
- There was an age group (over-10s) who may have been better suited to the lifestyle of a children's home rather than a foster home (this was a view shared by the Jersey Care Leavers' Association and by Professor Ian Sinclair). The reasoning was that this age group may have felt that they would always be an outsider in the family, or that they had their own family and it would be disloyal to commit to another family, or that they had had enough of families.
- For those younger children for whom foster parents could not be found, Brig-y-Don was a suitable interim preparatory step to successful fostering. This was notwithstanding Professor Ian Sinclair's view that "*long-term residential care for young children should now be avoided*".

²²¹ Tony Le Sueur thought that this was set up in 2001

²²² WD006408

²²³ WD007433/70-74

²²⁴ WD006407/100

- That Jersey should spend more on developing new and innovative types of fostering: for example, respite fostering where foster carers are twinned with a family.

3.182 The Ministerial Response, provided in October 2009, included the following statement when pointing out that local allowances were in excess of London rates: "*The Minister is aware that foster carers who are prepared to make a place for needy children in their homes and in their lives, do so for reasons beyond money.*"²²⁵ It also noted that formal administrative procedures for facilitating the development of the "complex arrangements" around professional fostering were being pursued, although, as before, this does not appear to have yielded any substantive provision.

3.183 Phil Dennett (Chief Executive Co-ordinator in 2004; Director of Children's Services 2011 to 2014) told the Inquiry that investment was put into fostering in Jersey, but that there were difficulties. In his view, "*the social profile of people who might foster did not exist in Jersey*". He explained that the high cost of renting excluded people who might otherwise foster, as did the inability of people to afford a spare room. Foster carers were not paid, although attempts were made to enhance their allowance. He considered that the problem with fostering in Jersey lay with the States as a whole rather than with the fostering team, who did the best that they could. He believed that, by 2014, fostering services were in a good state and there was a fostering and adoption team of around 111 people to help recruitment, as well as providing support and training for foster parents.²²⁶

3.184 A 2011 Report by Sean Pontin (Head of Children's Social Work), entitled "Specialist Foster Care in Jersey", noted:

- "Fostering and Adoption Jersey" (previously the Homefinding Team) had a dedicated role in recruiting, assessing and supporting foster carers, kinship carers and adopters;

²²⁵ WD009134

²²⁶ WS000628 and Day 95/80–82

- the number of approved foster carers was 35. Over 90% of all primary-school-age looked after children were cared for in family placements;
- the service could not attract carers prepared to look after or capable of looking after children with more demanding or challenging behaviour and/or teenagers. They therefore made up the population of residential homes or required specific placements in the UK;
- a “specialist fostering service” was required to attract new people to fostering – tapping into other sections of the community. This service would offer higher levels of support, training and remuneration than standard forms of foster care, and individuals would be specifically recruited and intensively supported.

3.185 The January 2012 “Inspection of Services for Looked After Children” by the Scottish Care Inspectorate noted the following about fostering services:

- *“Impact on employees and foster carers”* and the *“management and support of employees and foster carers”* were rated as *“weak”* (however, no specific recommendations were made with regards to foster carers);
- although the proportion of children looked after in family placements had increased steadily, the target of 80% by 2010 had not been met;
- the experience of the majority of looked after children and young people living with foster carers was very positive;
- there had been no progress in the development of professional foster care;
- budget pressures prevented recruitment to the “Intensive Support Team”, which was designed partly to provide support to children, young people and foster carers to prevent foster breakdown.

3.186 A further report by Mr Pontin in July 2012²²⁷ set out the key elements of a specialist foster care service and the benefits of such a scheme. Jersey had the highest percentage of working parents in Europe, which, as Mr Pontin

²²⁷ WD009153

noted, presented specific challenges to recruitment. A service specification was drawn up in January 2013.²²⁸

Evidence of foster parents

3.187 The Inquiry received evidence from various foster parents. This provided us with an insight into their perspectives on fostering services, as well as an insight as to how systems actually operated in practice.

3.188 Those witnesses were:

- Nancy Elson²²⁹
- WN480 and WN481²³⁰
- WN264²³¹
- WN665 and WN666²³²
- Foster father of WN241²³³
- WN677²³⁴
- Mr and Mrs Castledine²³⁵
- WN569²³⁶
- WN812²³⁷
- Audrey Mills.²³⁸

3.189 Some of the themes running through this evidence include:

²²⁸ WD008735

²²⁹ WS000533

²³⁰ WD006602

²³¹ WS000616 and WS000617

²³² WD006625

²³³ WD006603

²³⁴ WD006599

²³⁵ WS000600; Day 78; WD006503/22; WS000609

²³⁶ WD006579; WD006586

²³⁷ WS000681; Day 115

²³⁸ WS000585

- From the 1950s, there was a large amount of paperwork and visits by social workers to the family home before fostering was approved, and, by the 1970s, there were also Police checks.
- Boarding-out allowances were not sufficient; financial support was limited to reimbursement of money spent.
- Some foster parents visited HDLG and took children out on trips before fostering them.
- Some foster parents were approached by Children's Services, others responded to press advertisements, and some applied because they needed the money.
- Some of those fostering in the 1990s and 2000s thought that they received insufficient support, guidance, training and background information about the children in their care.
- By the late 1990s, prospective foster parents were sent on a course run by Children's Services. This focused on children's welfare, but there was no subsequent training.

3.190 In Phase 3, the Panel met with the following:

- Ann Le Rendu, Chair of the Jersey Foster Carers Association;
- Juliette de Guelle, Vice Chair of the Jersey Foster Carers Association;
- June Summer, Chair of the Fostering Panel.

3.191 The following emerged from the consultation:

- there is insufficient support, guidance and training for foster carers;
- several foster carers have ceased fostering because of "*exhaustion within the system*";
- foster carers need to be seen as part of the team around the child. They know the child better than many professionals, as they have care of the child every day;

- communication with foster parents needs to improve. There are significant delays in information being passed to foster carers by those supporting, thereby potentially jeopardising the care of the child.

Current or recent policies, procedures and guidance on fostering

3.192 In October 2012, various policies and guidelines were introduced about fostering. We note these here as they are relevant when considering the adequacy of the Health and Social Services Department's policies and procedures, as well as our recommendations. The existing policies and procedures are set out in: Fostering Panel guidelines; guidelines on the assessment and approval of foster carers; and guidelines on the process to be followed in respect of persons disqualified from fostering, in which Children's Services applied the same requirements as those set out in the *Children (Jersey) Law 2002* in respect of managing a voluntary home or fostering a child privately.

3.193 We also note certain draft policies and guidance, as at February 2014, on other fostering issues, including: exemptions to a foster carer's approval;²³⁹ supervision and support of foster carers;²⁴⁰ review of foster carers;²⁴¹ allegations against foster carers;²⁴² and employees who wish to become foster carers.²⁴³

Why were children placed, and then kept, in care?

3.194 As set out at the beginning of this chapter, we are required to consider (in general terms) why children were placed and maintained in children's homes and foster homes in Jersey.

Why were children placed in care?

3.195 In considering this question, we looked, in particular, at the following:

- the prevailing social conditions;

²³⁹ WD009373

²⁴⁰ WD009374

²⁴¹ WD009375

²⁴² WD009376

²⁴³ WD009377

- the relevant legislation;
- an analysis of reasons for admission to HDLG;
- a selection of individual case histories over the relevant period, and reasons given for children being placed in care;
- data on reasons for admissions to Les Chênes;
- a small selection of documents looking at the approach taken since the introduction of the Placement Panel in 1999.

3.196 The Jersey Care Leavers' Association's closing submissions provide a helpful summary of some of the reasons for children being taken into care, such as:²⁴⁴

- parental convenience;
- destitution;
- family breakdown;
- parental "*social inadequacy*";
- criminality;
- bereavement;
- abandonment.

3.197 In considering the reasons for children being placed in care, we are mindful of the prevailing social conditions. We heard evidence in that regard from John Rodhouse (Director of Education, 1973–1989) and from Anton Skinner (Children's Officer, Head of Children's Services, 1986–1995). In his statement,²⁴⁵ Tony Le Sueur provides a concise history of the child care system in Jersey, and Professors Bullock and Parker also provided a review of services for children in care in Jersey, in comparison with those in the UK.

²⁴⁴ WD009422/1

²⁴⁵ EE000038

3.198 John Rodhouse²⁴⁶ said:

“When I arrived in Jersey in 1973 I stepped back into the 1950s. Jersey operated in ways that were very different from the United Kingdom, both in terms of its society and its education system. Life in Jersey was somewhat slower and the Education Service was not well supported by legislation. I say this as a matter of fact and not as a criticism of Jersey, or of the way the States operated ... some of the problems Jersey experienced can be attributed to the difference in scale between Jersey and the United Kingdom. However, it is important also to remember that Jersey, through its history, differs from the United Kingdom ... I do not think the comparison with United Kingdom is always fair.”

3.199 In evidence to the Inquiry, John Rodhouse said that Jersey in the 1970s and 1980s was not a good place to be poor. There was a lack of welfare provision, aside from Parish Relief. This was subject to the personal judgement of the Connétable and could not always be relied upon.²⁴⁷ Pauline Vautier had been a CCO since 1978, on the Child Protection Team from 1999 to 2004 and on the Leaving Care Team from 2004 to 2009. She said that the stigma of being dependent upon the Parish changed with the introduction of income support in the 2000s: *“it was a much better, transparent, fair, non-judgmental way”*.²⁴⁸

3.200 Anton Skinner²⁴⁹ said:

“Poverty was a genuine issue and there were also often ongoing severe mental health problems and parents who simply could not control their children, as well as those with drink and drug problems ... There was a recognition amongst the wider community that children in care were deeply complex and troubled children ... Le Rocquier School had to enrol many of the children from Haut de la Garenne and the headmaster questioned why his school had to be the one to accept all these ‘grossly disturbed children’”.

The legislative context

3.201 Jersey has a long and proud history of functioning under its own Legislature and Executive. Its legal system derives from Norman law, and, as a Crown Dependency, the island maintains its connection with the UK. Legislative changes in the UK (or, more accurately, England and Wales) appear to have

²⁴⁶ WS000612

²⁴⁷ Day 92

²⁴⁸ Day 85/170

²⁴⁹ WS000614/4

had an inevitable influence on legislation in Jersey. However, the enacting of legislation in Jersey is entirely independent of and separate from the process in the UK.

3.202 Jersey Laws, the island's primary legislation, though passed by the States Assembly, are formally approved of by Her Majesty in Council.

3.203 Richard Whitehead, a Principal Legal Adviser and Director of the Civil Division in the States of Jersey Law Officers' Department, gave evidence to the Inquiry.²⁵⁰ He stated that, before 1945, Jersey generally adopted UK legislation.²⁵¹ He provided a chronological commentary on the principal child care legislation in force in Jersey as at 1945 and Laws passed from 1945 up to 2013.²⁵²

3.204 Richard Whitehead also explained that customary law in Jersey played a significant role:

*"Customary law is the law – the unwritten law of Jersey which is based on Norman customary law – and is obviously of great antiquity. Because it is underwritten it can develop and does develop over time and it is not always the case that subjects need to be covered by legislation, they can be ... [and] sometimes are already covered by the customary law."*²⁵³

3.205 Appendix 7 is a table of legislation relating to children, including the relevant legislation in force in 1945. The key points of the legislative basis for the admission of children into care in the period under review, some of which have already been discussed in relation to the individual children's homes, are set out below.

3.206 In addition to the legislative provisions, placement at residential homes could be organised on a voluntary and private basis by the family of the child in question. This applied whether the home was run by the States of Jersey or

²⁵⁰ Days 10, 15–16 and EE000261

²⁵¹ Day 10/67

²⁵² Appendix 1 attached

²⁵³ Day 15/96

was a voluntary home. At HDLG, many of the children admitted on a long-term basis were under the care of the States, while shorter admissions were on a voluntary basis and arranged by the family.

*The 1935 Loi*²⁵⁴

3.207 The concept of a “fit person” order was introduced (although the phrase was not used), allowing anyone considered suitable by the Court to assume responsibility for a child judged to be in need of care and protection.

3.208 Approved School orders were permitted by the Court in circumstances where:

- the child was “*in need of protection*” as a consequence of being orphaned or because of parental neglect and thereby had either “*fallen into bad associations*”, had become exposed to moral or physical dangers, or was no longer under proper control; and
- the child had committed a criminal offence.

3.209 *Article 13 of the 1935 Loi* provided an alternative to sending a child to the UK on an Approved School order. Boys under 14 could be sent to the Jersey Home for Boys. Girls under 14 could be sent to the Jersey Home for Girls from 1939.

*Public Instruction Committee Act 1946*²⁵⁵

3.210 This Executive Act set out the admission process to States-run children's homes: children aged under six years were to be admitted to the Westaway Crèche and boys aged between six and 15 years were to be admitted to the Jersey Home for Boys “*and will normally remain there until they attain school leaving age*”.²⁵⁶ A boy admitted “*by order of the Royal Court*” (that is, the island's alternative to an Approved School order) was to remain at the Home until “*the Court has sanctioned his leaving the Home to take up suitable employment*”.²⁵⁷ Girls between the ages of six and 12 could be admitted to the

²⁵⁴ Loi appliquant à cette Ile certaines des dispositions de l'Acte de Parlement intitulé 'Children and Young Person's Act, 1933 (23 Geo.5, ch .12), confirmé par Ordre de Sa Majesté en Conseil en date du 21 Février 1935

²⁵⁵ EE000255

²⁵⁶ EE000255, paragraph 4

²⁵⁷ EE000255, paragraph 4

Jersey Home for Girls (previously the Jersey Female Orphans Home) and would “normally remain there until they attain the age of 17”.²⁵⁸ The Royal Court retained the equivalent power in relation to girls as it did with boys. Applications for admission were to be made to the Public Instruction Committee “by the Constable of the parish or other competent authority or person concerned”.²⁵⁹ Only these designated individuals could apply to remove a child from “any of the said Institutions”. Granting an application would be made only if “in the opinion of the Committee it was in the interest of the child concerned”.²⁶⁰ The same individuals were to be responsible for the financial maintenance of children admitted to a home on their application. An application to a home was to be recorded on a prescribed form accompanied by a certificate of health. Save for orders made by the Royal Court, the Public Instruction Committee could refuse admission. The Committee could have a child removed if, among other reasons, “the conduct of the child is prejudicial to the other children in the home”.²⁶¹

*Public Instruction Committee Act 1953 – conditions for the reception of children into the care of the Public Instruction Committee*²⁶²

3.211 This rescinded the 1946 Act, although the route for admission remained the same: via “the Constable or other authority or person responsible for the maintenance of the child”. Paragraph 2 formalised the Public Instruction Committee’s discretionary power to board out a child received into care, as an alternative to admitting that child into a home. The Committee retained the right to refuse to receive a child into its care and for that child’s care to be taken over by the Parish “or other authority or person responsible for the maintenance of the child”. The Committee’s existing power to remove a child once in a home was also no longer explicitly provided for.

3.212 As explained by Richard Whitehead, this was an Executive Act and therefore had no statutory force.²⁶³

²⁵⁸ EE000255, paragraph 5

²⁵⁹ EE000255, paragraph 1 – There is no definition of “competent authority” or “person concerned”

²⁶⁰ EE000255, paragraph 6

²⁶¹ EE000255, paragraph 7

²⁶² EE000167

*Under the Children (Jersey) Law 1969*²⁶⁴

3.213 In evidence to the Inquiry, Richard Whitehead commented that, in formulating the *1969 Law*, Jersey drew “*very considerably*” on legislation in England and Wales. He acknowledged that, by the time the *1969 Law* came into force in the island, the equivalent legislation in the UK²⁶⁵ had already moved on in a number of ways. On a comparative analysis, the *1969 Law* was more closely aligned with the *Children Act 1948*, passed over 20 years earlier in the UK.

3.214 For the first time, the *1969 Law* created statutory routes whereby children could be received into the care of the States:²⁶⁶

- voluntary admissions under the Committee’s duty to orphaned/abandoned children (*Article 82*);
- parental rights order, whereby the Committee acquired legal guardianship (*Article 83*);
- admission to a “*place of safety*” (*Article 10*);
- remands (*Article 26*);
- admission because child is in need of “*care, protection or control*” (*Article 28*);
- admission under a “fit person” order (*Article 31*), which would last until the child reached the age of 20 (*Article 30*).

3.215 *Article 27* defined the meaning of a child in need of “*care, protection or control*”:

“(1) A child is in need of care, protection or control within the meaning of this Law if he is under the age of seventeen years and:

(a) any of the conditions mentioned in paragraph (2) of this Article is satisfied with respect to him, and he is not receiving such

²⁶³ Day 15/38

²⁶⁴ LG000032

²⁶⁵ Children and Young Persons Act 1969

²⁶⁶ Mr Whitehead said that this was “the major piece of legislation bringing together and repealing almost all of the existing child welfare legislation in Jersey, with the exception of the Adoption Law”: EE000261/14

care, protection and guidance as a good parent may reasonably be expected to give; or

(b) he is beyond the control of his parent or guardian.

(2) The conditions referred to in sub-paragraph (a) of paragraph (1) of this Article are that:

(a) he is falling into bad associations or is exposed to moral danger; or

(b) the lack of care, protection or guidance is likely to cause him unnecessary suffering or seriously to affect his health or proper development; or

(c) any of the offences mentioned in the First Schedule to this Law has been committed in respect of him or in respect of a child who is a member of the same household; or

(d) he is a member of the same household as a person who has been convicted of such an offence in respect of a child; or

(e) the child is a female member of a household a member of which has committed or attempted to commit the crime of incest.

(3) For the purpose of this Article, the fact that a child is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall without prejudice to the generality of the provisions of sub-paragraph (a) of paragraph (2) of this Article, be evidence that he is exposed to moral danger."

3.216 *Article 30* established that a "fit person" order was to remain in force until the child reached the age of 20. The phrase "fit person" appeared for the first time in the 1969 Law. *Article 31* stated that the Education Committee was deemed to be a "fit person" to whom a child could be committed.

3.217 Whereas the Committee had previously had discretion as to the admission of a child into its care, *Article 82* required it to admit the child where it was "necessary in the interests of the welfare of the child" and maintain them in care "so long as the welfare of the child appears to require it" up to the age of 20.

Children (Jersey) Law 2002

3.218 This Law, as amended since coming into force in 2005, remains the principal child care legislation in Jersey. The bases upon which a child could be taken into care were set out as follows:

- *Article 17* – provision of accommodation for a child for whom no-one bore parental responsibility, or who was lost or abandoned, or whose carer was prevented from providing suitable accommodation.
- *Article 18* – provision of accommodation for a child needing protection.
- *Article 24* – care order for a child suffering, or likely to suffer, significant harm, which was attributable to the care given the child not being what it would be reasonable to expect, or to the child being beyond parental control. This vested parental responsibility over the child with the States of Jersey.
- *Article 30* – interim care order for a child suffering, or likely to suffer, significant harm.
- *Article 37* – emergency protection order.

3.219 There is no general provision within the *2002 Law* that mirrors the duty placed on UK local authorities by the *Children Act 1989* to safeguard and provide for the welfare of children who are in need. However, *Article 2* provided that the welfare of the child must be the court's paramount consideration when determining any question with respect to their upbringing.

*Children (Placement) (Jersey) Regulations 2005*²⁶⁷

3.220 The regulations provide a framework governing the provision of accommodation and maintenance by the Minister for Health and Social Services in relation to looked after children as well as those children for whose welfare the States are under a duty to provide. The schedules to the regulations include details of: (1) what the Minister is required to take into

²⁶⁷ LG000036, subject to specific amendments under the *States of Jersey (Transfer of Functions No 8) (Miscellaneous Transfers) (Jersey) Regulations 2015*

account when placing a child; (2) the planning of placements; (3) matters to be covered in foster care and placement agreements.

3.221 Regulation 2 imposes an obligation an obligation, “*so far as is reasonably practicable*”, to make immediate and long-term arrangements when placing a child and to ensure that the welfare of the child placed is promoted. Schedule 1 sets out the considerations to which the Committee has to have regard when placing a looked after child. These included immediate and long-term arrangements for the child, whether arrangements needed to be made for when the care order was discharged and planning for a permanent placement.

*Children (Secure Accommodation) (Jersey) Order 2005*²⁶⁸

3.222 These regulations prescribe the maximum period for which a child can be kept in secure accommodation – 72 hours in any period of 28 consecutive days – without court authority. A court can authorise a maximum of three months and “*from time to time*” for a period not exceeding six months. Parents of the child have to be informed and, when in secure accommodation, the child has to be visited by someone appointed to do so on behalf of the Committee.

Examples from witnesses and contemporaneous records of the reasons why children were taken into care

3.223 A large majority of the witnesses from whom the Inquiry heard during Phase 1a were admitted into care between the 1960s and the 1980s. Thus, most, although not all, of the evidence collated about reasons for individual children being placed into care cover this period.

1945–1959

- **Giffard Aubin.** He was taken into care during the Occupation, after the Parish Centenier declared his father unfit to look after children. His father complained about a local brothel frequented by the Germans, and Mr

²⁶⁸ LG000039, subject to specific amendments under the *States of Jersey (Transfer of Functions No 8) (Miscellaneous Transfers) (Jersey) Regulations 2015*

Aubin believed that his reception into care was in retaliation for his father's complaint.²⁶⁹

- **WN260.** His father was deported to Germany during the War. Food was scarce during the Occupation, and WN260 turned to stealing to assist the family. He was caught stealing in 1946, aged 12, and sent to the JHFB.²⁷⁰
- **WN262.** The son of a divorced mother who worked long hours. He was taken into care around 1951. A policeman arrived at the door one day, when his mother was absent, and took him to the JHFB; he had no chance to say goodbye to his mother. After a period back at home with his mother and stepfather, the latter requested his return to the JHFB. The Centeniers drove him to the home. He was released shortly thereafter, at his mother's request.²⁷¹
- **WN178.** Admitted to Sacré Coeur in 1955 and then Haut de la Garenne in 1961, with the reason given being "*Illegitimate. Mother unable to provide a home*".²⁷²
- **WN266.** Taken before the Royal Court (apparently by the Centenier) and deemed to be out of control; sent to the JHFB in about 1957. When he was 13 or 14 years old, his mother told him that he would not have been sent to the Home had she agreed to sleep with the Centenier.²⁷³
- **WN129.** Taken into care along with a sibling and sent to the JHFG because her parents could not look after them.²⁷⁴
- **WN208.** An example of a child taken into care because of domestic violence.²⁷⁵

²⁶⁹ WS000001/1

²⁷⁰ WS000037/2

²⁷¹ WS000053

²⁷² WD000180

²⁷³ SOJP WS000056/3

²⁷⁴ WS000071/2

²⁷⁵ WS000076/2

- **WN178.** In 1955, a mother and her illegitimate child were able to stay together while she was resident at Elizabeth House and then at the grandparents' home. When those arrangements came to an end, the child was admitted into care, with the reason given being "illegitimacy".²⁷⁶
- **WN340.** Example of an individual having a different understanding of the reason for admission into care from that disclosed by the Social Services file. WN340 says that she was taken into care in 1959, after a teacher notified Social Services of concerns about her mother. WN340 says that her mother was violent and may have had postnatal depression, and that she was admitted into care for her own protection.²⁷⁷ The case history for WN340 said that the reason for the care order was "*child in need of observation. Petty pilfering; rude and cheeky*". She was sent to HDLG for four years.²⁷⁸ This case gives an insight into the low threshold applied for admission into care at that time.
- **WN124.** He was admitted into care in the 1960s, as a result of stealing, albeit "*on a large scale*".²⁷⁹ His case history says that he was admitted to HDLG (supported by Dr Collins, psychiatrist) because he was beyond the control of his mother.²⁸⁰ His headmaster provided a detailed report, and one of the reasons cited by him was that the school and local shopkeepers were in "*urgent need of protection*".²⁸¹
- **WN126.** Admitted in 1958 to Jersey Home for Boys, "*recommended by Chef de Police because the boy has been stealing*".²⁸² He spent nearly 10 years in care.
- **WN19.** Was admitted, along with her siblings, to Sacré Coeur²⁸³ (not run or supervised by the States of Jersey at that point) for two short periods

²⁷⁶ WD000180

²⁷⁷ WS000143

²⁷⁸ WD000651

²⁷⁹ WD000856

²⁸⁰ WD000853

²⁸¹ WD000849

²⁸² WD000621

²⁸³ As above, the Sacré Coeur Orphanage was established at the turn of the 20th century to address the lack of provision for poor children in Jersey

in the late 1950s. On the first occasion, the nuns suggested admission while the mother recovered from an illness.²⁸⁴ On the second occasion, the children were admitted for seven weeks so that the mother could work and save for a television.²⁸⁵ WN19 said that children being admitted into care was the norm on the island. It happened for a variety of reasons: to allow people to work, if children were naughty at home, or if they got into trouble with the police.²⁸⁶

- **WN240.** Admitted to Sacré Coeur in 1955/57 when her mother died. Her father tried to look after his children, but "*in those days it was not thought right for a man to look after young girls*".²⁸⁷ She also spoke of French farmworkers, who came over at certain times of year, leaving children in the orphanage while they worked.²⁸⁸
- **Pat Lucas** was not a child in care, but, as a child, lived with her mother in the grounds of Sacré Coeur. No records were available to the Inquiry to verify her account, but her understanding of the reasons for children being admitted on a voluntary basis to the Catholic orphanage in the 1950s was that they included:
 - death of mother;
 - desertion by father;
 - financial difficulties;
 - parental illness;
 - the need for mother to work, and consequent difficulties with childcare;
 - seasonal workers visiting Jersey.²⁸⁹

²⁸⁴ Day 12/3

²⁸⁵ Day 12/31

²⁸⁶ Day 12/38

²⁸⁷ WS000271/2

²⁸⁸ Day 39/60

²⁸⁹ WS000095/3

1959–1969

3.224 An analysis of the reasons for admissions to HDLG was carried out, using figures from annual Children's Officers reports to the Children's Sub-Committee (see Table 3.1). The reasons for admission are taken directly from the entries in the minutes.

Table 3.1: Overall Picture of Admissions to Haut de la Garenne²⁹⁰

Admissions	1960	1961	1962	1963	1964	1965	1966	1967	1968	Total 1960–1968
Mother's illness	54	13	14	2	2	37	20	46	7	146
Illegitimate						3	5		3	12
Adoption/foster home breakdown	2	8	8		3			1		22
Parents' separation				1		7	6	9	1	24
Homelessness		5	2			1	7		2	17
Parent(s) deceased			4					1	4	9
Social inadequacy of parents/Behaviour problems	13	4	14	4	4	16	18	25	18	116
Committed to care as being in need of care or protection	1	6	1	2	5	12	3	7	7	44
Offenders				18	9					27
Remand/Condition of Probation	1	5	5		8	8	36	6	10	82
Children from mainland/Guernsey needing care			1							1

3.225 One feature of the decade 1959–1969 is the variety of reasons leading to children being taken into the care of the Education Committee and then being placed at HDLG. This resulted in a diverse population being resident in the Home at any one time. The largest intake related to "*mother's illness*" and, on the basis of witness statements and social services records received by the Inquiry, it seems that this referred not only to mental illness and hospital admission but also to mothers going into labour.

3.226 The second-largest intake was as a consequence of "*social inadequacy of parents*" or "*behaviour problems*". These phrases are not found in what was then the only statutory basis for receiving children into care: the 1935 *Loi*. "*Behaviour problems*" was used for the first time in the 1962 Annual Report to

²⁹⁰ WS001178/5

describe behaviour in the home and again in the 1963 Annual Report as a generic phrase to include "*serious truancy*" and "*offenders*".²⁹¹

3.227 "*Social inadequacy of parents*" appeared for the first time in the 1964 Annual Report²⁹² and then as a category in all subsequent reports. The phraseology may reflect changes in social work approach and practice, as, at that time, the Annual Reports record regular recruitment of qualified CCOs.

3.228 The annual Children's Officers' Reports provided also provided a general category of admission "*at Constable's request*".²⁹³ Although some admissions were described in this way, we note that the Attorney General (AG) advised the Education Committee in 1959 that, at common law, in the absence of a court order, the father's consent was needed to take a child into care.²⁹⁴

3.229 Reasons for reception into care included:

- "*because of home difficulties*";
- "*on recommendation of child guidance clinic*";
- "*mother's desertion*";
- "*mother's ill-health*";
- "*foster home breakdown*";
- "*adoption breakdown*";²⁹⁵
- "*death of mother*";
- "*homelessness of family*";
- "*parents unable to provide a home*";
- "*pending adoption arrangements*";

²⁹¹ EE000059/1

²⁹² EE000060/4

²⁹³ LG000181

²⁹⁴ WD001175/8

²⁹⁵ EE000059/8

- *“mother in prison”*;
- *“deserted on the island”*;
- *“up from the [Westaway] Crèche”*.

3.330 The 1964 Annual Report noted that *“nearly half the children”* at Haut de la Garenne were in care because of delinquent behaviour.²⁹⁶

3.331 The Education Committee was also willing to make temporary holiday placements. Thus, while the mother worked, the child would spend the summer in HDLG.²⁹⁷

3.332 At the beginning of this period, boys and girls from age six could be placed in HDLG. By the end of the period, when the Westaway Crèche had been incorporated, there was a wider age range of placements. The approach then being taken was that siblings, wherever possible, should be kept together. In the 1967 Annual Report, the Children's Officer, Patricia Thornton, saw the broad age range as a virtue of the Home.

3.333 **WN124.** As above, the reason noted in WN124's admission records was *“psychiatric recommendation following difficulties at home”*. A psychiatrist writing to Patricia Thornton in 1963 recommended that the best place for the *“severely disturbed”* nine-year-old (WN124) was HDLG *“where he would have the stable environment he lacks, where the staff will be able to supply the discipline he needs, together with the affection and understanding he has so lacked for many years”*.²⁹⁸

3.334 **WN120.** This case provides an example of the combination of factors leading to admission into care in the early 1960s. The parents were immigrants with alcohol abuse problems, the father was in prison and there was a concern that the family could be evicted from the island. There were also housing issues, resulting in makeshift accommodation. Eventually, the mother was also sent to prison and WN120 was admitted to the care of the States.²⁹⁹ She

²⁹⁶ EE000060/3

²⁹⁷ WD000885; WD000884

²⁹⁸ WD000852

²⁹⁹ WD001325/54

was admitted to HDLG as there were difficulties in finding foster carers for a Catholic girl.³⁰⁰

3.335 HDLG was viewed, at least by some, as an environment that would benefit children growing up in difficult home circumstances. An educational psychologist's report in 1969 on WN184's recommended placement said: "*at Haut de la Garenne he would have a much better chance to mature in personality and identify with the values of the Children's Home and of society generally*".³⁰¹

3.336 **WN43**. As a "babe in arms", he was placed at the Nursery Unit at HDLG. His siblings were also placed there, on the basis "mother unable to cope".³⁰²

1970–1986

3.337 The largest number of admissions (to HDLG) during the period from 1970 to 1979, under the 1969 Law,³⁰³ were voluntary admissions pursuant to the Committee's duty to orphaned/abandoned children (*Article 82*) and admissions under a "fit person" order (*Article 31*). Children who were admitted into care under this Law were in the care of the Education Committee, and were then placed by the Education Committee at HDLG, or elsewhere.

3.338 Examples of more specific reasons given for admission to care are found in the records as follows:

- **WN180**. Admitted in 1970 as "*in need of care, protection or control*", the specific reason being "*missing from home – request of Probation Officer*". The witness gave evidence that she ran away from home and told her Probation Officer that she did not want to return home to her parents.³⁰⁴

³⁰⁰ WD001325; WD001286; WD001317

³⁰¹ WD001235

³⁰² WD000930

³⁰³ WD002622/14

³⁰⁴ WD001713; WD001703

- **WN397.** Admitted in December 1970 under a care and protection order, with the specific reason being “*mother unfit to care through drink*”.³⁰⁵
- **WN151.** Admitted to HDLG in February 1971 “*to be employed as a trainee girl*”.³⁰⁶ She was aged 15 at the time, and was in a relationship with an older man.
- **WN391.** Admitted to Brig-y-Don on two occasions in the early 1970s before spending various other periods at HDLG between 1975 and 1977, and between 1980 and 1985. The reason for care is given as “*beyond control*”.³⁰⁷
- **WN121.** Admitted into care in 1972, after being placed on probation by the Court. The specific reason is recorded as “*breakdown of home relationships and request of Senior Probation Officer*”.³⁰⁸
- **WN67.** Placed at HDLG in 1976, on the basis that the “*child refused to go home*”.³⁰⁹
- **WN594.** Admitted to HDLG in 1976 on remand.³¹⁰
- **WN23.** Admitted to Brig-y-Don on several occasions in the late 1970s, before moving on to Clos des Sables and foster care. The reason given was “*mother admitted to hospital*” (Article 31).³¹¹
- **Darren Picot.** Admitted to Brig-y-Don in 1977, when only a few months old, with the specific reason for admission being “*hospital recommendation*” (Article 82).³¹² He then moved on to various other homes over the 1980s and 1990s.

³⁰⁵ WD001666

³⁰⁶ WD001680

³⁰⁷ WD003630

³⁰⁸ WD001641

³⁰⁹ WD003458

³¹⁰ WD003074

³¹¹ WD000162/2

³¹² RS000615/110

- **WN80.** Several admissions to La Preference from 1979 – reason given as *“mother’s admission to hospital”*.³¹³
- **WN597.** Admitted in May 1982 to HDLG for *“disruptive/unruly behaviour at home”*. He was there for around six to 12 months.³¹⁴
- **WN633.** Admitted to La Preference, aged four, in 1983, due to mother’s hospitalisation.³¹⁵

3.339 The Lambert and Wilkinson Report (1981), on “Inspection of The Children’s Section”,³¹⁶ looked at general issues regarding children being taken into care, and highlighted:

- In Jersey, 11.5 children per thousand were in care, compared with an overall figure in England of 7.7.
- The following factors were thought to contribute to such a high number of children being in care in Jersey:
 - the lack of a statutory duty to provide preventative child care. meaning that children were received into care for a short period of time rather than remaining in their own homes;
 - the availability of residential child care resources (space for over 50% of the children in care) may have reduced the pressure to seek alternative methods of care: *“a tradition of assuming close quasi parental responsibility for the children in the care of the Committee, and the availability of predominantly long-term residential accommodation both support this and may militate against current professional policy which seeks to shorten to the briefest reasonable length the time a child is in care”*;
 - factors in the social structure, such as the high incidence of marital breakdown, alcoholism and psychiatric illness; housing

³¹³ WD004104

³¹⁴ WD003425

³¹⁵ WD004087

³¹⁶ WD007382

and accommodation problems; migrant workforces; and the number of illegitimate births, albeit that this had reduced in recent years;

- 31% of children in care were over school leaving age and, of those, about half had been in care for over 10 years and had experienced "a full childhood in care".

3.340 Lambert and Wilkinson also analysed the details of children admitted to HDLG over the previous two years.³¹⁷ They noted that 65% of the 233 admitted stayed for less than two weeks.

3.341 When looking at the emergency placements, they noted:

"It would seem that the boundaries to short stay admissions are drawn rather too liberally and that some narrowing would be in children's interests."

3.342 An analysis of reasons recorded for admissions to HDLG between 1959 and 1984 was produced by Peter Wall in July 2009. This was part of Operation Rectangle's "Analytical Summary of Historical Child Abuse",³¹⁸ and the findings are incorporated into the Inquiry's own analysis set out above.

Late 1980s onwards

3.343 We note that, in 1989, Phil Dennett (while working at Heathfield) was asked to lead a project to incorporate community-based work to avoid the necessity for admissions to care.³¹⁹ This was the beginning of a considerable amount of work that took place, largely at Heathfield and Brig-y-Don, to develop community-based work and preventative strategies, in order to avoid some unnecessary admissions to care. By 1998, this had developed into a huge operation catering for 60–70 young people, but it was not run by qualified social workers.³²⁰ 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

³¹⁷ WD007382/50

³¹⁸ WD008622/11

³¹⁹ WS000628/4

³²⁰ Day 95/16 and 32

occasional or regular overnight stays at Heathfield. Tony Le Sueur thought that preventative child care could have been run from a youth centre, he told the Inquiry.³²¹

3.344 According to Phil Dennett, no qualitative assessment of the work of the preventative centre was carried out by Children's Services. No system for monitoring the outcome for children was in place, and there was no data to indicate whether the number of children received into care had been reduced. Phil Dennett said that, when he left Children's Services, "*Jersey had not got its head around that performance management agenda*".³²²

3.345 This makes it impossible for us to assess the success of these schemes, but we at least note their existence as demonstrating a will, by this stage, to make efforts to prevent children from being admitted into care.

3.346 When Sean McCloskey was a staff member at Heathfield (during the late 1980s and early 1990s), he noted that admissions were made following a referral by a social worker, usually related to family breakdown. He said that, at that time, residential care was seen as being the last resort, and attempts would be made to place the child with extended family or with others first.³²³

3.347 A Placement Panel was created from around 1999,³²⁴ to allocate residential and foster placements for those children who were admitted into care, although this does not touch on *whether* a child should have been admitted into care in the first place.

3.348 In December 2002, a letter was sent from Tom McKeon (Director of Education) to Anton Skinner and Brian Heath, about the arrangements as to the placement of children immediately following Dr Kathie Bull's Report. It was noted that a group of senior officers would be established, with the mandate to determine residential placements for children aged 11–16. However, it would not be possible to include Les Chênes in this arrangement, given the

³²¹ Day 90/28

³²² Day 95/140

³²³ WS000576/6

³²⁴ WD009335

need to make separate provision for children placed on secure remand and those in residential care.³²⁵

3.349 More recently, in 2009, a document entitled "*Children's Service – Placement Processes*" set out the formal processes used to decide whether a child should be taken into care and detailed the processes for managing any subsequent placement. Initially, there would be intervention from social workers and/or Police, and, if a need for placement was identified, placement with extended family or friends was to be explored as a "*first option*" (unless there were identified risks in making/allowing such a placement). The second option was to explore foster care, with placement in a residential home being considered as a third option.³²⁶ If none of these options is possible, the process indicates that a bespoke placement should be considered.

3.350 By 2013,³²⁷ placements were considered by the Placement and Resource Panel, under the head of the Children's Service and Children's Executive. Individual cases were presented to the Panel by a CCO. This might be an update on a child already placed, or a request for placement – for example, overnight respite, outreach support, intervention by the Intensive Support Team, a foster placement or respite foster care.

3.351 A briefing paper from 2015³²⁸ noted that an increasing number of children at risk were becoming "looked after". However, as of August 2014, the rate of looked after children in Jersey was 39 per 10,000 – compared with a UK national rate of 60 per 10,000. At the end of March 2015, the rate in Jersey was 50.5 per 10,000, and this was anticipated to rise to 65, which would be in line with the UK average.

Why were children maintained in care?

3.352 The legislative basis for maintaining children in care varied over the decades, and the legislation in force at any one time permitted a child to remain in care

³²⁵ WD009147

³²⁶ WD009341

³²⁷ WD009222

³²⁸ WD009331: Produced by Paul Watson (Senior Social Work Practitioner Seconded to System Redesign) and Andrew Heaven (Assistant Director Commissioning)

up to a prescribed age. Under the *1935 Loi*, the age was 16 for boys and 18 for girls. This was increased under the *1969 Law* to the age of 20 for both boys and girls. Under the *2002 Law*, care orders can remain in force until the child reaches "*full age*" (not defined) unless the order is discharged before then by the court (*Article 66*). Emergency protection orders can last only up to 28 days, and there are powers to discharge early or to extend this period (*Article 40*).

- 3.353 A number of the witnesses called in Phase 1a of the Inquiry complained that they felt forgotten once admitted to care,³²⁹ or that they did not understand why they remained there for so long. As set out above, some witnesses recalled (and their records substantiated) being admitted for relatively minor behavioural problems, but the result was spending many years in residential institutions. The 1981 Lambert and Wilkinson Report highlighted that over half of the children resident at the time of the Report had been in care for between one and five years; nearly a fifth had been in care for up to 11 or 12 years.
- 3.354 Individuals were discharged from care for a number of different reasons. In the pre-1960 period, the Public Instruction Committee minutes³³⁰ note that, where children had been admitted under a court order, the AG's approval was needed if a child was to be discharged to enter employment. In such cases, the Committee would often express a view on the suitability of the job, whether the child's home conditions were suitable for a return, and whether it was in the child's interests to remain at the institution.
- 3.355 Some examples from the annual reports in the 1960s note discharges from HDLG for reasons including: "boarded out with relatives"; "residential job"; "rehabilitation with family"; "training home for girls"; "training home in England"; "Boys' Army"; "probation hostel in England"; "maladjusted hostel for boys"; "Indefatigable [sea training school]"; "lodgings"; "to family group home"; "vocational training homes in England"; "transferred to staff at Haut de la Garenne";³³¹ and "discharged on reaching the age of 18". During this period, it

³²⁹ E.g. WD004539/10

³³⁰ See Day 144

³³¹ EE000063/12

would appear that that Superintendent had the authority to discharge a child from HDLG where he felt it had made no difference to their behaviour, in circumstances where the child had not been admitted by court order.³³²

3.356 We note that, under *Article 30(9) of the 1969 Law*, a child could be discharged from care and a “fit person” order revoked where the Education Committee represented to the AG that it was in the child’s interests, and the AG made an application to the court. Furthermore, under *Article 32*, a child could be returned to their parents while still in care and then could be discharged upon application to the Royal Court if it was no longer necessary for them to be in the care of the Committee.

3.357 Notwithstanding these provisions, Lambert and Wilkinson came to the view, in their Report, on a review of the care records, that a “*care episode*” in Jersey was likely to be longer than one on the mainland. It was noted that:

“A tradition of assuming close quasi-parental responsibility for the children in the care of the Committee, and the availability of predominantly long term residential accommodation, both support this and may militate against current professional policy which seeks to shorten to the briefest reasonable length the time a child is in care.”

3.358 We note that, in 1985, correspondence between the Children’s Officer (at that time, Terry Strettle) and Richard Davenport (CCO) referred to their prime aim as being to “*reunite parents and children*”.³³³ However, we have not seen any specific policies or practices suggesting a model of intervention that worked to assist a child to return to their family after they had been admitted into care, until the late 1980s and early 1990s.

3.359 In evidence to the Inquiry, Geoffrey Spencer (former manager of Heathfield) said that he did not feel that there was any commitment from Children’s Services in relation to getting children out of care. Overall, he felt that the system was not fit for purpose, by today’s standards.³³⁴

³³² E.g. WN124 in 1966: WD000837

³³³ WD000347

³³⁴ Day 75/88

Les Chênes

3.360 Les Chênes opened in 1977 and is considered separately on the issue of “*why children were placed and maintained in these services*”. Les Chênes admitted children on a different basis, from residential care homes and foster homes. Les Chênes was, effectively, a hybrid Approved School/community home with education.

3.361 Under the 1969 Law, the Education Committee was required to ensure adequate provision for the care and custody of young offenders. The Committee was principally concerned with juveniles (aged under 16) on remand awaiting trial, or those found guilty of criminal offences and committed to the care of the Committee by the Court. When it opened, Les Chênes gradually took over the remand role that previously – and controversially – had been fulfilled by HDLG. Les Chênes' admission policy³³⁵ stated that the following would be admitted:

- offenders committed to the care of the Education Committee for long-term treatment (*Articles 24 and 31, 1969 Law*);
- children in need of residential education in a secure environment, or who were not necessarily offenders but whose behaviour was such that they were committed to the care of the Education Committee under *Article 27 of the 1969 Law* as being “*in need of care, protection or control*”; and
- in exceptional circumstances, those who the Education Committee decided to admit without the need for court action.

3.362 The *Children and Young Persons Act 1969* abolished Approved Schools in England and Wales and replaced them with Community Homes with education. Les Chênes was, in our view, specifically tailored to be the successor to the Approved School/remand placement.

3.363 A notable feature in the evidence given by several witnesses is a lack of understanding on their part as to why they were placed at Les Chênes:

³³⁵ WD004278

- **WN153.** Admitted in 1984 – *“Les Chênes had a reputation of being a school for children who were challenging. I never understood why I was sent.”*³³⁶
- **WN624.** Recalls that her mother told her that the Court ordered her admission to Les Chênes, but *“I never found out the real reason why I was sent there”*.³³⁷
- **WN623.** Recalls the police speaking to her, but *“I do not remember being told why I was being sent to Les Chênes but I do remember it being on a ‘voluntary’ basis, rather than compulsory”*. She suspected, however, that the real reason was that her mother used influence she had to have her admitted.³³⁸

3.364 Another theme that emerges from the evidence is the degree of confusion or resentment among those who were not admitted to Les Chênes on remand or as a young offender:

- **WN145.** Admitted between 1981 and 1984. He stated: *“I was not sent there for being a criminal or by order of any court. I was there because I was from a dysfunctional family and had a father who couldn’t care for me.”* He discussed what he perceived to be the negative impact that this had on his life and the consequence of being failed by the Jersey care system.³³⁹
- **WN73.** He was admitted to Les Chênes about 20 years later than WN145. He also describes the negative impact that admission (under a care order) had on his life, as he was forced to mix with young people who were criminals. He was *“fully aware that I was being taken to a remand centre even though I had not committed any offences. I would*

³³⁶ WS000675/9

³³⁷ WS000509/3

³³⁸ WS000508/2

³³⁹ WS000485/6

often say to staff that they did not lock up adults in prison [for the reasons he was admitted] but my comments were dismissed".³⁴⁰

3.365 Under Mario Lundy's tenure, between 1986 and 1996, numbers admitted to Les Chênes increased rapidly, particularly in the 1990s. This followed a revised admissions policy that allowed for a child to be admitted for long-term placement "*on the imposition of a Probation Order with residence at Les Chênes being a condition of that order*".³⁴¹

3.366 A sample of data on the reasons for admission to Les Chênes, the number of admissions for an individual, how long they stayed and any notes on discharge was prepared for the Inquiry by the States of Jersey.³⁴² It is noteworthy from this sample that, while there were a significant number of remand placements, there were also admissions to Les Chênes for those in need of care, protection or control.

Findings: Why children were taken into, and kept in, care

3.367 In general terms, the reason for children being taken into care was that it was considered that they satisfied the legislative threshold that was in place, under either the *1935 Loi*, the *1969 Law* or the *2002 Law*.

3.368 The reason for their being kept in care is that the relevant legislation provided that they remained in care until they reached a certain age, unless and until an application was made for their discharge. However, as with the above, this provides only a superficial answer to the question.

3.369 It is apparent that, particularly before the *1969 Law*, children were taken into care without specific reference to the legislative framework in force at the relevant time.

3.370 Although the legislative bases for taking children into care were widely drafted, we consider that some children were received into care without a lawful basis. For example, in the 1960s, children were taken into care and admitted to HDLG for reasons including "*social inadequacy of parents or*

³⁴⁰ WS000443/8

³⁴¹ WD004214

³⁴² Appendix 2 of the closing submissions of Counsel to the Inquiry

behaviour problems" (116 cases) and "*parents' separation*", which do not appear to fall within the 1935 *Loi*.³⁴³ In the late 1970s and early 1980s, children were taken into care in order to give their mother a rest, or to provide a form of safety valve where preventative action was being taken by the social worker.³⁴⁴ It follows that their rights as children were disregarded. We consider that Jersey has a long history of public authorities having insufficient regard to the law in relation to children.

3.371 It is clear to us that, in the 1940s and 1950s, there was no real expectation that a child in Jersey, once admitted into care, would ever leave the care system. No doubt for that reason, there was no specific provision for the return of children to their birth families, although this does appear to have happened on occasion.

3.372 On the documentation and evidence before the Inquiry, it is clear that, at least up to the mid-1980s and the closure of HDLG, the placement of children in residential facilities reflected the availability of such places on the island and the lack of alternatives, notably with foster or adoptive families. Whether the needs of the child were best met in a residential facility does not appear to have been a consideration at this time.

3.373 During much of the initial period, there was no consistency in the approach taken when considering whether the child's circumstances justified removal from the family home. For example, there were cases in which it was said that the child had "*behaviour problems*" (for example, being involved in "*petty pilfering*" or being said to be "*rude and cheeky*"), whereas others clearly met the legislative threshold. In the former instances, relatively minor social problems were dealt with by the removal into care of the child. Such a draconian step paid no regard to the rights and needs of the child.

3.374 Until the late 1980s, there was no system for providing parents with assistance in the home, which could have avoided the need for removal; a parent who sought assistance from the Parish was subject to the unregulated judgement of the Connétable. As was noted by Lambert and Wilkinson in

³⁴³ LG000216

³⁴⁴ WD007382/50

1981, there was not a statutory provision for carrying out preventative child care – and there still is not. In comparison, the *Children and Young Persons Act 1963* in England and Wales allowed for expenditure to prevent a child from being admitted into care. This seems to have created a situation in Jersey in which children were received into care for short periods when they should more appropriately have remained in their own homes. The creation of a statutory duty for the carrying out of preventative child care might well remove the need for taking some children into care. Explicit legislation would reflect the States' commitment to preventative work.

3.375 The approach was generally reactive, with no formal criteria for admission into residential care in terms of assessment of degree of risk. We acknowledge that *Article 28 of the 1969 Law*, and *Article 2(3) of the 2002 Law*, did involve a risk assessment before children were placed under a care order.

3.376 There was no adequate review of placement, and, much of the time, information on the wishes of the child was not sought. There was a pattern of maintaining children in residential homes for an excessively long period. Many of the young people at HDLG were going home at weekends, which raises the question of why many of them remained in care. At least up to the late 1980s, there was no substantial model of intervention, no "*this is what we're going to do to assist your return to your family on a permanent basis*". As pointed out by Lambert and Wilkinson in their 1981 Report, circumstances in Jersey militated against the professional policy, at that time, to "*shorten to the briefest reasonable length the time a child is in care*".

3.377 The mechanism for removing a child from care was inadequate. Although the States of Jersey had the legislative power to discharge children from care when it was in the best interests of the child, at least up to the late 1980s/early 1990s, there does not appear to have been any system for proactive consideration of this: the child was effectively abandoned. This is one of the reasons for children remaining in care.

3.378 Under Mario Lundy's term of office at Les Chênes (1986–1996), a revised admissions policy was introduced that allowed 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'.³⁴⁵ The Education Committee did not retain adequate control in practice over long-term placements with such a condition. Thus, as late as 1996, Jersey was using an outdated model of behaviour management instead of a welfare-based approach for young offenders and children in need.

³⁴⁵ Les Chênes Admissions Policy, Day 55 [WD004214]