



Maggie Atkinson Consulting Ltd

A review of Independent Advocacy for children and young people:

Advice to policy makers and practitioners in Jersey

Following a review by

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ISSUED FINAL FOR PUBLICATION

16th JUNE 2021

Commissioned by the



**Children's
Commissioner
for Jersey**

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Executive Summary

My 12 recommendations are summarised as follows:

1. Independent advocacy should be offered to any and all children and young people who need it, free of charge, as an entitlement and a matter of course. It should be well-publicised to all Jersey children, young people and families, particularly those listed in 1.18.
2. The advocacy, its accessibility, equality based and non-discriminatory nature offer should all be enshrined in law as a mandatory feature of how children's issues are delivered, and ensuring all advocacy services can be regulated and inspected against formal standards of service, based on concrete and testable proof of outcomes and impact, not simply process, or raw numbers of children seen or worked with.
3. Historical accounts of professionals in children's services "gate keeping," "blocking," or their own and other services' staff "making bids for children to come to them alone," which the majority of participants could evidence as hindering previous attempts to offer advocacy to match Jersey's stated ambition to place children at the heart of policy, must become exactly that: history.
4. Government and the CCJ should go on clarifying that the Office of the Children's Commissioner for Jersey (OCCJ) does not now and will not in future offer professional advocacy. As the law governing the CCJ's role states, the CCJ may undertake human rights advice and support, signposting individuals to sources of help, and supporting a complaint made by a child or young person. If independent advocacy for all listed in paragraph 1.18 is established, logic indicates the CCJ's involvement in these matters will diminish because CCJ support for individuals should be needed by fewer of them, because most will obtain support through advocacy.
5. Contracts awarded to organisations to provide independent advocacy should be awarded after open and transparent, competitive, objectively awarded processes, with contracts fairly costed from agency to agency and client group to client group. The process should be based on formal invitations to tender. This will ensure there can be no explicit or implied criticism levelled at how contracts are awarded, thus safeguarding both the awarding body and the successful contractor.
6. Contracts for all independent advocacy should be explicit that, especially given several bodies will be needed to ensure provision across the wide range of children and young people in paragraph 1.18, all advocacy bodies must offer their services to the target group for which their organisation has been contracted, not to others whose advocacy is provided by another organisation. Contractually, all organisations commissioned to provide services should be required to demonstrate that they work together across the children and young people's services landscape. This commitment should include, within GDPR requirements, formal agreements to share information, when possible with permission from clients to whom such information refers, but if their safety is compromised, assuming due safeguards are in place, even if such permission is not granted.
7. Contracts for such "high stakes" services should be attached to clear and binding targets, which should be "SMART", and against which organisations should be held to account by Government, and by an independent inspectorate:
 - **S**pecific and **S**tretching (including specifying and giving detailed descriptions of what is required, what the starting point is and what is being aimed for as a tangible and recognisable outcome, not an input or process),
 - **M**easurable (including what will be measured qualitatively and on an outcomes and impact basis, through case studies as well as quantitatively through collecting and reporting numbers and outputs),
 - **A**chievable and **A**greed (including details of how they are to be achieved and what support may be needed, given by whom, to ensure they are),
 - **R**ealistic and **R**obust (including ensuring no organisation is set such outlandish targets or goals that they are inevitably bound to fail, or could be prevented by others from reaching them),

- **T**ime-bound and **T**rackable (including details of deadlines for meeting them, and for reporting back to funders and supporters whether governmental or not, and also including any break clauses in the contract, and when a contract will start and end.)
8. It should be possible for any independent advocacy provider to be a registered charity, regulated by the Island's Charity Commission, or if they are UK-headquartered with a Jersey branch, both the island's and the UK's registered charity regulations. The corollary to holding charitable status should be that Jersey's elected politicians should not be Directors or Trustees, given if they serve in this way, Jersey's Charity Commission's Charity Test is clear that the organisation concerned may not become a registered charity.
 9. The Government's stated ambition should now become an explicit expectation: that even if an advocacy service sets out funded by government, it should become self-funding within a maximum of five years, including where necessary being supported by independent or third-sector grant giving foundations.
 10. All concerned in policy, service design and delivery, and members of Jersey's wider public, should be regularly reminded and assured of the separation of functions that must pertain between the following strands of service, provision, oversight and activity:
 - Services that are paid for, governed, led and managed by and answerable to, Government - such as children's social care services at all levels and in all teams;
 - The CCJ who, though government funded, has guaranteed and legal independence of thought, action, investigation and reporting, all of which were instituted by the law that governs Jersey's Human Rights Institute for children and young people;
 - Independent, hopefully quickly non-governmentally funded bodies such as those envisaged to provide advocacy across a wide range of Jersey's children and young people;
 - Services available through Jersey's voluntary and charitable organisations, which if they are to provide advocacy should be formally checked to ensure they are doing so to the same standards as the contracted and funded providers of independent advocacy, and
 - Services and/or support provided by private and paid-for concerns such as solicitors, or Advocates in the courts; or those which may be available without cost by approaching, and gaining the support of, Jersey's various categories of duly Elected Representatives.
 11. As per the provisions of the law that established and governs the CCJ, the Commissioner and her/his staff, or those contracted to undertake particular pieces of work for the CCJ, already have the legal power and duty to report on the adequacy and effectiveness of independent advocacy services as experienced by children and young people in Jersey, particularly those in the groups listed in 1.18 above. Such reports are expected, in the same law, to be responded to formally by the organisations concerned, for publication by the CCJ. This CCJ function is also a direct response to the IJCI reports of 2017 and 2019, as well as being enshrined in the Paris Principles on Human Rights Bodies. There should be an expectation from the Government of Jersey that any commissioned service providing professional advocacy should freely engage in any review conducted under this legislation.
 12. To ensure that a continuous cycle of improvement, learning and development takes place in independent advocacy services, and is then fed into how other services work with and for children and young people, there should be a regulatory and inspection regime in Jersey that applies to all such services, on a cyclical basis of inspection, including the public reporting of findings, at least once every three years. This is an as-yet-unfulfilled recommendation from the IJCI and is therefore now long overdue for fulfilment.

Introductory remarks

- 1.1 This report concludes a Review of Independent Advocacy Services for Jersey's children and young people. It gives evidence-based advice to the Children's Commissioner for Jersey (CCJ) and through her to Government, advocacy organisations, services, children and young people themselves, and wider society, on creating a bright future for such services.
- 1.2 The Review was commissioned by the Children's Commissioner for Jersey (CCJ) in line with her statutory powers as set out in the Children's Commissioner law (2019.) This review's terms of reference form Appendix 1 of this report.
- 1.3 The work undertaken has taken place over 18 days' work by me as independent reviewer, spread over February, March, April and May 2021. I am Professor Maggie Atkinson. Since 1979 I have worked with children and young people in teaching, UK local government, training, advice and inspection, as a strategic Director of Education and Culture and then of Children's Services (2003-2010) and as Children's Commissioner for England (2010-2015.) I now have a freelance portfolio career, leading and scrutinising Safeguarding Children's Partnerships and as a charity trustee, including for the UK National Committee of UNICEF.
- 1.4 The Review leading to this report has included:
 - an examination of the findings of the Independent Jersey Care Inquiry (IJCI), whose recommendations included a thread on the need for children and young people to have means of having their voices heard and listened to, with support from independent advocacy as appropriate;
 - reports on children's services written and presented to government in previous years, notably the Williamson report (2008) and the Bull Report (2002-03)
 - reading and reflection on Jersey's and several other jurisdictions' materials on the provision of advocacy for children and young people within and having left the care system;
 - reading and reflections on
 - The CCJ's Strategies, Plans and Annual reports
 - The CCJ reports "Life on the Rock" and "Our Life in Numbers"
 - reading from other jurisdictions where independent advocacy services are available to a wider group of children and young people than only those with care experience;
 - detailed preparation for ten hours of interviews of a range of people interested or involved in, or observing the work of, independent advocacy in Jersey;
 - a "fieldwork" phase featuring interviews with leaders, managers and practitioners;
 - a survey of all, and with their permission interviews with some, Jersey children and young people. The interviewed group comprised those who expressed a willingness to be involved in the interview process;
 - regular check-ins with the Children's Commissioner and relevant senior members of her team including the Participation team members who undertook to deliver my survey and interview at my direction. Such check-ins enabled me to assure myself that I was being furnished with all the information I may need.
- 1.5 My work moved on to a close analysis of all of the evidence listed above, triangulating as many as possible of the elements listed against each other, ensuring the anonymity of those who had spoken or sent information to me, and reaching firm and evidenced conclusions, resulting in this report.
- 1.6 Using the evidence from field work and my research, the report advises on future provision of children and young people's advocacy in Jersey. It concludes that such an offer needs to be based on the rights of the child, as an entitlement model, ensuring the provision of independent, duly regulated and professional services which work to comparable and common standards, whatever their specialisms might be. It states, as all the Review's participants urged, that such services should be based on:
 - The rights of the child under the United Nations Convention on the Rights of the Child (UNCRC), and the child's entitlement to services in accordance with that convention;
 - the independence and transparency of the offer;
 - the expansion of the client groups of children and young people who can access such services to cover far more types of vulnerability and needs.

- accessibility of services, including in the hours on offer per week, and the ease of access on a “walk in enquirer” basis as well as by phone, internet and social media;
- the insistence that all such services formally commit to working with each other, and can be judged against that commitment as well as the standard of their service;
- the external assessment of the quality of advocacy on offer to all groups who qualify, by an inspection and regulatory body to be appointed as soon as possible, and
- the proven nature of separation of functions between government, government services, and advocacy.

1.7 As a former Children’s Commissioner for England with relevant expertise in the field, I sit on the unpaid Adult Advisory Panel which challenges, supports and evaluates the work of the Children’s Commissioner for Jersey (CCJ). This Panel is an informed professional “critical friend” and challenger to the Commissioner and team, rather than a purely supportive reference group. The Commissioner does not require the Panel’s permission to fulfil her statutory duties as described in law, and it holds no executive remit. Its existence is a statutory requirement. Its terms of reference are attached to this report as Appendix 2.

1.8 In accordance with the 2019 law covering the CCJ’s role and remit, the CCJ may appoint any person or organisation as she/he sees fit, to undertake work which is required within the remit but is either beyond the capacity of the CC’s small staff team, or requires an external view. When he/she makes such an appointment, the person or organisation thus commissioned has the CCJ’s powers delegated to them, including the power to require organisations to provide information when asked to do so, to add value and evidence to the work concerned.

1.9 I was commissioned to undertake this Review following the CCJ’s evidence-based analysis, leading to a decision that independent advocacy for children and young people in Jersey should be looked at, and its history and current circumstances examined, leading to advice on what its future should be. I submit this report with a view to helping to build on what is already succeeding where advocacy is available, and to advise on what a future should look like for all, rather than only some, children and young people who may need an advocate.

What this report contains

1.10 This report:

- Explains my remit, formally agreed through written terms of reference and a contractual Letter of Engagement;
- Sets out the reading and reflection undertaken in preparation for this assignment;
- Outlines issues discussed with me, with particular regard to Jersey’s confirmed desire to ensure both that children and young people should be at the heart of policy and decision making on the island, and that an entitlement to independent advocacy helping to change lives for the better is available as widely as possible to vulnerable children and young people across Jersey;
- Outlines standards of and work relating to advocacy for children and young people in other jurisdictions in mainland UK;
- Sets out what was contributed in interviews with key individuals, all of which are anonymised and some of which have been aggregated into themed content for this report. The purpose of aggregation is both to ensure individuals may not be identifiable, and to emphasise a point if many respondents said the same things on a topic;
- Summarises the findings from a survey of, and where they consented individual interviews with children and young people, all of which are also anonymised, and may be aggregated for same reasons as above;
- Analyses and evidences progress and achievements, and where there are any, clear sticking points in what is already on offer;

- Examines relationships, the nature and models of practice, and the roles of different agencies in addressing the issues concerned, including emphasising the need for separation of functions between statutory and independent services to children and young people;
- Concludes on current strengths on an outcomes basis not simply on the quality of processes, and sets out the need for Jersey to develop independent advocacy further so as to deliver on the island's promises to put children and young people first, and to improve their fortunes given Jersey's commitment to fulfilling the rights of the child;
- Presents recommendations on areas for development to ensure the successes sought, and looks forward to their fulfilment over the coming years.

Headline findings

- 1.11 There is consensus about existing strengths in children's independent advocacy services for children in the Child Protection system, in the care of, and therefore parented by, the state, or care leavers who remain in need of such support. Such strengths are seen as a foundation for ongoing and considerable development and expansion of the offer.
- 1.12 The creation of an independent advocacy service for children in the care system and those who have left care but continue to need support, was a necessary development for Jersey, not least in the island's continued response to the IJCI, but also on the basis of the fulfilment of Jersey's commitment to honour and assure the rights of the child. From a foundation of this work with a narrow group of children and young people, and learning the lessons from this starting point, others should now gain open access to fully funded, rights based, independent advocacy, enshrined in law.
- 1.14 There is ambition and good will across Government officials, the Office of the Children's Commissioner for Jersey (OCCJ) and services including the voluntary sector. All expressed a wish to work together more determinedly and accountably to get things right for children and young people so that Jersey's Children's Plan, placing children at the heart of law-making, policy and service delivery can be delivered, regulated and held to account.
- 1.13 All concerned detailed considerable challenges in fulfilling the right of a wider population to independent advocacy. This review will detail what should happen next to ensure independent advocacy is freely and easily available as a right.
- 1.16 For the majority of Jersey's children and young people, without additional needs, if they need a supporter in occasional rather than an ongoing difficulties, it is best provided by a parent, family or friend, teacher, youth worker or others, including when English is not the first language. Such an advocate is unlikely to be formally trained, qualified, or Government funded. They will simply "stand alongside" the child to support them.
- 1.17 Children and young people who do need funded, professional, independent, qualified and regulated independent advocacy are those listed in paragraph 1.18.
- 1.18 Readers should note that for those children and young people marked with a star below, independent advocacy services are already, or by the time of publication will be, on offer. There are children and young people to whom more than one characteristic listed below may apply. The needs of those with what medical professionals call "co-morbidities" or Public Health "wider determinants" grow more pressing the more characteristics they have. Different advocacy providers may be involved with a child at different points, making partnership working, formally agreed and contractual collaborative approaches, and secure and GDPR compliant information sharing, paramount. These children are:

- Children and young people in contact with social care services because they are “In Need,” who in Jersey are not in a statutory category as they are under Section 17 of the 1989 Children Act in England, but are a cohort recognised by all who took part in this Review as needing a service. ☆
- Children and young people on Child Protection Plans, or in the process of having a Plan created. ☆

NB: as this Review started, an ITT was issued for advocacy for the above two groups. Barnardo’s, with a track record in CP advocacy in Jersey, will provide this service, though with a very limited budget and on a contract for a three-year period and no renewal. Neither of these factors is appropriate, given CP children and young people’ numbers are and will remain higher than those in care, the latter’s independent advocacy service Jersey Cares being placed on a longer contract and furnished with a far higher sum. Such discrepancies in approaches to contracts for vital services, which I must emphasise are not the fault of the two organisations named here. They appear to be features of how contracts are awarded, and will be one of the issues to be addressed in configuring equitable, effective independent advocacy services for children and young people in the future.

- Children and young people in the care system. Participants were clear this must include advocacy services for children and young people in care placed off-island. ☆
- Those who have left care at 16 or 18 who may need independent advocacy when dealing with difficulties, whether with the authorities or otherwise. ☆
- Children and young people with mental and/or emotional difficulties or ill-health, whether or not they have a formal diagnosis, and whether supported in their homes, schools and the community, or more formally and medically in hospital or clinics.
- Children and young people with additional and/or special educational needs, again with or without either a formal diagnosed condition, and with or without an accompanying visible or invisible disability.
- Children and young people excluded from, or proven unable to find a place in, school.
- Children and young people in conflict with the law, including those dealt with by Jersey’s Parish Hall Inquiry system¹, those involved in court processes, placed on remand, or found guilty and serving either a community or a custodial sentence.
- Children and young people for whom English is an additional rather than their own or their families’ first, spoken and/or written language, who may need support to “navigate” systems in Jersey that could and should be present to help them.
- Children and young people – around 30% of the under-18 population - living in, and with the effects of, poverty. This is particularly important given there is no free transport to school for children in such circumstances regardless of how far they must travel to and from school; and no school meals, whether in breakfast clubs or after school provision or at lunchtime, whether such meals would be paid for or for poorer children, provided free.
- Children and young people carrying physical, mental or emotional caring responsibilities for a parent, carer or sibling(s) at home.
- Children and young people who are witness to, and should therefore be seen as victims of, domestic abuse or violence, including where that is emotional or mental abuse usually referred to as coercion and control.
- Children and young people involved in Private Family Law proceedings by dint of parents’ separation or divorce, where contact arrangements must be formalised, sometimes with a risk of children becoming almost “disputed belongings” between warring adults. ²

¹ Readers should note that the CCJ is undertaking, through children’s rights expert lawyers, a review of Child-Friendly Justice in Jersey, leading to a published report. Coverage include all stages of the system, from Parish Hall Inquiries arrangements in localities, which appear unique, through to higher-level interventions in the Jersey courts system.

² The families and courts advisory service in Jersey is JAF CAS. Ofsted in 2018 indicated that whilst staffed by dedicated social care qualified staff, much needed to be done to ensure an effective, child rights defending organisation that in itself provides a level of advocacy for these children. Three years on, contributors to this review re-emphasised this.

1.19 Jersey needs to ensure consensual, consistent, where necessary directive leadership of the development of independent advocacy. It should come to be run in accordance with a set of standardised requirements on staff qualifications, the child's views leading what is done not advocates deciding what the children and young people they support will or will not do with others, and clear, consistent accessibility and equality of access. The requirements should be part of the tendering process for the award of contract to provide an advocacy service. These requirements should include a formal and written insistence on at least the following, as a minimum, so that potential providers all know that any bidder who does not meet them will not be considered:

- Proof that all advocacy staff, as well as having qualifications such as degrees where the work they do needs a graduate qualification, are either fully trained and accredited in advocacy (as Barnardo's children's advocacy services staff are) or enrolled on and intent on completing recognised advocacy training courses which are award and qualification bearing (as Jersey Cares staff will soon be.)
- Proof of a "street presence" or "shop front" where those seeking to know about advocacy and its availability for all the children listed in 1.18 can simply walk in and ask. The opportunity to site different services for different groups in a shared "advocacy hub" with different services under one large roof is obvious here, and should be pursued as part of the contracting process when tendering and bidding are done.
- Proof of a clinical and professional supervision model for all staff, and associated proof of full HR policies, protocols, procedures, equality inclusion and diversity standards, and published schemes of delegation of authority through all ranks of staff, so that assurance of good corporate practice and governance can be assured when a Supplier is appointed, and in case of any difficulties emerging as a contract is completed.
- Proof of the presence of a Board, whether Executive or Non-Executive, which holds the organisation's leaders and managers to account including for the provider's practice, its budgeting and expenditure, its adherence to agreed policies procedures and protocols as outlined above and its impact and proven outcomes; and which does not have any staff as full voting members but may include a staff "participant observer," as is good corporate governance practice.
- Proof of the presence of a good quality, fully accessible, child friendly website and social media presence so that
 - Parents, carers and families know the service is there, by whom it is commissioned and funded, against what standards it can be judged, what it offers, who will do the work with a child, and what its model of practice is.
 - Children and young people know about the service, can access it in language they understand and relate to, and navigate it easily and without needing the support or mediation of an adult if they would rather not disclose that they have an issue whose resolution may need an advocate's support.
 - Target groups' children and young people can self-refer if necessary; can be in regular dialogue with the service, and so that publications, reports, evaluations of quality and practice, and objective not simply self-reported indicators of the quality of advocacy practice are in plain sight and easy for those either seeking the service or judging and reporting on its quality can find the relevant materials.

1.20 Commissioned advocacy bodies should expect to have sections in their contracts that specify the groups from the list in 1.18 with whom they will work, and the provision of that advocacy for all those listed in 1.18 should be enshrined in law. Government is likely to commission and at least part-fund any provision in the first instance, but like the CCJ's position this should not prevent services being both independent, and unable to be directed by Ministers or officials.

- 1.21 In expanding the offer to children and young people beyond children-in-care and care-leavers, there is a need for advocacy services to be both independent and professional, including staff holding recognised advocacy qualifications. Independent advocacy services, and all others working with children and young people, will need to reach across boundaries between them, placing the child rather than their own organisations at the centre of their concerns. The corollary is that even at changes of government after an election, matters pertaining to the rights of the child, including the right to advocacy support, should not change as governments come and go, and should be de-politicised to work from a basis of the universal principles that frame and form the UNCRC, to which Jersey is committed as a signatory.
- 1.22 Participants were keen, even though government has a key role in specifying and initially funding services, by a clear deadline to be agreed as services are designed, tendered for and commissioned, they were keen that services should strive to become self-funding, to place appropriate distance between them and the government and further strengthen their independence.
- 1.23 As things stand, the CCJ is asked to provide, in effect, advocacy when a child's difficulties are not catered for by current independent advocacy contractually limited to Child Protection Plan cases (in one service) or children in care and care leavers (in another service). Participants were insistent that the Commissioner's role should not include professional advocacy for individual children or young people, except in very specific circumstances. The Commissioner for Children and Young People (Jersey) Law 2019 is clear that the CCJ's support or intervention in individual cases may occur whether or not all other avenues have been exhausted, and therefore there is a mandate to provide support under Article 18 of that Law For as long as most children and young people in 1.18 above are not entitled to free, independent, professional advocacy, there will always be too few such avenues lying outside of the CCJ's remit. The CCJ will, it follows, go on being compromised in the public view, because the CCJ will be seen by the public as a routine source of advocacy, when this should not be the case.
- 1.24 Participants were keen that everybody in Jersey is helped to differentiate between what government services such as Children's Social Care, education, or health do, compared with what the Commissioner for Children and Young People (Jersey) Law 2019 expects, and what independent advocacy does within an explicit children's rights framework. Distinct separation of functions needs to apply and be reiterated.
- 1.25 All who took part were clear those involved in independent advocacy need to be required to commit to and sustain ways of working in partnership, creating arrangements where each independent advocacy provider plays their specialist role and not encroach on the others' day to day work, but all would be required to work together to fulfil the Children's Plan 2019-2023 and to respond to:
- The recommendations in the Bull Report (2002) the Williamson Report (2008) and the IJCI report and follow-up feedback in 217 and 2019
 - Obligations under the UN Convention on the Rights of the Child (UNCRC) which Jersey signed and ratified in 2014;
 - The Legislative Gap Analysis undertaken by Swansea University for the CCJ in 2020, concentrating on the island's legislative framework and how far it does or does not lend itself to the promised incorporation of the UNCRC into Jersey law, which would mean that all legislation must be judged and assessed against the requirements of the treaty.
 - CCJ's report to the United Nations Committee on the Rights of the Child ahead of the Periodic Review on the UNCRC expected to be instituted for the UK and Crown Dependencies in 2022
 - CCJ's "Life on the Rock" report, and subsequent CCJ reports including "Our Life in Numbers"
 - The CCJ-funded 2018 report "Listen Louder" whose recommendations led to the creation, specification writing, contracting and commencement of the current advocacy provider for children in care and care leavers

- 2018's Children's Services Inspection report "Making a Difference" and 2019's follow up.³

1.26 The move of Children's Rights Officers to the island's Human Rights Institute for Children and Young People (the CCJ) is positive. These staff do not offer independent professional advocacy, unless the CCJ's team may step in, in limited legal circumstances as described in the Commissioner for Children and Young People (Jersey) Law 2019) which states that the CCJ may take up individual case work, whether or not other avenues have been exhausted.

1.27 The Commissioner for Children and Young People (Jersey) Law 2019, whose content draws explicitly on the 2017 and 2019 recommendations in the IJCI team's reports, states:

In Article 10: The Commissioner may conduct a formal investigation under these Articles:

4(a) where he or she receives a complaint from, or on behalf of a child or young person, that the child's or young person's rights have been infringed or adversely affected by any act done by a relevant authority in the provision of services to, or directly in respect of that child or young person;

In Article 18: Assistance in relation to complaints

(1) The Commissioner may, in the discharge of his or her general function under Article 5(1)(i), assist a child or young person in relation to the making of a complaint against a relevant authority or other person.

1.28 The former Children's Rights Officers' roles are now concerned with providing human rights advice, training, support, policy and practice. The role is intended to further the fulfilment of the CCJ's primary function, the promotion and protection of the rights of the child. This is particularly important as Jersey engages in the expected UNCRC General Day of Discussions, and the 2022-2023 Periodic Reporting exercise (UK-wide plus Crown Dependencies) run by the United Nations, and also given Jersey is also working on indirect Incorporation of the Convention into law-making. The IJCI report in 2017 was also clear (in Chapter 13) that the CROs then envisaged by the review team should have a clear role in working with services, teams and organisations better to embed the rights, needs, wishes and aspirations of children and young people into practice that lives out the promises made to those children and young people. Working to new Role Descriptions having ceased to be CROs within government and moved to the CCJ's independent Office, these staff are now engaged in designing, and will deliver, a workforce development programme that seeks to equip all those concerned with the skills and aptitudes necessary.

³ All of these reports, each filling a position in influencing policy, service development and practice, are available at www.gov.je for government reports, accounts of Assembly debates on all of these matters; at childcommjersey@org.je for Children's Commissioner reports including "Life on the Rock" and "Listen Louder" which CCJ commissioned and funded.

THE MAIN REPORT IN DETAIL

What the Children’s Commissioner for Jersey (CCJ) commissioned me to do

- 2.1 My brief was to provide an independent external report, capturing the position, availability, quality, sustainability and degree of partnership working in independent advocacy offered to children and young people in Jersey now, and secondly advising on what the future of independent advocacy for a wider group and range of children and young people should look like.
- 2.2 The review seeks to inform the Children’s Commissioner for Jersey (CCJ) of evidence concerning advocacy’s positive effects on children and young people’s lives; on the potential to offer advocacy to wider than the current client groups of children and young people in care and care leavers; and to advise on the strengths of, and any necessary improvements to such services in the future, to enable Jersey to fulfil its duties under the United Nations Convention on the Rights of the Child (UNCRC) of which it is a signatory.
- 2.3 The UNCRC is a vital international human rights treaty that underpins this work. The active and deliberate promotion and protection of the rights of the child as defined by the Convention is the CCJ’s primary function and the driver of all work the CCJ and the Commissioner’s Office – a Human Rights Institute in the eyes of the UN - undertake. The Government of Jersey signed and ratified the UNCRC in 2014 and though it is not justiciable, its tenets are those of an international treaty, and the Government, and any organisation funded by it or carrying out work it has mandated, are bound by it.
- 2.4 The UN Committee on the Rights of the Child oversees State Parties’ fulfilment, or shortfalls in that fulfilment, of obligations under the Convention. It says the following on expectations on states, and both public and private agents or agencies which are commissioned to undertake work with and for children and young people including where that work is deemed or contracted to be independent, which is the case where advocacy services are brought into being and funded, or part-funded, by public money.

Legal obligations

The Committee recognizes that State Parties to the Convention on the Rights of the Child have the primary responsibility for compliance with its provisions with regard to all persons within its jurisdiction. They have a legal obligation to respect and ensure the rights of children as stipulated in the Convention, which includes the obligation to ensure that non-state service providers operate in accordance with its provisions, thus creating indirect obligations on such actors.

The State continues to be bound by its obligations under the treaty, even when the provision of services is delegated to non-state actors. The Committee would like to re-emphasize that in accordance with paragraph 3 of the Convention on the Rights of the Child (UNCRC,)

“in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration” (Art. 3 (1))

and that

“state parties shall ensure that institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision” (Art.3 (3)).

It thereby establishes the obligation of the State party to set standards in conformity with the Convention and ensure compliance by appropriate monitoring of institutions, services and facilities including of a private nature.”

2.5 It follows that, as this Review was commissioned by and I am delegated to use the authorities and powers of the CCJ as Jersey's children and young people's human rights institution, the adherence to the UNCRC that I find in undertaking this Review must form a major part of my report and findings.

2.6 The UNCRC is guided by four overarching principles, which given the island's stated aim to place children and young people at the heart of policy and practice should always guide what Jersey does for them as citizens. These principles are: that the Convention is non-discriminatory, applying to all; that it is based on always working for the best interests of the child; that every child is guaranteed the right to both survival, and development; and that the voice of the child must be heard. Whilst all Articles apply to all children and young people at all times, the particular Articles of the UNCRC relating to the contents of this report are:

Articles 1 to 6, which together state the Convention's nature as

- Inherent (not having to be earned, but given automatically to children and young people);
- Indivisible (all Articles apply to all children and young people);
- Inalienable (may not be taken away by adults, who are made Duty Bearers by the status of children and young people as Rights Holders):

Article 12, which states that in accordance with age and stage of development, the child has a right to have her/his voice heard, and having been heard acted on, by adults in positions of power to decide on actions or decisions that will impact on that child.

Article 18, which states that whenever possible both parents are the best placed people to bring up, support, nurture and care for their child(ren) and that the state must support them to do this.

Article 20, which states that if a family cannot look after its own children, the state must ensure the provision of dignified, supportive, culturally sensitive and continuous alternative care and nurture.

Article 23, which defines the right to a dignified, wherever possible independent, always properly supported life, for children with any form of additional or special need or disability. The responsibility for ensuring these conditions lies with the state party.

Article 24, which states that children and young people have the right to help shape their health care, whether their challenges and difficulties are physical, or mental, or both. Again, the responsibility for ensuring this right is delivered lies with the state party.

Article 25, which sets out the requirement that any child in alternative care, from fostering to residential care to hospital stays, has the right to a regular review of that care, in which they should be helped to participate also that such care is shaped in accordance with their wishes, feelings and inputs.

Article 39, which states that any child or young person who has suffered any degree or type of trauma including neglect, abuse or other suffering, must be supported to recover by services which not only support them, but enable them to be heard as agents in their own recovery.

Article 40, which states that a child or young person in conflict with the law, including where they have been placed in secure accommodation or institutions, must have the reasons for their offending understood, and must be supported by the state party both to be rehabilitated, and to recover from incarceration or serving any community sentence.

Definitions of terms for the purposes of this Review

As readers accustomed to Jersey's legal terminology and practice are aware, legal professionals who appear in Jersey's courts as counsel, or who represent Parties in Family Law, are titled Advocates. This Review is not concerned with them, or the work they do as legal experts and/or representatives. In this Review and its recommendations, the advocacy with which we are concerned is that described below.

2.7 **ADVOCACY for children** is defined, by a wide range of organisations working in the field, in the terms set out below. I trust that readers will note, in reflecting on the Jersey situation using the standards discussed below as a benchmark, that what is set out here is not met for children and young people in Jersey who may need an advocate, except in the circumstances where a child or young person is involved in the Child Protection system, or is in or leaving care. For both of these groups of children and young people, as both providers who spoke to me confirmed, there are still improvements to be made, and some distance still to travel before the required high standards of advocacy are met.

2.8 Readers should note that in each organisation's materials examined below, advocacy is presumed to be offered only to children and young people living and growing up in, or at ages 16 or 18 leaving, the state care system. This Review concludes that the principles for offering advocacy to ANY of the children listed in paragraph 1.18 of the summary above would apply to the wider groups concerned, as well as continuing to apply to children and young people in or leaving care. That the issues children and young people face will vary across those listed groups is not in doubt, and that specialist advocacy will be required to meet specialised needs is a corollary of that fact. However, the principles on which any advocacy should be based are shared.

2.9 What follows is one set of descriptors, presented as a detailed example from one UK source among many operating in this field in the UK and beyond. The descriptions are set out in italic text as a means of differentiating them from the main text of this report. Whilst not in every case is there a directly equivalent link to practice or the law on Jersey, the text below is presented to guide Jersey's in-depth reflection on what practice elsewhere looks like, and also, where this occurs, how it is guaranteed in statutory guidance.

2.10 **From UK "Gold Standard" children's charity Coram (text is abridged for this Review)**

Advocacy helps children and young people to express their wishes and feelings. A Child Advocate can offer advice and support to a child or young person. The main purpose is to enable children to express their wishes and feelings. The aim of Child Advocacy is to encourage the empowerment of children, and to uphold their human rights. A Child Advocate cannot represent the child in court proceedings, although they may be called upon to give evidence at certain stages.

2.11 **What does an Advocate do?**

- *Makes sure a child or young person's wishes and feelings are known.*
- *Attends decision making meetings with Government Authorities, schools, colleges or any other setting, to support, or sometimes to speak on behalf of, a child or young person.*
- *Upholds a child or young person's legal rights and ensures they are fairly treated.*
- *Provides impartial information to the child or young person.*
- *Prepares meetings with social workers for the child or young person.*
- *Assists the child or young person in making a complaint in a constructive and effective manner that seeks solutions.*
- *Negotiates with social workers and other relevant people who may make decisions about the life of a child or young person*
- *Asks questions to relevant people and, if the child or young person wishes, speaks on their behalf*

2.12 **Who does an Advocate act for?**

An Advocate working with a child or a young person must act in their interests and be independent of any other associations. For example, meetings between the Advocate and child or young person must be held in a location where the child or young person feels comfortable, and able to express their views freely. If the Advocate is employed or paid for by a Public Authority or a school, they must only concern themselves with the view of the child or young person, not that Authority or School. It follows that an Advocate must ensure that the children or young people they work with understand clearly what has happened to them, and must not ask any leading questions.

2.13 **What should a child or young person expect? national standards.**

In England and Wales, the Department of Health released a set of framing assumptions in the form of 'National Standards for the Provision of Children's Advocacy Services' in 2002⁴. These advocacy standards were created to help agencies and councils across the nation to support looked after children and young people in desperate need. They are more than overdue for review, modernisation, relaunch and reinvigoration in England and Wales, but at least provide a baseline for consideration in this review. They do not make advocacy a statutorily regulated service or profession, and they are not replicated in Jersey.

However, as discussed later in this report, their existence in part influenced how the States of Jersey approached the establishment and funding of an independent advocacy service for children and young people in or leaving care some 20 months ago, following the recommendations on hearing care experienced children's and young people's voices in the report of the Independent Jersey Care inquiry (ICJI)⁵

As the organisation commissioned to provide this service, Jersey Cares has also taken many lessons from, and after modification for Jersey circumstances its philosophy and ways of working are modelled on, the advocacy content of the Scottish Independent Care Review⁶, whose text on advocacy is quoted in full below to add to the context for this Review.

2.14 **From the NSPCC's 2012 Report "Independent Advocacy in Child Protection: Guidance for Policy Makers"**

Independent advocacy is a process of helping children to express themselves and make changes. It empowers children to ensure their rights are respected and their views and wishes are heard at all times and is a means of achieving social justice because 'everyone matters and everyone is heard'.

An independent advocate is a person employed to provide children with information and advice, advocacy, representation and support to ensure their wishes and feelings are heard, understood and taken seriously by agencies making decisions about them.

Independent advocates are focused solely on the child's views and they are able to take all necessary lawful action to assist the child, including supporting him or her to seek legal advice and representation. They must be seen to be acting exclusively for the child and to be free of any conflicts of interest. Statutory safeguarding guidance explains that independent advocates 'can play a vital role in ensuring children have appropriate information and support to communicate their views in formal settings, such as child protection conferences'.

2.15 From the Scottish Independent Care Review report (2020) pages 113 to 116:

2.16 **Access to Advocacy and Legal Advice**

The way Scotland cares must not be built on a presumption that rights and entitlements can only be achieved through advocacy and litigation. Scotland must create and enable a culture where children's rights are respected and upheld as a matter of course. A system that relies solely on the courts to achieve compliance with legal duties is one that is not operating with the right culture and resources.

⁴Document reference 29606: National Standards for the Provision of Children's Advocacy: basically, sound and useful as a benchmark for Jersey's design of independent advocacy for a wider population of children and young people, but now outdated and long overdue for review and re-issue

⁵ IJCI (published 2017): Recommendations 5:17, 8.3, 8:4, 8:15, 12:3i, 12 iv, 12: ix, 12:82, 12:89.

⁶ The Scottish Independent Care Review's evidence base, reports and other materials are all at www.carereview.scot and are proving influential both in Scotland and beyond in work to create and ensure a care system that responds to children and young people as rights bearing citizens.

However, to ensure that those with least power and agency are able to access that to which they are entitled, there must be provision of advocacy and legal advice. Scotland must be clear as to the purpose of advocacy and representation.

2.17 Advocacy

An advocate is someone who provides support to individuals and families accessing information and advice. An advocate can help individuals to access rights, benefits that they are entitled to and guide them to legal advice and through legal processes if that is what is required. Scotland must aim to ensure that care experienced children, young adults and families can navigate the system of care without such extra support.

The workforce should become the primary trusted adults who children and young adults turn to for support, advice and care. However, advocates will be required for as long as the 'care system' remains complex and does not provide what children, young adults and families need. Therefore, during the implementation of the Care Review advocates must be available to children, young adults and families who come into contact with the 'care system'.

Advocacy must operate with the following principles:

- Care experienced children and adults must have the right and access to independent advocacy, at all stages of their experience of care and beyond. Their needs in terms of who they can relate best to must be recognised and respected.*
- Independent advocacy organisations must be commissioned to ensure that advocacy is structurally, financially and psychologically separate from statutory organisations and service providers.*
- There must be no upfront or hidden charges associated with engaging an advocate.*
- There must be consistent advocacy standards across Scotland that are subject to inspection and regulation.*
- Advocates must be skilled and knowledgeable about the rights and entitlements of children. There must be specialist advocates available to support disabled and unaccompanied asylum-seeking children.*
- There must be no upper age limit. Advocacy must be available for all care experienced individuals for as long as they need it.*
- Advocacy must be readily and quickly available to all families who are in contact with the 'care system'. Families must be supported to understand and advocate for their rights and entitlements.*
- Peer advocacy has been proven to support families to navigate their way through a complex system, and reduce the number of children being removed from their families. Groups and providers of peer advocacy must be supported to provide meaningful support to families.*

2.18 The English and Welsh situation

The standards below are from the Department of Health (England) national standards, now 19 years old. They are ripe for Jersey to use their contents as an opportunity to devise a systematic approach to independent advocacy whose quality exceeds these standards, and begins to fulfil what Scotland's ambitions are for its children and young people.

The standards set out what, in 2002, was considered a minimum level expected from advocacy services for children and young people.

- 1. Advocacy is led by the views and wishes of children and young people*
- 2. Advocacy champions the rights and needs of children and young people.*

3. Advocacy services have clear policies to promote equalities, and should then monitor services so as to ensure no young person is discriminated against due to age, gender, race, culture, religion, language, disability or sexual orientation.
4. Advocacy is well-publicised, accessible to all, based on entitlement, and easy to use.
5. Advocacy gives help and advice quickly when any of these forms of support are requested.
6. Advocacy works exclusively for children and young people.
7. Advocacy services are confidential.
8. Advocates to listen to the views and ideas of young people so as to help improve the services provided.
9. Advocacy services must have an effective and easy to use complaints procedure.
10. Advocacy services must be well managed, and able to prove that what they do represents good value for money.

The standards also specify that advocates must work exclusively with children and young people, and that anyone up to the age of 21 can request the support of an advocate. The law in England and Wales has since been changed to specify that care-leavers are entitled to such support until they are 25.

2.19 **Also from an English context: Coram charity on who is entitled to an Advocate (based on the England and Wales Standards, 2002)**

The Children Act 1989⁷ gives the right to looked after children in England and Wales to make representations and complaints regarding their care arrangements. 'Looked after children' means those who are in care either by the agreement of a parent, or under a court order. This is further reinforced in the Adoption and Children Act 2002 which places a duty on Local Authorities to assist looked after children who want to make a complaint. This duty is interpreted in the Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004 to mean the Local Authority must provide advocacy services to looked after children who wish to make a complaint about their care.

Government Guidance states that consideration should be given to securing an advocate for any looked after child who has difficulty expressing their views. In addition the Independent Reviewing Officer (IRO) Handbook places a duty on an IRO to make a child aware of their right to advocacy; it also states that advocacy is an option available to looked after children whenever they want to have such support and not just when they wish to make a complaint.

2.20 **Can an Advocate attend a Child Protection Conference?**

*There is no legal right. However, child advocates are included as one of the accepted professionals to attend a Child Protection Conference. This is reinforced in the Government guidance on **Working Together to Safeguard Children**⁸. You should be able to make a request to your Social Worker, through your IRO in the case of CP reviews, or your Advocate if you have one, to have them attend the meeting.*

2.21 **Can an advocate share information without permission?**

Advocates should keep all details of conversations between themselves and the child or young person private and confidential. If any information is recorded, the child or young person should be made aware of any recording device and how their personal information is going to be used. If children do not want their parents to know certain details about them, then these wishes should be upheld by the advocate. The only exception to not sharing

⁷ Benchmark English legislation, widely respected. Places the Best Interests of the Child at the heart of practice as the legally required Paramount Principle, leading to the term "paramountcy" in services to children and young people. Matched by Article 3 UNCRC, child's best interests a key guiding principle: children are rights holders, adults duty bearers.

⁸ English children's safeguarding statutory guidance placing duties to cooperate and to be held accountable on ALL services working with and for children and young people. Issued in successive iterations and rewrites, 2005, 2013, 2015, 2018 with minor amendments in 2020.

information is when there is a serious risk of harm to the child's safety. When there are genuine safeguarding concerns for a child, the advocate should look to disclose information to local authorities or if necessary, the police.

2.22 England: Beyond Coram's commentary and the 2002 Guidance

Children and young people in English or Welsh secure mental health facilities have the right to an independent advocate. Children in secure youth justice, asylum seeker centres, in foster care, children's homes or settings away from their homes including those learning in residential schools - from high-ranking famous Public Schools to those specialising in complex SEN/D - can also call on England's Children's Commissioner (CC) for advice and her/his direct formal intervention with the authorities concerned, to seek redress as a last resort. The Commissioner has the power under the 2014 Children and Families Act (the result of merging the powers of the Office of the Children's Rights Director into the CC's role) to intervene if a child cared for other than at home, or placed to live and learn elsewhere, has exhausted all other avenues with their complaint. Local Authorities and others must comply with the Commissioner's legal power to insist that until he/she is satisfied, any changes to a child's circumstances, especially but not exclusively in moving a child's placement, must be placed on hold. Any setting where children from England live learn or are cared for away from home are bound by law to display details of how a child can contact the Commissioner, and must permit a child to exercise the right to make contact if other avenues have failed.

There is no guarantee offered that the CC in England can "make things right" from the child's point of view, but having that final course of redress is an attempt to strengthen the safeguards on offer to at least some groups of vulnerable children and young people, including but not exclusively those in or leaving care.

2.23 *Other children and young people in need or vulnerability do not have such rights, though English charities and others in positions of influence, including me when I was Children's Commissioner for England 2010-2015 and my successor Anne Longfield CBE (2015-2021,) have been pressing for them for many years. Both Anne and I worked with a coalition of children's rights charities and advocacy campaigners to produce two evidenced and compelling reports. I quote from both extensively below to add weight to the importance of providing rights-based advocacy to children and young people who need it, as a positive and deliberate choice to be made in Jersey.*

2.24 *My report, "Where is my Advocate?" (June 2011) examined the postcode lottery in patterns of provision, access, availability and entitlement for children in care and care leavers. Published as a scoping report pressing for the work needed to create an update of the 2002 National Guidance, my report pressed for a statutory footing for advocacy, and the offer of it to more cohorts of children and young people. Though further stages had been promised after that scoping exercise, these did not materialise.*

Some of the detail from this report follows, as potential contextual or "starter" material for what might come in Jersey after this Review.

2.25 Types of advocacy found in England, 2011

- 1. Community professional advocates, engaged by independent advocacy providers, to offer face to face support for a child/young person. Often their work concentrates on short term case work.*
- 2. Independent advocates in secure settings/secure estate, to provide face to face support for children in custody.*
- 3. Children's Rights Officer/'in house' advocates: employed directly by a local authority to advocate for children who are the responsibility of the authority.*

4. *Independent Mental Health Advocate (IMHA): Provide statutory advocacy. All children sectioned under the Mental Health Act, or who are likely to be sectioned, have the right to an IMHA.*
5. *Independent Mental Capacity Advocates (IMCA) plus Deprivation of Liberty: Provide statutory advocacy, being available to represent any person 16 years or older who lacks the capacity to make specific decisions. IMCA Services are provided by organisations independent of the National Health Service and Local Authorities.*
6. *Non Instructed/Non directed: Advocating for children who due to a disability or their level of maturity are deemed not able to speak out for themselves, but are capable of communicating; or young people who are temporarily unable to instruct.*
7. *Helpline Advocates provide telephone/electronic service to resolve issues, possibly referring/signposting to an appropriate agency.*
8. *Visiting Advocates visit a setting on a routine basis to be available for children who are living there.*
9. *Legal Advocate: a member of the legal profession advocating in the courts on behalf of the child or young person.*

2.26 Other types of advocacy found (which may use some of the methods in 1 to 9 above)

10. *Peer Advocacy: Support from a young person, or an adult, who shares similar experiences to those now being lived through by the child needing support.*
11. *Citizen Befriending/informal advocates their work is usually not time limited, and is often offered on a voluntary basis*
12. *Organised volunteers: Includes part of the role of Independent Visitors for looked after children living in residential home provision rather than in foster or kinship care.*
13. *Group advocacy: This can be an adult advocate who works in supporting a group of young people to get their voice heard. It also describes the activity of a group of young people advocating for themselves and others living in similar life circumstances.*
14. *Self-advocacy: A young person advocating for his or her own needs*
15. *Electronic or Remote advocacy: provided using the internet, sometimes by interest groups of which the young person is a subscribing member, sometimes by general support or counselling organisations*
16. *Systemic advocacy: Advocating for structural changes, for example to the care system for children and young people*

2.27 My 2011 findings on barriers to advocacy: entitlement and access

The report argued that in order to be able to participate, all children and young people should have a right to independent advocacy. However, many children and young people still find it difficult to access. Reasons for this vary, but the report explores a number of vital issues. Those who contributed to this Jersey review stated that of the six listed by me in 2011, the following four are relevant in Jersey in 2021.

- *Lack of knowledge. Research by Ofsted (2010) reported on 1,113 children's knowledge on how to get hold of an advocate: 56% knew, but 30% interviewed did not know, what an advocate was. This research also found that there had been a substantial reduction in the numbers of children who said they had made a complaint – a circumstance in which an advocate's support is often needed - from 43% in 2008 to 25% in 2010.*
- *Physical barriers. Staffing levels, the physical location of services and the type of telephone or other communications services used by the provider can create barriers. Some services are small with limited opening hours, often coinciding with school hours when a child would find it hard to be permitted to contact them. Regardless of size, some services are difficult to access, when the advocacy providers rely on children having access to a phone, and credit. All of these can be serious physical barriers to children already in crisis, and should all be considered as forms of 'gatekeeping,' whether conscious or inadvertent. To overcome these barriers some young people will contact an advocacy fFreephone number as a way of accessing help and support.*

- Communication barriers. When children are very young or have communication difficulties it is essential that they can access advocacy support. Disabled children and young people are often denied such access. Practice Guidance for the Early Years Foundation Stage published in 2008 (reviewed in England for new frameworks operating from autumn 2021) argues that providing even very young children with opportunities to communicate effectively enables them to participate in the decision making process that affects their lives. Communication aids can be used to help advocates gain a clear understanding of the child's advocacy need.
- Language barriers. There is a very real barrier if children speak limited English, especially when a service does not have immediate access to adults who speak the same language, or a translation service. It is equally important for commissioners and providers to have, and to act on, an awareness that many European languages, such as French, Spanish or Portuguese are spoken by children whose families are living and working in English speaking communities, but who may need translation for their advocacy needs.

2.28 Anne Longfield CBE's July 2019 report, "Advocacy for Children in England,"

followed her first on the subject in 2016 and is equally evidence based. The CC exercised her right to request information on providing and assuring the availability of and access to advocacy, and most councils responded. The report presses in England, just as this Review presses in Jersey, for an expansion of advocacy. The assurance of advocacy to any vulnerable child who needs it has yet to materialise in England, where it is still not firmly based on ensuring rights and entitlements. The examples of what the CC's team had experienced in running a "last resort" phone line and advice service, include the following children. Readers will note the great similarity between these children and young people and those listed in Paragraph 1.18 of this report. It is clear that the need for advocacy is universal.

- The child in care moved from area to area against her wishes, to save money.
- The teenager leaving custody not knowing where he will live the next day.
- The autistic child in hospital being chemically restrained, with no discharge date in sight.
- Care leavers refused accommodation because councils can't agree who is responsible.
- A teenager in a secure mental health hospital who can't go on home visits because of staff shortages so no-one is available to carry out an assessment.
- The child trafficked into the country who must interact with an overwhelming number of professionals to get support.
- The child in a residential special school, frequently restrained and desperately unhappy.
- The child in a secure hospital, ready to go back to the community, but stuck in the institution because money can't be found to pay for the move.
- The child in custody segregated for over a week who feels overwhelmed and unable to challenge the decision.
- The disabled child not getting the support that is theirs by right.
- The child facing exclusion from school after a violent outburst whose teachers don't realise he witnesses domestic abuse most nights at home.

The CCE's 2019 report goes on:

Advocates look out for children, building trusting relationships and giving strength to their views. Their work is also about working constructively with service providers to create a positive system where children's wishes, feelings and rights are understood, heard, respected and upheld. The effective advocate is as visible and approachable as they are ... well regarded by senior management. Advocates are part of a high-quality service - an essential safeguard to ensure children do not get overlooked and lost in the system

..... Expectations of public services are changing. It is no longer acceptable to put the needs of services before the individual. The ambition for child-centred, personalised support for the most vulnerable children and young people must remain high.

A brief history of independent advocacy for children and young people in Jersey

2.29 Many years before the Independent Jersey Care Inquiry (IJCI) concerns about the child protection system in Jersey had led to the commissioning, by government, of reviews on various key and urgent themes. The two most prominent among these are

- The Bull Report (2002, published early 2003)⁹ which concluded that though there was some good work evident for children and young people with complex emotional and behavioural difficulties needing specialist services including in schools, there was no consistency or island-wide approach either to providing these services, or to being truly child centred in that provision, or its regulation and accountability frameworks
- The Williamson Report (2008)¹⁰ which was critical of the consistency, openness, transparency, professional and political leadership and management of children's social care and child protection services and systems, noted an absence of agency and voice given to children and young people in the system and recommended urgent and sweeping improvements and the institution of a regular inspection regime applied to these services.

From my reading, research, interviews and probing for this Review, whilst both reviewers also found some good practice at the time and are clear that it existed, a great deal of what both reviewers recommended has not yet been put into place.

2.30 The IJCI (2015, revisits in 2017, 2019) again commissioned by government, has been clear in both phases that improvements are still required. The key ones for the purposes of this Review are captured in recommendations 5:17, 8.3, 8:4, 8:15, 12:3i, 12 iv, 12: ix, 12:82, 12:89.

2.31 In terms of advocacy and participation activity, the review was clear in these recommendations that all policymakers and professionals involved in the children's care system in Jersey must commit to work harder, more transparently and more consistently, to enable children and young people – for the purposes of that Inquiry only those in the care system and care leavers – to have their voices heard, and to see that what they are expressing as their wishes, needs and aspirations is then acted on, in the same way as those professionals' and policymakers' children and grown-up offspring might expect to be supported, and heard, long after they leave home at whatever age.

2.32 Readers should also note that Jersey is rich in the presence of organisations working in this territory with and for children and young people, in the statutory space such as the family courts and in voluntary and non-governmental organisations. Participants pointed me towards at least the following: the Jersey Family Courts Advisory Service (JAFICAS) which is staffed by qualified social workers now working as guardians and charged with speaking for the child in family court processes; Family Mediation Jersey which works both with the adults and children in cases of separation or divorce where matters of access to and maintaining the emotional safety of children are central to the work done; and a wide range of charitable bodies offering respite, activities, participation and campaigning work with and for children presenting with a wide range of challenges and difficulties in their lives. All who discussed these with me were clear that they play valuable roles in many and young people's lives and would need to be taken into consideration as any new framework and culture of access to advocacy are developed for the future as this review recommends.

2.33 The main IJCI report is clear that independent advocates are often necessary, but too often absent, helpers and supporters of vulnerable children and young people who need, but are too afraid or nervous to, say what needs to be said about their lives. This includes their being able to express what they want and need from the services and systems that are meant, and funded, to serve, protect and enable them.

2.34 In 2015, the NSPCC invested resources and staffing into attempting to set up and run an independent advocacy service in Jersey, for children in the care system and young people who were care leavers, in accordance with what the IJCI had recommended. The driving staff

⁹ Review of the Principles, Practices and Provision for Children and Young People with emotional and behavioural difficulties and disorders in the Island of Jersey part 3, Kathie Bull (Ofsted) July 2003

¹⁰ An Inquiry into Child Protection in Jersey, Andrew Williamson, July 2008

member involved was dedicated and determined, but all who took part in this Review were clear that a culture pertained in Jersey's Children's Social Care services at that time that entirely blocked the active running of the service proposed and designed for the island's children and young people's needs. The lead staff member involved in the work at that time persevered for longer than NSPCC's Headquarters and leadership team wished, but referrals for advocacy, which should have been made by social workers and Independent Reviewing Officers, were not forthcoming at all. As a UK-based charity with both budgetary pressures constantly applied and a need to deploy its staff and managers into work that would make a difference for children and young people, NSPCC withdrew all offers and came away from the Jersey service landscape at that point.

- 2.35 At around the same time, another very large and well-known UK-Headquartered children and young people's charity, Barnardo's instigated an independent advocacy service offer to Jersey children who were already formally in the Child Protection system, having been through an Initial Child Protection Conference (ICPC.) Originally awarded a small contract for participation work with children in the Child Protection system, the service continues to run, and is called Your Voice. It has presented this Review with detailed, evaluated documentation on its work. The reports concerned indicate the advocacy model in place aims for close working relationships with children's social care teams which refer children into the service concerned, whilst maintaining the independence of the advocacy offer. I am delighted to confirm that its coverage of children on CP plans currently runs at 100%, and that its case studies and exemplars of individual children and their families shows proof of outcomes and impact for the children and young people concerned. Originally, Barnardo's was also contracted to work with children in care. This strand of its activity was ceased by agreement once Jersey Cares, whose story is summarised in the next paragraph, came into being. Barnardo's recently won the contract to offer advocacy services to children in need, though this group is not a statutory category or either children or responsive services under Jersey law. The Barnardo's service is not contracted to, and therefore does not, organise participation activities for the children seen and helped or supported.
- 2.36 The IJCI (2017 and 2019) has been clear that Jersey needed to work on three strands of activity that would better ensure children and young people were both listened to, and truly heard so that policy and practice would be able to respond to what they were saying to the adults in power. Those three strands were the creation of the role and remit of a Children's Commissioner for Jersey; the creation of a team of professionals who could offer bespoke and individualised listening to, and advocacy for, children and young people in the care system, likely to be employed and hosted by government in the first instance; and the creation of an advocacy offer for children in care and care leavers.
- 2.37 Jersey appointed its first Children's Commissioner in 2018, with a law that followed that appointment and confirmed the creation, the remit and areas of work to be done by the CCJ during the current and any subsequent post-holder's terms of office. The guiding treaty, the UNCRC, and the UN's Paris Principles governing national human rights institutions, provide the corner stones on which the CCJ's work relies. The 2019 Children's Commissioner Law is viewed, from the perspectives of other nations which have their own CC or Children's Ombudsman, as exemplary in its reach, the balance of powers and duties assigned to the CCJ, and the strength of the positioning of this independent children's rights champion who works without fear or favour for all Jersey's children.
- 2.38 In the same year, it became clear that an offer of independent advocacy to those in care and care leavers was urgently required, and after detailed on-island discussions and a group fact finding and exploration visit to Scotland to meet Who Cares Scotland and those involved in that country's ground-breaking child and young person centred Independent Care Review, the CCJ commissioned and funded the work for, and published the report "Listen Louder"¹¹ which sets out the reasons for providing a strong, independent and responsive children in care and care leaver advocacy service. This crucial and very informative report was written, and a Service Level Agreement was subsequently co-constructed, by the eventual service provider's CEO and the funder, Jersey's government. The Service Specification is provided at Appendix 4, and

¹¹"Listen Louder" was supported by government and others in Jersey, given the need to respond robustly to the IJCI. It is available on the CCJ's website, as the CCJ commissioned and funded the work that led to its being created.

unlike Barnardo's service specification it does include the requirement to run participation services and experiences for its client groups, which in Jersey as in other jurisdictions forms a particular "shared life experiences" community and potentially a campaigning group seeking to help engineer positive change for the vulnerable groups with whom it works.

- 2.39 The Jersey Cares advocacy service, now 21 months old, has been generously funded and has a contract that will run until 2023. It encountered a slow start to the acceptance it needed that it would undertake its work, emanating from some teams in children's social care services in Jersey. Though the numbers of children and young people with whom it works are still relatively low and need to grow, Jersey Cares has provided evidence of a good range of offers to the target groups with whom it works, and details of how it provides its services including both one to one advocacy and support for those who need to make a case or receive support, and participation and social gatherings. The CEO and Chair are aware that Jersey Cares needs both to expand its reach and increase the numbers of young people it works with as the organisation matures. It has plans both to ensure this happens, and to ensure its staff are qualified in advocacy, as well as holding a range of qualifications relevant to child development and psychology.
- 2.40 Jersey Cares has also provided testimonials about the support provided and the positive changes that have resulted in the lives of those with whom it works, as has Barnardo's for its own client groups. I have made the decision not to profile these examples and case studies in detail but to include their themes and findings in the section of this report that captures the voices, views and involvement of children and young people. I am being so careful because Jersey is a small island with a small population of the children and young people concerned and I am not willing to run even a remote risk that vulnerable children and young people could be identified by readers.
- 2.41 It is clear from self-evaluation reporting by Jersey Cares, furnished to inform this review, that though the organisation is still in its relatively early developmental stage and the numbers with whom it works continue to build slowly from a low base, it offers a wide range of participation and social interaction opportunities, as well as meetings-based advocacy enabling the voice of young people in and/or leaving the care system to be heard, and acted on. The organisation has been appropriately robust in its challenges to government and civil society on its client cohort's behalf, and has brought the views and voices of the care experienced community in Jersey to the fore in policy making and the development of practice. Though it is also clear that originally there was considerable resistance to referring children and young people in, described to me by numerous contributors as "gate keeping," work has for some time been underway to ensure doors open that will allow children and young people access to what they need from independent advocacy. The interim Head of the social care service teams for example was clear that they were pressing all involved to see the value of independent advocacy, and has also started to ensure that a "walk-in" facility can be provided for the use of Jersey Cares so that potential clients, including those who might self-refer, can gain easy and trouble-free access to the help advice and signposting, as well as the active meetings-based advocacy, that they need.
- 2.42 Every participant in this Review reflected with me that there is good quality work ongoing in advocacy offered in the CP system by Barnardo's, and to those in care or care-leaving by Jersey Cares; but that there have also been some difficult negotiations and discussions between Jersey Cares and others regarding the necessity of partnership working across services which are professionally and appropriately in touch with the same cohorts of children and young people. The majority of participants reflected that in earlier times, including around the time of and following the IJCI, there was confusion across the system about the roles of and any boundaries between the work of Independent Reviewing Officers, the then-Children's Rights Officer team, JAF-CAS Guardians, commissioned advocacy services provided in CP by Barnardo's, offers of support from the OCCJ, and more recently that provided to in-care and care-leaving young people by Jersey Cares. There is clearly, as also reflected to me during this review, an ongoing need to work on relationships and partnership working between all of these bodies, given children and young people may either simultaneously or sequentially come into contact with, and need the services of, more than one of them. The needs of the client group should be what drives both what these different bodies offer, and how they work in partnership with each other for the benefit of the island's children and young people. Having undertaken this review, I am firmly convinced that with good will on all sides, this partnership based approach to

a wider advocacy offer to more children and young people as listed in paragraph 1.18 should be within Jersey organisations' grasp.

- 2.43 Barnardo's service's quarterly reporting indicates that the service has worked hard to ensure that relationships between statutory services and the advocacy offer are continuing to develop. The service undertakes regular and appropriate communication with Jersey Cares, including undertaking handover practice that continues when a child becomes care experienced. Barnardo's lead professional attends Liberty House where social work teams are based, doing this once a week to share Advocacy information with the Social Workers, though this regular catch-up practice is on hold during the Covid 19 pandemic. The service also provides regular email updates to all Social Workers, providing information on advocacy for Child Protection cases (CPCs), including reminders on how to refer a child. The services attends the service's offices at Britannia Place every three weeks. This is for the purpose of information sharing on upcoming ICPCs and Reviews of CPCs, ensuring close working in partnership with the IRO and CPA and the service's quality assurance officer. The intention is to ensure that Social Workers are making the referrals, so that all children in the child protection system have access to an advocate, as is their right. The advocacy team has also started to join Community Family Support Workers Meetings, so that advocacy remains in professionals' thinking, and access to it can be assured for the relevant cohorts of children and young people.
- 2.44 There have also been detailed and necessary discussions regarding the need to ensure all advocacy services can prove value for money in terms of reach into the relevant cohorts of children and young people they support, increasing services' visibility, and the equality and ease of access ensured, including providing drop-in services, potentially in a shared and visible, high profile "street front" location where signposting to the right advocacy service for a child or young person's needs can be undertaken. Participants were equally clear that both those working with children and young people in all services across Jersey, and the wider public, need regular reminders of what services are available to help and support children and young people with a range of difficulties and vulnerabilities, as listed in paragraph 1.18 above.
- 2.45 A senior official in the children's services Directorate was clear, and from long experience in the sector I concur, that professional relationships between different teams, agencies and services working with very vulnerable children and young people always need careful navigation of shared territory. As this Review concludes, it is clear that building a successful and sustainable future independent advocacy offer for all those listed in paragraph 1.18 must be driven by clarity of expectations, to be agreed by all concerned and then returned to throughout the coming years. Learning from previous difficulties in professional relationships will be key.
- 2.46 Evidence given to this Review included that on the changes still underway in the configuration, models of service and practice, supervision and leadership of children's social care in Jersey. The new models described to me should help to embed a services culture that enhances and ensures partnership working. The intention is to build a children's social care services model that is restorative, strengths based and family/child/young person centred and co-designed, rights-based, and trauma informed, with workforce development assured to support all workers concerned to do the very best work they can for Jersey's children and young people. That advocacy services would be available and work alongside this improved model as part of "teams around the vulnerable child or family" should both enable continuous improvement in services, and strengthen the determination of all concerned to work in proven, outcomes-driven partnerships. As is outlined elsewhere in this report, these should be mandatory.

3. HOW I UNDERTOOK THIS REVIEW

3.1 This Review would have limited validity in the eyes of policymakers or practitioners, in Jersey or elsewhere, and equally limited likely influence on future practice and policy shaping, were it to be presented as an isolated piece of work. It was vital that I spent time seeking out and using the background given by research and evidence. I did a considerable amount of reading ahead of starting this Review, and more as the work towards this report continued. That preparation and ongoing research during the course of this work has included detailed consideration of the materials listed below:

- The Commissioner for Children and Young people (jersey) Law 2019, that established the CCJ's role, widely considered a beacon example of the laws written in many nations on the roles and remits of Children's Human Rights institutions such as this;
- The United Nations Convention on the Rights of the Child (UNCRC, 1989), its Guiding Principles, General Comments and related materials;
- The UK's 4 Children's Commissioners and the and CCJ's reports to the UN Committee on the Rights of the Child (2008-9, 2015-2016, 2021) compiled with children and young people, stakeholders and CCs' staff. These have informed the UN Committee's regular periodic enquiries on the fulfilment or lack of fulfilment of the UNCRC by UK as a State Party;
- The independent review by Swansea University's Observatory on Children's Rights for the CCJ in 2019-20, creating Legislative Gap Analysis. This focuses on Jersey's adherence to, and gaps where adherence falls short on, the UNCRC. It analyses how the treaty informs, or should but does not inform, legislation on children and young people in Jersey, and signals where policy and practice should do more;
- The Independent Jersey Care Inquiry's (IJCI's) reports: from 2017, and the follow-up after the revisit 2019;
- Jersey Children's Social Care Services Inspection reports, undertaken by Ofsted on a contract with Jersey Government: 2018, with a follow-up report in 2019;
- The CCJ's Life on the Rock report, summarising the state of childhood and the experience of Jersey's children and young people as citizens of the island, To be published in summer 2021;
- Scotland's Independent Care Review whose series of reports was published in 2020;
- Listen Louder (2019) the CCJ-funded, States of Jersey-supported report which led to the creation of Jersey Cares as an independent advocacy service for the in-care and leaving-care community in Jersey;
- Specifications for Jersey's independent advocacy for particular cohorts of children and young people, largely those in the care system but including both the 2021 invitation to tender and specification for CiN/CP children and young people, and the Care Commission's 2021 tender for an advocacy worker to support older adults who suffered abuse in the island's care system as children, and are still dealing with trauma;
- Websites and other materials from organisations that have provided advocacy on Jersey or elsewhere: Jersey Cares, Barnardo's, NSPCC, Coram, NYAS
- Academic works on advocacy and why it matters: what difference it can make and how nation states must step up to provide and ensure it;
- Three Children's Commissioner for England reports on Advocacy: "Where is My Advocate?" a scoping study published during my Term of Office in July 2011, intended as the start of an improvement process that largely due to government inaction did not in fact materialise; and a second published on the state of play by my successor Anne Longfield OBE in 2016, with a second in June 2019.

4 WHO WAS CONSULTED, GIVING BOTH INFORMATION AND THEIR TIME?

4.1 As is standard practice in my independent consultancy work, I do not mention individuals' names in my reports to clients who have commissioned me to undertake assignments such as this one. What follows is therefore a broad description of who contributed, and what organisations were represented.

4.2 The request I issued for contributions followed a standard format:

- I was clear we would speak for around 45 minutes in each case, and I would take detailed notes. The interviews and my notes would help me to gather first-hand professional and organisational evidence, including seeking informed, considered, measured and professional opinions on how well advocacy works now and for whom, and what it ought to look like in future in Jersey.
- I asked for any documentary information held by the organisations whose people I interviewed that would help me also to populate this report with further evidence, case studies, where available numerical data on coverage and reach by advocacy bodies. I pledged to all of them that I would not, and this report does not, single out, or give careless or over-detailed personal coverage of, individual children young people or adults who could be traced from this report's contents and could face risks of being publicly named or followed as a result of what I write.
- Participants were all clear throughout that their contributions would feature in and if possible, add weight to the advice in this report, but I was also clear with them that my practice is to seek, record and report on the prominent points of consensus on the themes on which I have been asked to reflect. I have also been clear that I would seek to capture any departure from such consensus where it occurs. Again, I was clear that I would do this recording and reporting without naming names, and would make every effort to ensure that nobody could be directly or personally identified by readers – though Jersey is a relatively small island and many professionals and residents know each other. Should such identification occur or be pursued maliciously or publicised despite my efforts, this would be deeply regrettable and potentially damaging, and these issues were discussed as part of this work.
- I explained throughout that the report, its conclusions and recommendations, are all mine. Though the CCJ has commissioned this review under her legal powers, there has been no attempt to influence my work, the way I have gone about it, who I have asked to speak to, what questions I have asked, what notes I have taken, or what conclusions I have reached. Content and editorial control of this work has remained mine throughout.
- I was clear that once this report is completed and published, in line with data protection and GDPR legislation in both the UK and Jersey, I would destroy all handwritten and hard copy notes and papers, and would not hold any documentation in permanent online storage on my system. I was equally clear that the intellectual property rights to this report and any appendices would become the CCJ's, whose commission to me and the funding of my work has led to this report.

4.3 I interviewed contributors from, or representatives of, all of the following.

4.3.1 The Children's Commissioner in person:

- In a commissioning discussion centred on the Terms of Reference for this review;
- In three "touch base" client meetings checking progress against the terms of reference, and reporting on the basis of ensuring compliance with the contract given to me to undertake this review;
- In a further discussion on the General Principles of the UNCRC and the specific Articles that inform this report;
- In two Adult Advisory Panel meetings: one to note and comment on the review and its nature, timings and likely final submission for publication, and one to report on progress and ensure a "meld" with other ongoing work, such as the Child-Friendly Justice study being undertaken by child rights expert lawyers commissioned to undertake that research

4.3.2 The team at the Office of the Children's Commissioner for Jersey (OCCJ):

- In discussion sessions which I led. These focused on the development of and current state of play in offers of advocacy for as many children and young people, in as many vulnerable circumstances, as possible;

- In further discussions setting out to ensure the CCJ's team could facilitate and confirm the ability and willingness of as many Jersey children and young people to contribute their views to this review, whether they are recipients and beneficiaries of an advocacy service or not, and whether they are members of the groups of children and young people listed in paragraph 1.18 or not.

4.3.3 Government officials concerned with:

- Leadership and management of the government-funded, publicly funded children's and young people's services provision in Jersey, working at many different levels of seniority in these services' structures;
- The provision of policy advice and the writing and passage through the Assembly of relevant laws on children and childhood;
- Frontline levels of middle tier leadership and management based on the ongoing need for modernisation and development in how service provision is designed, agreed, developed, delivered and evaluated.

4.3.4 Provider bodies in advocacy services:

- Those funded by government and commissioned against a specification or service level agreement for services provided;
- Charitable body hosted, led and managed services, some of which also bid and are successful in tendering exercises for the delivery of services, organised and managed by government;
- Services providing proven models of advocacy services to vulnerable and often fragile or marginalised adults living, working, and bringing up their own families in Jersey's communities (services set up as a result of the 2016 Mental Health law);

4.3.5 Most of these organisations were forthcoming not only with their views on historical and current circumstances and ideas for the future

4.3.6 Children's, young people's and "front line" staff's contributions to this review:

I am pleased to report that this review's conclusions, findings and recommendations are strongly confirmed and supported by what has been heard from children and young people in Jersey, and those who work with them in a range of services in the Child Protection and "in care" or leaving care space. In this regard, this report is therefore part of, and adds to, the body of work that supports, the same approach to children and young people's rights as is reflected in the intention and content of the Children's Commissioner Law 2019, and all of the reports and publications listed in paragraph 3.1 above.

4.3.7 There is much to welcome and to celebrate about what even the two cohort-specific providers are able to show, and to prove, about what their client groups experience, and how positively advocacy that helps children to have their voices heard actually means in improving the life chances and life experiences of the children and young people who can access a service. My summarising below is deliberately cautious in how far it goes into details that could lead an external reader to identify any individual child or young person. Their dignity, and the confidentiality and security attached to the protection of their life circumstances, matters enormously. In any event, there are strong common threads that reach across all of what children, young people, staff working with them across a range of services, and advocacy teams themselves, have said as part of their valuable contributions to this review.

4.3.8 I received materials from both Barnardo's advocacy service, details of which are available via JerseyAdvocacy@barnardos.org.uk, and from Jersey Cares, whose holding website page and materials are available at <https://jerseycares.ie/wp-content/uploads/2019/11/Jersey-Cares.pdf>

The third strand of contributions from children and young people came through my devising, and the CCJ's participation team administering and collating the results of, a qualitative survey sent to a wide range and large number of children and young people across the island. The CCJ's website, where "Listen Louder," the Legislative Gap Analysis and many other useful documents are available, is at <https://www.childcomjersey.org.ie>

4.3.9 I summarise below, in three sections in accordance with the organisations concerned, what children and young people have to say about the availability and quality of independent advocacy in Jersey. These summaries do not repeat or copy every word of the considerable amounts of, and detail in, the paperwork sent to me. I am impressed by the common threads and themes emerging as children, young people, staff working with them and their advocates have given their contributions to me, to inform this review and report.

4.3.10 **FROM BARNARDO'S (the service is focused on a particular cohort of children and young people, those who are subject to Child Protection processes and Plans.)**

This section opens with feedback from those working on the front line and directly with children and young people, in a range of organisations and service

FROM A SENIOR MANAGER IN A SPECIAL SCHOOL:

The advocacy service has been welcomed by the staff and students. A number of students have been enabled to share their views for more general conversations as well as during some extremely challenging times. The service has allowed them to feel listened to and that their own contribution is, and has been, valued. Students with good verbal communication have been able to access the service well and enjoy visits from the advocate. She has a professional yet warm manner which allows the pupils to very quickly feel a sense of trust and respect. For the students who need support with communication, the service has worked alongside the school in finding ways to allow their voices to be heard. These strategies need further development and the school is keen to continue to work with the advocacy service to support this. This is an invaluable service that we hope will continue to enable students to express themselves and be heard on a variety of platforms. Listening to the voices of students is vital as they are, and will always be, at the heart of all we do

FROM A SOCIAL WORKER

The Advocacy service has been of vital importance in this challenging case to ensure all multi-agency professionals have been apprised of the voices of the children involved. (Named advocate) worked with a sibling group, where the younger sibling had chosen not to share sensitive aspects of significant changes in their home life. They did not initially share their thoughts and feelings on how they had been impacted, or wishes about what they would like to happen in the future. We were very concerned they were internalising their emotions and we were acutely aware of the potential negative impact this could have. (Named advocate) met the child on a number of occasions and built up trust and rapport. Her experience, skill and gentleness prevailed with a vulnerable child, enabling her to gain their trust. This allowed the child's words and personal perspectives were highlighted; the child confided their concerns and worries to her, as well as wishes for future contact with the parent. This was extremely powerful in apprising multi-agency professionals of the child's voice. Previously unknown information ensured professionals at conference could make a much more informed decision in the best interest of the children.

Barnardo's provides an essential service to children, whose voices may not be heard or taken into consideration otherwise. The fact that the service is independent and separate from all other agencies ensures complete focus on the voice of the child.

FROM A FOSTER CARER

I thought I would drop you an email about the service you provide for Barnardo's and to say thank you for all you have done. The service allows the young person to talk to another adult, not their carer or SW, providing an opportunity to raise any concerns they have, and to ask for help in broaching issues. At times children feel the SW is not listening to them and comments made to you definitely support them. I feel they are much more listened to via you than via us as carers. My Fostered child, loves seeing you and asks if he can see you again, this is positive and he has been able to share via you input to his LAC meetings as he does not attend. What is written is clearly a representation of him talking!

It is important that we as carers are aware, after they have met you and to enable us to support, we know if they wish to talk more. In my experience this has happened. For any child in care to know people are there to support them is essential. I feel this is another support mechanism that will become more valuable as the children get older.

FROM AN INDEPENDENT REVIEWING OFFICER

I would like to say how impressed I am with the work you are doing with the young people, to really get across what they are thinking, feeling and wanting to change - it is so powerful having this of the focus of a Child Protection Conference or any of the processes we are involved in with children and young people – and it works! If I could have you representing the voice of every young person who is the subject of a Child Protection Conference, and that 'voice' is made the priority of the Conference, then it is my experience, that change for the better is more likely. I believe the advocacy service you provide is a valued and needed service as it helps to ensure the children we support are able to clearly express their views. Sometime children for whatever reason may not feel able to talk to other professionals but by allowing them to speak to someone independent of Children Services appears to give them that platform to share their wishes and feelings more openly. This can enable the professionals supporting these children/ young people to have a better understanding of what going on in their lives and plan how to safeguard them.

FROM FAMILY NURSING AND HOME CARE SERVICE

Every child has the right to be heard. I am amazed how much you capture in what can seem like a few sentences. Also for those children I already know quite well, I can definitely hear "their" voice. I want to say that listening to them sharing their worries, successes, wishes and wonders ensured that the focus of professionals and parents alike was centred on the children. It is a great privilege to be able to hear children's thoughts about themselves, their lives and their feelings, directly shared in their own words - Thank you.

FROM A SOCIAL WORKER

Her communication skills, enthusiasm, knowledge and commitment for advocacy has remained consistent for the two years I have known her. I have seen her deliver powerful messages by representing the child's views and feelings in decision making forums with sensitivity and confidence. When this happens well, it improves the child's experience, which in turn promotes positive outcomes for them in the future. I have also worked with her when she has met with parents and delivered the voice of the child to help parents recognise the need to change. All too often independent advocacy is of poor quality and inconsistent – the opposite is true of (named advocate.) She provides an independent voice for children and her role ensures the voice of the child is heard by those responsible for making decisions around their experiences and that they are acted on – this is invaluable.

FROM A PARENT

(Named advocate) is very professional and passionate and I can't thank her enough for the support she has given my children, to ensure that the children's voices are heard at conference. She has taken the time to listen to the children and they have happily and confidently opened up about their thoughts and feelings. As a parent going through the process of Child Protection it is very distressing but knowing my children are supported means everything to me. I feel that through (named advocate) they have been able to be open and honest and through others listening they are now receiving the right support.

FROM A SOCIAL WORKER

(Named advocate) and I worked with a small child going through a very difficult time with home life. The child was not very trusting of professionals but opened up to (named advocate) and trusted her to give her thoughts, wishes and feelings. (Named advocate) was then able to relay the child's feelings to the rest of us involved to have an understanding of what was being lived through. As (named advocate) read out the child's thoughts in front of her parents, this was delivered in a very professional, compassionate way enabling all of us to have some understanding of what the child was going through. She is very kind and genuine and I hope to work alongside her again in the near future

FROM A SOCIAL WORKER

This email is to congratulate Barnardo's' advocacy service with some of my clients. (Named advocate) has ensured in Conferences I have been in with her that the voice of the child is listened to. She has managed to gather deep emotions and concerns from children of any age to a level that other professionals, including me, have been unable to reach in work with some vulnerable children. This is the reason why I am asking for her further involvement with one of my clients. (NAME) has been on the Child Protection Register for almost 18 months. Through all this time, it has been believed the difficult family situation was not having a negative emotional impact. School performance, presentation and social skills helped us believe (NAME) was all right. During work with (named advocate) yesterday, (NAME) expressed sadness, and a belief that everyone would be better without (NAME). These are very sad feelings for a young child to express and highlight serious concerns about (NAME'S) emotional wellbeing. It is my belief (NAME) would not feel comfortable talking about these feelings with anyone else. (NAME) has never opened up like this, including with me and the family support worker. I will report these feelings to the parents but believe that (NAME) will try to protect them and not talk about these worries. I believe our best chance to support (NAME) is by (named advocate) continuing this fantastic work.

FROM CHILD PROTECTION LIAISON OFFICER, STATES OF JERSEY POLICE.

Given the importance to ensure the protection of our children, conferences are attended by professionals across many services, not least (named advocate) as the representative of the children, capturing their voice, which conveys their thoughts and feelings to the conference, providing all attendees with the best insight possible of how the children are coping with their often difficult and turbulent circumstances. I have now attended many conferences where she has been present, and find the information, in the children's voice that she provides, is an insightful and invaluable method to help all other attendees reach a considered and evidence-led decision on the outcome of the conference, to ensure the protection of the child. The information provided is without exception well presented, concise, and incredibly insightful as to how each child is coping, in their own words. Such is the importance and value of this vital role in representing the children that conferences now rightly begin with (named advocate) providing the voice of the child at the very beginning, driving the attendees, and the chair, to concentrate on what the meeting is intended for: to protect our children from harm. I feel (named advocate) is not utilised enough. I believe conferences should have the voice of the child as a paramount priority, expressed in the words of the child: exactly what (named advocate) provides. Her role at any conference is the most important role in representing the children, and should be utilised on every occasion where possible. if we intend to keep our children safe, this vital service must remain an integral part of the child protection process.

FROM A CHILD

On my first meeting with you my advocate I felt very scared as a lot of people were coming to see me that week. But you spoke to me like I mattered and you made me feel happier. When you came to my LAC meeting I felt like you were the one that supported me and everyone listened to what I had said through you, so I finally felt that everyone was listening to how I felt. Meeting with you before my meetings is a good way to prepare myself for those meetings. I know I would rather have you there with me as last time you couldn't make it, but my words were read out by the IRO. When you're with me I feel more confident and because of you I now wear my glasses at school. I trust you and I feel supported by you I feel like you're the only person that listens to me and I still want to be supported by you as an advocate

FIRST brief Case Study on the work of a Barnardo's Advocacy Worker

Reason for Referral

The young person was referred by a Social Worker to have an advocate's support a CP meeting. It was important that the young person's voice and input should be included in all such meetings. These are intended to support the young person's diagnosis of Autistic

Spectrum Disorder. The young person lives with Mum and Dad and advocacy has a role to play in ensuring all the correct support is in place, and the voice of that young person is heard..

Action undertaken: how the advocate gained information directly from the child

- *Due to the young person's diagnosis of Autism it was agreed that, to aid communication between the young person and the advocate, an informal meeting between the Advocate and the school Deputy Headteacher would take place, prior to the advocate's session with the young person, to share information about communicating with the young person and the clear needs involved.*
- *The young person communicates by making vocal noises and using picture cards. A range of appropriate pictures was selected so that appropriate questions could be asked.*
- *The advocate met with the young person, and they struck up a good rapport.*
- *The young person was able to communicate with the advocate about school, home and feelings, using a "talking mat."*
- *The young person was clear about enjoyment of school. It was clear they were happy with the support offered, and that everyone was nice and kind. But it was also clear they were having problems with another pupil at school.*
- *The young person was clear they enjoyed getting the bus and didn't like travelling to and from school in the car.*
- *The young person communicated they feel happy at home, enjoying the IPad, the television and the garden.*

Outcomes

- *Professionals at the CP meeting were able to hear how the young person was feeling about school and home, through the voice of the advocate.*
- *School had identified the young person's stress around the other pupil, and this has been addressed successfully, causing the young person no further stress.*
- *The young person will continue to transport to and from school on the bus.*

Feedback from young person

- *The advocate reports that the young person has indicated to School they would like to see and work with the advocate again*
- *The Advocate also reports that Mum and Dad appear to greatly appreciate the support of the advocate for their child.*

Feedback from professionals

Professionals express consistently how impressed they are with the work undertaken with the young people, to communicate what they are thinking, feeling and wanting to change - it is seen as very powerful having this "voice" as the focus of a Child Protection Conference or any of the processes in which they are involved with children and young people. In the words of one professional, "it works! If I could have you representing the voice of every young person who is the subject of a Child Protection Conference, and we could ensure that 'voice' is made the priority of the Conference, it is my experience that change for the better is more likely.

(Independent Reviewing Officer)

SECOND brief case study

Reason for Referral

A referral was made by the Social Worker to support two siblings at an Initial Child Protection Conference. The parents had separated due to domestic abuse, both parents being known perpetrators. The distress created for the children by this was the main reason for the referral.

The two siblings live with their mum, with agreed contact with dad at weekends. Mum agreed that advocacy should be offered to both children.

Action undertaken

- *The Advocacy Worker met with each child separately, in school. The Worker explained the service is provided for all children and young people attending meetings, and that the advocate was there to ensure the young person could share their views.*

- *The Worker explained the meeting between them and the child or young person was their time, meant to ensure all their feelings and worries could be written down, agreed, then shared at the meeting.*
- *The Worker helped the children with their need to say what was important to them, and to agree what they wanted to say at the meeting.*
- *They shared with the worker how they were feeling and what their wishes were. Their wish was predominantly to feel safe at home, with no shouting or alcohol.*
- *Both shared how much they loved their parents, but were clear that they found the parents' relationship difficult to cope with. It became apparent both children were witnessing shouting and upset. Both showed signs of emotional stress, expressed in their talking to the Worker, and through drawings and play.*
- *The youngest child shared that Mummy 'hits me all the time' and 'always hits me, even when I am being good'.*

Outcomes

- *The Worker raised a safeguarding concern to the IRO, SW, and school following the youngest child's disclosures. The Social Worker acted immediately.*
- *The Social Worker spoke to Mum about the child's claims, and to the child. It became apparent that the child was hurting mum regularly - potentially learned behaviour resulting from the child witnessing domestic abuse within the family. This was new information to children's services, and it is clear that their finding out about it had come from the child's disclosures to the advocacy worker.*
- *The worker shared the views of both children at the ICPC and the new information was shared with all professionals who were there. Professionals all shared how it is important for both children to experience safe, stable and nurturing parenting from both parents, and for the children to receive safe parenting that is both emotionally and physically safe.*
- *Both parents, on hearing these views from their children, said they had been unaware how their children had been feeling.*
- *Both children said they would like to meet with the Advocacy Worker again, the oldest child stating it felt as if they had been listened to, and it had never felt possible to talk like that before, and feel safe to do so.*
- *The IRO shared how important the views of the children were and how powerful they were when received in conference.*

Feedback from the oldest Child

It was nice that somebody just listened to me. I don't really like talking to people. I didn't know you at first, but I like our meetings because you made our meetings fun and I felt important. You came back and told me about the meeting so that made me feel part of a very important meeting. Mum has stopped shouting now. I want you to come back and see me for the next meeting.

Feedback from the youngest Child

I like you coming to see me at school, and we can play and make things for Mummy. You don't need to tell Mummy and Daddy to stop shouting now, because Mummy isn't shouting anymore. I am happy with my Mummy

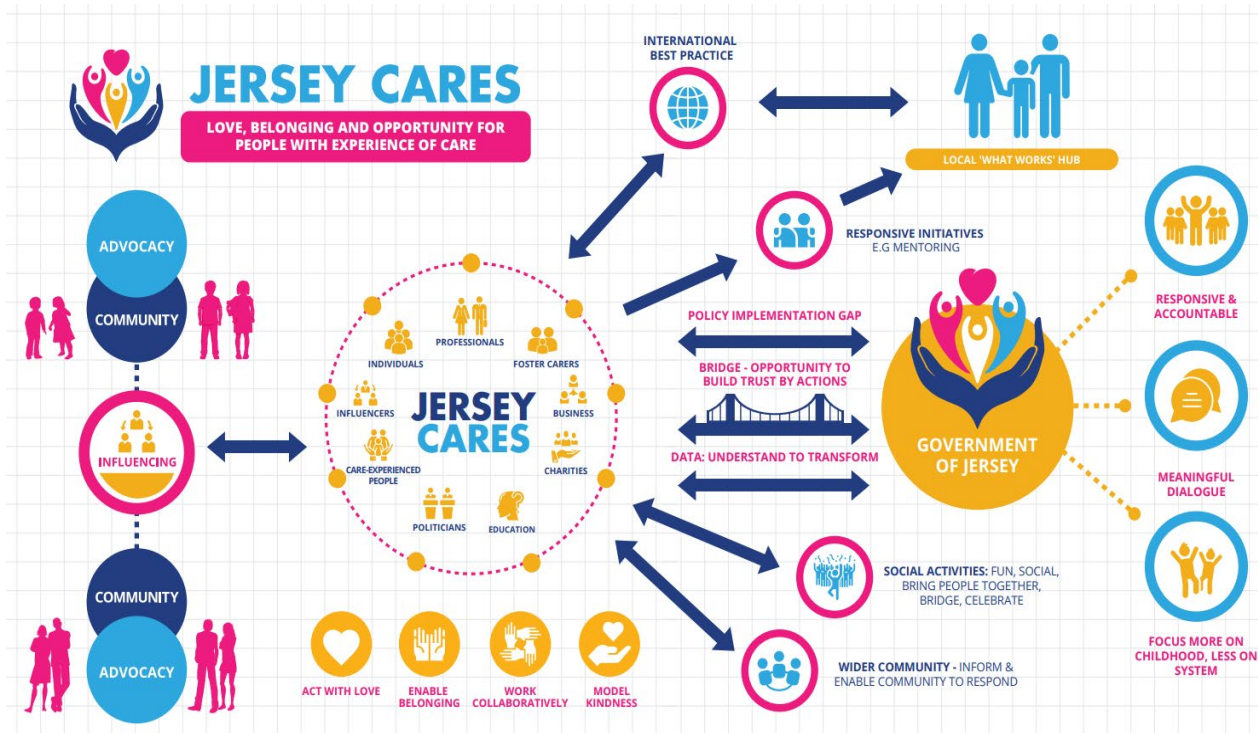
Feedback from Professionals

I have worked with (named advocate) throughout my time in Jersey as a CP conference chair. She was an advocate at conferences representing the voice of the child. What she is tasked to do is to represent children and young people's views, supposedly a straightforward task. What she actually does is engage with a range of children and young people who have no understanding of the processes that frame their lives, suddenly, often for the first time, asked their views about decisions others are making. She has a unique ability to elicit this information, and present in ways not influenced by her personal views, emphasis or bias. An audience hears the child, and on many occasions the impact is significant. This representation impacts on the views of adults in the conference significantly, particularly on parents. Without this input, it is clear the voice of children would not be given the credence it should have, and outcomes therefore would not reflect young people's views so decidedly.

Independent Reviewing Officer /CPA

JERSEY CARES MATERIALS AND CASE STUDIES

4.3 11 Jersey Cares arose from the work undertaken for the CCJ commissioned and funded report, “Listen Louder,” which itself originated from the IJCI’s conclusion that the voices and views of Jersey’s children in the care system were unheard and their ability to in any way influence or shape what was happening in their lives was under developed and undervalued. The organisation has grown slowly and carefully from its early days when despite having strong backing from ministers and senior officers in Jersey government, services were disinclined to refer children in and young people leaving care into the advocacy offer it was set up to make. The model to which Jersey Cares aspires to work as it matures is shown below, taken directly from the service’s own materials.



Jersey Cares basis, philosophy, vision and mission

Jerseycares

At **Jersey Cares we believe** that everybody needs somebody who loves them, somewhere they belong and something to aspire to.

At **Jersey Cares we know** that when the State get involved in a child's life, they have already experienced significant trauma. We know too that, too often, this trauma continues in the 'care system' within which they seek, and many times fail to find belonging. The move to 'independence' in their late teens is often a lonely walk into a scary place, with few or no ties to people who care.

“
I get annoyed when my friends complain about their parents. They don't know how lucky they are just to say 'Mum and Dad'.
”

Many countries are realising that the solution lies in listening to people who are, and were in care, and acting informed by what you have heard. This turns an intractable problem of service delivery into a community mission of enabling love, belonging and opportunity for those who need it most.

“
It takes a village to raise a child
”

Jersey Cares enables the transformation of care by offering:

- Advocacy** – supporting people with experience of care to be heard;
- Community** – enabling people with experience of care to come together and recreate some of the patterns of family life through activities, meals, trips and, crucially, relationships;
- Network** – bringing together a wide range of businesses, politicians, charities and engaged individuals to offer practical support, hold the Government to account and to show they care;
- Influencing** – using what is learnt in advocacy and our relationships with experts across the UK to drive change in public awareness, policy, legislation and 'services'

www.jerseycares.je

JerseyCares.Cl
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4.3.12 It is clear, and Jersey Cares representatives who contributed to this review reflected, both that substantial growth in the numbers of children and young people with whom the organisation works needs to continue to grow, and that having registered, staff need to become formally qualified in advocacy as soon as this can be achieved. It is equally clear the client-led ways in which Jersey Cares seeks to operate have things from which all advocacy services, for more children and young people as listed in 1.18 above, can learn. Jersey Cares, like Barnardo's, provided useful and enlightening materials to inform this review.

4.3.13 Jersey Cares has been consulted, and given advice to government and wider Jersey society on, key policy developments in the almost two years since it was founded and started work. Key legislation, including the emergency law response to the Covid 19 pandemic which has had direct effects on children's and families' lives, has elicited advice from Jersey Cares on the need to resist the avoidance of statutory duties owed to the island's most vulnerable residents and citizens.

4.3.14 As with Barnardo's materials in the previous section, where anything provided is sufficiently sensitive as to risk the direct identification of a vulnerable child or young person, I have taken steps to minimise that risk. This was in any case what Jersey Cares did before it provided any materials, including by both aggregating some cases into one exemplar based on reality but not representing a single child, and renaming and reassigning gender to some children whose stories are covered.

The following section therefore provides a flavour of both what Jersey Cares does or has done, and of some case study based recording of the service offered and its effects on the lives of the children or young people concerned. I must stress here that the differences between Barnardo's offer and the Jersey Cares offer are twofold as far as this review and report are concerned. IN broad and headline terms, the two are differentiated as follows:

- Barnardo's advocacy work is relatively long established and the evaluation of its work with children in the Child Protection system or with a Child Protection Plan is already in place. Such evaluation is a requirement both of Barnardo's HQ in the UK, and government which assigns the contracts and pays for the work done. Barnardo's therefore has a considerable evidence base, of both quantitative and qualitative information and data, that indicates that both clients, and staff in a range of services, understand what the service is and does. The latter are therefore prepared to put on record, albeit anonymised for this report, their considered and evidenced views on the quality of what Barnardo's advocates bring to the lives of the children and young people concerned.
- The accounts given by Jersey Cares come from a younger and still-establishing organisation coming towards the end of its second year of contracted working with children in the care system or young people who are care leavers. For reasons that should be pursued with Jersey Cares by commissioners and funders for future annual reports, the considerable amount of materials supplied for this review are entirely based on self-reporting. The lack of external commentary from professionals such as social care staff who may refer in should be expected from Jersey Cares from now onwards, both to give parity with what is asked of Barnardo's quarter-by-quarter both quantitatively and qualitatively, and Jersey Cares can celebrate what it achieves and its funders can be confident in its reach and results.

The work Jersey Cares is involved in, including examples from practice

The work of Jersey Cares covers these four areas:

- *Advocacy – supporting people with experience of care to have their views heard;*
- *Community – enabling people with experience of care to come together, and encouraging the wider community to support, and come together with, people with experience of care*
- *Influencing – driving change in public awareness, policy, legislation and services’;*
- *Linking with UK-wide best practice – especially important given the Independent Jersey Care Inquiry said Jersey was very far behind where it should be in its work with children, and had lost sight of what ‘good’ looks like.*

Influencing

Corporate Parenting training – *Working with Who Cares? Scotland and the Government of Jersey to develop a plan to deliver Corporate Training to States Assembly members. It will be delivered to groups of 10 and facilitators will be from Who Cares? Scotland and Jersey Cares. The development and delivery will be supported by people with experience of care, where they wish to be involved. The model will offer a smaller group of politicians a ‘dialogue session’ to allow them to identify questions, gaps in knowledge, ideas and concerns. From this dialogue Who Cares? Scotland and Jersey Cares will develop half-day training.*

There are discussions ongoing with Government about building ‘sustainable empathy’ for corporate parenting issues. This potentially will involve using virtual reality or other means for politicians to interact with the lived experience of care. This was due to begin in April 2020 but has been postponed due to COVID-19, timetable to be confirmed as this report is written.

Amendments to Children's Law – *Jersey Cares facilitated a session between policy makers and young adults with care experience to discuss both introducing a corporate parenting law and the potential in Jersey for the incorporation of the UNCRC via a model based on a duty of “due regard” for the Convention.* ¹²

¹² Readers should note that the Children's Commissioner for Jersey (CCJ) is also central to the discussion of the “due regard” based incorporation of the UNCRC in Jersey law, both by dint of the CCJ having commissioned and published a Legislative Gap Analysis, and being primarily and statutorily charged with the promotion and protection of the rights of the

Regulation of Care – Jersey Cares has reviewed recent legislation which includes the ability for new residential provision to be unregulated without the need to follow the Care Law. Jersey Care worked with other rights institutions in the care sectors across the UK to consider the proportionality of this move, and how to best challenge this intention. This sits within Jersey Cares’ advocacy work given part of making people aware of their rights and entitlements is to work to ensure they are upheld. To that end, Jersey Cares engaged with Ministers, the Director and Director General of Children’s Services, the Chief Inspector of the Care Commission and the Children’s Commissioner; and formally submitted the organisation’s concerns to the relevant Scrutiny Panel.

It is, as Jersey Cares representatives reflected with me, difficult to know how much the influence of the organisation’s interventions correlate with the decision to amend the regulations, made the following week. The amendments put in additional layers of safeguards to prevent the relaxation of regulations being used for the benefit of a provider, potentially to the detriment of children and young people. The Proposition, now passed as law, continues to contain concerning elements, in effect having dropped the ‘child protection’ ball at the first hurdle and apparently as a matter of convenience. Jersey Cares and others sharing their concerns managed to exert some influence, leading to some amending of the previously-intended changes to the law, but there remain concerns.

Awareness Raising

Jersey Cares continues to seek to arrange awareness raising sessions with Children’s Services. This has been complicated, as has much of the work to improve those services over a long period of time, by regular staffing changes. However, the service now appears to have a stable leadership team, all based on-island. In January 2021 Jersey Cares contacted all social work teams, Heads of Service and other organisations including in the third sector, health services, education and the prison service. This enabled Jersey Cares to meet with a range of organisations and departments to explain more about its work, and how best to work with it constructively to support and ensure the agency of children and young people with experience of care. These sessions have been well received and there has been an increase in advocacy requests from a variety of sources. These awareness raising efforts will continue.

Jersey Cares plans to deliver training to foster carers around advocacy, and has been asked to deliver a session on Rights and Advocacy to social work students. The organization and its offer are mentioned in the new Children’s Rights online course for civil servants and in the Care Leavers offer. The organization has also produced information leaflets and postcards for young people, young adults and professionals, has developed its presence on Instagram, Facebook and Twitter, and is working to further develop this element of its public relations and wider awareness work.

Jersey Cares’ response to COVID-19

As the Covid 19 crisis unfolded, it became apparent that the vulnerable in every community were likely to be hit harder than the general population. This may be particularly true of those with few family or societal ties to rely on, and it is clear that people with care experience are likely to be disproportionately impacted.

Jersey Cares began its response with ‘care boxes’. These are gifts of new toys and activities for children, and activities and tech-based items for older young people. Jersey Cares discussed this offer with Children’s Services and they asked if Jersey Cares could deliver these to all 550 children in and on the edges of care, to which it agreed. Local business provided many items at cost or for free, which has been heartening for the organisation and its client groups. These boxes are now being distributed, with the support of Children’s Services, to people they support aged 0-25. Jersey Cares is also able to offer them to care leavers they know, and to the children of care leavers.

child. Partnership working across ALL children’s services bodies will be necessary if the wish to incorporate is to bear fruit, and there are many bodies involved, as Jersey Cares representatives reflected with me in their contributions to this review and its report. As with any area of practice with children and young people, no organisation works entirely on its own in this complex field. Partnerships and determined co-working are vital.

The principle of this initiative is that the people who receive the gift know they are “held in mind” and that the community cares, as well as providing fun and distraction at a tricky time. The other purpose is to build relationships with children and families, in the hope that this will allow them to share other, perhaps crisis-driven, needs with organisations which could help them. Jersey Cares will then seek to signpost them to, and identify partners who can help families to address these issues, or address them directly if appropriate. The intention is that this will lead to more children and families being aware, and taking up, the Jersey Cares offer.

Jersey Cares is also investigating the possibility of providing a ‘support line’ for care-experienced people in these extraordinary times.

The driving ideas behind what Jersey Cares does

Advocacy enables children, young people and adults who are or were in care to be heard on issues which are of primary importance. These include seeing family, accessing education and knowing where they come from. In the period October 2019 – April 2020, Jersey Cares provided advocacy to 22 young adults (18+) and 3 young people (-18). Examples of advocacy we have provided, appropriately anonymised for this report, include:

ANONYMISED HEADLINE CASE EXAMPLES FROM JERSEY CARES’ WORK

“Zoe”

“My advocate is like a superhero. She can’t fix everything but she can make it feel better.”

Although Zoe lives in Jersey, siblings live off-island. She travels to see them when she can, though she would like to see them more and has been asking about this for some time. After supporting Zoe to address this with her social worker and her brothers’ social workers, they now have more time together. Zoe was worried that a recent visit would be cancelled because of COVID-19. It was cancelled but with our support Zoe was able to advocate to be able to still see her family, through the use of a video link. This upholds Zoe’s right to family life.

“Kia”

Kia attends college and requires cookery equipment to take an active part in the studies undertaken there. During a recent education review it came to light that the entitlement-based Pupil Premium allowance had not been specifically allocated to Kia. After discussing this with Kia and a key teacher, this allowance has now been released and Kia is able to spend it on what is needed for the course.

“Paul”

Paul works part time and is unable to work further hours due to health difficulties. He recently moved into a flat on his own, and because of his limited income was borrowing money each week to ensure he had enough to buy food, because his income did not stretch to even the most tightly budgeted of weekly shops. Paul had made some enquiries regarding benefit allowances at Social Security but had struggled to proceed getting an answer. Through Jersey Cares’ support, further benefits for Paul have now been approved and he is better able to buy food and pay his bills independently.

“Philip”

Philip Has significant additional needs, about which big decisions are now being made. Through the use of play, an advocate has got to know Philip, who likes sports and arts. Whilst doing these things within his abilities, Philip and the advocate are building trust. Philip has space to express how he feels about major decisions being made about his life. The advocate has the space to sense check what he is saying, so that by the time vital meetings take place all parties can be confident that what is said genuinely represents what Philip thinks and wants to say.

Adults in Philip’s life have questions regarding what independent advocacy is. Jersey Cares has explained the offer, explaining that in effect Philip is in charge, and the organisation is there to allow

his views to be heard within systems he otherwise may not understand and through processes where otherwise his voice may not be heard.

One role of an advocate is to ensure the child's needs and entitlements are met. This has included supporting Philip to access vital medical equipment, where there had previously been barriers to that access. The family have commented on how positive it is to have someone who is just there to understand, and more importantly to promote, her best interests. This promotes the right (under UNCRC Article 24) to the best possible healthcare.

Other work undertaken by Jersey Cares, 2019-2020

The Jersey Care Leaver's Offer: Problems and the search for solutions

From a Care leaver:

'I have spent an untold amount of hours on this, having conversations about this, and meltdowns over this. I start a new course in weeks, I have not got the time, nor brain capacity, to continue on as we are, due to what appears to me as a lack of care. I will also add, that the flat and first home that I have sourced, came with zero help from what is supposed to be a 'leaving care team'. What you are doing ensures that care leavers like I contribute to the ugly statistics of failure among Care Experienced young people, you are helping to add to the stigma that we all apparently try to fight.' – Young care leaver trying to secure a home before the new academic year.

Background

The repeated experience reported by care experienced young people who have now left care has been that social workers, who would administer the Offer and tell young people about it:

- May not know about it at all;
- May know it exists, but not what its contents or requirements are;
- May know some of its contents, but are not able to access what it offers;
- Make regular incorrect or incomplete statements about it.

The Care Inquiry, and the Listen Louder report which the CCJ commissioned and funded and whose completion the Director of Jersey Cares led before Jersey Cares was subsequently commissioned by government, both found that one of the things people with an experience of care have experienced repeatedly and have found damaging have been repeatedly broken promises.

One young person described the Offer as 'one big broken promise', because their experience has been that often professionals say that where an Offer like the Care Leavers' one formally says 'you will have' or 'we promise to,' this references something the care leaver cannot have, or will have to source by themselves, by navigating systems they do not understand, interacting with professionals who do not know about the Offer or how to access it.

Several other people involved in this piece of work described feeling they 'had to beg' to access the Offer and were not able to understand why the professionals around them are not pro-actively making it available. This matters enormously for care experienced people because, alongside the practical implications for their lives after care, it impacts their often low sense of self-worth.

What Jersey Cares did

- Raised this issue at meetings with the Office of the Children's Commissioner and the Children's Rights team;
- Raised it several times at Jersey's corporate parenting board;
- Took individual issues which children's service did not resolve over a protracted period (such as university funding or carpets for a home) to the then-Minister for Children;
- Educated and coached care leavers about their rights. This led to people writing independently to the relevant service leads and Ministers, articulating the Government's commitments to them and where these had not been and were not being met.

What was the impact of these interventions by Jersey Cares?

The Care Leavers' Offer is now honoured far more consistently and completely. For individuals the impact has included:

- *Having a home having previously resorted to living in homelessness accommodation;*
- *Having a home that feels like a home as opposed to previously waiting interminably for carpets;*
- *Starting university rather than simply being unable to do so;*
- *Having access to the Offer via people in services who do now know how to ensure that access, as opposed. not having access to the Offer.*

Jersey Cares at the same time worked to educate and raise awareness amongst Ministers and officials about the issues care leavers were facing. The organisation and its client groups did this by communicating the real-life impact in terms of both practicalities, and in terms of supporting and enhancing the self-worth of young people, the children of the state by dint of their having parented by it, described by the Care Inquiry as routinely failed by the system.

As Jersey Cares acknowledges, given others have also been fighting the same battles including some political leaders, and some leaders in children's services as well as the CCJ, it is difficult to correlate the degree of influence Jersey Cares alone has had on the programme of work now being undertaken to develop a cross-Government implementation plan for the Care Leavers' Offer.

Care Leavers' Case Files: still more issues, and the search for solutions

Background

Several people Jersey Cares works alongside have requested their files. Factors they have experienced, and in some cases their advocate has experienced alongside them, include:

- *Their request not being responded to in accordance with the legal timeframe;*
- *Case files being presented in disorganised fashion and out of chronological order;*
- *What appears to be over-heavy redaction of contents;*
- *No offer of psychological support.*

What Jersey Cares did

Jersey Cares asked two people in its wider network – a data protection expert, and a lawyer – to compile succinctly what the law states about receipt of personal information. They did this, and in addition the lawyer provided notes around the areas of the law which could be open to interpretation. Jersey Cares met Children's Services in November 2019 and shared this information, to be told that, given the guidance is already there in the law, this ought to be reasonably quick to resolve, meaning the relevant information would be provided to children, families and professionals in a format which was readily understandable. Jersey Cares followed up on this recently because little seemed to be happening, and was told this had not progressed due to Covid. Children's Services staff concerned with the provision of the information concerned were due to meet in September 2020 to progress this, but it was cancelled.

What is the impact?

While this issue is now on people's radar, there is as yet no impact as nothing has changed. Jersey Cares representatives have been clear with me that the issue will not be dropped.

Issues around Education

'You guys are good and trustworthy and always do what you say you will do'. – Young woman who has just started university.

Background

A recurring advocacy theme has been people wishing to progress their education. This has included work at many levels, from completion of GCSE's to degrees. There has also been a growing need for some soft support to feel able to complete courses and gain qualifications likely to enhance a person's life chances. The promised financial support to access education as per the island's care leaver's offer has proven stubbornly difficult to access, both by young people attempting to do so alone, and young people attempting to do so with the support of both Jersey Cares, and other organisations.

What Jersey Cares did

Some actions fall within the care leaver's offer section above. Jersey Cares has also secured a bespoke mentoring programme for a young man due for early release from detention in La Moye. This has proved possible due to Jersey Cares building a positive relationship with the CEO of Jersey Sport, based on a shared vision for children in and young people leaving care. Jersey Cares also worked over an extended period with two other young people to access the funding the care leaver's offer promises so they can continue in higher and further education. The organisation has worked with the Deputy Head of HE at Highlands to ensure that there is a supportive pathway for a young woman and is now in discussions about how to enable a similar across the board approach.

What is the impact?

Aside from the impact already mentioned around care leavers, the impact has been:

- One young person is now at university and commencing her degree. This would not have happened without advocacy which ensured the requisite support especially when promises already made were retracted and the necessary advice was nebulous or non-existent;
- A second young woman is on a Highlands access course, with support in place from the setting to enable her to succeed;
- A third young person is greatly encouraged to continue in his studies, and then to enter a relevant field of work, due to the offer of a Jersey Sport mentor.

Family matters

Family is very important to people with experience of care. Often, time with family is precious precisely because it tends to be scant. During lockdown, Jersey Cares advocated for a young person whose siblings are off-island, to ensure means were in place for him to continue to see his brothers and sisters despite leaving Jersey to do so not being an option. We have also advocated for a young child to spend 'fun' and 'normal' time with siblings on-island. Jersey Cares has also started to have contact with young parents who have care experience, exploring what they might wish to be involved in, might seek to influence, and what support they would like to receive.

Housing

'I can't even begin to thank you enough' – sent alongside a video of the person opening the door to their new home.

Background

Young care experienced people have wanted to move into permanent accommodation, or in one case off-island to enable that young person to access the right course of study.

What Jersey Cares did

Worked with various young people to advocate for them to have a safe, stable home. The organisation also raised, via Jersey's Care Leavers Outcomes Board, the issue of care leavers being homeless. This is now a standing agenda item for that Board. Jersey Cares is in ongoing discussions with a Jersey philanthropic funder on how to tackle the issue, which is articulated not just as homelessness but as a sense of a lack of belonging.

What is the impact?

For the individuals involved, the outcome has been that they have a home. Again, as Jersey Cares acknowledges, given there are other organisations also working on similar issues, it is difficult to know how directly this correlates with Jersey Cares' involvement. However, Children's Service now provide data on how many care leavers they are in touch with who are homeless.

Get togethers

Background

Part of Jersey Cares' 'community' focus is to enable people to come together informally, where they wish to do so.

What has been done, including during the Covid 19 period

Over the quarter, we have facilitated a range of informal get-togethers. These are:

- *Competitive cake-baking over Zoom;*
- *Two casual catch ups;*
- *A get together on Father's day.*

What was the impact

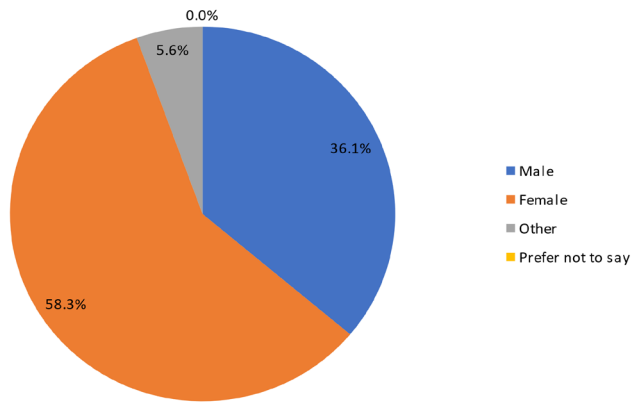
Of the Father's Day event, participants' feedback was 'that was so thoughtful. And they didn't even mention fathers.'

People have also spoken about how much fun the cake-baking was. The Jersey Cares team also note these informal get-togethers provide an opportunity for people to get to know the Team and make their own judgements about issues of trust. On some occasions, they prove willing to discuss struggles and, come back to ask for advocacy.

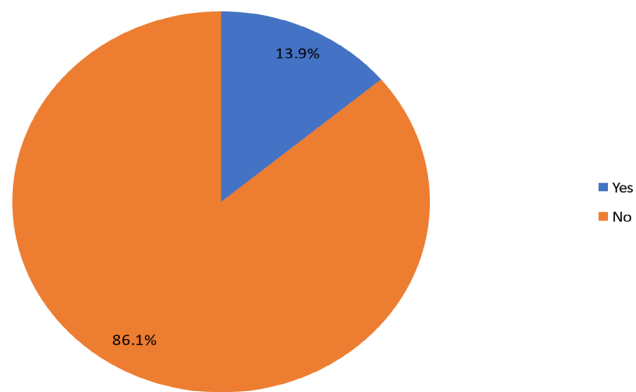
WORK DONE FOR THIS REVIEW THROUGH OCCJ PARTICIPATION AND VOICE STAFF

- 4.3.15 As this Review was launched I devised a survey, but given I am not in Jersey and Covid19 has prevented my being so, and I consider it poor practice to try to engage with young people who do not know me entirely online or via video calls, I called on the expertise and some of the time of staff at the OCCJ. I made it clear that the details and style of the survey and questionnaire I wanted to use as part of this review were under my design and editorial control. I then directed the circulation of the survey questions and the publicity that went alongside it. It was circulated very widely on the island, given I was keen to try to reach however small an audience, and the participation, of children and young people listed in paragraph 1.18 who do not as things stand qualify for or received independent advocacy.
- 4.3.16 Though the circulation was wide, across schools, youth organisations, foster care families, and all of the children and young people needing advocacy and known to a wide range and variety of services in Jersey, the response rate has been small. However, what the responses tell us is very much what all contributors have said, in interviews, in written submissions, in case studies and evaluations. Sadly, there are few voices from those in or leaving the care system included here, Jersey Cares having declined to work with OCCJ to ensure that the survey was circulated with its blessing to the clients with whom it has undertaken work. This decision, whilst regrettable, did not in fact stop some children who have received its services contributing their views as individuals, for which I am as grateful as I am to all the other children and young people who took part.
- 4.3.17 The pages that follow are presented exactly as respondents answered the questions I asked. If there are items of commentary or interpretation on my part, I make this clear. Each pie chart relates to one question in a very short questionnaire, and the comments that follow are taken directly from feedback placed by respondents into the open text boxes provided. There is powerful testimony in these answers, which are strongly supportive of what adult contributors have said, with the added and vital authenticity that only the voices and views of children and young people can give about their lives, in which they, not we, are the experts.

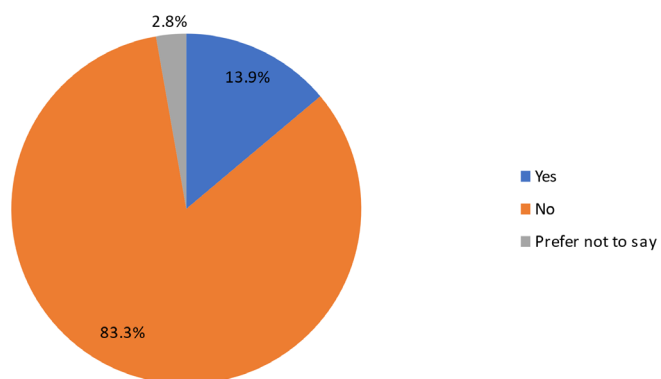
Are you?



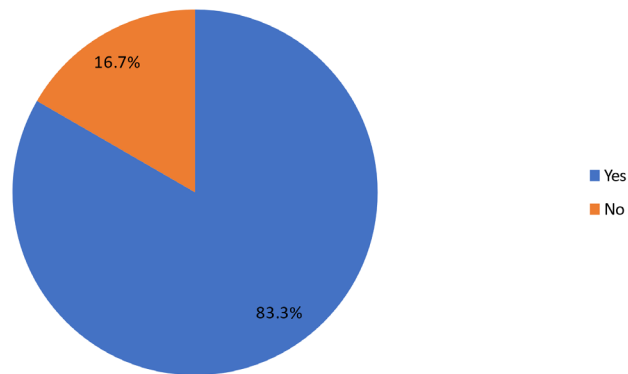
Do you speak more than one language?



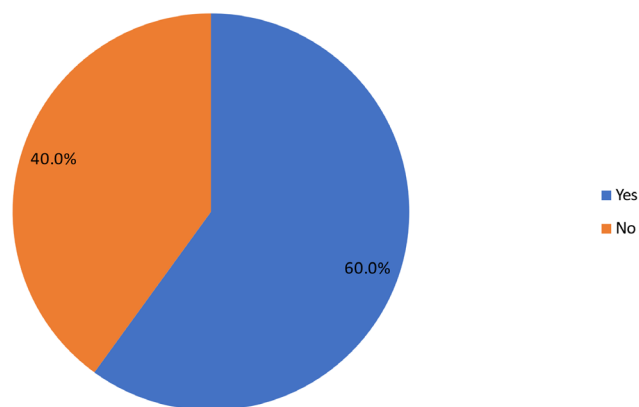
Do you have additional or special needs or a disability? (If yes, you can add some details in the box below)



Have you ever needed to ask somebody outside your family for support or advice with a life problem that you could not solve for yourself?



If you answered yes to Q6, did you know where to go to ask for the support?



If you answered yes to the last question, can you say more about who you asked for support and why you needed it?

Please use the box below.

There was nobody till just recently
My Youth Worker and then went to Youth Enquiry Service (YES) for counselling and YES website
Anxiety guidance counsellor
HE pastoral support
Support worker
Psychology: took 2 year of waiting
Teachers at school
I went to the YES project for some counselling because I was struggling with loads of problems.
Teacher, counsellor, Samaritans

Pathways. I needed help with my toddler who was extremely hyperactive.

My mum

The YES Project - mental health issues

I tried my teacher but that was not good my mum and dad are the only people really

Adults I can trust

School councillor

CAMHS for OCD

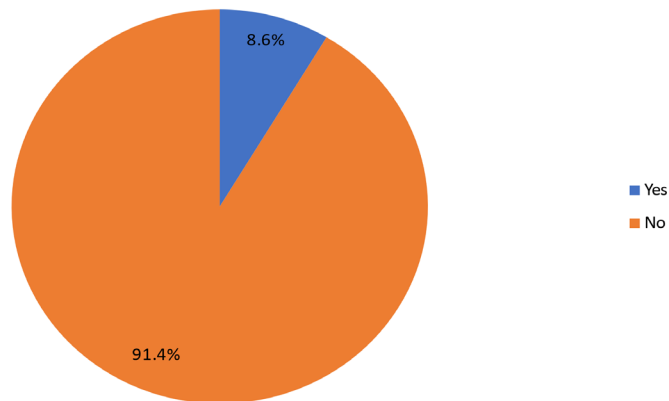
Youth Worker

College counsellor, problems at home with parents, moved out into a hostel

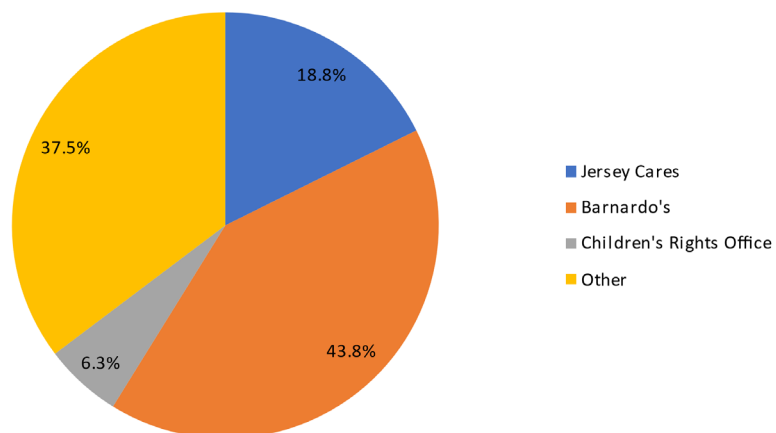
If they don't know they need support why would they ask someone?

Was sexually assaulted by a teacher, police out me in touch with a counsellor

Are you receiving support from an independent advocate at the moment?



If you have received advocacy, can you tell us from which organisation?



Please tell us below what support you have received, and how it has helped.

It was good and I got answers to my questions

Youth Worker and counsellor listening to me

School support it helped a lot

I had a (*Barnardo's*) advocate for my Child protection meetings, they were able to go to the meetings for me and say what I needed to say and helped me to ask for support from school as I didn't feel listened to at school

Guidance & support, acceptance

Psychology no other help

NA for age

Support in regards to sending proposals to different sectors of children services for an evaluation.

They are helping me with independence and making me work hard at home so I can hopefully move out of care as soon as I can (*young person in care, so Jersey Cares provides*).

It didn't help much, my social worker asked for it when I was on child protection (*On CP Plan, so Barnardo's provides*)

I would talk with the pathways manager who would always help me resolve the issues with practical solutions that I already knew but was so lost in the issues that I couldn't figure out for myself.

CAMHS

CAMHS. Didn't help. Useless.

I'm going to CAMHS now and things are a bit better but there really is not a lot of support. What if my mum did not go to the Dr with me and then make sure CAMHS listen to her and me? Lots of kids don't have their mums.

Anxiety and safeguarding

Youth worker and yes

Jersey Association for Youth and Friendship (JAYF), they helped me find a home. I lived in one of their accommodations for a couple of years until I finished college and started work, then I was stable enough to move out and live with my partner

CAMHS. It didn't. They made everything worse

School safeguarding lead, Social worker, CAMHS, drug and alcohol clinic,

It didn't help

What advice would you give to the adults who are running or looking to improve independent advocacy for Jersey's children and young people?

You must allow all children to have access to this and those in care especially those off island should be visited every 3 months to make sure things are good. This should be done by Jersey Cares

Youth service is good. Women's refuge is good. Children's commissioner is pointless (*further enquiry led to my understanding that the respondent had thought sustained, professional advocacy was a standard provision by OCCJ, which as this report has been clear it is not and should not be.*)

I talk with my Youth Worker as I like and trust them. I won't talk to any random person who just means nothing to me

Make sure you go to schools and do like mini sessions because it took me 2 years to build up the courage to speak to someone and some people are too scared to ask

I am not on Child Protection anymore and no longer have my advocate as I am now on a Child In Need programme. We need our advocates to continue supporting us no matter what plan we started on. I didn't want our meetings to stop but I do see the school counsellor now with the support of my advocate voicing this support for me

Being genuine, showing you really do care

There is no help

Unable to clarify

Make sure you listen carefully.

Just listen to us. Too many services don't actually help

Make sure you hear and understand what children and young people are saying.

To make sure they are public knowledge and explain children can go to these services for all things like mental health to smaller issues

Make sure it is child led with peer support and family support built in

Have one who understands autism

Education need more resource! Even if it is sometime to go in and have a conversation with children. Children need to feel heard.

Make an easy track to follow and make it accessible/known for all

Speak to them. Not rocket science is it?

Where are they?

First off I would ask who are you? Nobody knows there's such a thing as this. Then I would suggest you visit us at youth club and school and maybe cadets and have some chats because it is not possible to say all the things that need to be said in the questionnaire

As a single parent I needed advice on behalf of my son who was only 2.5 years old. Children's Commissioner was not helpful at all. If you have no family or friends nobody cares about you or your child. My son was born in Jersey but he has no rights whatsoever because I was not born in Jersey and have no means.

Talk to the young people, teachers and Social Workers.

More work in schools for wellbeing

Stop saying age 16 to 18 is a tricky age. My parents struggled with knowing how to support me as I wasn't given rights . I was not in the right mind to make decisions and I blocked permissions from them from college so they were not able to support me

YES have helped me a lot

Provide enough information as to where young adult can seek help and right information they need

To actually do their job. I've been waiting nearly two years for the school counsellor at Le Rocquier

Improve the mental health services for younger people as they are a disgrace to the Island and a disgrace to the children who need help.

Don't give up on the "unreachables" and don't wait for them to become criminals or unsafe to themselves before agencies step up.

Listen and believe what we say

If you want to say anything else about advocacy, please use the box below.

Advocacy gave me more confidence to speak up and share how I was feeling about everything

I currently work for Jersey Barnardo's advocacy part-time. I am a looked after child myself and recognise truth & honesty and Barnardo's 100% hold the moral compass of values I admire.

I was in trauma I wish I would have asked for compensation I thought I could cope now I can't claim that's wrong

(Named Barnardo's advocate's) work with our child has been excellent and the way this captured the child's needs and wishes was instrumental and powerful in supporting changes to the child's life.

No

It should be available in schools as children never get listened to even though we know our needs best and school is the most stressful part of my life

I didn't know they existed

CAMHS gave up on me

Children's rights should include parents rights to keep their child safe, the whole process is a joke

Adults don't really listen to or believe what children say.

4.3.18 Only a small number of young people agreed to be interviewed by OCCJ staff, always working on my behalf as the reviewer, always one-to-one and anonymously, always in work done by staff appropriately trained to undertake this work. What that small number said about their hopes and wishes for Independent Advocacy in Jersey closely matched what the young people and workers said about the same issues, in the cases briefly referred to in the text above, on both Barnardo's and Jersey Cares' work. Interviewees' responses have been usefully summarised, and I quote them below. I am grateful that they felt both confident, and supported, to give their views. I am also, as I hope readers will be, pleased to reflect the strength of the consensus arising from children and young people throughout this Review.

4.3.19 What those interviewed said was needed

As is usually the case when children and young people are asked to give their opinions and views, those interviewed were straightforward, direct and truthful about what children and young people in Jersey need the adults with power to make decisions about their lives should ensure. These contributors are young citizens, and their opinions must now bear weight.

Female 16

If you need advocacy, that advocacy should be...

- *Safe and welcoming.*
- *They should be in touch with me.*
- *Accessible for all young people.*

By contrast, the same young person was also clear that she was speaking about those who might not have the strength of support available to her, and was both downbeat and explicit in ensuring her opinion was also captured:

- *If I need help, I will get help from family members, I don't trust other people.*

The latter comment, reflecting distrust of non-family members, is a sad reflection on how she might feel should she ever be deemed to need intervention by those outside her closest circle. Both Jersey Cares' and Barnardo's contributions to this Review echo this sense that many children and young people do not feel they, or their wellbeing, are "put first" by the adults around them on the island they call home.

Female 17

If you need Advocacy, your advocate should...

- *Get information for me from whoever has it, when I need it.*
- *Represent me in meetings if I cannot or am too nervous to speak for myself.*
- *Do what is best for me.*
- *They need a 'Can do' attitude and be there for me.*
- *They should listen to young people before making any decisions for them.*
- *Listening and acting on their behalf.*

Again, this young person was not necessarily saying there was a current need in her life for the presence or support of an Advocate. She was able, however, to empathise with the situations of those who might need help, and clear that:

- *I will go to school counsellor or safeguarding officer if I need help.*

Her responses also indicated that should she ever need an Advocate, she was very uncertain as to where she, or her peers, would start to understand either what advocacy would offer, or where to find the help it might give. This short comment is really rather bleak:

- *I have only heard of Barnardo's but not sure what they do.*

Female 16

If you need advocacy, what is offered to you should have all of the following at the core of their vision, values, mission and practice

- *Advocacy should be the middle person helping a young person when they need it.*
- *Helping Young People to have their voices heard.*
- *Explain things to them because they can be nervous if they go to a meeting.*
- *They should believe in Young People.*

5. WHAT WAS SAID AND WHAT PEOPLE INTERVIEWED ADVISED

- 5.1 All participants were clear that for the majority of Jersey's children and young people, without additional educational, social, physical or mental health difficulties or needs, if they need a supporter to help with occasional rather than an ongoing difficulties, such support is best provided by a parent, family or family friend, teacher, youth worker or others they know, including any help when English is not the child's first language. In these circumstances, an advocate is unlikely to be formally trained, qualified, or from a Government-commissioned or funded service. They will simply "stand alongside" the child at that moment, in that occasional circumstance, to help them say what they need to say. This "anyone can help you or stand as your friend in crisis or advocate" group of children and young people do, all were equally clear, need to understand that they need never face even an occasional difficulty on their own. Ensuring that they know and understand this is the duty of Jersey's adult citizens, given children and young people are rights holders under the terms of the UNCRC, making every adult in Jersey a duty bearer who must ensure these rights are upheld, promoted and protected.
- 5.2 All who were interviewed and contributed materials for this Review reflected on the need for Jersey's policy makers, service providers and wider society to really embrace a children's rights-based, open independent advocacy system, reflecting and ensuring the fulfilment of Jersey's stated ambition to place its children and young people, positively and determinedly, at the heart of policymaking. I found in every interview and from all contributors both ambition and good will to ensure the developments this Review is recommending, across Government officials, the Office of the Children's Commissioner for Jersey (OCCJ) and services including those which already have and are working to independent advocacy contracts, and bodies in the voluntary sector. They expressed a wish to see the development of a refreshed, legally mandated and wider-reaching advocacy system where, building on that goodwill, all concerned are required to work together more determinedly and accountably to get things right for children and young people who need advocacy, so that Jersey's stated ambition and Children's Plan, placing children at the heart of the island's law-making, policy and service delivery, can be delivered, regulated and held to account.
- 5.3 Feedback was unanimous that the creation of an independent advocacy service for children in the care system, or who have left care but continue to need support, was a necessary development for Jersey, not least in the island's continued response to the ICJI. Jersey Cares holds the current contract to undertake this work. The organisation has presented details of its operating model, and the work it has accomplished to date, including case studies of those it has helped to gain purchase in a system that cared for them as children but is struggling to continue to hold faith as it should now that they are care leavers. It has been clear throughout this Review that there have been mixed fortunes for Jersey Cares in its first 20 months of operation, and that its ambitions until the end of its current contract period in 2023-24 need to be fulfilled after a start that was somewhat frustrated by workers in statutory children's services seeing external independent advocacy as somehow a threat to their own work. I interviewed senior children's services officials who are very keen to see continued changes in how state-funded statutory services and others such as independent advocacy providers such as Barnardo's and Jersey Cars engage with each other in the interests of the children and young people in whose fragile and vulnerable lives all of these players in the children's and young people's complex services system are closely, and professionally, involved. The unanimous feedback in interviews was that generosity of spirit, openness, consistency and sometimes a dogged commitment to partnership even when the going gets tough, are required of all parties as Jersey crafts a future for advocacy for far more children, in far more categories, as listed in 1.18.
- 5.4 Participants were clear that, from a foundation of the work already underway with children and young people in Child Protection, children in care and young people who are care leavers, and learning the lessons from this starting point, other Jersey children and young people should now gain open access to funded, children's rights and entitlement based, independent advocacy. This offer should be enshrined in law, and honoured by all concerned with services for and work with children and young people in Jersey.

- 5.5 There was strong consensus about a number of existing strengths in children's independent advocacy services. These are already in operation, as they have been for over 6 years, for children in the Child Protection (CP) system, run by Barnardo's. For the last 20 months independent advocacy and participation work has also been in place, on a contract issued by government to a newly created organisation Jersey Cares, for those who are in the care of, and therefore parented by, the state or who have left care but continue to need and seek support from advocacy services. A recent contract has now been awarded to Barnardo's, to develop and deliver an impactful and proven advocacy service to the group of children and young people deemed Children in Need. This is not currently a statutorily described or defined group in Jersey, but clearly a cohort recognised across services and talked about by all interviewees taking part in this Review.
- 5.6 Alongside this strong consensus about existing foundations for good work to continue in Jersey, all concerned detailed considerable challenges in fulfilling the right of a wider population of Jersey's children and young people to independent advocacy. The recommendations of this review detail what should therefore happen next to ensure that funded, free at the point of use, independent advocacy is made freely and easily available as of right. All participants were clear that designing wider reaching advocacy services for children listed in paragraph 1.18 in this report and referenced in the English CC's report of July 2019, should be based on what is already successful in existing Jersey advocacy services. They were equally clear that such designing should be undertaken by the widest possible range of existing advocates, service providers and campaigners, and children and young people themselves. Those interviewed were clear that there should be clear and formal commitments on all interested parties' parts that no one service "owns" a child or young person they are working with, and that the strengths brought to the table by all concerned should be matched by equally binding agreements that no "gate keeping" should be permitted between agencies, given the rights of the child and the needs to be fulfilled should be central to everybody's thinking and practice.
- 5.7 Interviewees, whether adults or children and young people, sought consensual, consistent, where necessary directive leadership of the development of independent advocacy services, whose provision should be led by Government and enshrined in law. All participants recognised that Government is likely to commission and at least part-fund any provision, but said that like the CCJ's position, this should not prevent the creation of services which are nonetheless independent and unable to be directed by Ministers or officials. All concerned said that in expanding the offer to children and young people beyond children-in-care and care-leavers, Government should set clear expectations that advocacy services are both independent and professional, including that their staff hold recognised advocacy qualifications. They stressed that independent advocacy services, and all others working with children and young people, must reach across boundaries between advocacy services, placing the child concerned at the centre of their concerns.
- 5.8 Article 5 (2) (2) of the law on the CCJ is clear that approaches to the CCJ for support or intervention in individual cases may be made whether or not recourse to all other avenues has been exhausted. In this regard, the Commissioner for Children and Young People (Jersey) Law 2019 resembles those which govern roles in other European jurisdictions and countries such as New Zealand. In a relatively small number of countries, the CC has an Ombudsman role, and can direct that practice changes, or services move away from one course of action and pursue a different one on a child's behalf. In most, just as in Jersey, the CC can call in the strongest terms for change, but cannot sanction, insist or direct an organisation on behalf of a child. The CCJ's statutory powers, however, do extend to the requirement on any organisation reviewed or investigated being bound to respond formally to what he or she finds, and a matching requirement on the CCJ to publish what has been found or recommended, and what is said in response.
- 5.9 Article 16(4)(5) of the CCJ law says: In relation to any such recommendation, the report may include a requirement to respond. A requirement to respond is a requirement that a person named in the report must provide, within such period as the Commissioner reasonably requires, a statement in writing to the Commissioner setting out –
- (a) what the person in question has done or proposes to do in response to the recommendation;
 - or
 - (b) if the person does not intend to do anything in response to the recommendation, the reasons for that.

- 5.10 Article 19 of the CCJ law outlines the CCJ's power to bring, or intervene in, legal proceedings, as follows:
- (1) The Commissioner may, in the discharge of his or her general function under Article 5(1)(i), in any court or tribunal –
 - (a) bring proceedings (other than criminal proceedings) involving law or practice concerning the rights of children or young people;
 - (b) intervene in any proceedings involving law or practice concerning the rights of children or young people; or
 - (c) act as *amicus curiae* in any such proceedings.
 - (2) The bringing of, or intervening in proceedings under paragraph (1) must not be made except with the leave of the court or tribunal (where required).
 - (3) The Commissioner must not bring or apply to intervene in proceedings unless he or she is satisfied that the case raises an issue of particular significance to –
 - (a) children and young people generally; or
 - (b) particular groups of children and young people.
- 5.11 For as long as most children and young people with specific needs listed in 1.18 are not entitled to a free, independent advocacy service, participants reflected with me, many of them insistently, that there will continue to be far too few such avenues, in contravention of the Duty-Bearer role of the state and all its agencies in a jurisdiction that has, like, Jersey in 2014, signed and ratified the UNCRC. For as long as there is too little independent advocacy that cannot be “gate kept” or denied by service providers whether government funded or otherwise, the CCJ will go on being compromised and her role confused in children’s and the wider public’s understanding, the Office’s staff and resources will be put under unwarranted pressure, and the CCJ will go on, wrongly, being seen as a source of sustained, professional advocacy when this is not meant to be the case.
- 5.12 Respondents were clear that the move of the former Children’s Rights Officer team from Children’s Services to the island’s Human Rights Institute for Children and Young People (the CCJ) should be permanent. The roles have changed and staff do not now, and participants were clear they should not, offer professional advocacy to individual children and young people, unless the CCJ’s team steps in as the CCJ law permits. The former Children’s Rights Officers’ roles should remain as human rights policy, advice, training and support specialists to further the fulfilment of the CCJ’s primary function, promotion and protection of the rights of the child. This is particularly important as Jersey works on the UNCRC General Day of Discussions, and the 2022 Periodic Reporting (UK-wide plus Crown Dependencies) by the UN Committee on the Rights of the Child. Given Jersey is also working on indirect Incorporation of the Convention, these staff will be vital. The IJCI report in 2017 was also clear (Chapter 13) that the CROs then envisaged would have a clear and vital role in working with services, teams and organisations across Jersey better to embed the rights, needs, wishes and aspirations of children and young people into practice that lives out the promises made to those children and young people. Working to new Job and Role Descriptions and requirements having ceased to be CROs working within government, the transferred staff are now engaged in designing, and will deliver, a workforce development programme that seeks to equip all those concerned with the skills and aptitudes necessary.
- 5.13 All participants were also clear that as things currently stand, the Children’s Commissioner for Jersey (CCJ) is asked to provide what is in effect, and perforce, a type of advocacy for children and young people listed in paragraph 1.18, whose difficulties and challenges are not catered for by the current independent advocacy offers contractually limited to Child Protection Plan cases (in one service provided by Barnardo’s) or children in care and care leavers (in another, provided by Jersey Cares). They were insistent that the Commissioner’s role should not include an offer of professional advocacy to individual children or young people, except in very specific circumstances. To remedy this situation, participants recognised the government’s key role in specifying and initially funding services across the categories of need listed in 1.18 above.

All said that by a clear deadline, to be agreed from the outset as services are designed, tendered for and then commissioned, Jersey's goal should be that all such services become self-funding, with both their existence and the offer they make, and their clear independence, enshrined in law.

5.13 Participants were keen to ensure discussions continue to enable everybody in Jersey to differentiate between what government services such as Children's Social Care, education or health are for and what they can and cannot do, compared with both what the law that defines the CCJ's role permits or expects, and what independent advocacy does as an entitlement within an explicit children's rights framework. The conclusion reached by all participants was that the principle of "distinct separation of functions" must be set formally down and then must apply, so that the distinctions are clearer to all concerned: within services, in policymaking and by civil servants who advise policymakers, and by children and young people themselves.

5.14 In stating their views, participants were clear they were not advocating that specialists in one branch of advocacy should seek to be practitioners in another. Their wish was that active, outcomes-improving partnerships must be insisted on, developed and nurtured, and that in every case and every organisation participating, the child or young person should be the key concern, not the wishes or wants of the adults running the services concerned. They were clear that an overtly, explicitly managed approach both to every advocacy organisation and to the partnership that must ensue should become systemic, and applicable to all services and professionals by way of setting out clear, consistent and formal expectations. All who took part were clear that those delivering all independent advocacy services must be required to working in partnership, seeking to create an arrangement where each independent advocacy provider plays their own specialist role where none would encroach on the others' work, but all would be required to work together to fulfil the island's Children's Plan 2019-2023, to respond positively, practically and proactively to all of the following:

- The still-unfulfilled recommendations on child-centred practice and the hearing of children's voices and views in both the Bull (2002) and Williamson (2008) reports
- The recommendations in the IJCI reports of both 2017 and 2019;
- Jersey's obligations under the UN Convention on the Rights of the Child (UNCRC) which Jersey signed and ratified in 2014;
- CCJ's "Life on the Rock" report, and subsequent CCJ reports including "Our Life in Numbers"
- The Legislative Gap Analysis undertaken by Swansea University for the CCJ in 2020, concentrating on the island's legislative framework and how far it does or does not lend itself to the promised incorporation of the UNCRC into Jersey law, which would mean that all legislation must be judged and assessed against the requirements of the treaty as a matter of course.
- CCJ's report to the United Nations Committee on the Rights of the Child ahead of the Periodic Review on the UNCRC expected to be instituted for the UK and Crown Dependencies in 2022
- The CCJ-funded 2018 report "Listen Louder" whose recommendations led to the creation of the current advocacy provider for children in care and care leavers
- 2018's Children's Services Inspection "Making a Difference" and 2019's follow up to it.¹³

13. All of these reports are available at www.gov.je or at childcommjersey@org.je

6. WHAT WE CAN CONCLUDE: MY RECOMMENDATIONS IN DETAIL

Introductory remarks

- 6.1 Independent advocacy for the groups in paragraph 1.18 should be open to being offered by several organisations with different specialisms, given the span of issues presented in the list is unlikely to be deliverable by only one. Their working together will be key to ensuring success.
- 6.2 Putting children first, as the island's government has as a formally stated commitment, must now come to fruition in reality and practice, across the piece. To build a positive future for advocacy, however many organisations offer a service to different groups of children and young people, a deadline of no later than 30/09/2022 should be set for the practical implementation of all of the recommendations from this review. This will help all on Jersey, not least its children and young people in 1.18, to ensure momentum is established and then maintained.
- 6.3 Monitoring of how well each recommendation is fulfilled should be done in the following manner:
- By the Commissioner for Children and Young People Jersey whose Office commissioned this formal independent review and whose remit is to promote and protect the rights of the child;
 - By children and young people themselves being actively involved in evaluating and feeding back on the quality, accessibility, independence and high quality of the independent advocacy they receive;
 - by the States Assembly which makes the appointment to the role of CCJ, and to which the Commissioner's work then formally accounts;
 - by the Departments or Directorates of government whose remit includes services for children young people and families, but whose work cannot include advocacy for reasons of a lack of independence were they to make such an offer;
 - by a regulatory body, in the first instance and the interim likely to be the Care Commission, given Jersey does not yet have an agreed children's services inspection body, but as soon as possible thereafter it should. This could be achieved either by foregrounding, strengthening and expanding the Care Commission's remit to include inspection and regulation or services relevant to the safeguarding and rights of the child in Jersey, or by a separate regulatory organisation such as Ofsted. Whichever choice is made, the body concerned should be explicitly independent of government and all agencies inspected or regulated, and engaged on a formal contract with freedom to state what will be inspected, against what frameworks or requirements, and
 - by the governing bodies or boards of trustees of all organisations which may win contracts to provide independent advocacy for children and young people in Jersey

MY 12 RECOMMENDATIONS ARE AS FOLLOWS

1. Independent advocacy should be offered to any and all children and young people who need it, free of charge, as an entitlement and a matter of course. It should be well-publicised to all Jersey children, young people and families, particularly those listed in 1.18.
2. The advocacy, its accessibility, equality based and non-discriminatory nature offer should all be enshrined in law as a mandatory feature of how children's issues are delivered, and ensuring all advocacy services can be regulated and inspected against formal standards of service, based on concrete and testable proof of outcomes and impact, not simply process, or raw numbers of children seen or worked with.

COMMENTARY: Ensuring the delivery of recommendations 1 and 2 will help to secure Jersey's fulfilment of its duties as a signatory of the United Nations Convention on the Rights of the Child (UNCRC.)¹⁴ Ensuring the security of the offer to the children listed in 1.18 will also continue to fulfil the recommendations of the IJCI, particularly those focused on the need for the government, and all those offering services, to hear and act on what is heard from children and young people placed in or leaving the care system. Enshrining the services concerned as a requirement in law will help to embed, in practice and in real life, Jersey's already-stated commitment to placing children and young people at the heart of law and policy making.

3. Historical accounts of professionals in children's services "gate keeping," "blocking," or their own or any other services' staff "making bids for children to come to them alone," which the majority of participants could evidence as having hindering previous attempts to offer advocacy to match Jersey's stated ambition to place children at the heart of policy, must become exactly that: history.

COMMENTARY: Ensuring delivery will help to clarify the duty to ensure that children and young people listed in paragraph 1.18, unhindered and as a right, can access independent advocacy services from non-governmental sources and without having to be "referred in" by a threshold-or-gatekeeper in any service or organisation with which they might be in contact. If this issue is not rigorously tackled, the endeavour will fail.

4. Government and the CCJ alike should go on clarifying that the Office of the Children's Commissioner for Jersey (OCCJ), including Children's Rights Officers transferred in 2020 and now undertaking broad rights duties, does not now and will not in future offer professional advocacy to children and young people or their families as a "first resort." As the law governing the CCJ's role clearly states, the CCJ will continue to undertake individual casework if there is an evidenced need because all other routes to remedy or redress have been exhausted. If, as I recommend, independent advocacy for all groups of children and young people listed in paragraph 1.18 is established as described, logic indicates the CCJ's case load will diminish because CCJ "last resort" human rights advice, support and signposting, and work on complaints where an individual needs to make one, will be needed by fewer children and young people.

COMMENTARY: Ensuring the delivery of this recommendation will clear up any misunderstanding between different organisations – in government, the charity sector, advocacy organisations and those interacting with the CCJ – regarding the limits on what individual casework is, and is not, permitted by the law that frames the CCJ's remit

5. Contracts awarded to organisations which to provide independent advocacy should be awarded after open and transparent, competitive, objectively awarded contract, based on formal invitations to tender. This will ensure there can be no explicit or implied criticism levelled at how contracts are awarded.

COMMENTARY: It is clear why, given the urgency to act at the time, the current government-funded advocacy provider for children and young people in care and care leavers was awarded its current contract without such due process; and why, in the circumstances and given the need to create an "initial-cohort" offer, the current provider also co-produced the Service Level Agreement against which its 2019-2023 contract and substantial public funding were assigned. This recommendation means that as any contract-renewal or re-issue comes to pass, the process is robust and will stand up to external scrutiny. Transparency in how SLAs or specifications are constructed and contracts awarded will be particularly important as the expansion of Independent advocacy to include those listed in 1.18 is completed, and as provision of and access to independent advocacy are enshrined in law. Fulfilling this recommendation will also safeguard any organisation from accusations or complaints regarding a lack of transparency in how they were awarded the work.

¹⁴ The UNICEF summary of the UNCRC is presented as appendix 2 of this report

6. Contracts for all independent advocacy should be explicit that, especially given several bodies will be needed to ensure provision across the wide range of children and young people in paragraph 1.18, all advocacy bodies must offer their services to the target group for which their organisation has been contracted, not to others whose advocacy is provided by another organisation. Contractually, all organisations commissioned to provide their specialist services should be required to commit to working together across the children and young people's services landscape. This commitment should include, staying within GDPR requirements, formal agreements to share information, whenever possible with permission from the clients to whom information refers, but if their safety is severely compromised, and assuming due safeguards in place, even if such permission is not granted.

COMMENTARY: These arrangements must be supported by mutually agreed and signed memoranda of understanding between all relevant advocacy organisations, so that there is never a hint of some issues that were raised with me regarding confusion in the minds or feelings of vulnerable children and young people about where advocacy might be found, who will provide it, how it will be provided, and whether there is a notion of "loyalty to us alone" involved. The needs of the child or young person must, in accordance with Article 3 of the UNCRC, be paramount at all times. The wishes and wants of adults, including those working in advocacy organisations and in services or bodies that might refer children in, are entirely secondary.

7. Contracts for such "high stakes" services should be attached to clear and binding targets, which should be "SMART", and against which organisations should be held to account by Government, and by an independent inspectorate:

- **S**pecific and **S**tretching (including specifying and giving detailed descriptions of what is required, what the starting point is and what is being aimed for as a tangible and recognisable outcome, not an input or process),
- **M**easurable (including what will be measured qualitatively and on an outcomes and impact basis, through case studies as well as quantitatively through collecting and reporting numbers and outputs),
- **A**chievable and **A**greed (including details of how they are to be achieved and what support may be needed, given by whom, to ensure they are),
- **R**ealistic and **R**obust (including ensuring no organisation is set such outlandish targets or goals that they are inevitably bound to fail, or could be prevented by others from reaching them),
- **T**ime-bound and **T**rackable (including details of deadlines for meeting them, and for reporting back to funders and supporters whether governmental or not, and also including any break clauses in the contract, and when a contract will start and end.)

8. It should be possible for any independent advocacy provider to be a registered charity, regulated by the Island's Charity Commission, or if they are UK-headquartered with a Jersey branch, both the island's and the UK's registered charity regulations. The corollary to holding charitable status should be that Jersey's elected politicians may not be Directors or Trustees, given if they serve in this way, regulations indicate that any organisation concerned may not be a registered charity. The clear and appropriate reasoning for and regulations pertaining to this are available on the Jersey Charity Commission's website at www.charitycommission.je The relevant paragraphs say:

The Law states that the advancement of a political party or the promotion of a candidate for election to any office, in Jersey or elsewhere, is neither a charitable purpose nor a purpose ancillary or incidental to the same. This enshrines in Jersey law a long-established principle of English common law.

It should, however, be noted that this limitation does not of itself extend to what might be termed 'political' activity in the sense, for example, of public policy campaigning, or for a change in the climate of opinion in a given sphere.

Those kinds of activities should normally be perfectly all right, provided they are demonstrably in line with an entity's registered statements of charitable purposes and public benefit and do not embrace what might be regarded as a 'party' line and meet the second, public benefit, element of the charity test. More is said about intangible public benefit, which is what such activity would probably be, at paragraph 76 below.

Similarly, an entity that otherwise meets both parts of the charity test will nonetheless not meet it if its constitution expressly permits its activities to be directed or otherwise controlled by, or any of its governors to be, a Minister, a member of the States Assembly, or any equivalent of such a person in another country, where the person in question is acting in the capacity of that or such an appointment.

COMMENTARY: Fulfilling this recommendation will ensure there is never a hint of conflicts of interest, given as advocacy expands to cover more groups of children and young people as listed in paragraph 1.18, each organisation will need a governance body, or if they are charities a board of trustees so they can account for what they do to an accountability body that governs their activity. For Jersey's elected politicians to serve on such a body whilst also potentially voting on grants of public funding for the activities an advocacy body undertakes is a clear conflict of interest that should not be permitted to continue.

9. The Government's ambition should now become an explicit expectation: that even if an advocacy service sets out funded by government, it should become self-funding within a maximum of five years, including being supported by independent or third-sector grant giving foundations.

COMMENTARY: Participants were clear the signal given by this independence of resourcing would be strengthened if it could be attained, though they were clear that initially, government funding is likely to be necessary. That necessity being agreed, funding should be awarded in accordance with evidenced and proven need: for example, based on size of cohorts served; nature of the offer (face to face, online, by phone, mixed); nature of presence (drop-in spaces, group meeting space provision or resources for renting space as needed);

10. All concerned in policy, service design and delivery, and Jersey's wider public, should be regularly reminded and assured of the separation of functions that must pertain between the following strands of service, provision, oversight and activity:

- Services that are paid for, governed, led and managed by and answerable to, Government - such as children's social care services at all levels and in all teams;
- The CCJ who, though government funded, has guaranteed and legal independence of thought, action, investigation and reporting, all of which were instituted by the law that governs Jersey's Human Rights Institute for children and young people;
- Independent, hopefully quickly non-governmentally funded bodies such as those envisaged to provide advocacy across a wide range of Jersey's children and young people;
- Services available through Jersey's voluntary and charitable organisations, which if they are to provide advocacy should be formally checked to ensure they are doing so to the same standards as the contracted and funded providers of independent advocacy, and
- Services and/or support provided by private and paid-for concerns such as solicitors, or Advocates in the courts; or those which may be available without cost by approaching, and gaining the support of, Jersey's various categories of duly Elected Representatives.

11. As per the provisions of the law that established and governs the CCJ, the Commissioner and her/his staff, or those contracted to undertake particular pieces of work for the CCJ, has the power and duty to report on the adequacy and effectiveness of independent advocacy services as experienced by children and young people in Jersey, particularly those in the groups listed in 1.18 above. Government of Jersey contracts should set out the expectation for any commissioned advocacy service to comply with such requests.

COMMENTARY: This will require that the CCJ's Power of Entry is exercised in any setting including courts and similar settings, from Parish Hall Inquiries up to the highest level of the courts, and in all settings where children are deemed cared for except the private family home. The CCJ has the remit to report on what he/she finds in exercising this power, back to the settings visited, and to Government. He/she is also charged with ensuring that the voices views and interests of the children and young people concerned are able to be expressed and captured, and should be both listened to and acted on, in accordance with Article 12 of the UNCRC which state that, in accordance with their age and stage of maturity, children and young people have the right to have their voices heard and acted on by adults with the power to make policy or shape practice that affects their lives.

12. To ensure that a continuous cycle of improvement, learning and development takes place in independent advocacy services, and is then fed into how other services work with and for children and young people, there should be a regulatory and inspection regime in Jersey that applies to all such services, on a cyclical basis of inspection, including the public reporting of findings, at least once every three years. This is an as-yet-unfulfilled recommendation from the IJCI and is therefore now long overdue for fulfilment.

COMMENTARY: There is no inspection body in Jersey and this needs to be addressed. The island's provision for children and young people, across education, special care, physical and mental health, youth justice and other services is not large enough for the creation of an island-specific inspection body. There have been inspections commissioned into Jersey from Ofsted to inspect Children's Social Care in 2018 and 2019, but the driver for these was a Government commissioning exercise, not the inspection body itself. Jersey should approach Ofsted, or its Scottish or Welsh equivalent, to create a contract for regular inspection timetables and an agreed, Jersey-specific framework, guidance and reporting arrangements based on evidenced and proven best practice in regulation, governance and inspection.

7. ACKNOWLEDGEMENTS AND THANKS

Throughout this review I have had the time, professionalism and generous contributions of many busy and pressured professionals in Jersey. There are many sensitivities in play around any provision, and particularly the reshaping of that provision, for children and young people with a wide range of challenges and vulnerabilities in their lives.

At all times, and by all respondents, I have been met with unfailing courtesy and a clear and professional desire to ensure that Jersey's independent advocacy provision for children and young people with needs that cannot be met by their closest family or friends is not only provided, but is of the highest possible quality that can be evaluated and independently reported on by an inspection or regulatory regime that will help its continued improvement.

I am very grateful for the time and trouble taken by all who have been involved, and place on record my acknowledgement and gratitude. I look forward to seeing how this Review can help Jersey to fulfil its stated ambition to place children at the centre of policy and practice.

Professor Maggie Atkinson
16th June 2021

8 Appendices:

1. The terms of Reference for this review



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

Review by the Commissioner for Children and Young People Jersey.

This document provides notice that the Commissioner for Children and Young People Jersey ("Commissioner") intends to exercise her powers under part 2 of the Commissioner for Children and Young People (Jersey) Law 2019 ("the 2019 Law"), to conduct a review into the following subject:

Review of independent, professional advocacy for Children who are Looked After and Care Leavers

As such it fulfils the Commissioner's functions under section 5 of the 2019 Law to keep under review the adequacy and effectiveness of services provided for children and young people by relevant authorities, and as such the Commissioner will bring the matter to the attention of the States and relevant authorities.

Statement of legal compliance

I have determined that this review falls within the scope of my investigative powers under Part 2 Establishment and Functions of the Commissioner of the 2019 Law and in particular is permitted under section 5 of that Law.

A handwritten signature in blue ink, appearing to read 'R. McMillan'.

Children and Young People's Commissioner Jersey.

December 2020

Terms of Reference

1. Definitions

Advocacy - Advocacy is a process which helps someone speak up for themselves, to access information and their rights and entitlement, and to get something stopped, started or changed.

Advocate - An independent professional advocate is usually a paid, trained person who is qualified to help children and young people have their voice heard.

Children Looked After – this refers to a child who is in the care of the Minister; a child provided with accommodation by the Minister for a continuous period of more than 24 hours in the exercise of the Minister’s functions under any enactment; or a child or young person within the meaning of the Young Offenders Law who is required to be detained in custody on remand or following sentence under any provision of that Law.

Care Leaver – the Government of Jersey have published a definition of a care leaver in their Guide for Young People Leaving care: ‘You are a care leaver if you are aged 16-25 and were looked after by the Minister at the age of 16 or above and are no longer looked after.’

2. Background

The Commissioner understands that not all Children who are Looked-after Children and Care Leavers are able to exercise their right to be listened to and taken seriously through an independent advocacy service.

During the course of our research and from casework that our team have been involved with, we are concerned that there are some issues with the provision of independent professional advocacy.

The Independent Jersey Care Inquiry (IJCI) made recommendations around supporting children to raise complaints and for their voices to be heard:

‘It is essential that there is a clear means for looked after children to raise complaints and receive a response from those responsible for their care. The Commissioner should have oversight of such arrangements.’¹⁵

‘Ensuring that the voice of children and young people is heard in relation to all matters affecting their lives, including the development of government and service policy, is crucial to building confidence that their interests are given paramount consideration. The appointment of a Commissioner will be a crucial step. However, there are other mechanisms that we consider to be important to sit alongside the role of a Commissioner.’¹⁶

‘This improved system should include the appointment of a Children’s Rights Officer, who will have responsibility for ensuring that children in the care system, irrespective of where they are accommodated, are supported to ensure that their voice is heard and that the matters they raise are addressed. This does not mean that every complaint is upheld, but that every complaint is given full and serious consideration and a proper and timeous response is made to the young person. Additionally, Jersey should develop a partnership with an independent, external children’s advocacy service such as Become (formerly the Who Cares? Trust). This would, we believe, add a further element of independence and assurance. These measures should mean that there are people proactively monitoring the welfare of children in the care system as well as assisting children to voice concerns.’¹⁷

This review will focus upon the provision of independent, professional advocacy for Children who are Looked After and for Care Leavers, although it is likely that lessons learnt from this review may have wider significance for other children.

3. Children’s Rights issues

Advocacy plays a significant role in promoting all four of the United Nations Convention on the Rights of the

¹⁵ IJCI Chapter 13.10

¹⁶ IJCI Chapter 13.14

¹⁷ IJCI Executive Summary 13.8

Child (UNCRC) general principles (Articles 2, 3, 6 and 12) and is particularly central to the realisation of Article 12 for many children.

Article 2 which says all children have the rights the Convention lays out, and that no child should be discriminated against.

Article 3 which says the best interests of a child should be considered in considering any action that would have an impact on them.

Article 6 which says that all children should be supported to live and grow.

Article 12 which says that children have the right to express a view and have it taken into consideration when decisions are made about them. Article 12 is the right of the child to express his or her views freely in all matters affecting them, and for their views to be given due weight in accordance with their age and maturity.

In its 2016 Concluding Observations on the fifth periodic report of the UK, the UN Committee on the Rights of the Child expressed its concern about:

- Children's views are not systematically heard in policymaking on issues that affect them;
- Many children feel that they are not listened to by their social workers, reviewing officers, paid carers, judges, personnel working with children in conflict with the law, or other professionals, in matters affecting them, including in family proceedings.¹⁸

The Committee urged the UK to:

- Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national level, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities;
- Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.

The right for a child to be listened to and taken seriously therefore are clearly issues that engage children and young people's human rights and are of significant concern to the bodies charged with monitoring the UK's (and Jersey's) compliance with its international obligations.

4. Remit

Under the terms of the Children and Young People's Commissioner (Jersey) Law 2019 the Commissioner has the power to keep under review the adequacy and effectiveness of law, policy, practice and services provided for children and young people, and the power to look into, or formally investigate any matter relating to the rights of children and young people.

Subject to provisions detailed in Article 8 of the 2019 Law a relevant authority must supply the Commissioner with such information in that authority's possession as the Commissioner may reasonably request for the purposes of the discharge of the Commissioner's functions.

5. Purpose/aims

The Commissioner therefore intends to conduct a review to look into the provision of independent professional advocacy. In particular, the review will:

- 1) Gather and present the views and experiences of children and young people who are entitled to independent professional advocacy support, enabling them to contribute towards the recommendations of a formal report.

¹⁸ Committee on the Rights of the Child Concluding Observations on the 5th periodic report of the United Kingdom of Great Britain and Northern Ireland. 2016

- 2) Analyse the legislative and policy context for advocacy for Children Who are Looked After and Care Leavers in Jersey.
- 3) Review the commissioning and funding arrangements for independent professional advocacy provision for children in Jersey.
- 4) Identify the strengths and weaknesses in relation to the current provision of independent professional advocacy support for Children Who are Looked After and Care Leavers.
- 5) Provide an independent review of the process that has been established to support and develop the provision of independent professional advocacy services for CLA and Care Leavers.
- 6) Lead to the production and publication of a formal report reflecting the views and experiences of Children Who are Looked After and Care Leavers in relation to access to and provision of independent professional advocacy, setting out the Commissioner's findings, conclusions and recommendations for stakeholders involved in the review.

6. Method/timeframe

The investigation will begin with a request to all providers of independent professional advocacy to share data and information on the service they provide.

The Government of Jersey will be asked to provide commissioning documentation in relation to the external commissioning of independent advocacy services.

Analysis of this material will be completed by the reviewer appointed by the Commissioner.

Children and young people will assist the office by establishing a children's advisory group (CAG) who will advise on the review in particular the engagement of children and young people who are users of independent advocacy services.

The reviewer will meet with and obtain the views of children and young people with experience of care who are entitled to independent professional advocacy support.

The review will map out all legislation, policy and guidance relating to the provision of independent professional advocacy services in Jersey.

The review will also map out existing independent professional advocacy provision for children and young people including an historical review of provision.

Evidence will be taken using a structured format with key staff including those organisations delivering advocacy. This may include:

- Children's Rights Officers
- Senior Children's Social Services Heads of Service and Managers
- Social Workers
- Members of Boards, Advocates and Managers of independent advocacy providers
- Independent Reviewing Officers
- Children's Minister

The review will also gather evidence through the dissemination of a structured questionnaire.

The review report will focus on the key headings of:

- Access to advocacy services
- Entitlement to advocacy services in legislation
- Children's experiences of advocacy
- Quality of advocacy services and training
- Independence of advocacy services

- Monitoring and inspection of advocacy services

Timescales

Jan-March 2021: Evidence gathering and establishment of the Children's Advisory Group

March-April 2021: Analysis of information

April 2021: Publication of review findings, conclusions, and recommendations

7. Information governance

It is not anticipated that personal information will be collected in the process of this investigation.

However, in the event that any personal information is collected, it will be processed in line with the principles of the Data Protection Law.

8. Output

Findings will be published in a report which will be a public report presented to the States Assembly.

Appendix 2: a summary of the UNCRC

The UNCRC is the world's most signed and ratified Human Rights Treaty. Only the USA has not moved to sign and ratify it.

The UNCRC, and the UN Committee whose work includes regularly challenging and reviewing State Parties which have signed and ratified it and are therefore bound by it as an international treaty, rely on the treaty's holistic nature. The UN is clear that the UNCRC:

- Is inalienable. That is, once a nation has signed and ratified it, the rights it contains cannot be taken away, or withheld, from the rights holders, who are all of the children and young people of that State Party
- Is non-discriminatory. That is, if you are a child in a jurisdiction that has signed and ratified the UNCRC, the rights are yours regardless of where you come from, what your income or status is, what your abilities or disabilities are
- Is indivisible. That is, no State Party can choose to abide by only some of the Articles in the Treaty. All Articles apply, at all times, to all children and young people in that nation
- Expects the signatories to be devoted to meeting the best interests of the child
- Equally expects the signatory to ensure the right of every child to life, to survival and development, and to work to rid itself of any obstacles to these rights being fulfilled
- Requires State Parties to take account of and respect the expression of the views and voice of the child

The UNCRC lies at the heart of the CCJ's statutory remit. Jersey signed and ratified the Convention in 2014 and has since committed to seeking the possibility of formal and statutory incorporation of the Convention into Jersey law, meaning that any law being passed by the States of Jersey would be subject to an analysis of the likely effects of such legislation on the rights of the child.

The summary which follows on the next page is produced by UNICEF, the UN's children's charity which through its work with the research body Innocenti undertakes analyses of how well children across the world are faring, and what their wellbeing looks like in light of the Convention. UNICEF also provides support and programmes of activity that enable adults and children alike to understand the meaning of the Convention and its implications for societies across the world.

The UNCRC in its full form is a long and complex document, and many of its Articles are additionally supported by General Comments which provide ample and relevant examples of what a particular Article looks and feels like when it is fulfilled for the children of the world.

In this Review, though the whole of the Convention is important in the life and wellbeing of every child, the Articles of particular importance are

Each of Articles 1 to 6 in full

Article 12

Article 18

Article 20

Article 23

Article 24

Article 25

Article 39

Article 40

A SUMMARY OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD

ARTICLE 1 (definition of the child)

Everyone under the age of 18 has all the rights in the Convention.

ARTICLE 2 (non-discrimination)

The Convention applies to every child without discrimination, whatever their ethnicity, sex, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

ARTICLE 3 (best interests of the child)

The best interests of the child must be a top priority in all decisions and actions that affect children.

ARTICLE 4 (implementation of the Convention)

Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights.

ARTICLE 5 (parental guidance and a child's evolving capacities)

Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices.

ARTICLE 6 (life, survival and development)

Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.

ARTICLE 7 (birth registration, name, nationality, care)

Every child has the right to be registered at birth, to have a name and nationality, and, as far as possible, to know and be cared for by their parents.

ARTICLE 8 (protection and preservation of identity)

Every child has the right to an identity. Governments must respect and protect that right, and prevent the child's name, nationality or family relationships from being changed unlawfully.

ARTICLE 9 (separation from parents)

Children must not be separated from their parents against their will unless it is in their best interests (for example, if a parent is hurting or neglecting a child). Children whose parents have separated have the right to stay in contact with both parents, unless this could cause them harm.

ARTICLE 10 (family reunification)

Governments must respond quickly and sympathetically if a child or their parents apply to live together in the same country. If a child's parents live apart in different countries, the child has the right to visit and keep in contact with both of them.

ARTICLE 11 (abduction and non-return of children)

Governments must do everything they can to stop children being taken out of their own country (illegally by their parents or other relatives, or being prevented from returning home).

ARTICLE 12 (respect for the views of the child)

Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

ARTICLE 13 (freedom of expression)

Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.

ARTICLE 14 (freedom of thought, belief and religion)

Every child has the right to think and believe what they choose and also to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights and responsibilities of parents to guide their child as they grow up.

ARTICLE 15 (freedom of association)

Every child has the right to meet with other children and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

ARTICLE 16 (right to privacy)

Every child has the right to privacy. The law should protect the child's private, family and home life, including protecting children from unlawful attacks that harm their reputation.

ARTICLE 17 (access to information from the media)

Every child has the right to reliable information from a variety of sources, and governments should encourage the media to provide information that children can understand. Governments must help protect children from materials that could harm them.

ARTICLE 18 (parental responsibilities and state assistance)

Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.

ARTICLE 19 (protection from violence, abuse and neglect)

Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

ARTICLE 20 (children unable to live with their family)

If a child cannot be looked after by their immediate family, the government must give them special protection and assistance. This includes making sure the child is provided with alternative care that is continuous and respects the child's culture, language and religion.

ARTICLE 21 (adoption)

Governments must oversee the process of adoption to make sure it is safe, lawful and that it prioritises children's best interests. Children should only be adopted outside of their country if they cannot be placed with a family in their own country.

ARTICLE 22 (refugee children)

If a child is seeking refuge or has refugee status, governments must provide them with appropriate protection and assistance to help them enjoy all the rights in the Convention. Governments must help refugee children who are separated from their parents to be reunited with them.

ARTICLE 23 (children with a disability)

A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

ARTICLE 24 (health and health services)

Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy. Richer countries must help poorer countries achieve this.

ARTICLE 25 (review of treatment in care)

If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.

ARTICLE 26 (social security)

Every child has the right to benefit from social security. Governments must provide social security, including financial support and other benefits, to families in need of assistance.

ARTICLE 27 (adequate standard of living)

Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.

ARTICLE 28 (right to education)

Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.

ARTICLE 29 (goals of education)

Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

ARTICLE 30 (children from minority or indigenous groups)

Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of the people in the country where they live.

ARTICLE 31 (leisure, play and culture)

Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.

ARTICLE 32 (child labour)

Governments must protect children from economic exploitation and work that is dangerous or might harm their health, development or education. Governments must set a minimum age for children to work and ensure that work conditions are safe and appropriate.

ARTICLE 33 (drug abuse)

Governments must protect children from the illegal use of drugs and from being involved in the production or distribution of drugs.

ARTICLE 34 (sexual exploitation)

Governments must protect children from all forms of sexual abuse and exploitation.

ARTICLE 35 (abduction, sale and trafficking)

Governments must protect children from being abducted, sold or moved illegally to a different place in or outside their country for the purpose of exploitation.

ARTICLE 36 (other forms of exploitation)

Governments must protect children from all other forms of exploitation, for example the exploitation of children for political activities, by the media or for medical research.

ARTICLE 37 (inhumane treatment and detention)

Children must not be tortured, sentenced to the death penalty or suffer other cruel or degrading treatment or punishment. Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible. They must be treated with respect and care, and be able to keep in contact with their family. Children must not be put in prison with adults.

ARTICLE 38 (war and armed conflicts)

Governments must not allow children under the age of 15 to take part in war or join the armed forces. Governments must do everything they can to protect and care for children affected by war and armed conflicts.

ARTICLE 39 (recovery from trauma and reintegration)

Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.

ARTICLE 40 (juvenile justice)

A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to legal assistance and a fair trial that takes account of their age. Governments must set a minimum age for children to be tried in a criminal court and manage a justice system that enables children who have been in conflict with the law to reintegrate into society.

ARTICLE 41 (respect for higher national standards)

If a country has laws and standards that go further than the present Convention, then the country must keep these laws.

ARTICLE 42 (knowledge of rights)

Governments must actively work to make sure children and adults know about the Convention.

The Convention has 54 articles in total.

Articles 43–54 are about how adults and governments must work together to make sure all children can enjoy all their rights, including:

ARTICLE 45

Unicef can provide expert advice and assistance on children's rights.

OPTIONAL PROTOCOLS

There are three agreements, called Optional Protocols, that strengthen the Convention and add further unique rights for children. They are optional because governments that ratify the Convention can decide whether or not to sign up to these Optional Protocols. They are: the Optional Protocol on the sale of children, child prostitution and child pornography; the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on a complaints mechanism for children (called Communications Procedure).

For more information go to [unicef.org.uk/broief](https://www.unicef.org/uk/broief)