

Witness Name: Marnie Baudains  
Statement No: First  
Exhibits: MB1-MB42  
Dated:

**THE INDEPENDENT JERSEY CARE INQUIRY**

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EXHIBIT MB35

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## REPORT BY BRIDGET SHAW.

### Children's Service

#### Background

In January 2006 OS (now DI) Alison Fossey assumed responsibility for what is now the Police Public Protection Team (PPU) formerly known as FPT.

DI Fossey began to present us with many more cases for advice than we had previously received from the Police. The number of prosecutions rose accordingly, indeed we have had some very successful prosecutions. However at the same time DI Fossey brought to my attention a number of issues concerning the way in which Children's Service officers were dealing with cases.

These can be summarised as delay in referring matters to the Police; heavy reliance on Police to take action in cases where Children Service should be acting and fail to do so; lack of understanding of Children's Services primary role in Child Protection; reluctance to apply for Care Orders or Emergency Protection Orders for fear of failing and poor handling of case conferences.

The main issues at the time were with the long term care team who run the Children's Homes, not, I stress, anything to do with Greenfields, nor with any behaviour that could be considered criminal. It appeared to the Police that a number of members of staff did not appreciate the risks to children, did not act when they should to protect children and did not understand the respective roles of the Police and Children's Service.

#### Action by Legal Advisers' Office

I raised the matter with the Solicitor General and DI Fossey subsequently sent me a report in April 2006 (attached folder 1 together with schedule of investigations and Children's Service chronologies)

My file note and my subsequent report to the Solicitor General outlining my concerns are also attached (folders 2 and 3).

#### Meeting with Police

On 8 June 2006 The SG and I met with DCI Bonjour and DS Fossey to discuss the issues ( please see folder 4).

DI Fossey had brought to our attention a number of cases which were symptomatic of the standards apparently applied by Children's Service such as shown by the [1], [2] and [3] family histories.

In many cases little seems to be done by Children's Service to intervene when in view of the Police, Children's Service should act. They rely too much on the Police and seem to think the Police can act when Children's Service can't - rather than the other way around due to the different standards of proof. Frequently when a case was referred to the Police, Children's Service would ask what the Police were doing about it rather than taking action themselves. The details are in the attached reports.

There was frequently delay in reporting matters to the Police. A case in which delay could have had fatal consequences was the case of the [Child, Family 4] baby (please see report DS Fossey [date excised] folder 1) who was taken to A&E with a suspected fractured skull. Doctors were investigating this as a non-accidental injury and the parents were the sole carers and therefore the chief suspects. Children's Service did not inform the Police. The Child was admitted at approximately 17.00 one day and Police were not informed until 13.00 the following day, and then, only by chance. In the meantime the child had been allowed home for the night with her parents. I am not an expert in child care but one only has to apply a modicum of commonsense to realise that the Police should have been informed at once and that the child should have been placed with someone other than her parents until investigations were complete. The next day, not one but two suspicious skull fractures were confirmed.

The second area of concern was that members of the long term care teams did not seem to know what their roles were vis a vis the Police. They seemed to think that it was for the Police to act primarily to protect children. The Police's primary role is to investigate crime. In doing so they work alongside Children's Service but too often Police found Children's Service expected the Police to take action when they themselves did not act. They were reluctant to apply for Emergency Protection Orders or Care Orders, even in cases where children such as the [Family 1] children such as [Child, Family 1] appeared to be at considerable risk in her own home.

Another area of concern was the conduct of case conferences, which are meetings held between all agencies to decide whether a child should be put onto the Child Protection Register. This categorises children at the highest risk and a plan of intervention is formed. In the [Child, Family 4] case the chair of the conference was the parents' former children's service officer who was clearly not impartial. Other concerns specifically surrounded a Manager named Danny Wherry. He would, for example, start the conference by stating that he did /did not intend to put the child on the register. This was not conducive to an open discussion and joint working between the various agencies.

Mr Wherry also told Police that if a Child on the Register was reported as missing, he did not want the Children's Service to be contacted about it out of hours — it could wait until the morning. Children are put on the register if they are thought to be at very high risk. One would have thought that Children's Service would be just the people the Police need to speak to in order to help find a very vulnerable child late at night.

Meeting with Children's Service

The SG and I met with Marnie Baudains and Tony Le Sueur, (a Children's Service manager). They accepted that Case Conferences were not always handled well and said they were short of people in the island qualified to chair them (something Marnie is working to improve).

As far as the long term cases were concerned, they effectively said that the chronologies we saw reflected only part of the work that went on but admitted that cost was a factor in dealing with such families, they thought they would never get care orders as the bar is set too high and even if they applied, they would have to show that the care home was better than the family home, which wasn't necessarily the case as they would struggle to place such children.

We were told that incidents such as the [Child, Family 4] baby case should not have happened and were exceptional.

We also brought up the case of [redacted] which came to light in [Date excised]. [redacted] was convicted of sexual offences against girls (aged 12/13) and sentenced to three years imprisonment. Before he was released he underwent a RAMAS assessment which assesses a person's risk of committing further serious offences. He was deemed to be at high risk. He also expressed his intention to return to live with his partner. This woman did not accept that he remained a risk ('He has paid his debt to society etc'). She had an [Age excised] old daughter. Clearly, the mother was in no position to protect her daughter if she did not accept that he posed a risk of offending. Children's Service did not intervene to protect the girl.

Two years later, the almost inevitable disclosure was made to the Police that [redacted] had been indecently assaulting the daughter from the moment he came home. This was a tragedy which could have been avoided. [redacted] is now serving another prison sentence. Children's Service said they were not able to establish that he was actually living at the partner's address and denied it when challenged.

Overall they believed they were doing a good job but that they felt unable to apply for Court orders to take children into care as the standards set by the Court were very high and applications even in such cases as [Child, Family 1] were likely to fail. The driving factor behind these decisions seems too often to be whether Children's Service have suitable accommodation for the child rather than whether the child is at risk of harm if he or she stays in the home.

I still find this hard to understand particularly as I successfully prosecuted [Mother, Child, Family 1] for neglect when she admitted allowing a known sex offender into her home on a daily basis and watched him indecently assault [Child, Family 1] on two occasions without intervening. When parents cannot or will not protect a child surely the state has a duty to act?

The Present Position

The view of the Police is nothing has improved since our meeting with Children's Service. Indeed things have deteriorated as the problems were formerly to do with the long term care team and response from the emergency team had been good. Since then some members of the emergency team have left and things have not improved.

Delays in reporting matters to the Police and questionable judgement issues remain.

#### Delays

The delay in the [Family 4] case was clearly not an exception. There have been many instances in which there has been delay in informing the Police. A glaring example is the case [Child, Family 6] (folder 5). I no longer have the full file but I enclose copies of the documents showing a referral from Health to Children's Service on [Date excised.]

[Mother, Family 6] was a young single mother with a disturbed background. On [Date excised] she informed psychiatric nurse [Nurse A] that she had tried to kill her [Age excised] old baby by smothering him. She stopped in time. However, she felt that the baby was better off without her but as she did not want anyone else to have the child it would be better for him to die.

The documents show that [Nurse A] informed Children's Service at once. However, Children's Service did not inform the Police until 4 weeks later. In the meantime Children's Service had agreed with [Mother, Family 6] that her father should care for the baby but they did not tell him what had happened. The grandfather was therefore not in a position properly to protect the child as he did not know either that the child was at risk or what that risk was. The Grandfather in fact took the baby with him on a visit to UK where [Mother, Family 6] joined them. No authorities in UK had any idea that the Child was at risk. Police were only informed 4 weeks after [Date excised] when the family returned to Jersey. One can only conclude that in this case there was an abject failure to follow basic procedures and in my view, the Child must have been put at risk by those failures.

#### Poor Judgment

Another recent example of what is wrong in Children's Service is the case of the [Family 7] (folder 6). The letter on file is from **Linda Dodds**, a senior manager. The letter is self explanatory. The children were at so much risk that they were put on the Register in [Date excised] 2006. By [Date excised] 2007 Children's Service had had no intervention in the family, and had not even completed a core assessment as mother would not co-operate. The suggestion then, is that the children should come off the register! Surely mother's refusal to let Children's Service into the house and refusal to co-operate is all the more reason for concern for these children, not less. DI Fossey's reply is also attached.

Another example is the case of [Child, Family 8] (folder 7). This was brought to my attention last week. [Child, Family 8] has been fostered by a family since the age of [Age

excised] . He is now, around [Age excised]. He has [Condition excised.] Recently he tried to strangle the [Age excised] year old son of his foster parents. Children's Service seem only able to focus on what they think is best for [Child, Family 8]and are ignoring the need to protect the [Age excised] yr old in the family. They are adamant that [Child, Family 8] should not be prosecuted and should remain in the home. It was only the Police who asked in case conference what the mother's view was (she can no longer cope with him) and the effect on the [Age excised] yr old (very fearful he or his parents will be killed by [Child, Family 8] in their sleep). There are two children here and the Police have actually alleged that Mr McVey of Children's Service has tried to mislead them about whether to prosecute firstly in omitting Dr Williams' comments that [Child, Family 8] should be prosecuted from the minutes of the meeting and then writing to DI Fossey saying that CAMHS (i.e. Dr Williams) were of the opinion that prosecution would not be in [Child, Family 8's] best interest. This is a very serious allegation but the officer (DC Cornelissen) does not see what other interpretation he can put on the facts.

Yet another case earlier this year was [redacted] He was a convicted sex offender living with a woman who [redacted] and [redacted] [Child, Family 9]. who has equal, if not more [redacted] [Child, Family 9] was assessed as having a mental age of 6 although she was [Age excised]. [Child, Family 9] mother knew [redacted] was a sex offender. She was unable to protect [redacted] [redacted] slept in her [redacted] room with [redacted] Children's Service knew he was a sex offender living with two people of [redacted] They did not intervene. [redacted] repeatedly raped [Child, Family 9] and even filmed two acts himself. He is now serving 12 years. Even after [redacted] arrest Children's Service would not remove [Child, Family 9] from her mother's care, not because they didn't appreciate mother's inability to protect [redacted] but because they didn't have anywhere to put a Child with [redacted] [redacted] This continued even after [redacted] tried to contact [Child, Family 9] from prison and mother sent him photographs of her.

#### Williamson Enquiry

When the enquiry was set up I contacted the Solicitor General and asked whether I should speak to Mr Williamson about the concerns we had had about Children's Service which led to our meeting last year. The SG said that I should do so. I was aware that the Police still had problems with Children's Service and I spoke to DI Fossey who gave me the most recent examples of [Child, Family 7] and [Child, Family 8].

I would emphasise that I have no knowledge of the matters relating to the allegations Senator Syvret has made about Greenfields and I feel I have nothing to contribute to that aspect of Mr Williamson's enquiry. However, the enquiry was set up to look at child protection in its widest sense and I felt under an obligation to bring the above matters to Mr Williamson's attention, which, with the agreement of the SG, I did last Thursday.

Bridget Shaw