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Statement No: First
Exhibits: PW1-PW11
Dated:

THE INDEPENDENT JERSEY CARE INQUIRY

EXHIBIT PW11

11 Recommendations

Legal and policy framework

1. Jersey should immediately ratify the United Nations Convention on the Rights of the Child.
2. A lead minister for children's services should be appointed.
3. Jersey should develop a child specific criminal justice policy.
4. The "welfare principle" should be enshrined in all law and policy that effects children and in particular in criminal justice law.
5. Jersey should raise the age of criminal responsibility to 14.
6. Jersey should raise the minimum age for a Youth Detention Order to 16.
7. Remand procedures should be clarified in law, and in particular the presumption of bail should be established.

Prevention

8. The good prevention services that Jersey has established, should be sustained and strengthened, and in particular their financing should be put on a firm and reliable footing.
9. Similarly the excellent youth service provision should be sustained and strengthened.

Diversion and prosecution

10. The parish hall enquiry system should be sustained and strengthened. In particular attention should be paid to:
 - Putting in place measures to ensure it is only bypassed unusually for clearly defined reasons
 - Strengthening its access to and use of restorative justice processes
 - Building in safeguards against inconsistent practice
 - Developing mandatory training for centeriers
11. An independent prosecution service should be established.

The youth court and the probation service

12. The youth court in Jersey should be reformed to make it less formal and more relevant for children. The Jersey authorities should consider abolishing the youth court and replacing it with a system based on the Scottish Children's Hearings, for children up to the age of 16 or even 18 years, where addressing the needs not the deeds is the paramount concern.
13. Preventive services offered by the YAT should be available to children assessed as at risk of crime, and other difficulties, as well as those who have started to offend. They should be offered from a non criminal justice organisational base.

14. The Probation Service should, in partnership with Social Services, develop more intensive alternatives to custody, including intensive supervision and specialist fostering.
15. The use of restorative justice interventions should be broadened to include use in schools, and work with looked after children and children in custody.

Custody

16. The use of custody for children should be eliminated or virtually eliminated in Jersey. This can be achieved by:
 - Raising the age of criminal responsibility
 - Raising the age at which custody is available
 - Introducing a presumption of the right to bail
 - Strengthening the custody threshold in law, to ensure that custody is only used as a genuine last resort
 - Senior politicians should lead public opinion in the argument against children's custody
 - The development of effective alternatives to custody, in particular intensive supervision and specialist fostering
17. The holding of children at La Moye should cease.

Safeguarding and promoting the welfare of children in custody

We hope and expect that within a relatively short time, children's custody in Jersey will be virtually eliminated. In the meantime however, it is important to ensure that children are held safely, and that their welfare is promoted. In any event we believe the following recommendations would benefit all children in the criminal justice system and those who are looked after by the Jersey care system. We recommend the following.

18. Independent inspection arrangements should be introduced for Greenfields and other children's establishments.
19. These should be based on a rigorous standards framework, such as the English National Minimum Standards for Children's Homes.
20. An independent children's advocacy system should be established to assist children in custody, (and indeed in other parts of the youth justice and care system) in raising concerns.
21. A "whistle blowing" policy should be developed which has a strong independent element within it, and which enjoys the confidence of staff.
22. A children's complaints procedure should be developed which has a strong independent element within it, and enjoys the confidence of children and young people.
23. Search procedures should be reviewed to reduce the use of strip searching to an absolute minimum.
24. Children should be consulted about the way they are looked after in custody and care.
25. Recruitment of staff should be brought into line with the requirements of the Warner Report.
26. There should be closer involvement with, and oversight by, the Jersey Child Protection Committee in relation to safeguarding arrangements at Greenfields
27. The longstanding staff conflicts and difficulties at Greenfields, should be addressed through independent mediation/conciliation/team building processes, and measures should be taken to ensure that management arrangements are in place that support staff and are trusted by them.