

Minister for Children and Education



19-21 Broad Street | St Helier
Jersey | JE2 3RR

Andrea Le Saint
Acting Children's Commissioner for Jersey

25 May 2023

Dear Ms Le Saint,

Thank you for your letter of 24th May outlining your concerns following the publication of recent Jersey Care Commission inspection reports.

I am committed to working to achieve the best outcome for Jersey's children, taking seriously the matters you have raised, and respond in that constructive spirit.

The issue of sufficiency for children in my care is a matter of priority for the government and is why we have invested £6.5 million per annum for the next four years as part of the social care reform programme. I have previously shared this information with the Office of the Children's Commission, and our priorities are clearly laid out within the Government Plan.

One of the key priorities in the reform programme is 'providing loving homes' and there is significant work being undertaken in this area. I am happy to confirm that since March we have been able to increase the number of homes available in our residential provision, with an additional 2 homes now available to care for up to 4 children. I am sure you will also have seen that recruitment activity for new foster carers taking place over the last few weeks as we endeavour to have more homes for looked after children in families. We have eight assessments currently in process and expect them to be presented to the appropriate panels over the summer.

Unfortunately, as in other jurisdictions, there have been rare occasions when a very small number of children have had to be cared for outside a registered establishment. This has been a necessary urgent response to remove a child from a situation of actual or risk of significant harm.

The Care Commission has been clear of the need to notify it of such placements. The notification arrangements are now understood and in place. There was no intention to hide the arrangements, rather the focus was on trying to ensure a safe level of care.

My department is investigating the issues relating to notifications regarding this activity, and we have committed to ensure processes are robust going forward. In terms of notification to the Children's Commissioner it would be helpful for this process to be further considered as part of the operational interface between the departments through the proposed Memorandum of Understanding. I am personally committed to working with you.

In your letter you describe 'unhelpful' and 'obstructive' behaviour from senior members of social care staff. I think it's important for you to qualify your assessment with evidence, and I would ask any relevant information is provided to the Chief Officer for the department.

The Social Care Service have a clear and simple process in place in order to facilitate the OCC to see children under my care. I understand there can and have been occasions where staff may be asking for a discussion between OCC officers, and the case holding teams in relation to visits, and in doing so are acting in the Best Interests of children under Article 3 of the UNCRC. What you describe as obstructive behaviour, could also be interpreted as appropriate monitoring and assuring that people who visit children in the care of the Minister are supported adequately with familiar care staff. I do not believe that care staff being present when the OCC attends to visit children precludes the OCC from exercising their duties and responsibilities under the law.

In terms of advocacy support, I am pleased to advise that Jersey Cares have engaged positively with my Chief Officer to further develop advocacy arrangements for children and young people in Jersey. I am confident this partnership will further advance the experience for some of our most vulnerable persons. I can also confirm the department has already addressed any issues relating to notification to independent reviewing officers. My Chief Officer is happy to further brief you in relation to these developments.

As previously mentioned, I would suggest that communication between the OCC and front-line social care services moves forward with a Memorandum of Understanding setting out clear terms of engagement between the two respective offices. This approach may help to alleviate concerns and provide a framework for constructive working between both functions. I am confident that setting out clear terms of engagement, the perception of behaviours on both sides towards the other party can be understood and improved. I invite you to consider this suggestion in the spirit of collaborative working in the interests of keeping children safe and upholding their rights.

I am aware of the information provided to the Constructive Dialogue at the recent UN Committee, and I was disappointed that you did not seek engagement prior to your submission, particularly from the Attorney General and other officers – this could have prevented inaccurate information about Jersey being presented. I am concerned that generalisation of the specific cases may be perceived as regular occurrences. In this context, where concerns are being raised, I would be grateful for specific details so that my officers are able to investigate, respond and act accordingly.

We are all part of an Island community seeking to work together in a constructive manner. I am committed to delivering the best outcomes for Jersey's children, and wish to engage positively with you, the Care Commission, and other agencies.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Inna', followed by a horizontal line.

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