



Jersey Care  
Commission

## **OVERVIEW REPORT**

**Children's Care Home Services 2020**

## **INTRODUCTION**

This is a report of the Jersey Care Commission's ('the Commission') regulation and inspection of the care homes for children in Jersey which are carried on by the Government of Jersey's Children's Services (the registered provider). This report reflects the Commission's inspection and other oversight activity during 2020.

## **BACKGROUND**

Under the Regulation of Care (Jersey) Law 2014, all providers of care homes, home care and adult day care services must be registered with the Commission. The requirement to register these services came into force in 2019 and Commission staff undertook a series of pre-registration visits and provided guidance on a range of matters prior to granting the Government of Jersey's application to register these services in December 2019. At this time, the Government of Jersey also registered two home care services for children, neither of which have been operational since registration. The Government of Jersey also carries on two care homes which provide supported accommodation for young adults.

This report will focus on the Commission's oversight of the seven registered care homes for children in 2020. The reports of the inspections of these services are available on the Commission's website.<sup>1</sup>

In January 2019, the Commission's Care Standards<sup>2</sup> came into force. There are fifteen Standards which set out what a child or young person should expect when using a care home service.

## **CHILDREN AND YOUNG PEOPLE'S RESIDENTIAL CARE IN JERSEY**

The independent regulation and inspection of residential care for children and young people in Jersey was a key recommendation of the Independent Jersey Care Inquiry.<sup>3</sup> The publication of the reports of inspection findings provides the people of Jersey with independent assurance about the quality, safety and effectiveness of residential care for children and young people.

Of the seven registered care homes for children and young people, four are small and accommodate between two and three children and young people. The names

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<sup>1</sup> <https://carecommission.je/inspection-reports/>

<sup>2</sup> <https://carecommission.je/wp-content/uploads/2019/02/JCC-Care-Standards-Care-Homes-CYP-2019v1.-1.pdf>

<sup>3</sup> <http://www.jerseycareinquiry.org/Final%20Report/Ch%2013.pdf>

and addresses of these four homes have not been published by the Commission and they are referred to by number (for example, '01 Children's Home'). This is to preserve the confidentiality and privacy of the children and young people using these services.

Two of the care homes provide short breaks for children and young people. Both of these homes continued to operate during the Covid-19 crisis and provide short breaks to around 30 children and young people. One of these homes provides a range of personal care and nursing care with support from hospice and specialist community nursing services.

One of the registered care homes is a secure children's home. This means that the children and young people who use this service are not free to come and go from the home, as they would be in the other registered care homes. Some children and young people who have been accommodated in the secure children's home have been placed there following a decision taken by a Placement Panel. This would be as a result of a criminal court decision to remand or sentence the young person to secure accommodation. The Panel must meet regularly to keep placements under review.

The secure children's home is also used to accommodate a child or young person where it is necessary to prevent them from injuring themselves or others, or if they have a history of absconding and, if they abscond are likely to suffer significant harm. In such cases, a Secure Accommodation Order is obtained, and the Placement Panel meet on a monthly basis to review the decision.

There is also provision for the Director of Children's Services to agree an emergency placement within the secure children's home on welfare grounds. This would trigger a referral to the Royal Court within 72 hours of the placement for consideration of a Secure Accommodation Order, which may be granted for up to three months.

Children and young people placed in secure accommodation have their placement reviewed regularly by a panel which is chaired by the Head of Service. At each review, the panel must satisfy themselves that the criteria for keeping the child in secure accommodation continues to apply, the placement in such accommodation continues to be necessary and consider if any other description of accommodation would be appropriate for the child.

The site occupied by the secure children's home was shared for several months in 2020 by Child and Adolescent Mental Health Services (CAMHS). This meant that the home continued to operate, but alongside a separately operated and managed temporary in-patient service that was established by Health and Community Services to support some young people with mental health needs during the initial stages of the pandemic. The impact on the secure children's home was reported to have been minimal and the in-patient service ended in August 2020.

All of the care homes are required to operate in accordance with certain conditions on their registration. This means that they should consistently provide a service that is described in each home's Statement of Purpose. There have been occasions in 2020 when applications have been made to the Commission to vary some aspects of

registration conditions, including temporarily increasing one home's capacity to accommodate a fourth resident. Another variation application was made in relation to the temporary use of a home's visitor's room to accommodate a child. On each occasion, the rationale for varying registration conditions was linked to meeting the needs of children and young people. However, the effectiveness of these variations has, on reflection, not consistently brought about better outcomes for the children and young people using the services.

## INSPECTION OUTCOMES

The inspections of these services were carried out in accordance with Regulation 32 of the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018.<sup>4</sup> The inspections set out to monitor compliance with the Law and Regulations, to review and evaluate the effectiveness of the regulated activity and to encourage improvement. At the point of registration, all seven care homes had already received at least one pre-registration inspection visit by Commission staff who had been introduced to management and other staff.

Due to the evolving Covid-19 situation, legislative amendments came into force in March and April 2020 which impacted on the Commission's role and function during the initial stages of the pandemic. Significantly, the requirement to undertake an annual inspection was suspended for a period. This meant that the Commission's scheduled programme of inspections for 2020 was interrupted, with some regulated activities not receiving an inspection in 2020. However, all the care homes for children and young people were inspected between June and November 2020.

During the initial months of the pandemic, while inspection visits were not possible, the Commission maintained regular contact with each of the children's care homes. This was important as it provided the Commission with an overview of the challenges associated with providing children and young people with good quality care during unprecedented times. This contact also confirmed the commitment of staff working in these services and their aim to provide consistent and safe care, while supporting the young people to adhere to public health advice and guidance.

The Commission's ongoing contact with representatives of the registered provider and the registered managers includes a range of discussions and correspondence arising from notifications and other matters which have required some escalation.

Other legislative changes that came into force at this time included the relaxation of some of the requirements relating to conditions on registration and staffing in regulated activities. This was in response to concerns that significant staffing shortages could result in unsafe care. In these situations, the amended Regulations made it possible for care providers to make alternative arrangements to recruit and supply staff lawfully. It is worth noting that the Government of Jersey's Children's Services did not avail of these provisions and did not declare any Covid-19 related

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<sup>4</sup> <https://www.jerseylaw.je/laws/revised/Pages/20.820.65.aspx>

staffing crises. Further and similar legislative amendments that came into force in November 2020 were not applicable to regulated activities provided to children.

All the inspection visits in 2020 were announced and undertaken in accordance with each home's infection prevention and control protocols. Two of the homes were visited twice as part of their inspection.

During each inspection, Commission staff spoke with the registered manager, staff on duty and with any of the children or young people who were available and willing to participate in the inspection. The parents of the children and young people using the short breaks services provided feedback to Commission staff. Commission staff also contacted social work staff in relation to the placements of several children and young people in the homes, as part of the inspection process.

The views of the young people using the care home services overall reflected high levels of satisfaction with the care received. However, not all of the young people consulted were aware of their plan of care and some reflected that they hadn't been involved in care planning. Some of the children and young people described the staff as supportive and advised that they felt listened to by staff. Several young people reported that the staff treat them with respect.

The staffing arrangements within the homes were examined during each inspection with particular attention paid to the numbers, skills and experience of staff teams. While the Covid-19 situation presented significant challenges in terms of staffing, some of the homes had been experiencing staff shortages prior to the pandemic.

Staffing shortages which had arisen due to the Covid-19 situation do not appear to have significantly impacted on the quality of care provided to the children and young people accommodated in the homes. The inspections identified that staff had made themselves available for additional shifts throughout the height of the pandemic and that this had contributed to stability within the homes and continuity of care. Staffing levels within the homes are expected to remain under review and should be adjusted in accordance with the assessed needs and occupancy levels within the homes.

The arrangements for staffing the homes overnight consist of sleep over cover and waking night staff. Two of the homes don't have dedicated staff sleep over rooms when they are fully occupied, and this means that staff would have to sleep in one of the home's communal areas. It is the Commission's view that these arrangements are not suitable and that overnight staffing arrangements should not impact on the availability of communal areas, or on the privacy of staff. Staff who are on 'sleep over' generally continue their shift into the following day. It is important for staff to be provided with suitable facilities to enable them to avail of their rest period. The Commission has been advised that these arrangements are under review and that the maximum number of children and young people in both homes will reduce in order to create capacity for a dedicated staff sleep over room.

**The registered provider must, by 9 April 2021, update the Commission on the plans to provide staff with suitable accommodation when 'sleeping over' in the homes.**

A consistent finding across all of the inspections relates to the safe recruitment of staff. The Commission was informed by Children's Services in April 2020 of a failure in the system in place to ensure that each staff member has an up to date enhanced disclosure and barring service (DBS) check (in addition to the enhanced DBS obtained prior to their appointment). Subsequent to this, the Commission has received assurances that this has been rectified and that all staff have an updated enhanced DBS check in place.

The scrutiny of recruitment records is important in order to determine how the registered provider's safe recruitment protocols are implemented. It was a finding across all of the inspections that staff recruitment records prior to 2018 were not available for examination and were reported to be 'incomplete or unavailable due to information lost when HR platforms were migrated in previous years.' The failure to retain recruitment records undermines the registered provider's ability to demonstrate compliance with the Regulations and to evidence the system relied on to safely supply staff to work in direct caring roles with children and young people. It is not clear what measures have been taken to identify which records have been lost or if any notification of this has been made to the individuals affected or to the Office of the Information Commissioner.

**The registered provider must provide the Commission with an update in relation to these matters on or before 9 April 2021.**

## **NOTIFICATIONS TO THE COMMISSION**

During 2020, the Commission received notification forms from each of the children's care homes relating to a variety of incidents. The Care Standards for Children and Young People's Care set out (Appendix 6) the events that must be reported to the Commission within two working days.

Many of the notifications received in 2020 related to missing from care episodes (including overnight), arrests (including for breaching bail conditions, malicious damage, assault), hospital attendance (Accident and Emergency department) related to substance misuse, assault allegations and self-harm.

The frequency of missing from care episodes was noted to be most prevalent in four of the homes, with one young person being reported as missing on 47 occasions. In 2020, one home reported 143 incidents to the Commission, the majority of which related to young people missing from care at night. The frequency of these episodes could suggest that the measures in place to engage the young people in their plan of care (including their safety plan) are not effective. There is a risk that any complacency associated with this level of disengagement could undermine efforts to identify and manage risk.

The Commission has received notifications relating to children as young as 12 years old being missing overnight from some of the care homes, with little information provided as to the plan in place to address these concerns.

Several homes were noted to be accommodating at least two children and young people who were missing from care frequently. While there was some evidence of staff following young people and maintaining contact with them (mainly by mobile phone) when absent from the home, there were other instances in which it wasn't clear what plan was in place to secure the safe and timely return of the young person. This was particularly concerning where there were identified risks associated with child sexual exploitation.

The ability of staff to respond to these episodes (which occur mainly at night) has been impacted by the staffing arrangements and the availability of staff to follow or collect young people. It was noted in many of the notification forms that care staff had alerted the police of the child or young person's missing episode and awaited their return. The absence of further information about any other intervention in these situations would suggest that this is the extent of the measures in place to maximise the safety of a child or young person in care. This is concerning and doesn't provide evidence of compliance with the Standards that relate to supporting children and young people to feel safe.

In other instances, the Commission has received detailed accounts of staff searching the area, locating the young person and supporting them to return to the home. This is good practice and is consistent with what any parent might consider appropriate in these circumstances.

Where there have been frequent and predictable missing from care episodes, Commission staff have encouraged registered managers to initiate a multi-agency review. It's not clear what the outcomes of these reviews have been as some children and young people have long established patterns of going missing from care.

**By 9 April 2021, the registered provider must provide the Commission with assurances as to the arrangements in place to maximise the safety of children and young people who are missing from care. This must include details of risk assessment and management plans and confirmation of the availability of suitable numbers of experienced and skilled staff to respond to these incidents.**

## THE ROLE OF THE INDEPENDENT PERSON

The Regulations set out the requirement of the registered provider of a care home service for children to appoint an independent person for the purposes of visiting the home and reporting on the quality of the care provided.

The Regulations also place a duty on the registered provider to ensure that the independent person visits the home monthly and that a report of the visit is produced. The report should set out the independent person's opinion as to whether children are effectively safeguarded and that the home promotes the wellbeing of the children and young people accommodated.

Prior to the care home services becoming registered with the Commission, the Government of Jersey's Children's Services had secured the appointment of an independent person and a programme of monthly visits to each of the homes had been established in 2019.

The person appointed to complete the monthly visits is based in the UK and prior to the pandemic, had a schedule of visits to each of the homes. These visits continued into early 2020, however, due to travel restrictions, it was not possible for the independent person to undertake visits to the homes in April, May, June, September, October, November or December. In all but one of the care homes, these missed visits were substituted monthly with contacts with registered managers via email and telephone and reliance on information being submitted electronically.

The reports of visits (or contacts) undertaken are made available to the Commission and are reviewed monthly. The reports reflect limited examination and review of a range of matters including staffing arrangements, incidents, safeguarding, complaints and quality assurance. The reports reflect a degree of engagement with staff, social workers, children and young people using the service and some of their parents.

From an examination of these reports, the frequency and types of notifications submitted to the Commission had not been consistently noted by the independent person. It isn't clear what analysis of this information had been undertaken during visits, or what the outcome of the independent person's consideration of these events was. As noted above, there have been many occasions when children and young people have been missing from care overnight and repeatedly. It would be the Commission's expectation that the independent person would recommend to the registered provider and registered manager actions that should be taken to address these matters.

In early 2020, the Commission raised a concern with the registered provider about the absence of any reference within some of the independent person's reports to a 12-year-old child repeatedly going missing overnight from one of the homes and getting arrested. This was particularly concerning as the independent person's report made no reference to these events, even though they related to the only child being accommodated in the home at the time of their visits.

The ongoing Covid-19 related travel restrictions are likely to continue to reduce the independent person's ability to conduct visits to any of the homes, which is a requirement of the law.

**The effectiveness of the current arrangements to deliver on the requirements set out in the Regulations should be reviewed urgently, with the outcome forwarded to the Commission on or before 9 April 2021.**



## CONCLUSION

These inspection and other activities have highlighted the range of needs and challenges associated with the provision of good quality residential care for children and young people. While it hasn't always been possible to secure consistent staffing within each of the homes, the benefits of a stable and experienced staff team have been recognised by registered managers.

There are a number of areas for improvement identified from the Commission's inspections of the homes and these will be followed up during the inspections in 2021.

Additionally, there are four areas for consideration for the registered provider. These relate to staff accommodation in some of the homes, responding to missing from care episodes, staff recruitment records and a review of the role independent person.



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16 April 2021

**RE: JCC Overview Report for Children's Care Home Services 2020**

Dear Audrey,

Thank you for the Commission's Overview Report for Children's Care Home Services, 2020 which we welcome.

We recognise that there are a number of areas for improvement identified from the Commission's inspections of the homes which we will address. More specifically, there are four areas for consideration which relate to staff accommodation in some of the homes, missing from care episodes, staff recruitment records and a review of the independent person role.

**1. Inspection outcomes - the registered provider must update the Commission on the plans to provide staff with suitable accommodation when 'sleeping over' in the homes.**

We recognise that two of our homes do not yet have dedicated staff sleep over rooms when they are fully occupied, which means that staff have to sleep in one of the home's communal areas. The Government of Jersey agrees with the Commission's view that these arrangements are not suitable and that overnight staffing arrangements should not impact on the availability of communal areas, or on the privacy of staff.

We have advised the Commission that these arrangements are under active review and that the maximum number of children and young people in both homes will reduce in order to create capacity for a dedicated staff sleep over room. In both cases, the circumstances have occurred during the Covid-19 pandemic when additional provision was required to accommodate children and young people. We continue to actively support the children and young people within both environments. When it is in their best interests, we will transition the children to other care settings, and we will revise the Statements of Purpose to establish dedicated staff sleep over rooms.

**2. Inspection outcomes - the registered provider must update around the scrutiny of recruitment records in order to determine how the registered provider's safe recruitment protocols are implemented.**

The Government of Jersey is committed to the safe recruitment of staff. We proactively informed the Commission in April 2020 of a failure to ensure that each staff member had an up to date

enhanced disclosure and barring service (DBS) check (in addition to the enhanced DBS obtained prior to their appointment). We provided the Commission with assurances that this had been rectified and that all staff have an updated enhanced DBS check in place. The dates of their last DBS check and the DBS renewal dates are recorded and monitored by the Government of Jersey's HR Department. The Service Leads receive monthly updates from HR to ensure the relevant DBS checks are completed in time.

A comprehensive audit of recruitment records was conducted in November 2020 by PeopleHub (human resource team), Service Leads, Residential Managers and People & Corporate Services. Application forms are on file for all permanent staff and fixed term contractors employed since 1<sup>st</sup> January 2018. Two members of staff have in addition to their permanent role, zero hour contract(s) to work in a residential home. Their zero hour contract application forms are not on file. Going forward, we will ensure that applicants must complete an application form for roles working within a residential home. In accordance with our Recruitment and Selection policy, the hiring manager (or chair of the interview panel) must retain the interview documentation on file for 12 months. We are compliant in 17 out of the 20 cases. We are working with Service Leads and Residential Managers to confirm a process by which they hold interview notes securely, in accordance with our policy. The Registered Manager, as the hiring manager will have direct access to application forms and interview notes. Where the Registered Manager is not the hiring manager, the PeopleHub is able to send the application forms to the Registered Manager on request. The interview documentation can be provided by the Service Lead at short notice.

**3. Notifications to the commission - the registered provider must provide the Commission with assurances as to the arrangements in place to maximise the safety of children and young people who are missing from care. This must include details of risk assessment and management plans and confirmation of the availability of suitable numbers of experienced and skilled staff to respond to these incidents.**

Safeguarding and promoting the welfare of children is a key responsibility of the Government and requires effective joint working between agencies and professionals. When a child goes missing or runs away they are at risk. Safeguarding children therefore includes protecting them from this risk. Children may run away from a problem, or to somewhere they want to be. They may have been coerced to run away by someone else. Children in residential care are at particular risk of going missing.

The Government of Jersey acknowledges that the frequency of missing from care episodes needs to reduce. In part, the high frequency is because we have previously routinely notified the Police and the Care Commission of all missing episodes, even when a child is absent without permission but their whereabouts is known.

The Government of Jersey refreshed its *Missing from Care Guidance* in March 2021, together with key partners including the States of Jersey Police. We have more clearly defined the distinction between:

- **Missing** - A child is not where they should be and their whereabouts are unknown; and
- **Unauthorised absence** - Some children absent themselves for a short period and then return, often their whereabouts are known. They are not considered at risk and usually they are testing boundaries. Sometimes children stay out longer than agreed either on purpose or unwittingly. This kind of boundary testing behaviour is well within the range of normal teenage behaviour and does not now come within the definition of 'missing' for the purpose of the

Missing from Care procedure. These children should be regarded as children 'whose absence is unauthorised'.

Further, the guidance strengthens the protocol with local police and other partners the arrangements for dealing with children in the care of the minister who go missing. Together with learning and development opportunities, this will include:

- details of the lead person in Children's Social Care, police and other agencies responsible for children missing from home or care
- an agreed inter-agency framework for assessing and classifying the degree of risk when a child goes missing from home or care or when a missing child comes to agency notice
- guidance on what responses different agencies will offer in relation to each degree of risk
- an agreed list of measures to ensure that police 'missing' and 'absent' definitions are applied to children with due consideration given to their age, vulnerability and developmental factors
- details of what assessments will be carried out following missing and absent episodes, and how this information should be shared
- responses for groups facing specific risks of going missing
- details of how safe and well checks are conducted
- arrangements for independent return interviews, agencies which can provide them and how they will be offered
- the actions residential or foster carers should take to locate the child before they are reported as missing (such as trying to contact the child by phone or contacting known friends)
- appropriate responses to children going missing or away from placement without authorisation, including an assessment of risk, the actions and arrangements for making reports to the police when looked after children go missing
- agreed reporting and recording systems on children missing and away from placement without authorisation
- details of any agencies providing independent advocacy services to looked after children
- arrangements to monitor outcomes and analyse patterns
- arrangements for information sharing between CYPES, the police and other agencies
- details of data to be analysed on a regular basis, arrangements and frequency for data monitoring by Safeguarding Partnership Boards
- agreed safeguards for runaways and missing children to identify those at risk of significant harm, particularly looking at the length of the missing episode, frequency of running away, risk factors, family history of the child
- details of preventative approaches to avoid further instances of running away, including the provision of alternative accommodation when appropriate
- details of work with children in care, so that they understand the risks associated with going missing and the support that is available to them

In addition, we will be appointing a *Missing from Care Co-ordinator* to support residential staff and foster carers to fully understand the new guidance and to improve their practice in the goal of reducing missing episodes.

The Registered Managers and staff teams have been following the new protocols since 12<sup>th</sup> February 2021. Every young person has an individual Missing from Care form that is completed by residential staff and emailed to the Police following the updated policy. Every young person has an individual Safety Plan developed by the Social Worker which is developed with the young person and implemented by the children's homes staff. The Missing from Care performance

dashboard is provided weekly to the Head of Service, the Service Leads and the Registered Managers. Individual debriefs and learning events following missing from care episodes are being developed.

**4. The role of the independent person - effectiveness of the current arrangements to deliver on the requirements set out in the Regulations should be reviewed urgently, with the outcome forwarded to the Commission.**

The Government of Jersey acknowledge that the current arrangements, largely impacted by the pandemic, need strengthening. We intend to appoint new independent persons to ensure we have the necessary expertise and resilience to provide high support and challenge to the diverse range of residential services that the Government delivers.

I trust that this response provides the assurances expected. Please do not hesitate to contact us if you have further questions.

Yours sincerely

A handwritten signature in black ink that reads "SAMark Rogers". The signature is written in a cursive style with a long horizontal line underneath.

**Mark Rogers**  
Director General

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