

The Jersey Citizens Panel 2018



‘How can the people of Jersey best remember the past abuse of children while in the Island’s care system?’

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Acknowledgements

Thank you to the members of the Citizens Panel, who placed their trust in the process and us as facilitators. This brave and inspiring group of local people came together week after week to share their opinions and experiences with each other and us in the hope that their efforts will make a difference.

June 2018



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Summary

One of the recommendations of the Independent Jersey Care Inquiry in 2017 was that there should be *'some form of tangible public acknowledgement of those that have been ill served by the care system over many decades'*. In 2018 the States of Jersey commissioned a Citizens Panel to make a set of recommendations *'which will ensure survivors can be respected and honoured in decades to come'*.

A diverse panel of 14 Jersey residents including survivors and members of the wider public worked hard over five days to share experiences and opinions, to challenge each other and finally reach consensus and agree the wording of a set of recommendations.

The panel agreed unanimously that to meet the Independent Jersey Care Inquiry's recommendation a number of different permanent projects should be put in place and that these together will allow Jersey to look back and also to look forward. In the recommendations section of this report the panel explains in the words of its members what these elements should look like and what criteria they must meet.

In the final section of the report some of the panel members describe in their own words the importance of their work and their recommendations.

Introduction

In July 2017 the Independent Jersey Care Inquiry published its final report and recommendations. The Inquiry investigated what went wrong with Jersey's child care system from 1945 onwards that resulted in multiple incidences of child abuse on the Island.

The Inquiry sat for 149 days and considered the evidence of 450 former residents of, and others connected to Jersey's care system. The report listed eight recommendations for the future including one on 'legacy issues', including the following:

'We also recommend that there is some form of tangible public acknowledgement of those that have been ill served by the care system over many decades. This should allow experiences of those generations of Jersey children whose lives and suffering worsened because of failures in the care system to be respected and honoured in decades to come. The form of this acknowledgement will need to take into account the views of survivors and the medium or approach adopted must recognise the realities of the past and speak to the future aspirations of the Island's looked after children'

Recommendation 8b of the Independent Jersey Care Inquiry: Remembering and recognising Jersey's child care history

Jersey has sought to recognise and respond to failings in the States' dealings with children over many decades through the establishment of this Inquiry; through the apology to victims made by the Chief Minister; through the Historic Redress Scheme, which sought to compensate victims and spare them additional harrowing experiences of litigation; and through support for work with former care leavers. We are of the view that remembering the past is one of the best ways to shape a better future. Many of the hundreds of witnesses whose stories the Inquiry heard wanted, more than anything else, an acknowledgement that they had been failed and harmed, as well as the reassurance that no other child in Jersey would ever have to experience what they had endured. [13.52]

Responding to the Inquiry report the Council of Ministers proposed that a Citizens' Panel be established¹.

It is proposed that a Citizen Panel is commissioned to develop preferred options for a memorial, which will ensure survivors can be respected and honoured in decades to come. The Panel will be made up of approximately 20 to 25 participants, who will assemble and participate in approximately 5 workshops to discuss the issue and produce a collective recommendation. The Panel will be informed in their deliberations by key stakeholders (but not limited to), representatives from local arts and culture, Environment Department, survivor representatives, community voluntary sector organisations. The Panel would present its recommendations to the Council of Ministers. [14.6]

¹ Independent Jersey Care Inquiry Report: Implementation of recommendations p.108/2017

http://www.statesassembly.gov.je/assemblypropositions/2017/p.108-2017.pdf?_ga=2.198164911.1488226782.1511172351-222890976.1510837007

The States of Jersey invited suitably qualified and experienced organisations to bid for the work through a competitive tendering process. The contract was awarded to Contact Consulting from England. The lead facilitator Peter Bryant has previously run some thirty citizens panel style processes in Europe. The co-facilitator was Claire Mason a qualified social worker with over 20 years' experience of working within the social care sector as both a practitioner and an academic with a particular focus on child protection and the family justice system.

Process

Deciding upon a suitable public acknowledgement is a complex decision. As a result, it was essential that sufficient time and space was dedicated to the process to enable quality in depth deliberation to take place. In order to achieve this the panel took place over a total of five days.

Recruitment

The Citizens Panel was based loosely on the model of the Citizens Jury. The bringing together of a diverse group of people, who are often called a 'mini-public' to deliberate over a long period of time, sharing opinions, ideas and experiences and challenging each other before an attempt is made to reach consensus and to write a set of recommendations. A diverse group of people is key to the success of such a process.

It was essential to ensure that people who had themselves experienced harm and abuse as children in Jersey's care system (survivors), formed the majority of those invited to take part in the process. Members of the Jersey Care Leavers Association and other channels were used to reach survivors including Alan Collins the solicitor who represented the Jersey Care Leavers Association at the Independent Jersey Care Inquiry. This was complemented by a recruitment drive consisting of 500 letters inviting members of the public to apply to join the Citizens Panel randomly delivered to addresses (weighted by the number of homes in each Parish) across the Island by Jersey Post. In the second phase of recruitment a news release was issued, and advertisements placed in the Jersey Evening Post inviting survivors to apply to join the Citizens Panel. The Director of Children's Policy and the lead facilitator were interviewed about the Citizens Panel project by local TV and radio channels. A new page was created on the gov.je website to provide potential applicants with more information.

As is common practice in recruitment to such processes, all participants were offered a £50 gift voucher for each session they attended. This is a recognition that each panel member's expertise and wisdom is a valuable asset, serves as an incentive to encourage those who feel disillusioned with such approaches and is an acknowledgment that some participants may miss paid work in order to take part.

Applicants who were unable to attend all sessions and those from over represented age groups were taken from the long list to give a short list of 19 people who were invited to the first session. A total of 14 people attended at least one session with an average attendance over the 5 sessions of 11 people. The main group of 14 people included 7 males and 7 females and had representation from all the following age groups:

- 16 to 19 year-olds
- 20 to 35 year-olds
- 36 to 45 year-olds
- 46 to 60 year-olds
- people older than 60.

All participants were spoken to by phone at least once prior to the first session. During these conversations the facilitator explained the purpose and the structure of the sessions and clarified arrangements around anonymity. It was explained that the venue for the sessions would only be shared with participants and those at the States of Jersey responsible for the logistics. It was also made clear that nobody participating in the sessions would be expected to share any previous experiences unless they chose to do so, no photographs would be taken, and no names would be listed in the final report.

Given the importance of ensuring diverse representation from survivors, one survivor, who due to personal reasons was unable to attend any of the sessions, was given the opportunity to be interviewed separately. Their opinions were then fed into the group discussions on the last day.

Oversight Group

Citizens Panels

The Jersey Citizens Panel was based loosely on the model of the Citizens Jury an example of what is known by many as a 'mini-public'. Such processes usually involve the bringing together of a diverse group of members of the public who spend some twenty hours or more working through a complex issue. They draw upon the opinions of a range of outside experts before drawing a set of recommendations. These processes are now widely used in many countries across the world as a way of involving members of the public in policy making decisions. For example in Australia on the topic of nuclear waste and also energy reform, in the UK on mental health, health and wellbeing and also the National DNA database.

Such approaches have been widely written about and some examples of the advantages of using such an approach include reaching beyond 'the usual suspects', being able to have a better policy conversation, the production of sensible, actionable and defensible recommendations, making it easier to make a decision about hard issues and increased public trust in the decision-making process.

It is widely regarded as good practice to have an Oversight Group running alongside any citizens panel style process. An Oversight Group is typically made up of key people who are able to influence whether a panel's recommendations are adopted. The role of this Oversight Group was to:

- 1) Ensure that the project design is fair and rigorous
- 2) Help identify commentators/witnesses best able to present
- 3) Monitor the process of citizen selection
- 4) Help publicise the work of the Panel.

The membership of the Jersey Citizens Panel Oversight Group was as follows:

- Alan Collins (solicitor): Alan represented the Jersey Care Leavers Association at the Independent Jersey Care Inquiry
- Andrew Heaven: Director of Children's Policy, Community and Constitutional Affairs
- Tom Walker: Chief Officer, Community and Constitutional Affairs (Chair)

Rod McLoughlin: Cultural Development Officer, Economic Development, Tourism, Sport and Culture and Tracey Ingle: Principal Planner Historic Environment - Planning and Building Services, Department of the Environment, also attended some meetings. Support was provided by Michelle Moffat: Policy Principal, Community and Constitutional Affairs.

Members of the Oversight Panel were excluded from all of the sessions, with the exception of the last weekend when, at the invitation of the panel members one member, Andrew Heaven (Director of Children's Policy, Community and Constitutional Affairs) was invited on the Saturday to explain the consultation process on the future of Haut de la Garenne and on the Sunday to receive the panel's recommendations.

The sessions

Session one and two

During the first session (May 13th), panel members were introduced to each other and the facilitators. Andrew Heaven, the Director of Children's Policy, Community and Constitutional Affairs explained to the panel members why the panel had been commissioned and what will happen to the panel recommendations. He answered questions from the panel. The facilitators then asked him to leave so that the panel could start its work in privacy.

The facilitators worked to create a relaxed and informal atmosphere where people felt comfortable contributing. As an introductory activity, panel members were asked to use drawing to 'share three things that you'd like the rest of the group to know about you'. The group then talked about how they should best work together and produced an agreement on confidentiality.

In the remainder of the session panel members started to think about ways of remembering.

1. Participants used maps of Jersey to stimulate thinking about existing 'places or objects or projects that are designed to get people thinking about something that has happened in the past' and to mark these on the map. The group were encouraged to think about the positive and negative contributions of each. A facilitated large group discussion then shared the learning.
2. Finally, the group shared any ideas of their own and looked at a series of images of a range of different ways that communities across the world have remembered past events (statues, scholarships, theatre productions, mobile memorials etc.)

In the second session (May 26th), panel members drew on the previous activities to start to write a set of criteria which any future legacy should meet. They then took part in an activity designed to get them thinking about who needs to be impacted by the legacy project in whatever form this may take. Once again, these ideas were then shared with the whole group before the first 'commentator' of the process was introduced.

Commentator sessions

Commentators² were an essential part of the process. They are outside 'experts' invited to speak on the issues under consideration in an effort to help to further their understanding.

All commentators joined the group by Skype in sessions two, three and four. They were briefed in advance by the lead facilitator. A short list of potential commentators was agreed by the Oversight Group. Those commentators that presented to the panel were those that were available for the dates and time slots allocated and those that were able to best respond to the thinking and priorities of the panel as it

² The term commentator rather than expert is used in recognition of the fact that members of the panel are also experts.

developed over the process. Each commentator was invited to talk for up to 15 minutes. In their presentations they were encouraged to include:

- Details of who they are (and their organisation)
- A summary of the work they have done that is relevant to this project
- Any personal opinions to help guide the panel in their work.

Essential to the success of the process was the use of clear, simple, easy to understand language. A red card system was used where panel members were encouraged to show the red card if they were having difficulty understanding what is being said (for example if the commentator was using complex language and abbreviations).

Commentators

Fay Maxted: Chief Executive: Survivors Trust

Professor Sue Anne Ware: School of Architecture and Built Environment, The University of Newcastle, Australia

Quentin Stevens: Associate Professor, School of Architecture and Urban Design, RMIT University, Melbourne, Australia

Wendy Ellyatt: Chief Executive, Save Childhood Movement and founder of National Children's Day UK

Richard Weston: Chief Executive, The Healing Foundation

After each presentation, commentators were asked to leave the call to allow participants the space to talk with each other about their learning. Small groups were formed and questions for the commentator were written on A4 pieces of paper. If the panel member was happy to ask their own question in the Question and Answer session they wrote their name on the question, if they wanted the facilitator to ask it they wrote the facilitators name on it. The commentator was then called back for the question and answer session.

In addition to the commentator sessions participants were given the opportunity to spend lots of time talking to each other, sharing opinions, challenging each other, talking through relevant experiences and so gaining a better understanding of each person's needs and perspectives. This was achieved through the creation of small discussion groups and activities. Sometimes the participants chose which groups they would join and on other occasions they were allocated to ensure that everybody spent time with each other.

Sessions four and five

In the last two sessions (June 9th and 10th) panel members finalised their recommendations. The outputs from small group discussions were used to produce several versions of the criteria and project ideas. These versions were then presented to the whole group. Lengthy large group and small group discussions culminated (on the final day) in an agreed set of recommendations.

Throughout the panel's meetings Haut de la Garenne figured in many of the group's conversations. At the request of the panel, Andrew Heaven (Director of Children's Policy, Community and Constitutional Affairs) and Michelle Moffat (Policy Principal, Community and Constitutional Affairs) joined the end of session four to explain the consultation process on the future of Haut de la Garenne. The group talked at length about the

building and agreed to write a joint statement on its future. This unanimously agreed statement forms part of their recommendations.

Finally, once again at the request of the group, Andrew Heaven and Michelle Moffat were invited back to attend the last session. After some preparation the group took it in turn to present their recommendations to them.

Recommendations

Over the last two sessions the group negotiated and then agreed the following recommendations:

The criteria

The following wording was agreed by all who attended the last session (12 members).

The group agreed unanimously that in order to meet the Inquiry's recommendation that there be a *'tangible public acknowledgement of those that have been ill served by the care system over many decades'* a number of different permanent projects should be put in place.

The panel is clear that in order to move forward we must look back.

The memorial project should consist of a number of elements that together look back and look forward. Together these projects must meet the following criteria:

Looking back

1. Include an apology.
2. Is thought provoking and forever.
3. Honours victims and survivors, those lives lost, lives ruined and those who are still suffering.
4. Ensures that what happened does not get forgotten and stops the past being repeated.
5. Is easily accessible to the public.
6. Is highly visible and cannot be ignored. A memorial should be located in a highly prominent position so that all are constantly reminded of the injustice that took place and how the children were failed in the care system. It should remind the Jersey government as the corporate parents (i.e. acting parents), but not shock the survivors and bring back memories.
7. Is meaningful to a range of experiences suffered in the whole care system.
8. Is a transparent and clear acknowledgment of what happened.

Looking forward (a positive activity done in the name of the legacy)

1. Is active not passive.
2. Is educational.
3. Brings about positive change for the future for children and young people and has a meaningful impact on children and young people's lives.
4. A commitment that it won't happen again.
5. It should provide ongoing help and support for all victims/survivors and their families.

The legacy

The group believes that these criteria can best be met through a commitment to all four of the following elements:

1. Memorial

The memorial is the element that focusses on the past and must therefore meet the looking back criteria. For the memorial to be a suitable acknowledgment of what happened the following process should be followed:

- a) Open design competition
- b) A short-listing process should be led by members of the Citizens Panel with input from relevant experts as required
- c) A public vote decides on the final design.

We suggest once the memorial has been designed it should be sited in the Royal Square (for example Piquet House).

2. Jersey Children's Day

The Jersey Children's Day should provide the opportunity to both remember the survivors and victims and provide a focus on children and young people living on the Island now.

The Day would have the following aims:

- a) An opportunity to remind children and young people that they should always be able to express themselves and share their opinions at any time
- b) To educate children, young people and adults of children's rights and how they should not be afraid to speak out. It is everyone's concern
- c) To provide activities that celebrate childhood and family life
- d) To make children, young people and families aware of the failures of the past and how they were let down
- e) For there to be a yearly public remembrance.

The Children's Day should be an annual event and should have the following features:

- a) It should be on 3rd July (to coincide with the launch of the Independent Care Inquiry Report)
- b) It should be a part of the Jersey school curriculum
- c) It should include a minute silence observed across the Island
- d) Children need to have a central role in how this is delivered.

The Children's Day could include the following activities:

- a) An activity in schools where children and young people are given the opportunity to share their feelings using the emblem (e.g. writing on butterfly papers)
- b) Wrist bands and pin badges carrying the legacy emblem are sold across the Island and in school in advance of the day and money raised used to fund Children's Day activities.

3. Help and support for victims/survivors and their families

This must include:

- a) Opportunities for survivors and their families to come together to support each other in a variety of settings
- b) Mental health service provision for survivors and their families who continue to be affected by the trauma of their pasts
- c) The provision of an independent service that provides support for survivors and their families in any ongoing dealings they might have with Government Departments (an advocacy service). This is an important acknowledgement of the difficulties survivors may continue to have in their relationships with professionals working for the States of Jersey.

This must be done in conjunction with services that already exist.

4. An emblem

In order for there to be a recognisable link between the different elements of the legacy a consistent emblem should be used that becomes the symbol of the legacy.

It is the panel's desire that this should be a butterfly.

The Citizens Panel would like the opportunity to guide what this looks like.

Haut de la Garenne

The group agreed unanimously that Haut de la Garenne should not be demolished. It wasn't the building that harmed children. The building has a long history dating back to the 19th century. The building should now be a positive place for whole community.

Something good can come from something bad

Personal statements:

Why are our recommendations important?

All panel members were given the opportunity to write their own personal statements to be included in the report. These are their words.

'We are the lucky ones, we survived, we will carry the physical and mental scars with us for the rest of our lives, but we survived. This memorial will help us in part to remember those who didn't, those for whom the pain was too much and took their own lives.'

WE WILL NEVER FORGET THEM'

'I'm passionate about what we've done as a panel. Our recommendations are a chance to move on and for the younger generation to see what happened a long time ago and to make sure it doesn't happen again.'

It has affected me so much as a person and as a father.

This is a chance for survivors to come together and to show support for each other and the memorial.

A lot of wrong was done and it needs to be put right. A lot of people out there are still suffering and in silence. Many did not give their evidence because they didn't want to, this could be a chance to move on. The memorial might show those that didn't come forward that there is something for us.

We will never give up fighting for our children'

'With the knowledge that what's gone on in the past is all going to be learnt and turned around for the good of the future generations by everything being a positive way forward. I am glad to be part of the healing of each other'

'Being part of this group has helped me to understand how others feel and know their thoughts. It has been a time of healing for some and understanding for others. We are all like minded people and together we have created a vision of how best our Island can remember those who were in care and the suffering they endured whilst creating a positive future for the children of today and tomorrow. This a time for healing and hope for the future. This must NEVER be allowed to happen again. Remember us!!'

I was put in an institution at twelve and all that did was prepare me for a life in crime and drugs and institutionalise me so that I wasn't even afraid of prison. Prison became an ineffective tool. All that it taught me was how to switch off emotionally. I became numb. Even now my experience still has an effect on my relationships.

I am held back by my past. Although all this has happened I try to have a positive outlook.

As part of the panel, to have all the different personalities and egos and opinions in one room and to get to the point we did in five days was extraordinary. Praise need to go to all of us. It was a therapeutic experience. As a survivor, working in the group with survivors and others has given me more faith in humanity.

'If I hadn't been placed in Les Chênes, my life would 100% be different. I met people I wouldn't have otherwise known. But the real injustice is the life sentence I was given whilst in Children Service's care at the age of 15. And events that occurred after that are barbaric to say the least. The system has failed me as a child'.

I feel privileged to be part of The Care Inquiry 'Legacy' Citizen's Panel. I have always had a profound sense of justice. My sincere wish is, the whole Island will support our carefully thought out HOPES and ASPIRATIONS for the future. This next step, will I hope enable a heavily divided community to work through its past well documented failings. There has been much loss, pain & in many cases irreparable damage done. Reconstruction goes hand in hand with Reconciliation.

I conclude with 2 quotes

"Children are the most vulnerable citizens in any society and the greatest of our treasures" Nelson Mandela

**"Our lives begin to end the day we become silent about things that matter".
Martin Luther King'**

'The past is the past and can never be forgotten. But the present and the future is now the way forward. Being on the panel was an insight into the suffering that took place by those that survived who will carry their scars until the end of their days. We the people of Jersey must ensure that this is never allowed to happen again in the future'.
