



Children's Commissioner for Jersey
Promoting and Protecting Children's Rights

Office of the Children's Commissioner

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Richard Renouf
Minister for Health & Social Services

Dear Minister

Children and Young People admitted to Orchard House

The Commissioner for Children and Young People (Jersey) Law 2019 has established that the primary function of the Commissioner is to promote and protect the rights of children and young people, with a general function to review the adequacy and effectiveness of services provided for children and young people.

The application of the Law includes all children and young people up to the age of 18 years, and includes young people up to the age of 25 years who:

- a) have a disability within the meaning of paragraph 8 of Schedule 1 to the Discrimination (Jersey) Law 201310
- b) are young adults within the meaning given in Article 1(1) of the Young Offenders Law, and are or have been sentenced or are, or have been placed in custody under Part 2 of that Law
- c) whilst young persons within the meaning given in Article 1(1) of the Young Offenders Law, were sentenced or placed in custody under Part 2 of that Law; or
- d) whilst under the age of 18
- e) were looked after by the Minister, within the meaning of Article 1A of the Children Law
- f) were the subject of an emergency protection order under Article 37 of the Children Law
- g) were accommodated in a voluntary home within the meaning of Article 1(1) of the Children Law, or
- h) were the subject of private fostering arrangements under Part 8 of the Children Law.

I am aware that children and young people are being admitted to Orchard House, an adult in-patient facility, who fall within scope of the Commissioner for Children and Young People Law. They are predominantly care leavers under the age of 24 years.

I have visited Orchard House and have heard from young people admitted to the unit.

The main issues raised include:

- The facility itself is not in a good state of repair.
- There is a lack of an appropriate family facility for young people to visit their families and to spend time with the people they know and love. Young people's specific feedback states that they feel it is unsuitable for their siblings to visit.
- One to one support is provided by adult mental health nurses to safeguard any child or young person admitted, however there is a lack of a supportive environment through the unavailability of staff trained in working with young people or nurses from the CAMHS team.
- The young people stated that they felt the one to one support was 'intimidating', 'oppressive' and the nurses were 'big blokes', which they felt 'shadowed' by.
- Due to the lack of CAMHS resources and staffing, there is an absence of provision of age appropriate facilities and programmes, to enable young people's personal, social and educational development to continue as normally as possible.
- The larger social space within the ward is also shared with adults, which the young people said, 'doesn't feel safe'. In addition, it is empty, clinical and without recreational facilities – except for a table tennis table.
- Orchard House is deficient in the most basic levels of privacy for people trying to recover from illness. I was informed that there were concerns over members of the public looking into the building from the outside whilst trespassing. Young people have said they cannot shut their door in the evening and, when there is a concern about them, they have been restrained by up to seven members of staff.
- The process for visitor signing-in may be a breach of GDPR as signing-in information may enable a young person to be identified by other guests.
- The lack of curtains or safe covering of the window gives the impression that patients can be seen in their rooms by people looking in.
- The lack of privacy continues in that some bedrooms must be shared between two, should the facility reach maximum capacity.
- Each wing also provides only shared bathroom facilities and particularly no male or female toilets.
- There appears to be no meaningful activity for the young people to engage in.
- I have been advised that conflicting or incorrect information is provided to patients. In one case a young person was not clear about the status of their detention and whether they could leave the centre.
- When one young person said they were a care leaver, they were asked 'what is that?'
- Young people have said that staff have used inappropriate and degrading language when speaking to them.

It was recognised in the CAMHS scrutiny report in 2014 that *'there is no clear designated place of safety for young people (predominantly seventeen-year olds) in Jersey and little clarity around what a designated place of safety should be.'* The Ministerial response placed great emphasis on efforts to commence work immediately on the creation of a new adolescent unit in Robin Ward, ensuring the unit has access to the right specialist input, and that 'improvements happened quickly'. Now six years on, another Mental Health Services Scrutiny review has reported and there is still no 'clear designated place for safety' for our young people.

The Scrutiny Review 2019 reported:

Key Finding: Orchard House is particularly bad. It recently failed a health and safety inspection. We received a significant number of complaints about Orchard House via our survey, when collecting personal testimony and from our expert witnesses. In particular, we note that there appeared to be little therapeutic activity for patients to do while they are there.

Recommendation: The government should prioritise finding a replacement for Orchard House in the short to medium term. The Government should also improve governance within Orchard House including setting appropriate standards and performance processes to ensure that staff but especially service users remain safe. These should be developed and implemented by the end of 2019.

Key Finding: Jersey does not have an appropriate place of safety for children or adults in a mental health crisis. People in crisis are often detained in inappropriate environments such as police cells. It is inappropriate for young people to be detained on Robin Ward (the children's ward in the General Hospital) or Orchard House.

Recommendation: An appropriate place of safety should be created within the existing hospital until an alternative arrangement can be found. Children and adults in mental health crisis should be separated.

Respondents to the mental health review commented that they did not feel safe in Orchard House (the adult in-patient service). One respondent stated:

[...] Sometimes dangerous patients are not monitored in Orchard house and I haven't felt safe, perhaps alone in a room with them without staff is not safe.

We are still hearing that young people do not feel safe at Orchard House.

The Review Panel were told:

'So there is work being carried out on Orchard House at the moment, complying with the statutory notice that was served on the department, but the medium-term intention is that Orchard House should be closed and that we should create a new facility across the road at Clinique Pinel and there are plans being worked up to create that facility. There is a wider or broader plan to move all those facilities presently in St. Saviour to Overdale, but I think at the moment we have kind of put a pause on that because you cannot do too much at once and I think we have got to make sure that Orchard House is safe and improved for the very short term, and then we have got to concentrate quickly on getting the work at Clinique Pinel done.' Minister for Health and Social Services.

I am aware that in recent months vulnerable, young care leavers have been patients at Orchard House. The environment that they are in causes concern and indeed may be a **violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights (ECHR)**. The conditions of detention, in particular, the poor state of the building and its detrimental effect on patient's well-being, combined with the length of the period during which patients are detained in such conditions, may amount to degrading treatment. While there is no indication that there is a positive intention of humiliating or debasing the patients, these conditions of detention may serve to undermine the patient's human dignity and cause those young people feelings of humiliation and debasement.

This is the lived experience of those young people today. We cannot afford to continue with a 'we'll do it tomorrow' attitude.

Failing to respond appropriately, or at all, to the needs of children and young people with mental health problems has wide-ranging and serious consequences. These failings can also be considered in the context of the ECHR and for those under 18, the United Nations Convention on the Rights of the Child (UNCRC) to show how they are also likely to infringe the human rights of children and young people and even, in some cases, may give rise to serious violations of their rights.

- Article 6: notes that States parties shall ensure, to the maximum extent possible, the survival and development of the child. This right is at the core of the UNCRC principles and is broad in that it includes the physical, mental, spiritual, moral, psychological and social development of the child and young person.

- Article 24: states that it is the Government's obligation to strive to ensure no child is deprived of the right to access the highest attainable standard of health and facilities for the treatment of illness and rehabilitation of health. Under this article, States parties are also urged to provide adequate treatment and rehabilitation for adolescents with mental disorders, to make the community aware of the early signs and symptoms and the seriousness of these conditions, and to protect adolescents from undue pressures, including psychosocial stress.
- Article 37(c): affirms that, 'every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner, which considers the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so. Under the same article, States parties must ensure that young people have access to a personal representative other than a family member to represent their interests, when necessary and appropriate.

The continued admission of children and young people to this adult facility remains totally unacceptable. These young people entering mental health services have their lives ahead of them, and it is essential that the environments in which they are placed are safe, supportive, and serve to boost their potential in the future. It is no longer acceptable to compound their difficulties through inappropriate admissions to an unsafe and inappropriate environment. I request a meeting with you to discuss the issues that I have raised.

Yours sincerely



Deborah McMillan
Commissioner for Children and Young People