



OFFICIAL REPORT

OF THE

STATES OF GUERNSEY

SCRUTINY

COMMITTEE

Children Law Review

HANSARD

The Royal Court, Guernsey, Wednesday, 24th February 2016

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Members Present:

Chairman: Deputy Robert Jones
Deputy Chris Green
Deputy Lester Queripel
Deputy Peter Sherbourne
Deputy Garry Collins

In attendance:

Ms. Suzanne Randle (*Scrutiny Officer*)
Kathleen Marshall (*Independent Reviewer*)

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Scrutiny Committee

Children Law Review

The Committee met at 2 p.m. in Room 6, The Royal Court

[DEPUTY ROBERT JONES *in the Chair*]

Procedural – Remit of the Committee

The Chairman (Deputy Jones): Good afternoon everybody. I would like to welcome you here today, elected representatives, witnesses and members of the public.

Our session today forms part of the Committee's review into the implementation of the Children Law 2008. The Committee commissioned Kathleen Marshall, who I am pleased to say, is
5 sat here with us today, to conduct the review, by gathering information from a wide range of people following an extensive call for evidence and meetings with government departments, professionals and members of the public, including parents and young people during several visits to the Bailiwick.

The Marshall Report was then published in October 2015. The Committee believes, five years
10 after the inception of the Children Law, it was an appropriate time to review its implementation.

This is the first independent review of this important area.

The general conclusion is that the Children Law has been widely welcomed and is seen as an excellent piece of legislation.

The purpose of the hearing today is for the Committee to have the opportunity to question
15 government departments, the Children's Convenor, the Convenor and the Child Youth and Community Tribunal Board on the report's findings and recommendations.

Just a little bit of housekeeping. Please note that filming and photography are strictly prohibited and I can ask everybody who has a mobile device to please put them to silent.

It is essential during our session that the Committee is able to hear from our witnesses without
20 any interruption from the public gallery.

I should also make it clear that this is a formal parliamentary committee hearing and our focus will be on the implementation of the Children Law. Today we have witnesses from HSSD, we have Deputy Michelle Le Clerc, HSSD board member, and we have Ruby Parry, Director of Communities with HSSD.

25 From the Home Department we have Deputy Peter Gillson, the Minister for Home Department, Mark de Garis, the Home Department Chief Officer, Anna Guilbert, Chief Probation Officer, and Sue Vaughan, head of the Safeguarder Service.

EVIDENCE OF

Deputy Michelle Le Clerc, Board Member, and Ms Ruby Parry, Director of Communities, Health and Social Services Department;

Deputy Peter Gillson, Minister, and Mark de Garis, Chief Officer, Home Department;

Anna Guilbert, Chief Probation Officer; Sue Vaughan, Head of Safeguarder Service

30 **Q54. The Chairman:** I will start the questioning today and direct my first question at the political lead of the Home and HSSD Departments. My questions revolve around the review's objectives. The Marshall Report concluded that the aim of early integrated and holistic intervention has not yet been achieved.

It also stated:

35 'There is insufficient information to assess whether the measures that do exist have been effective in preventing children becoming children at risk. There is insufficient evidence to assess whether the system has led to better outcomes for children and young people.'

Do you agree with these conclusions and, if you have any further comment, would you like to add to that, Deputy Le Clerc?

40 **Deputy Le Clerc:** I will start. I do agree with the conclusions. Last week in the States' Assembly, I presented, as chair of the Children and Young People's Working Group, the Children and Young People's Plan and in that Plan it actually outlines the need to have earlier interventions and part of that work and part of the progress of that Plan will be to implement our 1001 Days and Strengthening Families Programmes, which will be specifically aimed at those earlier interventions.

It is essential and will be the only way that we can transform services for our young people.

45 **The Chairman:** Deputy Gillson.

50 **Deputy Gillson:** I think I would agree, but I think it is worth noting that when the Law was brought in, extensive work was put in place regarding the legal issues, but very little was done on the practical implications so there has been an embedding process.

55 **Q55. The Chairman:** We will expand on the questions in relation to those particular areas in due course. Being more specific and, Deputy Le Clerc, you have just mentioned the Children and Young People's Plan, in the Marshall Report the Plan was referred to and Kathleen Marshall stated that she believed:

'It will greatly help to move towards a more outcomes-based approach to service provision for children and families. It is widely recognised that this has been lacking up to this point. The plan will go some way towards better implementation of the States' duty to provide services for children identified as in need.'

What reassurances can you provide the Committee that a more outcomes-based approach will result with improved outcomes for children and young people being achieved?

60 **Deputy Le Clerc:** Well, we know that we have got to, first of all, improve our data collection because I think the only way that we will know that we have improved our outcomes for children is if we have improved our data collection. We know that we have had issues around data collection. I do not know if Ruby, you can add additional information about what we are actually doing on that front?

65 **Ms Parry:** I think the Multi-Agency Support Hub (MASH) has been mentioned in Kathleen Marshall's Report. We are collecting data now already that is giving us much more information about the nature of needs that children have, how they have been met and not met.

70 We are also implementing team-around-the-child, the Children's Plan process, which has proved to be very positively received by professionals right across the States. I think that has got to be the means by which we start to address children's needs better.

The Chairman: Deputy Gillson.

75 **Deputy Gillson:** If I can add, more data is being captured and that is something which was definitely lacking prior to the change of Board.

Q56. The Chairman: During the review, there was a lot of evidence that suggested there have been many barriers to joined-up working. How do you envisage the Plan overcoming those problems and the barriers we have experienced in the past, in terms of joined-up departmental work?

85 **Deputy Le Clerc:** First of all, I would say, for the time that I have been involved in the Plan, and that is just over a year, when I became a member of the HSSD board, that actually I saw a lot of joined-up working between HSSD, the Home Department and Education and other third sector providers and agencies.

I was very impressed with that. I think we need to ensure that we maintain the momentum and, again, a recommendation of the plan was to look at a Children's Executive, because I think that is the only way that we can continue to push the plan forward to ensure that we have got the reviews, is to have that Children's Executive. That will ensure that we are continuing to work together.

The Chairman: Deputy Gillson.

95 **Deputy Gillson:** I agree there is a lot of joined-up working. The Law is no doubt the impetus to create that and MASH is the great example. The key is to enable good data sharing and I think the approach taken by the current Data Protection Office is one that data can be shared if there is a good reason for it to be shared and as long as safeguards are in place.

Hopefully there will be good data sharing.

100 **The Chairman:** Deputy Sherbourne.

Q57. Deputy Sherbourne: Barriers were identified. Can you tell us anything about them? Okay, you are painting a picture of the future and, certainly, there have been some very good steps made recently, but what sort of barriers existed and how are you addressing those?

105 **Deputy Le Clerc:** I do not know. Can you tell me what the barriers were?

Deputy Sherbourne: Can I perhaps ask Kathleen to comment?

110 **Kathleen Marshall:** I think Ruby did extensive work on this.

Ms Parry: I did, yes. In my diagnostic, I referred to a whole range of barriers around professional joint working, around a lack of partnership-working families, a lack of engagement with the third sector, with voluntary provision, a lack of commissioning function, etc.

115 I think we have come a very long way in the last year. The Children and Young People's Plan does represent a very significant step forward, but my own view is and the view that I have shared with my board is, as Kathleen Marshall says in her Report, you now need to get in place a regulatory structure that ensure that joint working is a requirement, not just something that professionals do out of the goodness of their hearts.

120 People are, on the ground, incredibly committed to working together, incredibly committed to change, but you have got to now get in place, as a States, a framework that makes that a requirement for everyone.

125 **Q58. The Chairman:** Why was data not collected in the past? Have you been able to identify any specific reasons why data was not collected, or if it was, what the problems in assessing it were?

Deputy Le Clerc: I think Ruby will be able to answer that, because, again, that was work that came out of her diagnostic.

130 **Ms Parry:** I think data was collected, but it was not necessarily the right data, because people did not know what they were seeking to evidence. You have also got some huge problems around your IT infrastructure so, in social care, for example, the IT system does not enable you to aggregate any data at all about child need.

135 That is now being addressed because we are commissioning a new system, which will enable us to capture that information about the sorts of needs that children are presenting with and what sort of outcomes they are getting as a result of intervention.

In the MASH, we are doing that, basically, manually through the use of spreadsheets, because there is no data system that facilitates it for us.

140 What we are now clear about, through the plan and through the engagement of all the various boards and agencies, is what it is that we want to collect data about. That whole issue around what is it we want to evidence has now started to be addressed through the Plan.

Q59. The Chairman: There was also evidence that service users were concerned about the lack of joined-up working, is that particular issue being addressed in the Plan and in other work that you are progressing at the moment?

Deputy Le Clerc: I think Ruby is best placed to answer that.

150 **Ms Parry:** I think the key to this has been the creation of team-around-a-child approach, so that every child that goes through the Multi-Agency Support Hub (MASH) has the right to a child's plan, which they are part of. Which their parents and carers and significant others are part of.

155 There is a team around them where it is very clear about which professional is going to take the lead on their behalf. It is very clear about what we are trying to achieve for that child, how it will be reviewed.

We have started now rolling out the training for that. It is going to take a year, because of the resource constraints, because we are doing it within existing resources, but to me that is fundamentally how you deliver change.

160 This last week we have been training all the social work staff, for example, in partnership working, in relationship-based practice and having dialogue with families, which is not about judging them.

We are just trying to get that culture change going, which then will be carried through the team-around-the-child. That should happen whatever a child's needs, wherever they are in the system, whether it is very early help or whether a child in our care and looked after.

165 **Q60. The Chairman:** The Report did highlight the confusion in terms of the process and all service users understanding the process and also that those that are involved were not clear about progress being made. I suspect that is in both departments, really.

Deputy Le Clerc: If I could just add that I found, as a deputy, very often, when approached by a constituent, and I am sure other deputies will agree, actually very often you do not know where to go. You do not know where to start and which service to approach.

175 I think there is some work to do and we have to hold our hands up and be honest because that is difficult and, if we find it difficult with the extra access we have got, being politicians, then our community would find it very, very difficult.

Often, it is not just the service users, it is also the staff. I do think we have got work to do.

180 **The Chairman:** Deputy Green, I think, is going to look at the Safeguarder Service and recruitment.

Q61. Deputy Green: Yes, I think this is probably a question mainly for the Home Department representatives. Perhaps Mrs Vaughan, but feel free any of you to answer.

185 In June of 2010, the Safeguarder Service Advisory Committee identified the case for, and I quote:

‘...expanding the skill base of Safeguarders beyond those with a social work background.’

190 Recommendation number one in the Marshall Report is consideration should be given to extending recruitment of Safeguarders beyond the social work profession. Can I ask members of the Home Department, first of all, do you accept that recommendation?

Deputy Gillson: Yes.

Q62. Deputy Green: That is good, thank you. *(Laughter)*

195 The next question, then, is considering the lapse of time since the Safeguarder Service Advisory Committee made that recommendation in June 2010, has that been implemented since 2010? What is the position?

200 **Deputy Gillson:** I will give a general overview before passing it across. There is an expectation from the Courts that people who advise them are professionals and are generally, say, social workers. That is in England, it is the same in Jersey. To a certain degree, you are limited by appointing the best person for the job. That is an overview. Would you like to add anything else?

205 **Mr de Garis:** Yes, I mean the numbers involved in Safeguarder are very, very small. What we would like to do on the back of this recommendation is look very carefully at the next natural opportunity for diversifying that base.

At the moment, things are not changing, we may have such an opportunity in September this year, but we want to consult closely with the courts and others between now and then, but the first opportunity we will have is likely to be September this year.

210 **Q63. Deputy Green:** Am I right in saying that, as at today, there are no specific measures in place to diversify recruitment in relation to the Safeguarder Service? As of today there is no such measure in place?

215 **Mr de Garis:** As of today, we look to recruit people who are professionally qualified, i.e. social workers, and into that mix we also require trained mediation and other mixes of common skills among what is a very small team.

220 **Q64. Deputy Green:** Can I ask you about a perception that does exist. I am not saying I necessarily agree with it, but it is a perception that undoubtedly exists, which is what about the perception perhaps by men more than women, that there is a degree of gender bias in this service?

Deputy Gillson: There is certainly a vocal minority, I think, that has made comments, particularly in public forums and social media, about a gender bias. It is interesting, though, no issues have been raised by the courts or by advocates in regards to gender bias.

Some of the issues are both for male and female gender bias, either way. I think it is a highly emotive area, it is very difficult not to have people who are upset about any decision a court makes, but jumping further on, we will be having an independent inspection and one of the things that we are going to build into that is that the inspector will specifically review the cases where there have been claims of gender bias.

The department believes that there is not. The department takes the view that it is all child-centred. The focus is on what is good and best for the child, not what is good and best for the parents and believe that is what all the staff focus on, so it would be nice to have an independent inspector to look at the cases, Kathleen Marshall was unable to look at specific cases and we are to review those to establish whether there was, whether there was not and what we can learn from it.

Q65. Deputy Green: Certainly, at a political level, or board level, has there been any discussion about this perception of gender imbalance?

Deputy Gillson: Yes.

Deputy Green: There has. I am putting words in your mouth, but you are keen to address this if it is a reality?

Deputy Gillson: Yes, absolutely. The focus has to be on the child and you must not allow any other bias to come in the way of ensuring that the advice the Safeguarders give to the court is in the best interest of the child.

Ms Guilbert: If I can just add that overall the social work profession is heavily female gendered, so we have to appoint Safeguarders from a pool of applicants and we would obviously select the best people who apply for the chance.

Obviously there is additional training in place for Safeguarders. They are all fully trained mediators as well.

I think there are two issues, there is the perceived gender bias in the case of the whole team is female at the moment. We do sometimes appoint off-Island Safeguarders and some of those are male, but I know that Kathleen Marshall has put in her recommendation that we refer to the child welfare principles, one of which specifically focuses on any kind of discrimination.

The Safeguarders would be focussing on that in any interaction that they have and it would be something that would be addressed at an initial meeting about how both parties are going to be listened to, both parties are going to be reported on, but actually it is about the welfare of the children.

Q66. Deputy Green: Is it difficult to recruit Safeguarders in Guernsey?

Ms Vaughan: Shall I answer that? In the last post we filled, we had to fill them off-Island. We were able to appoint a Scottish Safeguarder, which did help actually when it came to the Tribunal process.

Deputy Green: Can I ask why that is?

Ms Vaughan: I think it is difficult for me to say why people do not apply. I think the work that we do is quite challenging and I think even social workers feel that some of the private law work that we undertake is quite challenging.

275

Q67. The Chairman: Excuse me for interrupting. Is it a specific requirement that a social worker background is required for Safeguarders at the moment? Obviously, it goes to the heart of diversification and if you are to diversify whether you have to change any particular stipulation. Simply by stipulating that social workers need only apply, you are cutting down the pool of individuals that could possibly allow you to diversify?

280

What is the issue of diversification? We touched on it before.

Deputy Gillson: I think that there are two issues. One you need to go with the appropriate skills and experience and training and they tend to be social workers. Also, as I have touched on at the beginning, there is an expectation of the courts that the advice they receive is from people with professional training in the subjects in which a social worker trains.

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Q68. The Chairman: I think it was touched upon in the Marshall Report which stated that in Scotland, where they have something similar to Safeguarders, the staff come from backgrounds such as teaching and other professions, it is simply a case of taking those transferable skills and giving them the appropriate training for the job.

290

Is there any particular reason why you would not be doing that now?

Ms Vaughan: I think Kathleen Marshall was looking at the Safeguarder role within the Tribunal process, which I think is something that we could look at; having people that are not necessarily social work qualified.

295

What is different to the Scottish system is our public and private law role, which is much more complex.

At the moment, what the expectation from the courts is that would be from a social work background. One of the differences is, my understanding, the Tribunal do not do recommendations or analysis, but they provide information. Whereas, Safeguarders for the courts are expected to do analysis and recommendations with the information they receive. There are some differences in the two roles.

300

We need to look to see if we can widen the base and I think that is what Deputy Gillson's response –

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Deputy Gillson: One of the difficulties, the limiting factors may well be the small size of the group. If we try and split off and say there are some elements which have to be by social workers and some which can be then, at the moment, you have got people who can do the whole thing. So you have got good flexibility. If you then try and recruit people who can only do part of the job, that reduces the flexibility within the service, which may indeed create problems in terms of satisfying the expectations of service delivery.

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The Chairman: Deputy Sherbourne.

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Q69. Deputy Sherbourne: Yes, Mr de Garis gave us a very honest, straight answer to the question of diversifying staff appointments. I would like to ask you, as Minister, whether in fact in the last four years the Home Department has actually addressed this issue, bearing in mind that in 2009 there was a recommendation to diversify?

320

Deputy Gillson: The Safeguarders have recruited who they felt have been the best people for the job and that, really, is the best thing that any recruiting service can do if you want to recruit people who will be the best person for it.

325 **Deputy Sherbourne:** Has the Board addressed that issue during the last four years?

Deputy Gillson: I am not sure how you would expect the Board to address the issue because, to a degree, the recruitment of staff is purely an operational and not a political matter, so the Board does not get involved in the recruitment of staff.

330

The Chairman: Deputy Sherbourne.

Q70. Deputy Sherbourne: Recommendation 4 states that the Safeguarder Service should be subject to regular external inspection.

335 Although the statement from the Safeguarders was that it is an external inspection, this is not taking place today. Can you explain why and what you intend to address it?

Deputy Gillson: It is being addressed at the moment. The terms of reference for an inspection have been drafted. They will be coming to the board, probably, the first or second meeting in March.

340

Deputy Sherbourne: So, how often, then? Would this become a programme of inspection on a regular basis?

Deputy Gillson: Yes, I think we would see how the first inspection goes, but I would envisage every three, four, five years, something like that. We will see what the first one is. It is also a matter of resources in terms of the cost of the inspection but also the disruption to the service, because it would be counter-productive to have an annual inspection, for instance, which means that the service only provides 10 months of positive activity because two months they are being inspected.

345

It is going to be finding a balance, but the first one will be on its way.

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Deputy Sherbourne: But is there a commitment to that?

Deputy Gillson: Yes. As I said, Terms of Reference have been drafted; they are coming to the Board in one or the two meetings in March.

355

Q71. The Chairman: We were unable to look at individual cases, therefore, a lot of reported dissatisfaction did not necessarily arise from particular people's outcomes, it came from people's perception of the whole process and not just their own personal outcomes.

Will the Terms of Reference enable that inspector to look at confidential records in order for them to look at some of the criticisms that have arisen that we were not able to look at but they will be able to look at?

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Deputy Gillson: Yes, they will.

365

The Chairman: That will help us assess whether the criticism that has arisen is justified criticism.

Deputy Gillson: What we will do is, I mentioned a gender bias, point them in the direction but the inspector will be free to choose random cases.

370

The Chairman: It was not always about gender bias but rather all sorts of issues in relation to the whole process.

375 **Deputy Gillson:** In that particular case, we have got particular issues. We know there is a lot of anxiety about, but also the inspector will be free to look at whatever cases they wish to look at.

The Chairman: I think this is important, it must be seen as a genuine attempt to address some of the criticism we have got. This has been ongoing –

380 **Deputy Gillson:** This is a learning exercise. I would very much like an internal audit review. You try and have the inspection and gain as much benefit as you can from it. The whole purpose of any inspection, whether it be with my other hat on school inspectors, or inspections into Safeguarders, the aim is not to have a report that just ticks boxes, but to gather information and ideas as to how we can improve the service.

The Chairman: Of course, we do not always get people coming forward with their positive feedback about services, so I would imagine that an external inspection would allow those with positive feedback to come forward. I do not think it is always necessary that people who have good outcomes want to talk about it or necessarily feel the need to do so.

Deputy Gillson: Human nature, unfortunately.

The Chairman: Has anybody anything further to add on inspections.

395 **Mr de Garis:** I would just like make clear that we are limited in the extent of any external review in terms of we can only review the content of work of the Safeguarders themselves. They are appointed as officers of the court and they act for the court. So that is an important element and factor here. The Home Department would be exceeding its authority to frame terms of reference without prior agreement with the courts that we would look into all of those.

400 I just wanted to make that clear to the panel.

The Chairman: But you will be seeking to ensure that you can go as far as we can? These criticisms are real. They are out there and I think the public want to see these issues addressed and this seems to be the appropriate manner in which we are able to do that. We have to frame everything in order to get that out there.

Of course, I would imagine that this report will be available for public consumption.

Mr de Garis: Where it does not breach confidentiality.

410 **The Chairman:** Of course.
Deputy Collins.

Q72. Deputy Collins: Thank you, Chairman. Just moving on to Recommendation 5, which says the Home Department should review the staffing, resources and expectations of Safeguarder Service to ensure that it is equipped to fulfil its responsibilities.

Kathleen Marshall recognised that the Safeguarder Service has an invaluable role to play and it is important that staff are supported and resourced to make progress.

420 Do you agree with this recommendation and has the department made any plans to conduct a review to check that the appropriate resources are in place?

Deputy Gillson: I think it is incumbent on all departments at all times to ensure they have the appropriate resources to fulfil their duties and responsibilities. That is why, as part of the Budget, we placed an amendment to stop our budget being reduced, which was unfortunately not accepted by the States. So we are trying our best within a reduced budget.

Q73. The Chairman: How many Safeguarders are currently in post and do you feel that this figure is sufficient to meet work pressures?

430 **Ms Vaughan:** There are six Safeguarders in post, including myself. Three, including myself, are full-time; there are levels of part-time, and two admin staff.

Currently, I think there has been an internal review undertaken by Ms Guilbert who will probably comment on that, but at the moment that seems to be working quite well.

435 **Q74. The Chairman:** Can the Safeguarder Service access additional resources, if required, to manage high caseloads because there has been criticism of cases being delayed due to lack of resources, human resources specifically.

440 **Ms Vaughan:** We do have external Safeguarders that we can call on if we experience a sudden influx of cases. We have two or three that we can call on.

Ms Guilbert: I have reviewed the resources needed by the Safeguarders; I have looked at other areas, compared with Jersey. There is no other jurisdiction that runs exactly the same service; we have the Tribunal commitments as well as the Safeguarder Service.

445 The staff we have at the moment should be sufficient, although we are obviously looking at how the work is undertaken, whether there can be any rationalisation. I do not think there has been any delay in regard to reports being delivered to the court. It tends to be that the court is restricted on time to hear cases.

450 I have not heard of any cases where the Safeguarders have not been able to do the required work in the timeframe given by the court.

Deputy Gillson: It is worth noting throughout 2014 and 2015, the Safeguarder Service was fully staffed. Like all places it suffered from occasional illnesses and things like that but the establishment was fully staffed.

455

The Chairman: Deputy Queripel will now take us down lines of accountability.

Q75. Deputy Queripel: Thank you, Chair.

460 In the Marshall Report, it says that there is some confusion, regarding the lines of accountability for Safeguarders. Can you tell us who Safeguarders are actually accountable to?

Deputy Gillson: In general terms, the Safeguarders provide reports to the Court, so they are accountable to Court for the quality of those reports.

465 In terms of line management, ultimately they are accountable to the Chief Officer of the Home Department.

Deputy Queripel: Thank you. On that note, then, the Safeguarder Advisory Committee minutes contain the statement that they were accountable to the courts, the advocates and the clients, as you have just said. Can you explain how that actually works in practice?

470

Mr de Garis: The Safeguarder Advisory Committee, which is also constructed as part of the legislation, comprises representatives from all of those groups that you have referred to, so it serves as a body that monitors the experiences of the family bar, the Courts also have representation on that group, as well as other departments, children's services.

475

Deputy Queripel: That is all for me, now Chair.

The Chairman: Deputy Collins?

480 **Q76. Deputy Collins:** Recommendation 6, consideration should be given to providing legal aid for mediation for suitably trained advocates in appropriate circumstances. Do you consider that mediation between parties prior to becoming entrenched in court should be provided free of charge and that this would have a more positive impact on your clients if accessed earlier in the process?

485 What about any possible funding for this initiative?

Deputy Gillson: Possible funding would have to go through the Treasury & Resources Department. Obviously, if mediation can be used, it is a better way of a solution rather than going to court.

490 One thing that is suggested is that legal aid should only be available for the first meeting. After that only available if mediation is shown not to work or to be inappropriate, rather than people being able to access legal aid straight away.

The ability to access legal aid straight away may encourage people to go through the legal route rather than the mediation route.

495 **Deputy Le Clerc:** I just think it would be very nice to have extra legal aid, but I think it is the cost and we already know that the costs are escalating. For me, it is the cost of providing that extra legal aid and I would agree with Deputy Gillson that, actually, we want to encourage people through mediation first.

500 It just comes down to the cost and the difficulties that we have got with legal aid.

The Chairman: Deputy Queripel.

505 **Q77. Deputy Queripel:** Thank you, Chairman. I just wondered, do Safeguarders always offer mediation to clients?

Ms Vaughan: We are required to consider mediation at every step of the process and we do always suggest mediation unless there are reasons why mediation cannot take place, such as allegations of domestic abuse.

510 Also, down the process, we may offer something similar to mediation, but not privileged in the way that mediation is, but using the same framework in order to enable people to come together to form their own agreements later on in the process.

515 Whilst we always offer mediation in the beginning, unless we cannot because of domestic abuse, there is also a process and a system we can offer right the way through the process. We cannot always call it mediation, but the staff will use those same skills and that same framework.

Deputy Queripel: Thank you, thank you Chair.

520 **Q78. Deputy Collins:** Moving onto Recommendation 9, consideration should be given to finding resources for helping parents and children because of difficulties that have arisen after the court case has ended. Kathleen Marshall in her report said:

'It would be sensible to have some sort of advice and assistance when problems arise after a court case has been closed and the support of Safeguarders has disappeared.'

525 What are your thoughts on this suggestion and how might it be provided and possibly funded?

Deputy Gillson: It already happens. The department has not previously kept statistics on the amount of involvement Safeguarders have on what would be called closed cases, but in 2015, it was approximately 100 Safeguarder hours and, to date this year, probably be over 20 Safeguarder

hours where Safeguarders have voluntarily helped people who were described as closed cases. So it is happening and I think it is an important part of the service.

Q79. Deputy Sherbourne: You mentioned earlier that data collection is now underway. There is a bit of catching up to do. On that specific issue are you insisting that time is actually logged so records can actually be kept from now on?

Ms Vaughan: We have started doing that from 2016, collating exactly how much time is spent. We do it on a monthly basis, on how much has been spent on the previous month on closed cases.

Deputy Le Clerc: Can I just say I think we just need to join the systems up, really, because I think the question that has just been asked is not necessarily a Safeguarding question, because when there is a deterioration after a Court Order has been made, or recommendations have been made, it may not be appropriate to go back to the Safeguarding route.

It may not be, potentially a Safeguarding issue. So, again, we may be putting expensive resources of the Safeguarding, and limited resources, where actually it would be more appropriate perhaps – again coming back to Deputy Collins' question on how we would fund this – it may be something that the voluntary sector can get involved in, the third sector.

But, actually, it may not always be appropriate to go back through the Safeguarding route and I think that comes back to the issue that we talked about before that people do not necessarily know where to go to access the service.

So, for example, if there is an issue about maintenance, is that a Safeguarding issue at that time? I am not sure that is, but where is the appropriate route to challenge when maintenance payments have not been paid. If you are family in need, you need to have those maintenance payments there and then, not to have a lengthy process and wait.

I think that is the sort of thing that I want to be looking at and improving; how we can really improve the system and information to benefit the people the most.

Deputy Sherbourne: Can I ask Ruby the same question?

Ms Parry: I think it is just really important that we think about one system for children. One child welfare system, of which the Safeguarder Service is a part. What we are trying to achieve through the Children and Young People Plan and the MASH is that, if a family have unresolved issues, if children for example need to talk to someone about how it feels to live in a split family, that they have access to that through the early help offer of MASH.

What the MASH needs to be developing over the next few years is that offer, which includes commissioning, perhaps, the third sector, to provide that sort of counselling support to families.

While we keep thinking about separate systems, we will not crack this. It has got to be one child welfare system that is joined up.

Q80. The Chairman: Do you envisage this going beyond children at the age of 18, because obviously you have a vulnerable group of young adults who need help and are vulnerable for many years after leaving the system?

Ms Parry: Yes. The whole idea of the team around the child is that that follows for those children and young people who have got needs which are beyond 18/19, they transition into adult services with a plan around them that changes as they change.

That is the longer term goal of one system.

580 **Deputy Sherbourne:** The Children and Young People's Plan, which I know you were heavily engaged with, actually does include support to the age of 25, so hopefully there will be that joined up thinking in the said kind of service.

Deputy Le Clerc: I think that is essential, Peter, for care leavers, children that have been in care, services end at 18 and then they go into adult services. We know that that transition is poor, so that is why we have extended the Plan so that it includes young people up to the age of 25. Hopefully, that is when the Supported Living and Ageing Well, for those that are with extra needs, should kick in and join up.

Again, I am not just talking about these services; other services need to join up as well.

590 **The Chairman:** Thank you. Deputy Collins.

Q81. Deputy Collins: Just carrying on from that, with reference to Recommendation 10, how will HSSD ensure that children's needs in terms of the Law are identified and are given appropriate support? I know you just mentioned that, but do you believe that MASH is helping this?

Deputy Le Clerc: I just refer back to the comment I made last week in the Assembly. The MASH is helping and it is showing that the collaborative working has grown over the last year since we set up the MASH.

600 However, I also said that we are victims of our own success and what is actually happening is, because we have not got the funding in place, we are over-reliant upon the goodwill of the people and the services that report into the MASH. I know, and I am sure Deputy Gillson will have a comment as well, that we are putting pressure on the resources that we have currently got.

605 So, yes it is working well and it has the capability of delivering so much more, but we do have to take it seriously and we do have to put the funding resources in place.

It needs to have a home, for a start. I am not sure where it is located at the moment. It has not even got a permanent place.

610 It needs to find a permanent home. It needs to be properly funded and then we need to use it as that central resource for everybody, a first point of contact which can triage where somebody needs to go for the best help.

Q82. Deputy Collins: The new Children and Young People's Plan has widened the net which means it probably captures more children now. Is there a danger that the children that need the most help are lost in a bigger pool?

615 **Deputy Le Clerc:** That is not what I understand and, again, I think Ruby would be best placed to answer that. But, for me, those people, the most vulnerable, are getting the help that they need.

620 **Ms Parry:** I think there is a whole strategy around here and we consulted very broadly with people about who we should be aiming resources at. The MASH does triage and, by triage, that means we identify those children most in need and they get priority. But we are also trying to put in some preventative services, because that prevents those needs from escalating, which is why it is a six-year plan.

625 You cannot do that in a short period of time.

Q83. The Chairman: You talked of resources, how does the staffing of MASH work at the moment?

630 **Deputy Le Clerc:** We have got various agencies that go to the MASH every single day and they share information. So at the moment we have social workers, Police, representatives of the Education Department all working together and sharing information.

Ruby has got more experience and will be able to explain further.

635 **Ms Parry:** The only allocated permanent staff at the minute are HSSD staff. So we have three social workers, a social work assistant, we have just created a turnaround child co-ordinator post, from my existing social work posts. Everyone else gives of their time voluntarily. There are no other allocated staff within MASH, which is why we are very clear it now needs to be taken to the next stage.

640 It needs an allocation of proper funding of the stand and that will be our bid into the Transformation and Transition Fund of the States.

Deputy Gillson: It is hugely resource intensive. For instance, it has had a police inspector for half a day every day of the week.

645 **The Chairman:** Deputy Collins.

Q84. Deputy Collins: Just one final question from me. Kathleen Marshall spoke with professionals and the public regarding availability of information on children's services and there was comment there was no accessible list of services for children in need and a lack of central source of information about the services, including the services for children in need.

We are aware of the new developments in relation to a new website, that signposts people to the service. Do you feel this is going well? Is that sufficient? If not, are there plans to address this?

655 **Deputy Le Clerc:** It is very, very early days. I think the Signpost website has only been up and running a couple of weeks and I have not received feedback as yet. But I have had a look at the site myself. It is a start. We need to build on that, but it is a start.

We have had very positive feedback already from Wigwam, the disability support group, on the Signpost. So yes, it is a start. It is moving in the right direction, but we need to do a lot more.

660 Also, we need to promote the service and facility and we probably have not done that sufficiently, yet.

Q85. The Chairman: I am going to move on to Recommendation 15, which looks at the character of the Tribunal process and that particular recommendation said:

665 'Consideration should be given to clarifying the distinctive character of the Tribunal process and the Community Penalty Order by re-wording the threshold conditions for each.'

The report noted:

'Difficulties have arisen at the interfaces between the Tribunal system, child protection systems within Social Services, and plans for permanency in relation to children. That the threshold conditions set out in the law for a referral to the Tribunal and for permanency are too similar. I recommend that the law be amended to make a clearer distinction between them.'

My question is: do you accept that this is correct and, if so, what do you believe should be done to address this difficulty.

670 **Deputy Le Clerc:** I will ask Ruby to answer that one.

Ms Parry: Obviously, I am conscious that my colleagues from the Tribunal are present and might want to comment later. However, there have been significant discussions between the

675 Convenor, myself, the Courts, about thresholds, about pathways for children, what is the most appropriate route for them to take.

We have come to a considered view, which is that we believe that we need to get in place the sort of over-arching regulations that confirm for professionals what that threshold is.

680 It is a matter of interpretation and, because we lack the over-arching statutory regulations or what you would call ordinances here, it has been open to the interpretation of individuals and that is not an acceptable position for children and families.

When we do talk about it, we are very clear together about how it works, but it cannot be left to individuals to interpret.

685 We agree with Kathleen Marshall that there needs to be a written legislative framework. We would call it a regulatory framework, about how people work together.

In practice, we are improving it, but that still needs to be done. That needs to happen.

Q86. The Chairman: What have the consequences been of that confusion?

690 **Ms Parry:** I think there have been times where children have gone through a longer process, in order to get resolution, than is necessary.

For some children there has been more delay than we would have wished and, for some families, it has been a more distressing process than we would have wished. When I say we, I think we are one on this, with the convenor and the Tribunal, that we want the most appropriate route
695 for every child and every family, and that has not necessarily been the case to date.

The Chairman: Was there a perception that, in order to access certain services, you had to go through a particular process, creating a particular confusion as to which pathway you needed?

700 **Ms Parry:** Yes, and I think a lack of clarity from Social Care and the Courts as to what the threshold is to apply for an Emergency Protection Order, for example, or a CPO (Community Parenting Order). We have had meetings with the Courts, we are very clear now that we can access that process at an earlier stage and that has been hugely helpful.

705 **The Chairman:** Deputy Green.

Q87. Deputy Green: Could I just follow up on that? In terms of the supporting regulation that you say should be in place, in terms of making a clear distinction between the thresholds, why was this regulation not put in place earlier? The Law has been in place for a few years now, it must
710 have been fairly evident, certainly to the professionals involved, in the area.

Can you comment to any extent in terms of why that was not done as a matter of priority sooner rather than later?

715 **Ms Parry:** As Kathleen Marshall has commented, and as I did in my diagnostic, I think there is a lack of understanding about the amount of work required to make the Law a reality. People moved on, the project team ended, the work that needed to happen to turn the Law into reality in terms of practice did not happen and was not resourced. We are now dealing with the impact of that.

720 **Q88. The Chairman:** Thank you, Deputy Green. That sort of brings me on to Recommendation 11 which did look at funding.

'Funding and personnel should be provided to draft the secondary legislation and guidance required to fully implement the Children Law.'

It was concluded that there was an element of unfinished business and I think we have just touched upon that. Kathleen Marshall also commented that:

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'The law is unable to embed without the infrastructure that actually joins it all together.'

I guess that refers to secondary legislation and guidance. What do you understand the term embedding, rather than implementation, to actually mean and how have you addressed that?

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Ms Parry: Well, the two are inextricably linked, are they not? What we have managed to do over the last year or so is to get much more clarity across professionals and amongst chief officers about what the Law needs to look like on the ground. I think we are now in a really good position to start working on that regulatory framework because there is much better common understanding of what it is that the law is trying to achieve.

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In terms of embedding it, part of the drafting of that regulatory framework will be about ensuring the engagement of everyone who has to implement it and that is a process that we now need to move towards. I think we are in a good place to start that process. It needs to be funded.

Embedding is then about all the training that needs to happen to ensure that everyone understands what is expected of them. The procedures that will flow from that regulatory framework. I think that is the next piece of work that needs to happen.

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If it does not happen, you will continually be revisiting these issues.

Q89. The Chairman: Do you think five years has been too long for a law to embed?

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Ms Parry: That is a very difficult question to answer. It has not embedded because you have not had the regulatory framework. It has embedded as well as it could have done without that regulatory framework.

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Q90. The Chairman: Deputy Gillson, the Home Department, has it faced its own challenges in terms of legislation and embedding? How do you understand the term embedding?

Deputy Gillson: I really do not see a significant difference between embed and implement. I think if something is going to be implemented properly, it has got to be embedded. To a degree I think it is semantics between the two terms.

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Obviously, when the new law came in, the role of Safeguarders changed slightly. There are always challenges.

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Mr de Garis: One example of, perhaps, the expression embedding is something that Ruby touched on just now, one of the things we have been trying to do is provide leadership. It touches on a point you raised earlier about sharing of information and perhaps obstacles to sharing information amongst professionals, who were very apprehensive about inadvertently breaching the Data Protection Law and things like that.

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We are trying to change the culture in the organisation, as Ruby says, but with all the services around the child. We are trying to encourage a culture of bringing back the duty to share information amongst professionals in the best interest of the child, within the confines of the legislation.

One of the things we have come across in different professional areas there are different induction systems, there is different emphasis on data protection training and there have been challenges.

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There are good changes, very positive changes, as have already been mentioned, in that area. We want to embed it within the culture of the profession and the organisation.

That is what we are seeking to do. That is the journey through the Children and Young People's Plan and cultural change to that extent will not be achieved quickly, but there is a firm commitment from the senior leaders, speaking of my colleagues whom I meet regularly to talk about this, to do that.

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Q91. The Chairman: This was a major piece of policy change, social policy change. Is there any particular reason why the challenges could not have been foreseen and do you think there is anything we can learn when we face other major policy changes in the future? In short, it seems pretty fundamental to me to have the framework in order for a law to work should have been thought about; the secondary legislation in place and the guidance because it has led to untold problems over the last five years.

Deputy Gillson: I think that the introduction of any new law, the operational issues need to be addressed as much as the legal ones. As I mentioned it right at the beginning, with this, a lot of effort was given into the legal structure, but not sufficient looking at the practical implementation issues. We are suffering for that as the Law came in and the framework on the ground, so to speak, was not ready for it.

Deputy Le Clerc: I think also, from a political background, there are pressures on every department. That is the problem, it is priorities.

The Chairman: That is what I was going to come on to now.

Deputy Le Clerc: It is difficult if you haven't necessarily got a champion, and I have always felt that within HSSD that children's services have been the 'Cinderella' service. It is always the acute services that receive the priority at Board level and it is only since Ruby came on board and completed the diagnostic and now that the Children and Young People's Working Group are together that we are starting to make progress within HSSD.

Deputy Gillson: The other way of looking at it would be to say the law came in in 2010, I think. Had resources needed to be put in place to get the framework and infrastructure in place, well maybe it would not have come in for two years.

By bringing it in, has that accelerated the ability for the States to react and create an infrastructure or not? To a degree, at some point, the States have to decide we are at a stage where we want to put the Law in. Now do you put in, like we did here? I am not saying it was designed specifically to put in without the infrastructure. I suspect it was just a case of not having thought about it, but waiting for the infrastructure could conceivably delay the actual introduction of the Law. The introduction of the Law could be the catalyst. You could end up with a chicken and egg situation of the way we do it.

Ms Parry: I think you need to celebrate a fantastic piece of legislation, where the States really wanted to get a grasp of how you get the best outcomes you can for children here.

It was always going to be difficult to implement something that is so ground-breaking and I think you now have, with this swift new review, it is really well timed. You have now got a fantastic opportunity to make it a reality and embed it now and we can learn from what has happened.

That is what needs to be celebrated now. The States is learning and you now want to move forward to embed it.

Q92. The Chairman: Could you just reiterate, both departments, that there is an acknowledgement that there was not any specific prioritisation of legislation or guidance? Can we have the reassurances to this Committee that they are now a priority and you have got a full grasp of what is required to be put in place, so that in five years' time we can actually turn around and say we have embedded certain practices and certain things into this Law?

Deputy Le Clerc: I will say that we are coming up for an election and I do not know who is going to be on the next Board of HSSD, I do not know who is going to be on the next Board of

Home. So it will be for whoever takes over and their political influence and the handover of the outstanding work to that new political board that is absolutely key.

I will be making recommendations as a Board Member to say 'this must receive priority'. Our political process does not necessarily help continuity.

Q93. The Chairman: As political member of your Board, are you reassured at an operational level?

Deputy Le Clerc: I am with our current staff yes, this will be pushed through. But, again, I cannot say, if there are changes with the staff, we know that we have issues with housing licences and staff changes here on the Island. That does not help with continuity in ensuring that we achieve the best outcomes and that these things are followed through as we would want them to be followed through.

That is why it is really, really important, that we have reviews such as this Scrutiny review, that we have the diagnostics, that we have the reviews of the Safeguarders Service, because that is the only way that we can make sure that it receives the priority that I believe it should. I am passionate about children and young people services and want to ensure it receives the priority of the next political board and also that priority within the department itself.

Q94. Deputy Sherbourne: Just to follow that up, continuity is the big issue and the structure of our Government actually is not very good at maintaining continuity. Have both boards discussed strategies to ensure that there is continuity, through your chief officers, perhaps? Have you ascertained that they will give a higher priority to these sort of initiatives?

Guernsey, I think, over the last few years has actually passed, but not implemented, a lot of very good policy letters that are very socially focussed. Good steps forward, but the proof of the pudding, of course, is in the delivery.

What strategies are you going to use to ensure that it maintains a high priority and that this work is not wasted?

Deputy Gillson: I definitely will not be on the Home Department board on 1st May that is one thing for certain.

In terms of generality, we will be producing a handover document for the next board, so they know where we are, what we have been doing and what is partway in train.

I am confident the staff will put in every effort they have to progress things.

From a departmental level, this will be prioritised along with the other services and will be dependent upon the political view of the new board. I think it is a sad reflection on politicians, and you hear this in the Assembly all the time, someone will stand up and say 'subject X is a priority' and then in the next speech say 'subject Y is a priority' and the next speech say 'subject Z is a priority'.

You cannot have everything as a priority.

This particular work stream, its priority will depend on other issues. I imagine that over the life of the next four-year government, where it ranks in the department's priorities will actually change. It may go up, it may go down, it depends on circumstances and events.

Deputy Le Clerc: HSSD is the lead department on the Children and Young People's Plan; we have said it is a living document, it is a six-year plan, and that we will be bringing reviews back to the Assembly.

That is what we have said and the recommendations were made. Therefore, I hope that the incoming political board will live up to the promises that this Board has made and that the new Scrutiny Management Committee will ensure that this moves forward. Currently we are reviewing the legislation.

Ruby, I do not know if you have got anything to add to that?

880 **Ms Parry:** All I would say is that is why you need a regulatory framework, which transcends individuals and transcends political cycles, in the way that the Law does.

The Chairman: That is sensible. I think as far as a Scrutiny Committee can bind its successors, we would recommend to the new Scrutiny Management Committee that they keep a close eye on this. We have started some good work, I believe, and our recommendations going forward would be that they keep a close eye on these recommendations and those things, going forward.
885 Deputy Collins.

Q95. Deputy Collins:
890 Just changing tack slightly, looking at the training recommendations, numbers 12, 14 and 16. Recommendation 12 states:

'All current and new staff within HSSD should receive training on the Tribunal system and the role of the Convenor.'

Do you currently have training plans in place and guidance and is there full training offered to the staff?

895 **Deputy Le Clerc:** I think, first of all, you need to clarify when you say all within HSSD. Is that everybody, because we have got over 2000 staff and it may not all be relevant to them all. Are you are just talking about those with interaction with children's services? Yes. Okay.
Yes, we have training in place and, again, Ruby you might want to go through what kind of training we have got.

900 **Ms Parry:** I think it is probably enough to reassure you that yes, we do. We are in constant discussion with the Convenor to ensure that that training is relevant and is achieving the impact that we need it to achieve.

905 **Q96. Deputy Sherbourne:** Can I ask a supplementary about funding for that, because it is the elephant in the room, is it not? Yes, you have got these initiatives, these strategies, but perhaps where there is a need for money it is not available.

Of course, in terms of training, it is probably the best investment the Island can make on its services. How, politically, can that be addressed? You have to manage your own budgets and you
910 have to prioritise where you allocate funds.

Is training very high on your list? Does it actually have to go down the list because of other demands?

How can you convince the Deputies that there is a need to look at allocation of funds?

915 **Deputy Le Clerc:** HSSD are fortunate that we have the Health Institute, so we have a training facility on site. This will be changing after the review and will fall under the new Education Committee.

But there is a substantial training budget and I think perhaps we are better place than a lot of other departments because we have had the Institute. So, we have the facilities. We do not have
920 to hire out rooms and things like that so I think, actually, we are in a better place than, perhaps, some of the other departments.

Because of the nature of what we do on HSSD, training is always a priority in CPD (Continuing Professional Development) and those sorts of programmes.

925 **Deputy Sherbourne:** Deputy Gillson, I ask the same question of Home regarding the amount of training for all your services?

Deputy Gillson: Yes. We are in a completely opposite position to HSSD in that our budget was reduced by 2%, whereas theirs was increased. That is making it difficult.

At the risk of digressing, personally I think that we are passing some significant strategies at the moment, through the States, and we have in the last Budget projected a budget deficit for the next three years. I suspect the only way that we will be able to put into effect all the strategies we have is by generating new taxes.

I would be surprised if the next Assembly does not have to bring in GST. *(Laughter)*

Q97. Deputy Collins: Just following on. How do you ensure that social workers who are new to the Island understand the differences in terms of legal infrastructure, compared to England or other jurisdictions?

Deputy Le Clerc: That is an operational matter and I will ask Ruby to answer.

Ms Parry: We do have a very detailed induction programme for our new staff. All new staff receive an induction which includes understanding the Tribunal process and we do offer training through one of our legal advocates.

It is fundamental.

Q98. Deputy Collins: Recommendation 16 states that HSSD should consider issuing guidance for staff, informed by legal advice. What is your view on that recommendation if you are saying it is already happening? Do you think there needs to be more guidance?

Ms Parry: It comes back to the absence of a regulatory framework. I am sorry, while we do not have that, it is made up by whoever is in post at the time.

The Chairman: Thank you. Deputy Sherbourne will take us on to some of the issues raised in Alderney.

Q99. Deputy Sherbourne: It made very sad reading in Kathleen Marshall's report. There are two recommendations that have been made with regard to both islands working closer together because a very significant statement that Kathleen Marshall made was there was very little if any confidence that the child protection system was robust in the Island of Alderney.

I would like to know how you actually respond to that.

Deputy Le Clerc: I was in Alderney a couple of weeks ago, talking to the Alderney community about the Children and Young People's Plan and yes, we have got some concerns with Alderney. We do know we have further work that we need to do and I think that we would probably not be recommending, necessarily, a senior social worker there but more of a community worker, working across with children and adults.

Again, if I can perhaps ask Ruby to elaborate.

Ms Parry: I have been over to Alderney and met with a number of people over there. We have a nominated school nurse who is very well regarded in the community. She introduced me to a number of people who had concerns. What we are now looking at is the creation of a part-time community worker.

We have tried all sorts of models of child protection provision on Alderney. They have not worked well for the population. We need to work with the States of Alderney to understand how best we can meet their needs and, as Deputy Le Clerc has said, we are proposing a community worker role which will then link in to very clear processes, protocols over here.

But that needs to be addressed with the States of Alderney, not done to them, rather done with them.

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Q100. Deputy Green: What confidence can this Committee have, what confidence can the public of Alderney have that that part-time community worker role will actually be any more successful than any of the other models that have been tried or could be tried?

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Ms Parry: Well, it draws on models that are being used in other island communities, for example in the Orkneys, Shetland, and Isles of Scilly. We have looked across at comparator populations and that seems to work well there.

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Ms Vaughan: We have had about, I think, five cases in the last three years in Alderney. We have been able to provide the same services we would in Guernsey. We have been able to provide supervised contact, supported contact and worked in the same way we would have done if the case had been held in Guernsey.

It has an impact on time and resources, but we have been able to meet that need.

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Q101. Deputy Sherbourne: There is a suggestion that there are very few referrals from Alderney. Have you any particular reason for that?

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Ms Vaughan: In relation to Home and HSSD I do not know, but I know that through the court system we would be involved in much the same way in Alderney as we would be in Guernsey. They come into the courts.

Deputy Sherbourne: Can I refer back to you, Michelle?

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Deputy Le Clerc: I am not sure of the Alderney statistics regarding referrals to our services.

Deputy Sherbourne: There is no data, or there is very little data kept?

Deputy Le Clerc: I think there is very little data.

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Ms Parry: There is data. The reason why we have gone down the community worker route is because the threshold for child protection is quite high. Unless you have a lot of confidence in the system, a small island community are not going to refer into that.

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What we want to do is to get someone who is much more on the ground, who is talking with families, who is talking with older people, so there is more confidence that, if they have got concerns, if children have needs, that their needs will be considered rather than being pulled into a system that they do not understand, where they do not feel they are being properly represented.

We can only trial that and trial it in partnership with them.

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Q102. Deputy Sherbourne: There has been reference to issues regarding a safe house in Alderney. Can you tell us what the current situation is? Is there one?

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Ms Parry: We have absolutely no knowledge of a safe house. None whatsoever. Gone over and asked about it. We have no knowledge. It is nothing to do with HSSD or the States. No one has been able to tell us anything about it.

The Chairman: Deputy Green.

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Q103. Deputy Green: Can I just ask one final question about Alderney, to HSSD again? Just to quote from the Marshall Report because this was quite damning really, was it not? The quote was:

'There was very little, if any confidence that the child protection system was robust in the island of Alderney.'

What is your view on that? That was a pretty devastating blow, was it not, for people of Alderney?

1035 **Ms Parry:** It is pretty shocking, but it is not surprising. It is a long-standing problem that we have not managed to resolve, which is why we need to try a different strategy and a different tack. That is what we will now do.

Q104. The Chairman: Thank you, Deputy Green. I would like to move on to the consideration in Recommendation 21. It says:

‘Consideration should be given to setting up an independent avenue of complaints, such as an ombudsman, who may also be able to inform policy development in relation to children and young people.’

1040 What is your view regarding the establishment of an independent avenue of complaints, such as an ombudsman, who may be able to inform policy, as I say, in relation to our children and young people?

I will start with Deputy Le Clerc.

1045 **Deputy Le Clerc:** Well, we have not discussed this at Board level, so I would only be providing my own personal view on this. I am not sure that having an extra layer such as an ombudsman is going to have any real benefit to the process that we have already.

The Chairman: Deputy Gillson.

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Deputy Gillson: I really agree that an ombudsman’s role is resource-intensive. It is worth noting, regarding complaints, I do not think Kathleen Marshall reviewed our complaints procedure in detail, but we have had no evidence of complaints not being dealt properly.

1055 Ultimately, the Chief Officer of the Home Department is only two steps away from the Head of the Safeguarder Service to monitor these things. This is one of these things that maybe in an island that complaints are reviewed as part of our two, three, four annual inspections that we get.

If we have got an inspection regime that is regular, then maybe that is one way of monitoring that complaints are dealt with effectively.

I think, in theory, an ombudsman is a great idea. Resources in Guernsey, I just question it.

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Deputy Sherbourne: Could we ask if you have an alternative, because at the moment it might well be reluctance to complain when you are complaining to those delivering the service?

1065 **Mr de Garis:** We certainly recognise the merit and how that would allay some of the fears and concerns that have been raised. What we would like to do is examine the feasibility, perhaps consolidating lots of different complaints mechanisms across the States of Guernsey, into one.

Just within the Home Department, alone, there are three or four completely different independent mechanisms, the Independent Police Complaints Commission, and there is always, in a small jurisdiction, a concern of things being too close for it to be objective.

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I think Kathleen Marshall pointed out in the Report that some people felt that if they were to complain their case would not be dealt with impartially, or there would be some bias exercised.

We absolutely recognise the merit behind the proposal, but we wish to examine the mechanics of how we can achieve this. There are other opportunities here for solving similar things in different areas.

1075 **The Chairman:** I think we would accept, I guess, that once a complaint has been made, then you probably do deal with them in a particular manner.

I think the issue is more about the barriers to people making complaints. They are not always complaints; they could be concerns. Of course, it is not always about whether you have already gone through a process, it could be an independent person you need to contact to enable you, guide you through a process as well. It may not lead to a complaint. Do you agree that an element of independence is required to achieve that type of thing? That is for both departments, really, to address.

1080 In fact, it goes beyond the two departments here. I think this is across the States as a whole. We have people concerned about services, we can avoid a lot of complaints through a more independent –

Deputy Le Clerc: We have got review boards, though, have we not? But I do not know how widespread that is used and how much people know about the complaints procedure.

1090 **The Chairman:** Deputy Queripel, I think, wants to ask a question on that issue.

Q105. Deputy Queripel: Thank you, Chair. On the issue of complaints to both departments, HSSD first, Deputy Le Clerc you just mentioned a review board, but if the complaint is made against the department, how is it dealt with? Are you aware of how that complaint is dealt with? What procedure is followed?

Deputy Le Clerc: I am sorry; I do not know the review board procedure. I do not know whether you do, Ruby?

1100 **Ms Parry:** Complaints to HSSD, generally, we do have a complaints policy and procedure and it should be first of all an attempt to resolve it through the immediate line manager of the person that is being complained about. If that does not help, then you go up to the next stage, which is to our complaints officer. If, at the end of that internal complaints process someone is still unhappy about the outcome, there is the option to refer it across to Jersey, so that you can have an independent, impartial investigation.

1105 That has been used at times. I have recently been involved in a complaint where we have commissioned an external independent person to come and give a view and the department has agreed to be held to whatever that independent investigation has found.

1110 So there are routes that we can take, but I think the more pertinent question is about, and it is as Deputy Jones is referring, a culture whereby we are much more transparent about the way in which we make decisions, we are much more open to challenge and we accept challenge not as being something that should be a huge concern but as something that is actually about trying to improve the way we communicate with people.

1115 That is the culture change we are trying to engender throughout the States, I think, and through the Children and Young People's Plan, by saying that actually most complaints, in my own experience of many years, are about a lack of understanding and communication and can be therefore resolved and offset right at the start, just by someone else coming in and saying, 'Well, what actually is the basis of the misunderstanding here?'

1120 We have built in, for example, advocacy for children and young people who are going through compulsion or who are going through the child protection processes, for example, which gives you that impartial view to try and resolve issues right at the start, before you get to the point that a complaint needs to be made.

Q106. Deputy Queripel: Would HSSD ever ignore a complaint?

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Deputy Le Clerc: HSSD should never ignore a complaint. There is a proper complaints procedure, so if you know of circumstances where a complaint is being ignored then you should bring it to a Board Member's attention.

1130 **Ms Parry:** As a director, we would never ignore a complaint.

Deputy Queripel: Could I just ask the Home Minister the same question?

1135 **Deputy Gillson:** We would never ignore a complaint.

Q107. Deputy Queripel: Okay, so if somebody complains about the Safeguarder Service, who deals with that complaint?

1140 **Ms Vaughan:** Initially, I would. If I had been involved, it would go straight to Mrs Guilbert. If I was not involved, I would deal with it in the first instance.
If anybody wanted to pursue the complaint, it would then go up the managerial chain.

Deputy Queripel: Thank you.

1145 **The Chairman:** The Island's Child Protection Committee (ICPC), do you see that playing a role, not only in scrutiny, but in dealing with maybe serious reviews of cases?

1150 **Deputy Le Clerc:** I think, potentially, that would be an avenue that we could explore. We have just had a change of chair on the ICPC, so yes, that may be an avenue.

1155 **Ms Parry:** Could I just say that the ICPC now has an independent chair from the UK, comes over once a month. We have a Serious Cases Panel, which currently I chair, where any agency can refer a case that they are worried about, where they think perhaps there has been a failure in multi-agency working, or where there are lessons to be learned, so they refer it to the panel and we will commission an audit of that case.

Q108. The Chairman: Are you confident that that the committee is working well now? I think a year ago the findings of this particular report found it was not functioning?

1160 **Deputy Le Clerc:** Well, it has been chaired recently by Dr Carol Tozer, but we have now appointed an independent chair and hopefully we can move on and the ICPC will be stronger.

It is still early days with the new chair having recently taken over so, again, I think that is something that we will have to carry forward to ask the next board to check and tell them, 'You need to ensure that there is an update.'

1165 **The Chairman:** Again, I suspect, subject to resources and the funding of that particular committee.

1170 **Deputy Le Clerc:** That is already in place.

The Chairman: Deputy Green, I think you were going on to the policy about consequences.

1175 **Q109. Deputy Green:** Yes, it is a question again that is both to the Home Department and HSSD representatives. It is about the clarity about consequences and Kathleen Marshall stated she did not think families were always clear what was happening to them, regarding temporary or permanent removal of children. I will quote:

'... the whole business about going into voluntary care, signing in to it, some families did say that they felt kind of put under pressure to do it and with the kind of implication behind that if you do not do this you will be regarded as a non-co-operative parent, but then once they do it, it becomes something that acts them because of a perceived inability to care for their children. I know one person that I talked to us was saying if they had told us the consequences of that decision would have been this they would have done something differently.'

The report recommends, and I quote:

'... law, guidance and practice recognise different stages of support and intervention so that families are clear about what is happening and what the consequences might be of agreeing to any particular course of action.'

1180 That is page 5 of the Marshall Report. So the question is, feel free to answer this as you want, whoever wants to answer it: do you agree that in certain circumstances a family may be unclear about what is happening and what the potential consequences are going to be?

1185 **Deputy Le Clerc:** I think that comes back to what Ruby said earlier, about that overall guidance, because it maybe subject to interpretation by the social worker and how they have communicated to their client.

That is my understanding, Ruby might have more comments.

1190 **Ms Parry:** I absolutely agree that we need to be clear and we need to be providing written information to families, because what we do know is, when you work with the family, they will often hear, as will we as individuals, maybe a third of what is being said. So it is really important that we provide clear, written information to people about what it is that we are doing, about what the consequences of various actions are.

1195 One of the purposes of every child having a written child's plan, with clear outcomes, is to achieve that in future.

Q110. Deputy Green: Again, from the Marshall Report, another quote, from page 29:

'My understanding, from discussions with the Safeguarder Service, is that the voice of children is not regularly taken into account in the mediation process. The Safeguarder Service advises: "All Safeguarder mediators are trained in direct consultation with children, although they focus on helping the parents come to their own resolution for their children."

1200 The conclusion seems to be that the voice of the child was not always taken into consideration in the mediation process. Is there any truth there, in that view within members of the Home Department?

1205 **Ms Vaughan:** As you state, all the Safeguarders are trained. We had some training two years ago about direct consultation with children. I think the practice has always been to try and prevent children being part of the process if the parents are being able to negotiate themselves within the climate of mediation.

However, I do think it is a point that is well made. Whilst we do consider it at every mediation, whether children should be involved in the mediation process, I think our starting point has always been for what purpose? Including them is not a neutral event.

1210 I think that, going forward, we will consider it more positively, that actually it can be a more positive thing for a child's voice to be heard more directly in mediation.

1215 **Q111. Deputy Green:** Do Safeguarders and social workers always meet children and parents involved in a case to gain a full understanding of the matters concerned and the wishes that there may be? Is that always the case?

Ms Vaughan: For Safeguarders, we will always meet with children. I think there has only been one case, as the head of the service that I can think of, when the court gave me permission not to.

Otherwise, we will always meet with children. Usually on three occasions, but more if it is felt necessary, if it is felt that child has not been able to express a view, then the Safeguarders will meet with that child as many times as they feel it necessary, to be given an independent view.

Q112. Deputy Green: Slightly different tack, would you be prepared to comment on why you think when a number of parents, family members have been increasingly contacting their deputies for support, often stating that it is very much the last resort in these sorts of cases?

Ms Vaughan: My starting point would be, I suppose, that when most families go through the separation process, they are talking about private law without any recourse to the Safeguarder Service. The ones that do need to come to our service have got issues they are not able to resolve as parents, so I think they are already having difficulties.

Then to have somebody from outside of the family coming in and making decisions about your family I think is very difficult.

The other thing that can happen sometimes is that children can say one thing to one parent, another thing to another parent and they say something different to us and the parent that that child has not agreed with, with us, thinks that we are not expressing that child's wishes and feelings.

I think it is a very difficult and contentious issue. It is a shame if people think that their only recourse is their deputy and I think that if that is the case then we need to be making sure it is quite clear that people can bring things back to the Safeguarder Service and there would be no implications for that. No negative impact. We need to make sure that people hear that.

Deputy Green: Thank you, I think that is a helpful answer. Why do you think that is happening?

Ms Vaughan: I think that is difficult for me to answer, without knowing the nature of the families that are involved, because I would imagine that each person, each parent, each family, will have their own reason for feeling they need to see their deputy, so I think it is difficult for me to answer that without knowing.

Q113. The Chairman: Could I just touch on the Corporate Parenting Board (CPB) and particularly the Parry diagnostic claim that there was no evidence that the States takes its corporate parenting responsibilities for children in care seriously. In the Marshall Report it was stated that Kathleen Marshall was encouraged to hear HSSD's plans to establish a Corporate Parenting Board.

Can you explain the role and responsibilities of the Corporate Parenting Board and who it is accountable to?

Deputy Le Clerc: At the moment in the absence of the CPB its responsibilities have been taken on by the Children and Young People's Working Group.

My understanding of the CPB role is to ensure that all children that are classed as Looked after Children and come into the care of the States of Guernsey, that we take on that role as if they were our own children.

So we have the responsibility for their welfare and wellbeing while they are in our care. I do not know if Ruby wants to add to that.

Ms Parry: I think the proposal under the public service reform is that there needs to be cross-States governance of these children, because their outcomes are really poor.

There is no guidance and regulation for care leavers and, whilst we are working much better together, there is so much more we can do for our children.

1270 Children in residential care, for example, over the last three years, 15 care leavers, only one is employment, education or training on this Island and I think that is really shocking.

1275 That has to change. The purpose of the CPB is to ensure that every States' Member, every chief officer, every officer within the States understands their responsibility to those children who are looking to things like, for example, apprenticeships for children, and pathways into employment. States is the biggest employer on this Island; surely we can provide employment for 15 young people?

That there is actually oversight and governance and challenge about what is being provided for those children and that it is not just the responsibility of a social worker, it is the responsibility of every single person who works for the States.

1280 The CPB we have proposed becomes part of the new Children's Executive, which was outlined in the policy letter supporting the Children and Young People's Plan and that we would see as being something that then ensures that carries on into the new committee structure so that there is oversight of those children and responsibility for those children.

1285 **The Chairman:** I think, Deputy Queripel, you have questions.

Q114. Deputy Queripel: Thank you, Chair. Just moving onto the issue of checks. Are regular checks undertaken on care homes in the UK where our children are placed?

1290 **Deputy Le Clerc:** It is my understanding that they are. There are regular reviews but, again, Ruby will be able to update you on that.

1295 **Ms Parry:** Every child placed off-Island has a child plan. They are regularly reviewed. They are visited every month by a social worker. We read all of the regulatory reports as they come out about that home so, yes, we do the best that we can to ensure that children there are safe and well cared for.

But it is a particular challenge for Guernsey, is it not, because those children are out of our jurisdiction? We do not have knowledge here on the Island about what is available locally to them, so we are very challenged in ensuring that those children's outcomes are being met.

1300 **Q115. Deputy Queripel:** Just to clarify, then, you send a local social worker across once a month to check every child, every care home that every child that goes from Guernsey stays in?

Ms Parry: We have only got 16 children off-Island. Just 16 children at the minute.

1305 **Deputy Queripel:** And every one of those children is checked on a monthly basis?

Ms Parry: I believe so, yes.

1310 **Q116. Deputy Queripel:** Are any efforts being made, then, to reduce the amount of children who are kept off-Island?

Deputy Le Clerc: Yes, they are. Again, last week in the Assembly, we launched a programme to find specialist foster carers to be able to bring some of those children with more complex needs back on-Island.

1315 I think this is something that has been close to my heart, with my background in fostering, that I want as many young people as possibly to be brought up on the Island of Guernsey, because this is how they build their friendships, they build networks around them.

It is not good for children to be off-Island and then, when they reach the age of 18 they are either unable to come back to Guernsey or they do not have those networks.

1320 So, it is vitally important. When I last asked for an update from Ruby, we did have some positive applications and interest from families willing to take on these specialist care roles. But it is not an easy task.

I do not know if you have got anything more to add to that Ruby?

1325 **Ms Parry:** Just to confirm that yes, we have a really detailed strategy to retain children here and to bring them back whenever we can.

Q117. The Chairman: We are going to wrap up this session now. I would just like to gauge your overall impression of the Marshall Report. Have you found the Marshall Report useful, a worthwhile contribution in relation to improving services for children? I will put that to Deputy Le Clerc first and then Deputy Gillson.

1335 **Deputy Le Clerc:** Absolutely. The diagnostic report that Ruby produced has been in tandem. I think the Children and Young People's Plan has got the issues out in the open. It was almost the elephant in the room.

As I have said, for me, children's services have been too long the 'Cinderella' service and I think actually now we are starting to get some real focus. Yes, it makes difficult reading at times, but I think we needed this wake-up call and I really hope that the good work will continue.

1340 **The Chairman:** Deputy Gillson.

1345 **Deputy Gillson:** I think it has been a very useful exercise. If you have read Chapter 14 saying we think it is a good idea to have a review, before you commissioned Kathleen Marshall to have this review. One area which the Department would like to see addressed is that we have not touched on is the non-custodial penalties for people who fail to comply with court orders. There is a situation where somebody may not allow, for instance, their spouse to see a child. The aggrieved parent would come to the Safeguarders, typically, to say this and the Safeguarders cannot help. They are not empowered to help.

1350 Since the only penalty is a custodial sentence, it is highly unlikely that anybody would recommend the court to apply it.

So, possibly, Community Service Orders would be a useful way to be able to apply a penalty when people fail to comply with the Court Order.

1355 **The Chairman:** Thank you everybody. That is the end of our first session here today. We will take a short 10-minute recess.

I would like to thank you all for your contribution. Thank you.

*The Committee adjourned at 3.41 p.m.
and resumed at 3.53 p.m.*

EVIDENCE OF

**Karen Brady, Children's Convenor; James Ovenden, Deputy Children's Convenor;
Gill Couch, Chair, Convenor & Child Youth & Community Tribunal Board;
Janet Gaggs, former Chair, Convenor & Child Youth & Community Tribunal Board**

1360 **Q118. The Chairman:** Thank you, everybody. We now have the Children's Convenor, Karen Brady, James Ovenden, the Deputy Children's Convenor; Janet Gaggs, former Chair, Convenor and CYCT Board and Gill Couch, who is the current Convenor and CYCT Board chair.

1365 I will start with questions in relation to the subject of 'unfinished business', which was a phrase used by Kathleen Marshall. Do you with agree with that phrase, that there is unfinished business here?

1370 **Ms Brady:** Yes, I think it would be fair to say that we do agree with that. We have certainly very much welcomed the Marshall Report and helpful observations and comments and recommendations that are contained within that.

1375 I think we recognised at the outset that the level of change that the Law introduced was fairly significant and fundamental and would take time to achieve. Certainly, I felt when I took up the post in 2009, I was very impressed with the amount of research and consultation that had gone into the development of the Law and how such significant thought had been given to developing a law that was tailor-made for Guernsey in a sense.

So, although there are large components of it derived from Scottish law, some specific adaptations have been made to that.

1380 I suppose one of the consequences of doing that and tailor-making your own law is that it is very difficult then, sometimes, to get a real sense of what the extent of change will mean, because you do not have any direct comparators.

My view, very much when I came, was that this level of change was really transformational. It was not just changes to the Law, it would require changes to culture and to practice and to systems and it really was quite significant and fundamental change.

1385 My initial thought was that could take around 10 years to really, fully implement and embed and, I suppose, for me implementation it is about making sure all the key components, like the regulations, etc. are in place, whereas embedding for me is more about seeing that change to practice actually on the ground. That is why I think, because of the extent of change, that that will take time.

1390 We do very much agree that it is unfinished business. I think some of what we are encouraged by and some of that was referenced earlier on this afternoon, is that more recently there has been more of a sense of a need to take a much more systems approach to this and to look at the whole system of intervention for children and families.

I think we see some components of that within the Children and Young People's Plan, looking at those core, over-arching objectives that need to be achieved.

1395 That has certainly been encouraging for us. I suppose we also want to recognise a lot has been achieved. Although it is six years, we do believe that there has been a significant amount achieved in that period since the Law came into force.

1400 **The Chairman:** It is important to recognise that. Does anyone want to add to what Karen has just said there?

Karen, in terms of barriers, we talked before about the lack of secondary legislation and guidance, how has that impacted on your role?

Ms Brady: Really, I suppose from our point of view, our experience of implementing the law to some extent has been quite a positive one. We have been very successful in recruiting a number of members of the local community to be our Tribunal members and we have had a really fantastic response to that and we have been very fortunate in being able to recruit a fabulous group of individuals.

We have also been very successful in recruiting staff, we have no difficulties in recruitment of staff. We have been able to recruit quite a range of staff with different backgrounds, so we have staff who reflect social work skills, legal skills and staff who have worked in England and in Scotland and in Guernsey, so that was been a real positive.

I suppose in terms of the barriers, really we feel the barriers are those that have been reflected in Kathleen Marshall's report and primarily the issues around embedding the underlying philosophy of the system.

What we recognise is that the Tribunal introduces a very different way of intervening in children and families' lives. Its philosophy and ethos is very different to the systems that were here before and, as Kathleen Marshall has pointed out, lots of the personnel working within the system at the moment come from an English background and do not necessarily have a full understanding of that ethos and I think that has presented some challenges for us in terms of full implementation.

As you have highlighted, the other big barrier, really, has been the lack of guidance and over-arching framework.

As has been pointed out earlier today, certainly for me, we have certainly been advocating this for a wee while now, we really feel there is a need for that over-arching framework that survives beyond individual Children and Young People's Plans, that really sets out what the ethos, the principles, the values are that are common to us all that are working in this area, and that can provide that over-arching framework to govern how we are all working.

I think we feel that has been one of the barriers, to have that kind of shared and common understanding of what we are trying to achieve.

Q119. The Chairman: This lack of guidance and secondary legislation, has this confused members of the Tribunal in the past, in terms of their role and the way they approach certain things?

If so, are you addressing this area through training? It is good to hear that you have access to individuals that are willing to sit on a particular Tribunal. In terms of once they are in there, do they understand the process of the Tribunal itself? I think there was evidence that that was not necessarily the case.

Ms Brady: They do have guidance and they do operate their own, so I suppose we have been able to develop our own guidance because the Law that relates to our part of the process, we do have an ordinance that sets out the rules of the Tribunal, so that is more prescribed than some other parts of the Law.

We have certainly got that framework in terms of the rules of procedure for the Tribunal. We do absolutely recognise that, because of the nature of the role that the Tribunal members have played, we have to have confident and competent Tribunal members, because of the nature of the decisions that are being made.

Training is one of the things that we constantly review. Tribunal members are given training before they take up their role, before they are actually formally appointed. They have to successfully complete their training before they are actually appointed by the Royal Court and that training is based on core competencies that the board sets in terms of expectations around Tribunal members and they continue to have in-service training once they are sitting as Tribunal members.

We have adopted the training model that is used in Scotland, because we knew that had been used for a number of years in relation to training Tribunal members there but we are constantly reviewing out training to make sure that it meets the needs of Tribunals.

The other aspect of the system, that Ms Gagg and Ms Couch might light to comment on, is the Tribunal members are monitored as well. We have built in some quality assurance to some extent into the system, in that Tribunal members are monitored at least once a year to ensure that what is demonstrated and what is seen is that they are meeting the competencies for the role.

The Chairman: Would either of you like to comment on that?

Ms Couch: Yes. I have sat in on some 25 to 30 Tribunals now and I do not see in front of me confusion on the part of the Tribunal members about what their role is or the process that they are going through.

I think those things perhaps sit outside of factually what goes on in a Tribunal. We aim to see every Tribunal member at least twice in a 12-month period. Since January, we have seen 23 of the 41 members that we have.

We are not there to question their decision necessarily, that is the preserve of the Convenor, or the Assistant Convenor, should that be necessary, although I have never seen that actually happen.

We are there to look at the conduct of the Tribunal members and, if we do note any concerns, they are taken to the training group and fed into the in-service training programme.

Q120. The Chairman: So no confusion from members of the Tribunal. Do you still see evidence of confusion with those before you, in terms of process? Do you find themselves clarifying why those individuals are before you, or is that something you find that has been dealt with prior?

We did hear a lot of evidence that there is confusion about how things work and how people work through the system. Could you explain your experience?

Ms Brady: I think it is fair to say that is the experience of some families and that has been commented on earlier today, because there are multiple processes that families can be involved in.

For me, one of the really helpful observations in the report is seeing these interventions more as staged approaches rather than pathways, because I think families can be very confused about where they are in that pathway.

What we have had to date have been, because of perhaps a lack of understanding of the overall ethos and principles of the system, some decision-making by professionals that have meant families are involved in one or more systems at the same time.

The report has helpfully triggered some meetings to explore some of that in more detail. I think that now has improved and decisions are being made about accessing the right process, whether that be Tribunal or court or voluntary measures.

That is now clearer, but I can understand why some families will have felt confused about the process, because they have been involved in multiple processes at the same time. Often the professionals who are supporting them and engaging in the process, they do not fully understand what the role and remit and aims of the Tribunal are, so they are not necessarily able to advise them.

The Chairman: Thank you. Deputy Green.

Q121. Deputy Green: Yes, again, a question possibly for you. Recommendation 8 in Kathleen Marshall's report was as follows:

'Consideration should be given as to whether the Child, Youth and Community Tribunal should have a role to play in some private law disputes about children.'

1505 I will come back to that in just a moment, with the second question, but the first question and Ms Brady referred a moment ago about the ethos of the Tribunal, again the Marshall Report concluded the ethos, I quote:

'The ethos of the Child, Youth and Community Tribunal is not fully understood. This situation is compounded by difficulties that have arisen at the interface of CYCT and other processes. Specifically, the child protection registration process and the provisions for permanence. This needs to be addressed and I have made some recommendations about this.'

How have you addressed the issue regarding the ethos of the Tribunal, to date?

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Ms Brady: It is a good point. It is quite fundamentally different to the ethos that related to how we intervened in children and families' lives previously. The ethos around the Tribunal is very much that we deal with the children who often present with needs and present with difficulties; often children who have the highest needs. In order to be effective in dealing with the behaviour you have got to also look at addressing the needs.

1515

The other part of the ethos is that the Tribunal is about active participation so, unlike a court, where most of the interaction happens through lawyers, at the Tribunal it happens directly with the family and the young person and the aim is, really, to try to help the young person and the family find solutions or work with the family to find solutions to their difficulties with the child's welfare being the paramount consideration.

1520

Lastly, obviously, the decisions that are made are by lay people, local volunteers from the community who understand what it is like to live as part of the community and understand the issues that face families as part of the community and understand some of the solutions and the resources that are available.

1525

That is a very different ethos to a court-based model and I think that is what led to some of the barriers, I think.

The ethos really is about culture, I think. Our role in that has been to try and engage with our partner agencies about helping them understand that different culture.

1530

My view is that there has to be real buy-in at the highest levels to those core principles for this culture change to really take place. How I personally have been attempting to achieve that is by liaison with the Island's Child Protection Committee and the group that have been developing the Children and Young People's Plan, to make sure that that ethos is reflected in everything that we do.

1535

The other core part of it, really, is training. It has been highlighted again and we really need to make sure that those principles are reflected in all of the training, the child protection training, the training that all of the professionals who work within the children's workforce are familiar with those principles and that ethos and understand what is different.

That is how we have been attempting to embed that ethos, but I think as you pointed out it is still unfinished business.

1540

Deputy Green: It is still a work in progress.

Ms Brady: Yes, absolutely.

1545

Ms Gagg: Yes, I think it is. I have to apologise; my voice is not very good today.

It has been the change from what was very much a court-based system, because I was involved in the whole development of this law, to a totally new system as Karen has said.

It also aims at getting into families much earlier; earlier intervention. I think the old threshold, where social workers used to go to court, was a much higher threshold. Although there is a fairly

1550 high threshold for compulsion here, it is intended to be able to intervene in families much earlier when they start having problems.

I do not think that was full understood at the beginning. I think families were being referred too late in the process when, in fact, decisions really were about should there be permanence and that is a matter for the court and has always been seen as being a matter for the court.

1555 I think a lot of that has now been straightened out through discussions and discussions with the court. I think now we are hopeful of getting cases much earlier and also the Tribunal aims to work to engage parents in the process. It is participative. The decisions that are given, they are decisions made in front of the family, they are given in front of the family and the child, so they are engaged in the whole process and that, again, is very different.

1560 It should be an empowering relationship really, because the parents, they sit in the middle and they are often asked, first, what their view is of what has been happening and they are involved in discussions on the way forward.

1565 So I think that has also been quite a change. The aim of the Tribunal, if compulsion is necessary, is to put measures in place in all areas of the child's life, which is something that was not possible before, to hopefully support the family and the child in working towards a resolution.

The aim is to keep the child in the family. Our aim is not to take children away.

So, it is a very different approach and I think it is taking time to move towards that way of working.

1570 **The Chairman:** If we can move on to the second question.

Q122. Deputy Sherbourne: I do not know, actually, if someone else has got this question, but it is appropriate because you mentioned early intervention being crucial. The Children and Young People's Plan, obviously you are aware of the recommendations and proposals in that, is that going to assist you, do you think, long-term, with the work of the Tribunal?

Early intervention, 1001 Days, initiatives?

1580 **Ms Gags:** Certainly, yes. I think we all know that a lot of the children's problems happen even before birth and in the earliest years. If that can be introduced and implemented. By the time they come to us, sometimes, at 14, 15, it is too late. We should have been in 10, even 15 years earlier. I think the systems will work very well together and agencies working well together.

1585 **Q123. Deputy Green:** Recommendation 8, as I said before, consideration should be given to whether the CYCT should have a role to play in some private law disputes. I note that in the consultation phase of the new Law, there was reference to some private law disputes being brought into the Tribunal system, thus moving away from the adversarial court system. Indeed, in Kathleen Marshall's report she quotes, and I quote:

'The consultation paper, "Children and Private Law" that preceded the Children Law recommended that what emerged as the Child, Youth and Community Tribunal should be able to hear at least some private law disputes ...'

The question is, do you consider there is a role for the Tribunal in private law disputes?

1590 **Ms Brady:** That is a difficult one. We have had some discussion at board level around that recommendation, because we were aware as you pointed out that it was something that was mooted at the very early stages of the development of the Law. It really is a fundamental departure from what the Tribunal does at the moment.

1595 The Tribunal and the Convenor's role is about state intervention in children and families' lives when there are concerns about children. Private law disputes, obviously, are about regulation of disputes between adults, so it is a fundamental departure and I think while, in principle, we would be open to being part of wider discussions about how we can avoid where possible those cases not being dealt with by the court, by looking at other options like mediation or a family group

conference, because of that fundamental difference, there would be quite significant resource implications to some extent for the Tribunal to take on a responsibility like that.

The discussions we have had really have aired issues around it. Our current membership of the Tribunal had not signed up in a sense to do a specific role, they had not specifically volunteered to do that role, so there would be a need for fairly extensive training. It may also need a change in the law to allow them to deal with those.

So there are some significant changes that would be needed to support such a change, but we are in principle signed up to the idea and happy to work to a solution that avoids these cases going to court where possible.

Ms Gags was involved in some of the earlier discussion, so may well be able to indicate some of the thinking around the early discussions about why the Tribunal might be seen as a solution here.

Ms Gags: I think, when we came to actually develop the Law we felt that extending it to private law as well was a huge step and we have got a big enough job on as it was recruiting and training Tribunal members. To extend it into something else, I think, would be a big step.

We would need to recruit even more Tribunal members and they would need different training to the ones that we already have. We would probably need bigger premises.

I think the view of our board was, when we discussed it, that yes we support mediation, we support anything that takes some of these issues involving children away from the courts, but that maybe to look towards more of a trained mediation service would be the way forward, rather than necessarily looking at the Tribunal to be taking this on at the moment. I think our view was it would be too much, given the developments we have got going on and the amount of work we already, have to consider a further development at this point of time.

Mr Ovenden: I think if I could just add that currently these decisions are made by a professional judge and the Tribunal members are lay people. Whilst I think three out of the four Convenors are legally trained, certainly one of those is not, so there would be an implication there as well.

You would have lay people carrying out and making a decision which is well above what they are currently doing and, in terms of legal advice and work, we would have to have a Convenor who is legally trained to ensure that they were making the right decisions as well.

Ms Brady: You can see why the Tribunal would be seen, in a sense, as a good place for this, because of the environment and the ethos. It all lends itself to helping families find solutions to their problems. So you can see, in principle. It is the logistics of making that happen in practice.

Deputy Green: Would it be fair to say that the panel is not averse to the incorporation of private disputes into the Tribunal, in principle, but, for the moment, because of the over-arching concerns that have been articulated, it is not the time, but maybe in the future that might be a consideration?

Ms Brady: Agreed.

Q124. Deputy Green: My next question is in relation to Recommendation 13, which is that:

'Children and those with parental responsibility should be required to attend meetings of the Tribunal unless excused from attendance.'

Could you comment on the current situation as regards attendance by children and those with parental responsibility?

1650 **Ms Brady:** At the moment, they are not compelled to attend. They have a legal right to attend the Tribunal, but they are not obliged to attend, which is different from the position in Scotland.

Generally, from the discussions within our team, the feeling is we have very good attendance from those with parental responsibility. There are very few hearings that proceed without one or both or more of the individuals who hold parental responsibility for children being present.

1655 With children, we have higher representation and attendance at Tribunals for older young people. We have less of the younger children and young people attending. At the moment we are doing some work with Barnardo's around looking at improving engagement and participation of young people and getting a better understanding about what we can do to better support them to attend.

1660 At the moment, I think we feel we have good attendance from those with parental responsibility, but we would like to improve the participation and engagement of young people.

Q125. Deputy Green: Are the figures on attendance in the public domain?

1665 **Ms Brady:** There were figures in the annual report last year about attendance of children and young people and I think we have provided some data to the review in relation to the attendance of children and young people.

Q126. Deputy Green: Would you welcome the power of compulsion to attend the Tribunal?
1670 There is a perception, I do not pretend to have this perception myself, that exists that the Tribunal could be seen as a soft option, perhaps. Would the power of compulsion help to perhaps mitigate against that?

Ms Brady: I think we may discuss this at board level. It is certainly a recommendation that we welcomed and would support.
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Ms Couch: We would like to have the power, but not to use it.

Ms Brady: Yes, that is a good way of putting it. We would want to make sure that any enforcement provision was in keeping with the principles of the Law and the principles of the Tribunal, because it is about engagement. The whole idea of the Tribunal is about engaging and working with children and families.
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Deputy Green: As a power of last resort, as it were, perhaps in exceptional circumstances?
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Ms Brady: Yes.

Deputy Green: Thank you.

1690 **The Chairman:** Thank you Deputy Green. Deputy Collins will take it onto Recommendation 15.

Q127. Deputy Collins: I think we have touched on this, but just to clarify. Recommendation 15:

'Consideration should be given to clarifying the distinctive character of the Tribunal process and the community parenting order by rewording the threshold conditions for each.'

1695 Could you perhaps make a further statement on that, provide the committee with any practical views?

Ms Brady: Certainly, I would welcome that and I think that is the view of the board and the deputy as well. It wasn't something that we had, ourselves, raised. It was helpful that it was a matter that was raised through discussions and in giving evidence with Kathleen Marshall.

The test in Guernsey is a more complex legal test and we do find that the Tribunal members find that, sometimes, more difficult – components of it and parts of that test. The test in Scotland is a much more simplistic and straight forward legal test for the threshold test for the Tribunal and that has withstood various changes to the law and reviews of the system in Scotland.

What we would welcome is a simplified test, but what we would want to make clear is it is not about lowering the threshold. We would not want to see the threshold for compulsion and entry into the Tribunal to be lowered, but we would certainly welcome some simplification of that and some clearer distinction between the threshold for a community parenting order, which the court deals with, and the care requirement, which the Tribunal deals with, to make it clearer that these are staged approaches. These are different stages of intervention, one being a lighter touch than the other.

The Chairman: Deputy Queripel would you like to ask questions on Recommendation 17?

Q128. Deputy Queripel: Recommendation 17 tells us:

'Consideration should be given to introducing timescales for finding of fact hearings at court in relation to disputed conditions for referral, and to limiting the number of times an interim care requirement can be renewed.'

What are your thoughts on that recommendation?

Ms Brady: We support that recommendation. Timescales can be helpful in keeping everyone focussed on the issue of avoiding delay for any decision-making on children and young people. Since the report was published, we have had some meetings with the courts and we have looked at some practice changes and some things we can do around speeding up the process and I think that has been very positive, so we do have some changes that we will be making to practice that will speed up the process.

Timescales can be helpful in having that backstop, of keeping everyone focussed. Not just our service, but also advocates and the Court focussed on concluding matters in the quickest period of time for the benefit of children and young people.

Mr Ovenden: The Greffe has been very helpful in listing our hearings. We always try to prioritise our finding the facts hearings and they have been quite creative in recent times in double-listing cases so that, if a matter that has already been listed falls, we can generally get our hearings listed quite quickly.

I think the average time for the hearings coming to a final hearing has fallen.

Q129. Deputy Queripel: One more question on timescales, if I may. Rule 51 of the Family Proceedings 2009, states that a timescale of 14 days wherever possible is permitted when preparing for a first hearing.

Is that adhered to in your experience? If it is not, presumably that means a family simply has to wait until the preparations are complete?

Ms Brady: It generally is met in the majority of cases. The difficulty in court listing is not necessarily that first hearing, because at that very first hearing there is often very little progress made. The delay tends to come in listing final hearings, evidential hearings, hearings when the case is going to be fully heard by the court.

Our experience is the Greffe is very helpful and cases are generally listed within the 14 days. The only time that does not happen is generally when it is inconvenient for the family. I think it is more led by the family rather than by the services or the agencies.

The difficulties tend to arise more with listings further down, so we have been very pleased that we have been able to keep those timescales in the majority of cases.

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Q130. Deputy Queripel: Thank you. If that timescale is not met, is there a particular person that is responsible and, if they are found to be responsible, what happens to them? Do they get reprimanded in any way?

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Ms Brady: What tends to happen is that when we make an application to the Court for a finding a facts hearing, the Greffe's office will come back to us with the date. We will then schedule always within that time period. I cannot think of any situations where that time period, the offer of a date has not been within that time period.

1760

What we then do is notify the family and their advocates of the date and what sometimes happens is they may well come back to us and say, 'My client is not available on that date, they are on holiday.'

We will go back to the Greffe and look for another date.

1765

This first hearing calls within the sitting of the juvenile court that takes place every Tuesday morning. The court sits every week, so we are really talking about a case potentially just moving on a week or two weeks.

As I said, it is generally for the convenience of the family or the advocates, rather than because professionals are not available or the court is not able to give us a date within the 14 days.

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Deputy Queripel: Thank you, Chair. No more questions from me.

The Chairman: Deputy Sherbourne.

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Q131. Deputy Sherbourne: Yes. Back to the Northern Isle and I would really just like to examine your thoughts on the issues that Kathleen Marshall referred to with regard to the high risk area of the Island and maybe some constructive suggestions on how the islands can work closer together to ensure that their young people are not disadvantaged in anyway.

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Ms Brady: It is a very difficult one, because we are not frontline service delivery, so we are not involved and as closely connected and involved in that way with Alderney as the Home and the Health and Social Services departments are.

Certainly, from our experience, we have always ensured that we have a Tribunal member from Alderney to ensure that Alderney and Alderney issues are represented within our in-service development and within the Tribunal.

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We have had very few referrals more recently. Initially we did have some referrals from Alderney and we did have some involvement with some families in Alderney, but as our annual reports have indicated, we do keep separate data for Alderney and the referrals that we have received, we have not received any in recent times.

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I think the recommendation about having a strategy, I would endorse that because I think it needs a collective approach to working together to find the right solution for Alderney. We heard earlier on from Ruby Parry about some of the proposals that they have put forward and I think it is clear that people have struggled, the frontline service delivery areas have struggled with finding a model and a mechanism that works for Alderney.

Both Janet and Gill, with their service delivery experience, I am not sure if you have got any other thoughts about this or any constructive views?

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Ms Couch: I think Alderney has been a difficult area to deal with in almost every area of public life. It was educationally as well.

I think what we are doing with regard to doing presentations in Alderney and treating them the same as we treat the Guernsey community as far as possible and picking up the referrals when

1800 they come, we have a Tribunal member who sits quite regularly on the Tribunals here, so that provides some route back in.

1805 **Q132. Deputy Sherbourne:** There are quite a few anomalies with regard to the relationship of this Island with Alderney and you are probably aware the States have actually been taking that quite seriously recently, with a review of the relationship and devolved services.

I am just wondering whether the Tribunal has a role to play in maybe discussions with the States of Alderney. It is very much an Alderney issue and needs their input. Having one Tribunal member, possibly, is not sufficient. How do you feel about that?

1810 **Ms Brady:** We have had some resource challenges previously we have been well supported in that. One of the things that we have recognised is that we would like to do more liaison with Alderney and we would like to be able to have more of a physical presence there.

1815 What we have done previously is we have dealt with cases on an individual basis and we are open to the Tribunal sitting in Alderney. However, some families do not necessarily want that, because then everybody knows what is happening.

On other occasions we have had Tribunals sitting in Guernsey.

1820 I think now that we are fully resourced, we are in a much better place to be having more dialogue and perhaps having more of a presence over in Alderney that might encourage people. Anyone can refer to the Convenor. It is another route. People do not have to go down the route, if they have concerns, of contacting the statutory services.

The Convenor is independent and that is one of the strengths, I think, in the role. We are not part of any of the other departments. We are completely independently and more visibility of that may well provide another route for people who have concerns to explore and expose those concerns if they are reluctant to contact the statutory agencies.

1825 That is certainly something that we will be exploring and it is helpful to have recognition of Alderney and that reminder that we all have that responsibility to do that.

Deputy Sherbourne: So are you really saying that it is maybe your initiative that is required here rather than a political one, because of that independence?

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Ms Brady: Yes. I think it is a bit of both. I certainly think there is an opportunity for us to do that and that it would perhaps provide some of the solution.

1835 **Mr Ounden:** I think what helped in the early years of our service was that one of our Tribunal members was a youth worker on the Island and so she understood, obviously, about the Tribunal and was able to make regular referrals. We did get a number of referrals from the school as well.

That Tribunal member is no longer on Alderney or even a Tribunal member and the personnel at the school have changed as well. We had significant number of referrals from Alderney in the first couple of years but they have dried up now.

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Deputy Sherbourne: As someone who has had personal experience, two years at the school, I know exactly the issues that Alderney actually faces. But maybe now is an opportune time because they have got a new head teacher in post, just started, and I am sure that he will be very supportive.

1845 Thank you very much indeed.

The Chairman: Deputy Collins.

Q133. Deputy Collins: Thank you. Moving on to Recommendation 21, which says:

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'Consideration should be given to setting up an independent avenue of complaints, such as an ombudsman, who may also be able to inform policy development in relation to children and young people.'

Obviously, we heard before from the Home Minister and HSSD member. What are your feelings and views of an independent body?

1855 **Ms Brady:** I think there is always a benefit in independence and also, not just with independence, also the perceptions of independence. Both are equally important in terms of people being able to have their voice heard.

I think, as was highlighted earlier on, the challenge in Guernsey becomes the scale and becomes proportionality in terms of what do you do. Do you create, a new body, to achieve that independence.

1860 In my reflection on this, thinking about it, and some of the experience we have had in terms of working with Scotland, there is perhaps scope to explore whether you can look to work alongside another jurisdiction, or finding a balance that still brings about a degree of independence but is proportionate for the Island.

1865 Certainly, there are lots of other inspection agencies, lots of agencies in other jurisdictions that perform similar roles and certainly we have kept very close links with the similar bodies in Scotland. We have found that really useful and we have found that, to some extent, has helped with economies of scale.

1870 For example, our Tribunal training, we are looking to the college that delivers the training in Scotland because they have the expertise, they have a staff group for delivering training to Tribunal members all the time, because their volume is much, much higher.

1875 For us to try and replicate that here with small numbers and training less frequently, it becomes very expensive to do that. My thinking on that is that there might be scope to look at whether there are connections and links that you might be able to make that bring about a degree of independence, but does that in a way that is proportionate for the Island.

1880 **Q134. The Chairman:** I think it is accepted that it has got to be proportionate, but do you believe the issue is more about barriers to people making complaints and raising concerns, and that without independence – I think it was highlighted in the Marshall Report, particularly with the Safeguarder Service, there were more individuals going to deputies than making complaints to the service – so there has to be some scope for independence and the benefits that brings?

1885 **Ms Brady:** A lot of that is about perceptions, because Guernsey is a very small place and my experience is there is not a lot of distance within organisations so often, even if you are chief officer, if I think of my own role, you are still involved to some extent in operational issues. It is very difficult not to be because of the scale.

1890 So you are very aware of the operational issues, the day-to-day issues that in a bigger jurisdiction you are not. Inevitably, if you are dealing with complaints, your structure within an organisation to deal with complaints inevitably will involve people who potentially have some awareness or the clients may have some perception that they have been involved to some extent.

I do understand why the issue is a live one in the particular context of Guernsey.

1895 **Q135. The Chairman:** We did raise the same question with the previous witnesses. Do you think there is a role for the Island's Children Protection Committee, in terms of its oversight scrutiny function and oversight of certain case reviews?

1900 **Ms Brady:** That is an interesting one, actually, because the Island's Child Protection Committee, and I am a member of the committee, has a role very much in co-ordination and that is its key role, to ensure that agencies are working together to safeguard and promote the welfare of children. As part of that they are engaged in significant case reviews and a lot of that is about learning.

There is a process of scrutiny already built into that, but is more a process, I think, of self-evaluation. Bear in mind, all the people around the table at the Island's Child Protection Committee are part of the service delivery, including myself.

1905 I think it can go some way in terms of scrutiny, because it is always good to reflect and to providing some degree of quality assurance, but whether it provides sufficient independence, I suppose is what we are trying to say, to provide scrutiny at that over-arching governance level is another matter.

1910 **The Chairman:** Deputy Green, I think, has questions on the subject of decriminalisation of children.

1915 **Q136. Deputy Green:** Yes, decriminalisation of children. The first question is it was suggested in Kathleen Marshall's report that the practice of the provision of a list of past referrals to the Convenor or the courts should stop, given that it would appear to contradict the whole ethos of the Law.

Would you agree with that?

Ms Brady: Yes. This is a matter we raised in our evidence, so yes we would agree with that.

1920 **Deputy Green:** Can I follow up with that, then, because there certainly seems to be evidence that that practice has been taking place, quite clearly in contradiction to that ethos.

A slightly different question, though. Is there any evidence that the effective decriminalisation of children has led to any adverse consequences, such as lack of penalties for bad behaviour or declining the acceptance of personal responsibility for decisions?

1925 Is there any evidence of that kind of negative effect of this fairly radical departure from what was previously the case?

Ms Brady: I do not think we have seen that. Certainly not internally.

1930 **Ms Gaggs:** We are not aware of anything, certainly. The whole idea of the Tribunal is that you are looking at all aspects of a child's life. If you just deal with the criminal behaviour, you are often not actually dealing with the underlying issues. So the idea is that you are looking at everything that is going in the child's life. Unless you put in measures to address everything you are unlikely to affect their behaviour.

1935 **Mr Ovenden:** The Convenors, if the matter goes to the Tribunal, the Tribunal will always challenge the behaviour of young people, because it is important that happens. But the emphasis is not on punishment, that is what the Court does. The emphasis is looking behind the behaviour and looking at the factors that have contributed to it.

1940 We will always challenge bad behaviour, but we always try to look forward in a constructive way to ensure that it does not happen again.

Q137. Deputy Green: Thank you, that is very helpful.

1945 I will quote what Kathleen Marshall expressed a view, when we had a public hearing previously on this matter, in response to a question I probably asked, about the decriminalisation of children in Scotland, and I quote:

'Well, it has not made it worse.'

1950 Putting discussion in the spirit in which it is intended, is that a sufficient aspiration or should we be looking for something more in terms of that experience in Scotland and in terms of what our aspirations are in Guernsey?

Ms Brady: I think our aspirations are more than that here. I think, as Janet has already said about the whole ethos, it is about helping young people accept personal responsibility.

1955 What we are not doing is criminalising. We are recognising that they are children. As a society we are recognising that children can make mistakes.

We know in terms of brain development, their brains are not necessarily fully formed and we allow them an opportunity to make those mistakes, but we expect them to take responsibility for those mistakes and we expect them to learn from those mistakes and expect them to change and to take on board the support that is available.

1960 Certainly our aspiration is that that model and that approach we would hope that would be more successful in reducing the numbers of those young people who go on to be involved in criminal behaviour as adults.

1965 I think we know from experience that lots of young adults and adults who are involved in criminal behaviour have had a poor life experiences themselves and this whole system is designed not just to tackle the behaviour but, as we said earlier, all of the issues that surround that in the hope that if you are able to address the needs as well as the deeds, you have a better prospect of successfully diverting those young people from poor behaviour in the future.

1970 **Q138. Deputy Green:** Is there any evidence that you have, or any evidence that you can point to, which shows that the, for want of a better expression, rate of re-offending for young people now is lower than what it was before the introduction of this Law?

1975 **Ms Brady:** No, that is very difficult. We do not have any comparative data. We have looked at some re-offending information and I provided some data on that to the review, which did indicate that we were doing better than the UK, in England and Wales, in terms of re-offending rates.

1980 Part of the difficulty, as well, is that it is difficult to compare because how the information is collected by the police, before the introduction of the law is different to now, how we are counting the number of young people that we are dealing with. What we are reporting on in our annual report is the number of young people who are referred for the alleged commission of an offence, so that referral might include more than one offence. So it is difficult to make those comparators.

What we are building up now is data over the five years that we have been in existence so that we can do some comparisons within that.

1985 What we would like to do in the future is connect with probation and police to look at the data longer term.

Again, comparisons are difficult, because England I think their re-conviction rates look at a year if they have re-offended within a year, whereas Scotland look at two years. Again you have not got the same comparisons. It is very difficult to do any comparative analysis.

1990 **The Chairman:** That moves me swiftly onto data collection.

Q139. Deputy Green: Yes, data collection is something we dealt with the politicians before. One of the key observations in Kathleen Marshall's report was:

'The lack of data collection and performance measures makes it difficult to make conclusion on whether outcomes for children have actually improved by the new law.'

1995 Of course, that is the whole point, to improve outcomes for the children.
Does the panel agree with that?

Ms Brady: Yes, and I think that was fairly evident in the report, that it was very difficult for Kathleen Marshall to look at the whole issue of outcomes, because of the lack of data.

2000 We have been in a different position because we have been a start-up. We set up from scratch and we have been able to record our data right from the start. It is one of the things that the

board and myself have been really keen to make sure that we have good data, because I see part of my role as informing the development of services for children and about feeding the data and the information we have got into the wider discussions about development of services for children and young people.

I think that we are able to meet quite a large number of the data requests from the review. The biggest challenge that really presents is that it is very difficult to do any comparators. I am not sure if we will ever be able to do that in terms of comparing the impact of the Law, to some extent.

It is not because the data does not exist. It exists, but not at aggregate levels. It does not exist in a way that is easily extractable to make those kinds of comparisons.

I think that we would agree with that.

Q140. Deputy Green: Have you had any experiences where lack of data has hindered your work? Just on the data requests that appear in Appendix 'A' of Kathleen Marshall's report, page 95 if you have the Report in front of you, there is the data requests column for the Children's Convenor.

I do know there are some Xs in the box meaning the data was not available, number 11 for example, percentage of cases in which one or both parents are present; 14, any information about the percentage of those cases in which the Tribunal accepts the recommendation of the Safeguarder etc.

So there were some gaps in terms of data that was not provided.

Have there been areas where a lack of information has hindered the work of the Tribunal or your work as the Convenor?

Ms Brady: No, I do not think at that level. It has probably been more at Board level in terms of trying to look at our effectiveness and the impact that we have made, we have not been able to access any comparative data from prior to the introduction of the law. But on a day-to-day basis and in terms of the case-related information, I cannot think of any situations where we have not been able to progress because of a lack of data or a lack of co-operation in terms of providing information.

We have good engagement with the other agencies in terms of we have not really received any resistance to providing information.

In terms of the information that is not available, again we hit the whole issue about proportionality, because we have a database but it is not all singing and dancing. It provides us with core management information. We collect all of our information on spreadsheets that provide us with the management information. Where information is not available, it is available in individual case files, so it is not that that information is not there, it is just in the timescale of the review it would have taken a lot of time and effort to extract it from individual case files.

One of the things that we are looking to is the development of the database within HSSD, whether we might be able to benefit from that and potentially use that as our means of capturing information, because primarily our database is about case work. We use it primarily as a case work management tool and it gives us limited management data, hence the reason we are also running a whole lot of spreadsheets as well to give us the data that we need to manage and deliver the service.

Of course, that requires people then to double entry. We are entering data into two different systems at the moment, which is not really most effective. But to purchase what we would need would be out way, potentially, whether all the data would be utilised, so we try to go for a proportionate response.

Q141. Deputy Green: I think this is probably the last topic, a question about clarity, about consequences again. Kathleen Marshall stated she did not think families were always clear what

was happening to them regarding temporary or permanent removal of children. I read out the quote again. The report recommends:

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‘Law guidance and practice recognise different stages of support and intervention so that families are clear about what is happening and what the consequences might be of agreeing to any particular course of action.’

The question is, do you agree that in certain circumstances families are unclear about what is happening to them and what the consequences might be of agreeing to any particular course of action?

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Ms Brady: I think that is probably fair. Before a family progresses onto the Tribunal, they come to a meeting called a Convenor’s meeting that is chaired by a member of my team. That is one of the modifications or adaptations that Guernsey has made to the system from Scotland and it is one of the things that I think has been a real enhancement of the system. I know Scotland is looking quite enviously at us for having the opportunity to have these meetings.

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What it does is it allows an opportunity to sit down with a family before they progress onto the Tribunal and answers a lot of their questions and do some of the explanations about what the role of the Tribunal is, what our role is and what their options are in terms of decision-making are. I think it would be fair to say that often, in those discussions, that exposes how confused some families are.

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They often tell us about their experiences, about the confusion that they have felt in terms of not really understanding what has been happening and why and where they are in the process.

Certainly, I think it was an enlightened decision on Guernsey’s part to introduce that and it has provided, certainly within our part of the process, an opportunity to sit down with families and to explain where they are in the process and what the next stages are and answer any questions that they might have.

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Ms Couch: Then, if the family does come onto the Tribunal, their options are very clearly explained and the implications are clearly explained by the chair, with the support of a convenor if they need it, but a lot of the chairs are quite able to do that themselves.

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I have never heard that questioned by the family. They nod and they have seen the papers, they have had the meeting and there is not the confusion in the Tribunal itself.

Mr Ovenden: I think, as was touched on earlier on, I think the level of knowledge amongst our partner agencies can be an issue. So the families may be engaging with a social worker who themselves do not really understand in much detail our purpose and what we are trying to do.

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I personally spend a lot of time explaining to the families but also to professionals. In relation to that, I have organised some training in the next few weeks. There is a whole batch of new social workers coming in. In the past they have come to us piecemeal and we have spent an hour with them, but that is not enough. So we have now devised some training so there are six or seven coming up in the next few weeks and we will spend half a day with them, talking through the process and answering any questions.

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Hopefully that will then feed on to the families that they are working with.

Ms Couch: This relates to Recommendation 12 of Kathleen Marshall’s report and we do think that is very important.

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Ms Brady: Because of the uniqueness of our Law, and some of it derives from English law, some of it is from Scottish law, some of it reflects the local context, there is a real need to ensure that any training that is developed, those that are delivering it and those that are developing it, really fully understand the context and understand the Law.

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Otherwise, we will just be perpetuating some of the misperceptions about the system. We really want to take a very joined-up approach to the training and, just coming back to this idea,

the policy objectives and the principles and ethos of what the States wants to achieve with this new Law are all set out in the Billet, but very few people who come to the Island I imagine sit down and read the original Billet to get that sense of what it is all about. In a way for me it is about the need to translate that into something else, a document, something that is there, a place everybody can go to, to have that articulated.

As was referred to earlier, everything else hangs from that, the statutory guidance, the regulations, the individual agencies' operational protocols. All of that, you have got this over-arching frame where it all hangs on.

The Chairman: Deputy Sherbourne.

Q142. Deputy Sherbourne: Yes. Are you comfortable with the 'tools in the box' that you have as a service that is actually trying to help young people with their lives and move on? Are you satisfied you have the wherewithal?

Ms Brady: Yes. I think we are well-resourced. I think the Law is an excellent piece of legislation, I really do. I think it has enhanced what is there. You have nearly 50 years' experience of this system in Scotland. The enhancements that we made, the changes that we made I genuinely do think enhance the system.

I think in terms of the Law, our ordinance, those tools we have, the tools are there. It is more about the operating context around about it. That is our biggest challenge.

Deputy Sherbourne: I suppose that is really what I was referring to. Thank you.

The Chairman: Thank you. Well, I think that is a convenient time to finish, so we thank you all for attending today and thank you for your contribution. Thank you very much.

The Committee adjourned at 5 p.m.