



Round Table Event Report

14/01/2020

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J3MS Consulting Ltd

01 Event Context

A multi-agency round table discussion event was hosted by Deborah McMillan, Children's Commissioner for Jersey between 9am and 1pm on Tuesday, 14th January 2020 in the offices of the Children's Commissioner, Jersey.

The purpose of the meeting was for the Children's Commissioner to share her recommendations from the Government of Jersey Youth Justice review which was published in May 2019, and for discussion and debate to be stimulated between key strategic leads around the planning, development and implementation of a child friendly justice system for Jersey.

A series of presentations were delivered during the roundtable which discussed the key principles of child friendly justice with a focus on the Council Of Europe guidelines, the revised UNCRC General Comment 24 and what a welfare model looks like and why a trauma informed approach is a core element necessary to be embedded in any future service and training provision.

"OUR VISION IS THAT JERSEY IS A PLACE WHERE THE RIGHTS OF ALL CHILDREN AND YOUNG PEOPLE ARE REALISED AND RESPECTED AND THEIR VOICES SHAPE THEIR LIVES."

This document is a summary of the main points which were shared by and discussed amongst professionals during the event.

The event was facilitated by Sally Rivers and Joanne Ramessur-Williams from J3MS Consulting Ltd.



Who Attended?

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Deborah McMillan, Children's Commissioner, Jersey
Mike Cutland, Chief Probation Officer, Probation
David Trott, Team Leader for the Youth Team, Probation
Nathan Fox, Head of Criminal Justice Policy, Government of Jersey
Andrew Heaven, Head of Policy, Government of Jersey
Sarah Mc Dermott , Policy Officer, Office of the Children's Commissioner, Jersey
Paul Sullivan, Manager of Greenfields Secure Unit, Jersey
Mark Owers, Director of Children's Services, Jersey
Sheree Maher, Children's Rights Team Manager
Susan Devlin, Group Director, Children, young people and skills dept. Jersey
Dr. Elina Steinerte, Human Rights Lawyer, United Nations
Sally Johnson, Advice and Support Officer, Office of the Children's Commissioner, Jersey

Sally Rivers, J3MS Consulting Ltd
Jo Ramessur-Williams, J3MS Consulting Ltd



03 Current Position

Following introductions, each participant was asked to outline their role and the progress that was being made in each of their areas of responsibility in respect of embedding a child's rights-based criminal justice system in the States of Jersey.

PROBATION SERVICE

The Jersey Probation Service is currently part of the judiciary within Jersey. With respect to children's services, there is a discrete youth team within the Probation Service. Probation deal with children from the age of 12 years old who break the law. A paper is scheduled to be presented to The Probation Board shortly which will start to see the service develop its values and to acknowledge the voice of the child. It is anticipated that this will bridge the gap between the rhetoric and reality and it is hoped that there will be an uplift and authorisation for the creation of a further full time Restorative Justice (RJ) officer to accompany the 3 probation officers and 1 part time RJ officer in the team.

The team also have their practices critiqued by external assessors and have spent time looking at the findings of the Youth Justice Review at a recent away day where they identified some solutions to the issues raised.

The Parish Hall Enquiry (PHE) process is currently informed by reports which are produced from Probation and any and all interventions which are initiated as a result of the PHE are delivered by probation who also feedback compliance with those interventions.

CRIMINAL JUSTICE POLICY

There is a significant amount of modernisation within Jersey which includes the development of a new Sexual Offence Law, redefining the basis of consent and redefining Sexual Offences against children.

The Youth Justice Policy is about to be written which will include a restorative justice element. Work is ongoing with regards to policy around application of the Bail Act and associated accommodation, improved preparation for the PHEs, identification of Adverse Childhood Experiences and Trauma Informed Practice. Encapsulated in the Criminal Justice policy will be an element of data collection and data analysis. Whilst it is recognised that each area of criminal justice is starting to capture data, there is a need to ensure that this is a joined-up approach to inform the future direction.

The funded project which oversees the delivery of the policy was agreed in the most recent planning cycle and needs to be delivered by the end of 2022 with the public consultation element to have been completed by the end of April 2021.

STRATEGIC POLICY

Currently developing policy on the incorporation of UNCRC articles and principles into Jersey legislation.

GREENFIELDS SECURE UNIT

The new manager has been in post for 12 months. There is significant pride in the team but they also recognise the challenges they face with limited resources, accessing education provision for young people placed there who are 16 years old or over, inappropriate placement of young people in the facility, and diminishing staff morale based on negative press articles due to the legacy reputation of the provision. It is a large site and historically it has lacked direction. There is also some discussion as to the need for such a large facility given the low numbers of children who are placed there.

Some positive changes in last 12 months which include the fact that no child placed there in last 12 months has been physically restrained and it is the first premises to be registered with the Jersey Care Commission. Robust and accountable reporting and quality assurance mechanisms by external assessors from the UK are now in place.

The manager is keen to develop good services for young people which are proportionate and appropriate, despite the environmental drawbacks of the premises.



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CHILDREN'S SERVICES

The new director has been in place for 3 months. They are looking to develop a whole new practice model which will include education of staff on a rights-based and trauma informed approach. Application of the Bail and Remand Act is problematic and not working effectively currently.

There are concerns over the level of exclusions (both formal and informal) for the size of the population. However, there is much positivity and huge opportunities for different teams to work together to drive change. For example, the opportunity to explore services to wrap around Greenfields rather than the current situation which sees the service in isolation.

Greater partnership and closer working with the new Chief of Police is also needed.

"Jersey is not a child friendly island."

There is significant investment being made and a "Children First" practice model is being developed by staff and partners. This will take time to embed as the service still has some entrenched staff who have a traditional approach, so it is important that the new model is introduced to help reset and reframe hearts and minds.

CHILDREN'S RIGHTS TEAM

This team reports to the Director General (Mark Rogers) but currently only has a manager in place but new staff are about to be appointed. She has been building relationships and trust and consulting with children young people and families to examine leaving care approaches and seeking reflections of those who have been on that journey. Seeking to identify what is practically done with the "voice of the child" and what does that mean practically in various services.

The focus is on co-design and what that would look like for children and young people. In addition, there will be more of a focus on preventative and proactive measures. It is recognised that there is a huge opportunity but this needs capacity and growth to maximise reach and action.

"The key focus of the team is inclusion and how that is delivered for children and young people."

CHILDREN YOUNG PEOPLE AND SKILLS DEPT

Historically there has been a significant absence of policy, legislation and resources in relation to children's services. Whilst there is now a feeling of optimism, there is still a need for attitudinal change. There is a tension between providing care and bail.

"Children on Jersey are treated as mini adults and not children"

There are a number of levers that are coming into play that will help the shift towards a wellbeing strategy which has been influenced and informed by a number of system and structure changes.

There is clarity needed over what is meant by secure care as opposed to detention. Young offenders are now being recognised as needing care and changes to the pupil premium (in education) need to reflect this. It is considered that children are often caught up in politics. Greenfields needs to be redeveloped to provide a more flexible and intensive support for children and young people and it was recognised that it was important to see that young people involved in offending are still children and young people with needs.

There is also a tension between the Magistrates' Court System and children's services.

Magistrates do not want to see children in the courts, but they sometimes make decisions as to whether or not to return a young person to their parents. Clearly that is not the role of the magistrate and this can sometimes result in remand to Greenfields being decided even though they may be acting outside of their jurisdiction.

It was also highlighted that the use of language was very important, for example, "remand" should be seen as a place of safety, but that is not always the case. So perhaps the question being asked should be **"how do we work together to support children in a place of safety"**?

There was a feeling that the process of detention should be viewed through a welfare lens, rather than from a policing perspective.

There are also a number of issues currently arising where new custody sergeants are notifying the Ministers rather than children's services that a young person has been detained.

This confusion is being caused by the written process and is being applied inconsistently. It was suggested that additional training and a visual process for dealing with children in policing be developed to address these concerns.

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Overview of Presentations

CHILDREN'S COMMISSIONER

What is child friendly justice including Council of Europe principles?

This presentation was delivered by Deborah McMillan, Commissioner for Children and Young People, Jersey.

The Commissioner asked that the audience focus on creating a justice system that guarantees the respect and effective implementation of all children's rights.

The Council of Europe guidelines ensure that justice is always friendly towards children, no matter who they are or what they have done.

The Commissioner called for a child friendly justice system that treats children with dignity, respect, care and fairness.

One that is accessible, understandable and reliable. One that listens to children, takes their views seriously and makes sure that the interests of those who cannot express themselves are also protected.

DR ELINA STEINERTE

United Nations Committee on the Rights of the Child, General Comment 24

The presentation started by recalling that the UNCRC is the most widely ratified human rights treaty in the world which is a significant factor indicating the acceptance by the States of the standards embodied in the treaty. The General Comment No 24 therefore is highly regarded as an international standard on child justice. The unique features of the General Comment were discussed, including its limitations, the language used and the layout of the document. It was highlighted that a section addressing issues of prevention was included in front of the document and Dr Steinerte commented that this was very unusual in the way in which general comments are usually structured. She concluded that a positive inference must be drawn from this with regards to the importance of this element in child justice system which must focus on prevention as the primary aim. It was observed that the evidence based arguments were contained throughout the document, emphasising the importance of keeping abreast with the latest scientific research within thus highlighted a positive duty on States, including their duty to proactively support parents.

Section 4 of the document outlined detail about operational application of the content of the document and Dr Steinerte identified that change of culture needs to be offset by the use of terminology which was discussed within the document in paragraphs 7 and 8. Turning to the concept of 'deprivation of liberty', it was highlighted that the document covers all forms of deprivation of liberty and parallels with Article 4 of OPCAT were drawn.

We were reminded that '**deprivation of liberty**' occurs if 'children are unable to leave a location freely' and the example given was Orchard House. The essential requirement of the UNCRC in relation to the child justice, namely, that the detention of the child could only take place as a measure of last resort, was examined. With this in mind, Dr Steinerte explained the requirement of the UNCRC for the diversion systems, highlighting the factors that diversion systems must comply with in order to satisfy the requirements of the UNCRC. Dr Steinerte also discussed bail and monetary bail within the presentation and summarised the application of this in these terms: if a child is eligible for bail then that means that detention of the said child is not absolutely necessary which means that the child should not be remanded in custody and the inability of the child (or guardians) to pay the monetary bail must not be an obstacle in releasing the child under another security. The best interest of the child and the right of a child to participate were identified as being of particular importance throughout all aspects of the child justice system. The age of criminal responsibility was discussed and examples of a trauma informed approach to youth justice from a number of countries across the world were discussed by way of examples of good practice.

Finally, General Comment 35 and 32 of the Human Rights Committee, the custodian of the ICCPR, as well as documents of the UN Working Group on Arbitrary Detention were noted as of further importance in examination of the current international standard on child justice. While these documents are not child-specific, they nevertheless have general application to everyone and identify children as specific vulnerable group.

SALLY RIVERS & JO RAMESSUR-WILLIAMS

Why a trauma informed approach and having an awareness of adverse childhood experiences is essential when developing a Child Friendly Justice System

This was jointly delivered by Sally Rivers and Joanne Ramessur-Williams from J3MS Consulting Ltd.

The global research history of Adverse Childhood Experiences (ACEs) was discussed with the most recent research from Public Health Wales being explained in terms of what ACEs are and the prevalence in a general population as well as a vulnerable population. Limitations of the research were also explored we chronicity, severity and duration.

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The impact of trauma and ACEs on the developing brain was presented along with detail on behaviour as well as what constituted resilience and protective factors and examples of how these can be developed in practice. It was highlighted several times that ACEs are not caused by children by, it's what happens to them in childhood.

Safeguarding data from Jersey and the absence of any current awareness of ACE data in a Jersey context was introduced. Also discussed in the presentation was the fact that simply counting up the number of ACEs experienced by an individual was unhelpful as it was the present of resilience factors and protective factors which could mitigate and offset ACEs which was most important.

The core principles of a trauma informed approach were highlighted and references to considering developments in neurology and brain development as referenced in general comment 24 were highlighted, demonstrating the interface between ACEs and trauma in developing any child friendly approach to justice. The link to this approach and the Council of Europe principles were also highlighted, as was the overlap between ACEs and trauma and the UNCRC Articles.

Finally, a 3 pillar approach to developing a child rights approach to justice was introduced to the audience.

CHILDREN'S COMMISSIONER

Response to the Government of Jersey report 'Jersey Youth Justice Review

This presentation covered all of the Commissioner's recommendations in response to the Jersey Youth Justice review.

A child rights-based approach must be embedded within any Child friendly Justice Strategy for Jersey. Development and design of the Strategy should keep pace with advances in justice and care in the developed world whilst continuing to follow ECHR and UNCRC guiding principles, and the UNCRC General Comments.

The voice of the child and youth participation was a critical recommendation as was mapping the journey and experience of the child within the current Parish Hall Enquiry System (PHEs).

Raising the age of criminal responsibility and the importance of an independent review of the PHEs (where they relate to children) focusing on building on the strengths of Parish Hall Enquiries to further develop a system for children based on welfare and rights principles.

Consultation, co-production and the absolute requirement for trauma informed training which included ACE, ECHR and UNCRC awareness was also highlighted.

STRENGTHS

- There is commitment to delivering a Child's Rights-Based justice system in Jersey - the contribution of key strategic drivers both at and following the round table reinforced this commitment.
- There are a number of changes in key roles that may help generate new ideas to help embed a Child's Rights-Based system.
- There is an ambition that wellbeing becomes a key part of Jersey Legislation and changes will start to take place.
- The formation of the Children and Young People's Strategic Partnership Board.
- Parish Hall Enquiries are local and help reduce the number of children and young people who are brought before the court system. Parish Hall Enquiries work closely with Probation and are seeking to develop more restorative justice (RJ) options.
- There is a vast amount of experience which people in key roles bring to this agenda.
- The Children's Integrated Support Team (CIST) formerly Operation Porter has been successful.
- There is a designated Sexual Assault Referral Centre (SARC) for children and adults on Jersey and this is gaining maturity.

OPPORTUNITIES

- There is good practice being delivered, but this is not often captured or promoted.
- Review of governance taking place in some areas and there is an opportunity for collaboration to deliver this on a more wide-scale basis.
- Virtual Youth Offender Team being delivered.
- There may be an appetite for a whole system review and the time is right to set a new ambition for child justice in Jersey.
- Parish Hall Enquiries – there are opportunities for training albeit recognised that the Centeniers are volunteers and their time is precious.
- Parish Hall Enquiries – opportunities to develop specialist roles for those dealing with children and young people.
- Parish Hall Enquiries – opportunity to diversify the Centenier group to be more reflective of the population of Jersey.
- It is recognised that everyone (not just professionals) should receive training on ACEs, brain science and trauma to help change the culture of the island to a more trauma informed and ACE aware society.

CHALLENGES / WEAKNESSES

- There is a lack of clear governance across the board in relation to child justice.
- There needs to be Judiciary "buy-in" (opportunity to train them to have a better understanding of the evidence behind ACEs and behaviour etc).
- There has been a tendency historically to address the individual issue rather than look at the system. This has led to reactive knee-jerk action rather than solving the main issue.
- There is a lack of an agreed vision for Jersey's child friendly justice system and a lack of progress or coordinated activity following the release of the Jersey Youth Justice Review.
- Parish Hall Enquiries – the decisions and processes used in various PHEs should be rights based.
- Whilst the low numbers of children entering the justice system is a positive, it also poses a challenge to ensure that the system is fit for purpose, whilst effective and child friendly.
- It is felt that some services are uncoordinated and unconnected.

CRITICAL SUCCESS FACTORS

- The will of all key policy drivers to make Child Rights-based Justice a reality and a clear mandate from SoJ Government.
- Incorporating the voice of children, young people and families into the changes.
- Constructive dialogue with colleagues.
- Better use of language and ensure there is understanding of the constraints the system place on some staff.
- Seeing Children first and their behaviour second.
- Needs whole system buy-in including the public – this will require training and the spread of information to:
 - Demonstrating the human impact but the financial impact to ensure wider buy-in.
 - Demonstrate that fewer children would enter the system.
 - Demonstrate that there would be increased attainment for more children and young people.
 - Demonstrate that crime rates and antisocial behaviour would reduce.

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Summary of event consensus discussion points

There was consensus following the event with regards to the following key elements.

There is a significant opportunity for change and collaboration to develop a child-friendly youth Justice system for Jersey. The time for change across all professions is now and commitments made in the Government Plan support the transformation.

All agencies need to conduct internal reviews to establish their current position. This will be invaluable when it comes to ensuring there are accurate assumptions informing the change model required to implement this multifaceted piece of work.

There was an appetite amongst agencies represented at the event for overarching governance to ensure that all strands and inter-agency overlaps are identified to maximise efficiencies and avoid competing or duplicated efforts and actions.

The Office of the Children's Commissioner can add value and be a key element to this change, notwithstanding the legal requirement for consultation but based on its independent role and the expertise within the office.

There is value in involving all agencies and departments who are involved in the delivery of a child friendly youth justice system in Jersey in future discussions, these could include the Judiciary, Education, Health and Third Sector.

There was consensus around the table for a discussion to be developed with regards to the case to raise the age of criminal responsibility but this needed to be carefully and sensitively developed understanding the impact and ensuring that no gaps in service were exposed as an unintended consequence.

There was broad recognition expressed that the PHE could be a key conduit to manage restorative justice on a local level but there was a requirement for this to be reviewed.

The effectiveness of the interventions which children and young people are required to undergo and not just presenteeism seen as a sign of success also needs to be included.

An independent skills gap analysis across all agencies to be conducted with key consideration to including being trauma informed, awareness of ACEs, UNCRC and ECHR, so bespoke relevant training packages can be developed.

Appendices

**Slides presented
during the event**

Children's Commissioner's Response to the Government of Jersey report *'Jersey Youth Justice Review'*

Deborah McMillan
Children's Commissioner for Jersey

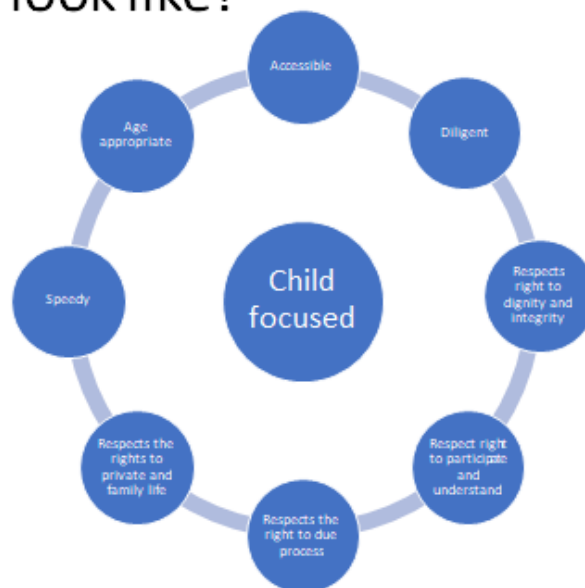


Children's Commissioner for Jersey
Promoting and Protecting Children's Rights



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What should a child friendly justice system look like?



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What is a child's rights approach?

The European Convention on Human Rights (ECHR) and the United Nations Convention on the Rights of the Child (UNCRC) provide a **rights framework** for those seeking to ensure that a culture of children's rights is evident in the Justice system

Council of Europe (CoE) Guidelines have created various **standards** and **guidelines** in the field of child-friendly justice the aim of which is improving the justice system and adapting it to the specific needs of children



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Child's rights approach

- Children's rights are **entitlements** - they are not optional (UNCRC Article 1)
- Children aged 0-18 given a special set of rights under UNCRC



4 general principles of the UNCRC:

- **non-discrimination** (UNCRC Article 2)
- **best interests** of the child (UNCRC Article 3)
- right to **life, survival, and development** (UNCRC Article 6)
- right of the child to **participation** (UNCRC Article 12).



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Childs rights approach

Accountability:

authorities should be accountable for decisions and actions that affect children and young people's lives
UNCRC Articles 3&4

Equality & non-discrimination:
ensuring that every child has equal opportunity to be the best they can be.

UNCRC Article 2

Embedding Children's Rights:

putting children's rights at the centre of core planning and service delivery.
UNCRC Articles 3&4

Empowering Children:

enhancing children's capabilities so they are better able to realise rights, engage & hold accountable institutions & individuals that affect their lives

UNCRC Articles 5&6

Participation:

listening to children and taking their views meaningfully into account.

UNCRC Article 12



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What does this *actually* mean?

Children deserve to have their **best interests** met through **proper allocation of resources**

Each child is an **equally valuable** human being

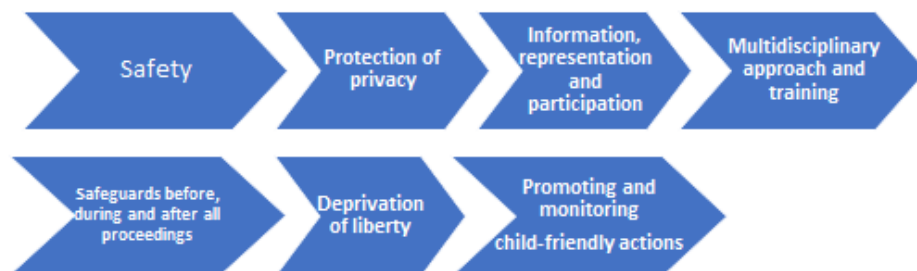
Every child has the right to **life, survival** and **development** to their **fullest potential**

Every child **understands** their situation and has experience to offer us



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What do the Council of Europe guidelines say?



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UNCRC General Comment 24

Core elements of a juvenile justice policy

- prevention of child offending
- interventions without resorting to judicial proceedings
- set the minimum age of criminal responsibility
- guarantees for a fair trial
- deprivation of liberty including pre-trial detention and post-trial incarceration
- after care and reintegration services
- monitoring of these measures



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Children's rights in juvenile justice: the key points from the General Comment No. 24 of the Committee on the Rights of the Child

Dr Elina Steinerte

Youth Justice Roundtable Discussion
Jersey, 14 January 2020

General Comment No. 24 of the Committee on the Rights of the Child

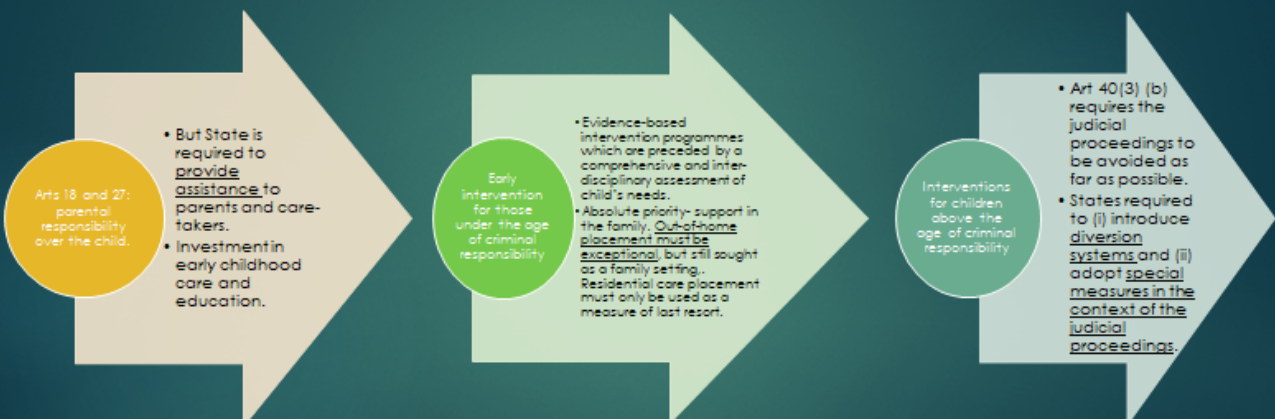
- ▶ General comment No. 24 (2019) on children's rights in the child justice system (18 Sept 2019), UN Doc CRC/C/GC/24.
- ▶ Adopted on 18 September 2019; replaces General Comment No. 10 (2007) and is the key United Nations document on children's rights in the child justice system.
- ▶ The Convention on the Rights of the Child remains the most ratified human rights treaty with 196 States Parties.
- ▶ Committee on the Rights of the Child is the custodian of the Convention on the Rights of the Child and thus the only body entitled to provide an authoritative interpretation of the contents of the Convention.
- ▶ The UK ratified the Convention on 16 Dec 1991 and it has now been extended to Jersey. Jersey was thus included in the most recent examination by the Committee in 2016 (see Concluding Observations CRC/C/GBR/CO/5).

The scope of the General Comment No. 24

- ▶ Detailed and comprehensive document, organised in 7 core sections:
 1. Introduction;
 2. Objectives and scope;
 3. Terminology;
 4. Core elements of a comprehensive child justice policy;
 5. Organisation of child justice system;
 6. Awareness-raising and training;
 7. Data collection, evaluation and research.
- ▶ Section 4 is the core of the document as it provides for detailed examination of standards applicable to child justice system including prevention of child offending, diversion and restorative justice, minimum age of criminal responsibility, fair trial guarantees, deprivation of liberty, including pre-trial detention and post-trial incarceration and such specific issues as jurisdiction of military courts and state security courts, children recruited and used by non-State armed groups and children in customary, indigenous or other non-State justice systems.
- ▶ Limitations of the General Comment: does not cover children in all aspects of the justice system, including child victims and witnesses of crime, children in welfare proceedings and children before administrative tribunals.

Prevention of child offending: section IV.A

- ▶ The position of the section in the General Comment is not without significance: it precedes the examination of the child justice policy thus signifying that prevention should be prioritised.



- ▶ The importance of **systematic** and **continuous appropriate multidisciplinary** training of all actors of child justice system on the content and meaning of the Convention. This should not be limited to information on the relevant national and international legal provisions. It should include established and emerging information from a variety of fields on, *inter alia*, the social and other causes of crime, the social and psychological development of children, including current neuroscience findings on development of adolescent brain.

Diversion programmes

- ▶ While it is ultimately up to the States how they design and implement their diversion programmes, the Committee has clearly stated that:

Must be an integral part of the child justice system.

1. Compelling evidence that child has committed crime;
2. Child admits responsibility freely and voluntarily;
3. Admission not used against the child in any subsequent proceedings;
4. Must not involve deprivation of liberty;
5. Completion results in a definite and final closure of the case.

Must respect children's human rights and legal safeguards fully as per Art 40 (3) (b).

1. The child's right to seek legal or other appropriate assistance relating to the diversion offered by the competent authorities;
2. The possibility of review of the measure.

Diversion

Must be the preferred manner of dealing with the children in the majority of cases, including serious offences.

States required to continually extend the range of offences for which diversion is possible, including serious offences.

Opportunities for diversion should be available as early as possible after the contact with the system, and at various stages throughout the process.

Interventions in the context of judicial proceedings

- ▶ When judicial proceedings are initiated by the competent authority, the principles of a fair and just trial must be strictly observed, including:
 - ▶ No retroactive application of child justice;
 - ▶ Presumption of innocence;
 - ▶ Right to be heard and effective participation of the proceedings;
 - ▶ Legal and other appropriate assistance as well as free assistance of an interpreter;
 - ▶ Prompt and direct information of the charge(s);
 - ▶ Decision without delay and with the involvement of parents or guardians;
 - ▶ Freedom from compulsory self-incrimination;
 - ▶ Presence and examination of witness;
 - ▶ Right of review and appeal;
 - ▶ Full respect of privacy.
- ▶ The child justice system should provide ample opportunities to apply social and educational measures, and **to strictly limit the use of deprivation of liberty, from the moment of arrest, throughout the proceedings and in sentencing.**
- ▶ The need for a probation service or similar agency with well-trained staff to ensure the maximum and effective use of measures such as guidance and supervision orders, probation, community monitoring or day reporting centers, and the possibility of early release from detention emphasized.

Minimum age of criminal responsibility

- ▶ Art 1: child anyone under the age of 18 but the minimum age of criminal responsibility is not set;
- ▶ States required to raise the minimum age of criminal to at least 14 years of age;
- ▶ However, States that have a higher minimum age, for ex. 15 or 16 years of age, commended and all urged not to reduce the minimum age of criminal responsibility under any circumstances, as per Art. 41.
- ▶ Some key elements to recall:
 - ▶ The relevant age is the age at the time of the commission of the offence;
 - ▶ If there is no proof of age and it cannot be established that the child is below or above the minimum age of criminal responsibility, the child is to be given the benefit of the doubt and is not to be held criminally responsible;
 - ▶ States should adopt one standardized age below which children cannot be held responsible in criminal law, without exception as to the, for ex., type of offence committed or the individual assessment of the child's maturity;
 - ▶ In cases where a child commits an offence together with one or more adults, the rules of the child justice system applies to the child, whether they are tried jointly or separately.

Some key elements concerning the deprivation of liberty of children

- ▶ Deprivation of liberty should be a measure of last resort and the General Comments goes to great lengths to emphasize this;
- ▶ Two leading principles: (i) the arrest, detention and imprisonment of a child must be used strictly in accordance with the law, as a measure of last resort and for the shortest period of time; (ii) unlawful or arbitrary deprivation of liberty of a child is impermissible.
- ▶ Pre-trial detention (PTD) must be exceptional and even then only after community placement has been **carefully** considered.
- ▶ Criteria for PTD should be clearly stipulated in law;
- ▶ PTD should be subject to regular review and its duration limited by law.
- ▶ Discretion to release with or without conditions, such as reporting to an authorized person or place.
- ▶ The payment of monetary bail should not be a requirement, but where bail is set, it means that there is a recognition in principle by the court that the child should be released, and other mechanisms can be used to secure attendance.

Detaining children

Separation from adults must be ensured at all deprivation of liberty settings, including police stations;

No child should be placed in a centre or prison for adults;

The exception in Art. 37 (c) should be interpreted narrowly and the convenience of the States parties should not override best interests;

Separate facilities should be established;

Such separate facilities should be staffed by appropriately trained personnel and operate according to child-friendly policies and practices;

None of this means that a child placed in a facility for children should be moved to a facility for adults immediately after he or she reaches the age of 18. The continuation of his or her stay in the facility for children should be possible if that is in his or her best interests and not contrary to the best interests of the children in the facility.

Organisation of the child justice system

- ▶ Recognising the complexity of the measures that are to be implemented, the Committee notes the need to establish an effective organization for the administration of child justice.
- ▶ It goes on to specify that a comprehensive child justice system requires the establishment of specialized units within the police, the judiciary, the court system and the prosecutor's office, as well as specialized defenders or other representatives who provide legal or other appropriate assistance to the child;
- ▶ The need for specialised child's justice courts or at least specialized judges for dealing with cases concerning child justice is emphasized;
- ▶ Specialized services such as probation, counselling or supervision also should be established together with specialized facilities, for example day treatment centres and, where necessary, small-scale facilities for residential care and treatment of children referred by the child justice system. Effective inter-agency coordination of the activities of all these specialized units, services and facilities should be continuously promoted.
- ▶ Finally, individual assessments of children and a multidisciplinary approach are encouraged.

Recommendations

A child rights-based approach is embedded within a Youth Justice Strategy for Jersey

Strategy development and design should keep pace with advances in justice and care and follow ECHR and UNCRC guiding principles

The voice of the child is heard, and children and young people are supported to participate in development of the Youth Justice Strategy

The addition of a prevention strategy for Jersey is core in the development of the Youth Justice Strategy and requires a set of meaningful associated measures

Recommendations

The journey of children in all areas of law be mapped, identifying which rights of the child exist and using this approach to inform strategic planning

'Right Help, Right Time' early help model review ensures a child's rights-based approach is embedded within any future operating model. This includes any new early help measures are child's rights-based



Priority be given to raising the Minimum Age of Criminal Responsibility

Recommendations

An analysis of youth offending data be undertaken to ensure that children's rights are being respected, protected, and fulfilled

Children and young people should be consulted with regards to any proposed changes to legislation and policy and their views taken seriously

There be a review of child representation in public law to understand and establish compliance



Recommendations

An independent, full review of Parish Hall Enquiry system should be undertaken including compliance with UNCRC and other treaties

Any changes to the courts system should reflect the ECHR and the guiding principles of the UNCRC and the Rights of the Child General comment No. 24

A child friendly feedback mechanism be established involving children and young people to establish their experiences, what worked well and where improvements could be made

JFCAS ensure the voice of the child is heard through the court process

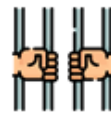


Recommendations

Greenfields review report recommendations and any subsequent decisions are enshrined in the best interests of children giving them the right to an education, and the right not to be punished in a cruel or hurtful way

Ongoing detention of children in Greenfields must be addressed as a priority

The current transition system between youth and adult custody be reviewed in light of international best practice and the UN General Comment 24



Recommendations

Training should consistently include understanding of ECHR, UNCRC. Training such as research-based developments in children's wellbeing, brain development and trauma be incorporated

A skills and practice review be undertaken with people who encounter children and young people in a youth justice context, with bespoke training developed, implemented and evaluated

Any training delivered should include ECHR and UNCRC as these are core components within an effective child friendly justice system



The future

3 Pillars of a Child Friendly Justice System

Understanding of what children's rights are and how children's rights should be applied in practice

Adverse Childhood Experiences, child development, trauma informed and child's rights-based policies and procedures

Understanding diversity and proactive integration of the UNCRC articles into strategies, policies and practice

Training of all involved in the justice system on:

1. Adverse Childhood Experiences (ACEs), the impact on the brain, trauma and how to build resilience & identify protective factors.
2. UNCRC Articles and the interface between them and childhood adversity and trauma.

Why we should consider using logic models

Logic models:

- integrate planning, implementation, and evaluation
- prevent mismatches between activities and effects
- leverage the power of partnerships
- enhance accountability by keeping stakeholders focused on outcomes
- help planners to set priorities for allocating resources
- reveal data needs and provide a framework for interpreting results
- enhance learning by integrating research findings and practice wisdom
- define a shared language and shared vision for community change



Children's Commissioner for Jersey
Promoting and Protecting Children's Rights



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Example

Children's Rights Training: Logic Model



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Objective 1: Understanding of what children's rights are and how children's rights should be applied in practice					
Inputs	Activities	Outputs	Outcomes		
			Short (1-3 years)	Medium (2-5 years)	Long (5-10 years)
Resources to support learning, including commitment for staff to be released, case study examples and information posters	Development & delivery of training that explains what a child's rights-based approach is	Number of bespoke awareness raising training programmes delivered to multi-agency participants	A workforce that: <ul style="list-style-type: none"> • Understands what children's rights are and how they can be embedded into practice • Puts children's rights at the centre of core planning and service delivery • Understands the need for change and the process to move towards a fully child rights-based practice • Understands the benefits of this approach from a child's or young person's perspective 	<ul style="list-style-type: none"> • Attitudes and behaviour change positively towards child's rights • Awareness, recognition and understanding of a child's rights-based justice system is clearly evidenced • Provide services with children and young people at their heart • Reduce traumatisation of children and young people who come into contact with the justice system • Increased positive interaction between children & the justice system 	<ul style="list-style-type: none"> • Improved relationship with children and their families who access the justice system • Organisational culture shaped by a child's rights-based approach with inclusive and UNCRC compliant practices being the norm • Child's rights-based approaches evident and embedded in all levels and approaches to the justice system in Jersey • All authorities fully accept their accountability for decisions and actions that affect children and young people's lives
Evidence-based training activities	Development of a toolkit to assess the extent practices and policies are cognisant of UN General Comment 24	Pilot evaluation of initial training sessions delivered			
Resources to evidence how Children's rights have been applied elsewhere	Delivery of training to use the toolkit and how to develop a change model to move towards child's rights-based practice	Toolkit to assess readiness to adopt a child's right-based policies, practices and services			
Bespoke information to contextualise the need for training	Dynamic review and amendment of training materials informed by initial evaluation	Provision of skills and techniques to enable organisations to use the toolkit and plan changes			
Experienced and quality assured trainers who are conversant with the legislation (nationally & internationally)		Compendium of good practice from change plans (both within and outside of Jersey) and other evidence whilst exploring readiness / current position			



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