



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

Office of the Children's Commissioner

Brunel House
Old Street
St Helier, Jersey
JE2 3RG
Tel: +44 (0)1534 867310

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Deputy Robert Ward
c/o Andrew Harris
A.Harris5@gov.je

Dear Deputy Ward

CAMHS Service Redesign / CYPES therapeutic support

The importance of emotional wellbeing is reflected in the following UNCRC rights:

Article 6: the right to life and maximum survival and development

This right is one of the core principles of the UNCRC. It is broad, including the physical, mental, spiritual, moral, psychological and social development of the child or young person as well as suicide prevention. The Committee on the Rights of the Child expects to receive information from governments on the measures they have taken to prevent the suicide of children and young people and to monitor its incidence.

Article 19: protection from all forms of violence

This right includes a requirement that governments take steps to protect children and young people from self-harm and suicide.

Article 23: rights of disabled children

This right makes clear that disabled children (including those with mental health problems) have an equal right to the highest attainable standard of physical and mental health.

Article 24: the right to the highest attainable standard of health

In its guidance on adolescents and the right to health, the Committee on the Rights of the Child has urged governments to *'make the community aware of the early signs and symptoms and the seriousness of these conditions, and to protect adolescents from undue pressures, including psychosocial stress'*. The Committee has also highlighted its serious concerns about the high and increasing prevalence of mental health problems among adolescents in many countries, and the increasing incidence of self-harm and suicide within this group. It comments: *'In many countries symptoms such as depression, eating disorders and self-destructive behaviours, sometimes leading to self-inflicted injuries and suicide, are increasing. They may be related to, inter alia, violence, ill-*

*treatment, abuse and neglect, including sexual abuse, unrealistically high expectations, and/or bullying or hazing [ridicule or abuse] in and outside school. States parties should provide these adolescents with all the necessary services.'*¹

Recognising the significance of the negative attitudes towards people with mental health problems, the Committee on the Rights of the Child has urged governments *'to combat discrimination and stigma surrounding mental disorders, in line with their obligations under article 2 the Right to non-discrimination.'*²

What do children and young people say?

In terms of mental health support and awareness young people want better provision to be able to access emotional and wellbeing support, but also for more work to be done in terms of removing the stigma that surrounds mental health issues:

"Work to remove the stigma towards mental health that may be a driving factor as to why people that need help don't tend to reach out from the fear of being judged."

"If young people are feeling as if they have no one to speak to they should be reassured that there are people/counsellors available to talk. There is a huge stigma around going to see a counsellor however having somebody to vent/confide in can be the best thing for them."

"Build a support centre for children. Dedicated to mental health and general support for the children. Parents won't be informed if they use the services unless they are at risk of danger, and everything is confidential."

"I would have an app to book an appointment with a counsellor who would come to you and talk to confidentially about your worries."

'Better CAMHS provision- too many children needing admission to children's ward to protect themselves.' Survey 2018³

In the joint Government of Jersey and Children's Commissioner survey in 2020 almost half (48%) of children and young people stated that they were feeling worried. That is 1007 children and young people. Many children and young people commented on their mental health particularly amongst the 16+ age group:

"Feel alone, dark, empty and numb."

"I am worried about my mental health deteriorating because I have to stay inside every day doing the same thing. Life is like Groundhog Day at the moment."

"I have mental health problems which have been worsened by the lockdown so I regularly experience urges to self-harm and suicidal ideation."

"My mental health is diminishing."

"Pretty down most days."

¹ Adolescent health and development in the context of the Convention on the Rights of the Child: 01/07/2003. CRC/GC/2003/4. (General Comments) at paragraph 22

² Adolescent health and development in the context of the Convention on the Rights of the Child: 01/07/2003. CRC/GC/2003/4. (General Comments) at paragraph 29

³ Commissioner for Children and Young People Jersey Island Wide Survey 2018

“During lockdown my mental health has plummeted.”

Conclusion

I welcome the commitment in the Government Plan to provide the CAMHS service with additional funding. Although much work is in progress to improve psychological wellbeing, I am concerned that the impact is not yet being seen in service provision, and not enough is being done to raise young people’s awareness of mental health problems. The lack of a specialised CAMHS inpatient unit means that young people are being placed on Robin Ward, at Orchard House, and for a few months of this year, at the Greenfields site. Any work undertaken to both increase the availability of in-patient provision, including facilities that are able to accept emergencies and out of hours referrals, and to develop community-based services with the aim of reducing the need for admission to in-patient facilities is to be welcomed.

Youth Service Move On Café / Youth Service English as Additional Language

The importance of youth work is reflected in the following UNCRC rights:

Article 12: Respect the Views of the Child

This establishes the right of every child to freely express her or his views, in all matters affecting her or him, and the subsequent right for those views to be given due weight, according to the child's age and maturity.

Article 31: Child’s right to leisure, play and culture

The UNCRC says that children and young people have the right to have fun in the way they want to, whether by playing sports, watching films, or doing something else entirely. They have the right to rest, too.

Children and young people should be able to take part freely in cultural activities, just like adults. The government should make sure it is easy for them to do this whether or not they have a disability.

UNCRC and youth work are inextricably linked. The delivery of youth services provides a powerful mechanism for engaging with and listening to young people. Youth work provides places and relationships within which young people can enjoy themselves, feel secure, supported and valued, learn to take greater control of their lives, and recognise and resist the damaging influences which may affect them. Youth work facilitates non-formal, informal and structured educational opportunities and experiences which challenge both the institutions and young people themselves to enhance their personal, social and political development. It also provides access to relevant advice, information, support and guidance.

English as Additional Language – UNCRC Article 30 makes it clear that children and young people who belong to a minority group have the right to share their culture, language and religion with other people in that group.

What do children and young people say?

Young people want more places to go and more things to do that are not expensive, but that were specifically aimed at teenagers. They have asked for places to go in the evenings and on Sunday’s.

Children and young people said that they wanted more opportunities to have a voice:

“Make young people feel like their views are important and that we have our voices heard, not just in school but Jersey as a whole. We don't get enough information about our

government and voting, and when we do it's often not presented in a way that interests us. It means that we may not have our opinion heard when decisions which affect us and our futures are being discussed in the States."

Conclusion

Further investment that supports children and young people to have a voice and to engage them in positive activities is to be welcomed, however parents, children and young people have told us that they struggle to access youth work provision due to the cost, cost of travel, and the times of sessions not meeting their needs. More street-based outreach work rather than centre-based provision may address this inequity. Many parents have spoken to me about the lack of respite provision and there may be scope for youth work to provide more targeted support to offer youth work as part of respite care and short break provision. I am aware that the English as an Additional Language Team based at Rouge Bouillon school have faced budget cuts yet demand for the service remains high. Any funding that will ensure that all children can access the curriculum and enable integration into the community, and to have a voice is to be welcomed.

Dewberry House (SARC)

The importance of protecting children from sexual abuse is reflected in the following UNCRC rights:

Article 19: Child's Right to Protection from all forms of Violence

Article 19 of the UNCRC says that if someone uses violence against a child or young person, it's never acceptable or justifiable. It should be possible for them to report a violent act in a safe and confidential way, and reports made by young people should be investigated by the authorities.

Article 34: Sexual Exploitation of Children

Children and young people have the right to be protected from sexual abuse. They have this right regardless of their gender, and regardless of who they are attracted to.

What do children and young people say?

As an office we have not undertaken specific work in this area. However, the Independent Jersey Care Inquiry made it clear that those charged with the care of children failed in their duty to take adequate measures to protect those children from sexual abuse. Disclosures of sexual abuse were made and no action taken. *"We find that, on the large amount of evidence before us, there can be no doubt that many instances of physical and sexual abuse and of emotional neglect were suffered by children in the care of the States of Jersey throughout the period of review. That abuse and neglect has had far reaching consequences for many of them throughout their adult lives."*⁴ A Child House model will help to ensure that children and young people feel more confident to report abuse and to seek support.

Conclusion

I very much welcome the additional investment and question whether or not the funding is indeed sufficient? Children who have been raped or sexually assaulted must be able to access a forensic medical examination quickly enough after the traumatic event they have experienced, and this must not be delayed due to shortages of suitably qualified and experienced medical staff. Access to specialist counselling for children and young people affected by sexual abuse must be available when required in order for those

⁴ IJCI Volume One Page 30 para 7.5

children to begin the road to recovery and the provision of those services under one roof – a Child House model – should be supported.

SARCs provide both immediate medical attention, delivered by suitably trained paediatricians and forensic medical examiners, to children who have been raped or sexually assaulted, and access to long-term counselling. I visited the Lighthouse in London with the UK Children's Commissioners and heard from parents just how valuable the service was to them and their child. The Lighthouse puts the child at the centre and offers services that help them recover at their own pace and rebuild their lives. Medical, advocacy, social care, police, and therapeutic support is delivered from one place providing a coordinated approach.

Such a provision in Jersey would be of huge benefit. I understand from my visits to the SARC that referrals from children and young people are low. This must be addressed with a sense of urgency.

Education Reform Programme / School's Catch Up

The importance of education is reflected in the following UNCRC rights:

Article 28: children and young people have the right to education

Children and young people have the right to both primary and secondary education and should be able to choose different subjects when in secondary school. This should include the option of technical and vocational training, so they shouldn't have to focus on academic subjects if they don't want to.

Governments should support children and young people in education. They should:

- make efforts to reduce dropout rates from school
- make sure teachers can't use violence against children or young people
- make sure teachers don't publicly humiliate children or young people
- make sure children or young people aren't bullied by their teachers or classmates.

Article 29: Goals of education

A child or young person's education should help their mind, body and talents be the best they can. It should also build their respect for other people and the world around them. In particular, they should learn to respect: their rights and the rights of others.

What do children and young people say?

Young people want schools to be less results focused, and for PSHE lessons to have more of a focus on life skills. They also want more accessible and more affordable higher education options. Young people have raised problems with the equity of secondary school provision, a school system overly focused on results which causes undue pressure in children and young people, and a lack of support and alternatives for children struggling in mainstream schools.

"Make the education system less stressful and depressing for young people. GCSE's are unnecessarily difficult now and the education department is unfair when dealing with people with mental health issues. Teachers can't control the problem students who bully other students and make life difficult for those already suffering. The whole education needs to be updated with the input of students."

"Make sure that all the teachers at school take bullying more seriously because at my school, if somebody tells a teacher that somebody else is calling them names, the teacher would just say to walk away or ignore them and they don't deal with everything seriously."

in my school the best teachers to go to are our pshe because they understand you really well.”

“The fact that my school is giving me heaps of work and I can’t do it all.”

“Our grades are being effected by the pandemic and online education doesn’t give students the same chance, as some students do need extra help and struggle..”

Conclusion

I welcome any investment in education that will address the issues that our children and young people have so eloquently raised in both my own surveys and in the ‘Big Education Conversation’. Through my casework I am clear that for some children the current education system does not support their rights. The education system should be inclusive - one that accommodates all students whatever their abilities or requirements, and at all levels – pre-school, primary, secondary, tertiary, vocational and life-long learning.

It is important to understand what is and is not inclusive education:

- Exclusion: students with disabilities are denied access to education in any form.
- Segregation: education of students with disabilities is provided in separate environments designed for specific, and in isolation from students without disabilities.
- Integration: placing students with disabilities in mainstream educational institutions without adaptation and requiring the student to fit in.
- Inclusion: education environments that adapt the design and physical structures, teaching methods, and curriculum as well as the culture, policy and practice of education environments so that they are accessible to all pupils without discrimination. Placing pupils with disabilities within mainstream classes without these adaptations does not constitute inclusion.

The achievement and wellbeing of all children and young people must be paramount and the equity issues addressed through this significant investment in education. The loss of learning due to the pandemic means that some children have fallen behind and may well widen the attainment gap. A focus on learning support and wellbeing is welcomed.

Public Service Ombudsman (JPSO)

The Government Plan has proposed a delay on implementation.

With regard to children and young people, my Office in effect already acts as an ombudsperson under the Commissioner for Children and Young People (Jersey) Law 2019 Articles 18, 19 and 20.

To note, page 14 of the consultation document for the JPSO stated that with respect to children and young people, *“the JPSO may consult with the Children’s Commissioner in order to determine who is best placed to investigate the complaint.”* In most cases it would be my Office who would be better placed to carry out the investigation.

Section 6 of the consultation document indicated that: “JPSO will investigate maladministration and service failure complaints. The Children’s Commissioner will investigate children’s rights complaints” and that the offices “can undertake joint investigations”.

It is important to highlight that maladministration and service failure complaints can in and of themselves concern children’s rights violations. Joint investigations could be a useful

tool in progressing children's rights and raising awareness of violations, however I would seek improved processes in case of an overlap of jurisdiction and an agreement proved difficult, or if in fact the offices reached different conclusions about the same case.

This delay provides an opportunity to ensure that there is no duplication and gives time for further consideration of the ombuds function in relation to children. The States may by Regulation amend the Commissioner for Children and Young People (Jersey) Law 2019 to accommodate the broader role of ombuds for children and young people.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D McMillan', written in a cursive style.

Deborah McMillan
Children's Commissioner for Jersey