

Chief Minister



19-21 Broad Street | St Helier  
Jersey | JE2 4WE

Deborah McMillan  
Children's Commissioner

BY EMAIL

11 February 2022

Dear Commissioner,

Thank you for your letter dated 6 December 2021, which raises several important matters that need further consideration.

Dealing firstly with operational decision-making process. The Population Office have a difficult task in processing applications under the Control of Housing and Work Law. In approving the Law, the Assembly set legislative requirements around the ability to purchase and occupy property, mainly based on 10 years' residence, with hardship provisions where needed. Officials have responsibility for processing applications from a very wide range of people in different circumstances, aiming to do so fairly and consistently. This requires complex decision-making. Whilst we have every confidence in the quality and experience of that team, we will, nevertheless, ask that the question of consistency be considered.

In terms of your reference to political decision-making and appeals processes, this is under review as part of the improvements to the Control of Housing and Work Law, which are due to be considered before the election. In the meantime, we are very satisfied that the Group gives the greatest attention to the applications it receives.

However, we also do not recognise the suggestion that personal preferences come into play as part of the decision-making process. Ministers apply their best possible impartial judgement in discharging their duties, in all circumstances.

That takes us onto the policy points you raise, as highlighted in the report entitled 'Housing Rights and Children in Jersey'. This is an important report, with some fundamental points for investigation.

At the same time, Ministers must consider many diverse and competing factors, and that includes access to housing afforded to long-established families as well as more recently arrived families. It is very clear that our legislation, as approved by the Assembly, and as operated in Jersey for over 70 years, has provided a preference for long-established residents when it comes to housing (and employment). With housing prices and rents rising, we do need to continue to scrupulously consider this. We believe that includes maintaining a targeting system for allocating social housing which is based on length of residence in the Island as well as other considerations around need.

Can we reassure you that whilst the Government of Jersey is committed to working with the Children's Commissioner to achieve genuine progress in implementing the United Nations

Convention on the Rights of the Child ('UNCRC'), voluntarily extended to Jersey in 2014, this progress must be made within the parameters of Jersey's laws and policies. We have therefore asked officials to review your report and provide their analysis. This can then be considered by this government and the incoming government in 2022 and will be supported by the legislation we are taking forward to enshrine due regard for the UNCRC and a statutory Children's Rights Impact Assessment process.

We have referred these matters through our formal complaints process to ensure your concerns are formally recorded. However, we will ensure the matters you raise are fully considered both in relation to decision-making and policy formulation.

Yours sincerely,



**Senator John Le Fondré**  
**Chief Minister**



**Deputy Russell Labey**  
**Minister for Housing and Communities**