

Child Development Agency
Interim Summary Report on the Investigations Regarding the Programme
“Realizing Sexual & Reproductive Health Responsibility” in Six Privately
Operated Residential Child Care Facilities
As at June 20, 2014

Overview

This document outlines the preliminary findings of the investigations being carried out regarding the programme “*Realizing Sexual and Reproductive Health Responsibility*” that was being delivered in six privately operated residential child care facilities.

Background

On evening June 5, 2014, the Child Development Agency corporate office was made aware of the Jamaicans for Justice programme through a news release and newsletter sent via email from Davina Gayle, the JFJ Communication Specialist. The Agency conducted preliminary checks between June 6 and June 10, 2014 which revealed that no prior notification of this programme was ever received by the CDA or by the offices of the Honourable Minister of Youth and Culture, who, in keeping with the regulations under the law is required to approve educational programmes for residential child care facilities.

Subsequent to our initial checks, a query from a Gleaner reporter, and the publishing of the JFJ release in the Jamaica Observer on June 11, the Agency issued a press release, indicating that neither the CDA nor those of the Office of the Honourable Minister of Youth and Culture were formally notified of the JFJ training programme. The Agency also used the medium to announce the investigation into the circumstances surrounding JFJ’s involvement with the six residential child care facilities.

Following letters from the Minister of Youth and Culture the Hon. Lisa Hanna instructing that the Agency conduct a thorough investigation into the matter and call a halt the programme, CDA called an immediate halt to the programme and intensified our probe into the matter.

Immediate Action Taken

The CDA has initiated the following action designed to cauterize the prevailing situation

1. Following verbal contact with the facilities in the days following the news of the JFJ programme, on June 16, 2014 the Agency formally wrote to the six named institutions, outlining our concerns with the fact that the programme in question was being undertaken without notification. In that letter, the Agency also reminded operators/managers of their responsibility under the Child Care and Protection Act Children’s Home Regulations to report such matters to the Agency, and pointed out the need for operators to complete and submit to the CDA on a quarterly basis, the reporting template which required a detailed outline of their programmes.

Child Development Agency
Interim Summary Report on the Investigations Regarding the Programme
“Realizing Sexual & Reproductive Health Responsibility” in Six Privately
Operated Residential Child Care Facilities
As at June 20, 2014

2. The six named institutions have also been formally instructed to discontinue the programme, with immediate effect as per instructions from the Honourable Minister of Youth and Culture.
3. The Agency also formally wrote to Administrators/Chairmen of the Boards of these institutions seeking information and full disclosure on the implementation of the JFJ programme. The correspondence also cited the Agency’s deep concern over the lack of notification of the programme and the facility’s failure to seek approval of the materials used in the training. The Agency also used the correspondence to remind the Homes of the need to ensure that the guidelines as outlined in the standard of care regulations were being maintained at all times.
4. On June 16, 2014 the team was asked to provide a report outlining (a) the number of monitoring visits made to the home between October 2013 and June 2014, (b) to hold focus group sessions with children who participated in the training in an effort to ascertain knowledge and attitude to the programme in question, (c) the methodology applied in introducing the programme to the homes, (d) the team’s knowledge of the programme, (e) ascertain the material used in the training, (e) whether donations / gifts were provided to the home, and (f) to examine the daily journals to see if there were any notifications of the programme.

Investigation and Preliminary Findings

How the Facilities were Introduced to the Programme

The six facilities involved in the programme as announced were the Alpha Boys Home; St. John Bosco; Jamaica National Children’s Home; Sunbeam Children’s Home for Boys; Elsie Bemand Home for Girls and Best Care Foundation.

During our investigations, the six facilities involved indicated that they were contacted directly by Jamaicans for Justice representatives via telephone and later by email and letter. They were advised that the workshop was being held in other homes, and that they were selected to participate.

Some operators said they assumed that the CDA was knowledgeable of the programme. In the case of Sunbeam Boys Home, the administrator stated that Sister Susan Frazer of St John Bosco referred his facility to the JFJ. Sunbeam conceded that they did not report the training to the Agency in keeping with the regulations.

Specifically regulation 15 (1) and 15 (2) of the Child Care and Protection (children’s Home) regulations 2007 makes provisions for all licensee operating children’s home is required to

Child Development Agency
Interim Summary Report on the Investigations Regarding the Programme
“Realizing Sexual & Reproductive Health Responsibility” in Six Privately
Operated Residential Child Care Facilities

As at June 20, 2014

seek approval of its educational curriculum from the Ministry with responsibility for children if there is any deviation from the approved curriculum.

Funds received from Jamaican For Justice

Five Homes stated that they received \$10,000 for the use of the premises to hold the training. While confirming that funds were received, one facility is yet to disclose the amount.

The facilities also stated that refreshments were served to the children during the sessions. One home reported that bags containing pens, football and brochures were given to each child who participated in the programme.

Number of Children Impacted

The Agency’s preliminary findings indicate that a total of 135 children across the six child care facilities participated in the JFJ training. The Agency is in the process of cross matching the names and verifying ages of the children who participated in the programme. However, the Memorandum of Understanding signed by the administrators of the homes and JFJ stated that the training would be delivered to preselected adolescents aged 13 to 17.

Data received from at least two Homes indicate that the majority of the children who participated in the programme were under the age of 16. Of the combined 51 children who took part, 31 were under the age of 16. The group included an 11 year old, a 12 year old, and 10 children who were age 13.

Material Used in the Programme

A copy of the material deemed to be used in the training was received from Best Care Children’s Home following our request. A review of the content of the material found that parts of the training material were inappropriate for the age cohort and a departure from that approved by the Ministry of Education for use in public schools.

It should be noted that some brochures from the Ministry of Health included in the training material were in keeping with standard material used in schools. However, other modules for example, Module 6 – Sexuality & Society (Sexuality and Sexual Practices) by unknown authors, explained the usage of condoms in anal sex were not age-appropriate.

This could be deemed to be in contravention of the Offences against the Person Act Sections 76 & 79 which sees such acts as illegal.

Results of Focus Group Sessions with Children

CDA Monitoring Officers were deployed to the facilities involved to do a preliminary focus group session at each Home to determine whether children were exposed to the material and possible impact on them. Approximately 100 children who attended the training programme in question participated in session.

Child Development Agency
Interim Summary Report on the Investigations Regarding the Programme
“Realizing Sexual & Reproductive Health Responsibility” in Six Privately
Operated Residential Child Care Facilities
As at June 20, 2014

Information gleaned from the sessions confirmed that the material was delivered. The children expressed varying views on the materials presented. For example one child said that “I was taught that anal sex is not healthy for the body but if one wants to have anal sex it is his rights and no one should try to hurt that individual”. Another child related that “I was taught that someone can get infection in the mouth from oral sex”. Another related that they were not influenced to do anal or oral sex but it is a choice”. Also another related that he learned that there are individuals who are homosexual, heterosexual and bisexual.

A team of social workers were deployed to provide counselling, further support and to determine any psychological or traumatic fallout. Further review of any impact of the training programme on the children will be assessed when the social workers tender their report. A decision will also be made at that time whether extensive counselling will be needed to reverse any negative impact on the children.

Regulatory Framework

The CCPA Children’s Home Regulation of 2007 provides the regulatory provisions by which the operators of privately run children’s homes and places of safety must abide. For transparency and to ensure equity in service delivery, the provisions are also applied to children’s homes and places of safety that are operated by the Government of Jamaica.

The CCPA Children’s Home Regulation (2007), Regulation 15.1 and 15.2 makes provision governing the delivery of educational programmes in residential child care facilities. Under these provisions all holders of a license to operate a home are required to seek approval of its educational curriculum from the Minister with responsibility for children. It also states that the copy of the timetable for each programme to be conspicuously displayed at the home. **This was clearly not done in the decision of the facilities to execute the JFJ programme.**

Section 91 further gives the Minister the power to make Regulations to include those that govern the operations of children’s home. The Child Care and Protection (Children’s Homes) Regulations (2007) therefore provides the regulatory provisions by which the operators of privately run children’s homes and places of safety must abide. For transparency and to ensure equity in service delivery, the provisions are also applied to children’s homes and places of safety that are operated by the Government of Jamaica.

Since the coming to existence of these Regulations, it has been the practice that the curriculum to be used mirrors that approved by the Ministry of Education for use in public schools. Four of the six institutions are licensed as independent schools by the Ministry of Education, receive an annual subvention from the Ministry of Education and are supervised by Education Officers assigned by the said Ministry.

Child Development Agency
Interim Summary Report on the Investigations Regarding the Programme
“Realizing Sexual & Reproductive Health Responsibility” in Six Privately
Operated Residential Child Care Facilities
As at June 20, 2014

The institution monitoring function of the Agency is guided by the principles and provisions of the (a) Child Care and Protection Act CCPA; (b) the Child Care and Protection (Children’s Homes) Regulations (2007); (c) the Guidance on Standards of Care for Residential Child Care Facilities, which is developed to amplify the provisions of the Regulations; and (d) the Institution Monitoring Guidelines and institution monitoring instrument.

Section 47 (1) of the CCPA states that “No person shall establish or maintain a children’s home (hereinafter in this Part referred to as a “home”) except as a valid licence granted to him by the Minister in respect of the home”.

CDA Monitoring Mechanism

Monitoring officers operate within a framework that sets out the basic guidelines regarding the quantity, frequency and category of visits to be made both on a monthly and quarterly basis. The framework also stipulates the method and timelines for conducting field investigations, preparation of and submission of reports.

Each Monitoring Officer is assigned a specific number of homes to monitor, and a number of days per quarter for special assignments which include: training sessions, group and individual sessions with children and the investigation and reporting of critical incidents involving children in both RCCFs and LIFE placements (children in Foster Care). The number represents a predetermined ratio taking into account time required for all other work activities including visits and writing of reports. These activities are not reflected in the monitoring report instruments.

The monitoring team is required to conduct announced and unannounced visits to sites, participate in annualized audits and inspection. Announced or unannounced visits can also be conducted on week nights, weekend or holidays to ascertain the following:

1. To follow up on implementation of recommendations made on last visit.
2. To observe physical condition of children (including signs of neglect, abuse).
3. To receive & follow-up on complaints from children.
4. To review & monitor records of children (periodic checks of children’s files).
5. To discuss with administration and staff concerns about management of care in the facility.
6. To observe condition of physical plant amenities and equipment.
7. To identify issues relating to standards of care which require immediate intervention and/or follow up action.
8. To monitor log books – discipline, absconding, critical incident, medical, daily admissions and discharges
9. To report on the number of absconders (cross check with Absconding Reports).

Child Development Agency
Interim Summary Report on the Investigations Regarding the Programme
“Realizing Sexual & Reproductive Health Responsibility” in Six Privately
Operated Residential Child Care Facilities
As at June 20, 2014

10. To report on the number of new placements.
11. To report on capacity.

In addition the Guidance and Standards of Care for Residential Child Care Facilities Section 8.1 requires that reports be made on whether the children were receiving education and the curriculum being offered to ensure it is in keeping with the guidelines under the Regulations.

Monitoring the Six Institutions

Monitoring Officers reported a total of thirty-four (34) visits made to the six named facilities between October 2013 and June 2014. Checks with the Institution Monitoring team on June 10 and again on June 16, 2014 revealed that members of the team were unaware of the programme being delivered. Neither were there any notifications on the timetable that this programme was being implemented. One officer did indicate that it was casually mentioned on one visit to a facility that JFJ was conducting a child rights programme with the children.

The Agency is still investigating the circumstances in an attempt to fix those gaps which could have led to the monitoring officers not being made aware.

CONCLUSION

Based on the findings of the investigation to date the following can be concluded:

1. The training programme “Realising Sexual and Reproductive Health Responsibly: JFJ’s Pilot Intervention in Children’s Homes “was held in: The Alpha Boys Home; St. John Bosco; Jamaica National Children’s Home; Sunbeam Children’s Home for Boys; Elsie Bemand Home for Girls and Best Care Foundation.
2. The six facilities involved indicated that they were contacted directly by Jamaicans for Justice representatives via telephone and later by email and a letter.
3. The administrators of the six privately-operated children’s homes gave approval to the JFJ for the implementation of the sexual education programme in contravention of the Child Care and Protection (Children’s Homes) Regulations, 2007.

Regulation 15(2) states:

“Where educational programmes are provided at the home, the licensee shall ensure that-

- (a) those programmes are in accordance with a curriculum approved by the Minister;

Child Development Agency
Interim Summary Report on the Investigations Regarding the Programme
“Realizing Sexual & Reproductive Health Responsibility” in Six Privately
Operated Residential Child Care Facilities
As at June 20, 2014

(b) any substantial deviation from the approved curriculum is entered in the daily journal and a notification thereof is sent forthwith to the Minister;

(c) a copy of the timetable for each programme is conspicuously displayed at the home”.

Based on the findings, the administrators of the homes did not have the authority to grant permission to the JFJ to implement the sexual education without first seeking the approval of the Minister.

4. The operators of the six homes by sanctioning and giving approval for the training breached Regulation 15 (1) and 15 (2) of the Child Care and Protection Act Children’s Home Regulations, in not seeking approval from the Minister or the Agency.
5. A review of the content of the material found that parts of the training material were inappropriate for the age cohort, and a departure from that approved by the Ministry of Education for use in public schools and legal advice will have to be sought to determine if its presentation contravened any existing laws. Information gleaned from the focus groups sessions in the homes confirmed that the training material was delivered.
6. The children received training in the areas relating to homosexuality and anal sex.
7. The training schedule was not noticeably displayed at the home in contravention of the regulations.
8. It was confirmed that five of the six homes received monetary contribution from the JFJ for use of their premises for the training.
9. A MOU was signed between the homes and JFJ without notifying the Agency or the Ministry.