



Children's Commissioner for Jersey

Promoting and Protecting Children's Rights

Commissioner for Children and Young People Jersey Performance Report 2021

A summary of the year 2021

During 2021, the Children's Commissioner's Office continued to focus on the three strategic aims identified in the Four-Year Strategic Plan

<https://www.childcomjersey.org.je/media/1157/our-plan.pdf>

These three aims are: **Driving Change; Doing it the Right Way; and Proving it Can be Done.**

Our planned work centred on four key programmes:

- **Making children's rights a reality**
- **Child friendly justice**
- **Children outside of the classroom**
- **Voices of children in care**

Our unplanned work, however, was a continued consequence of the Covid-19 pandemic and meant that our planned work was reprofiled in some areas.

The continuation of the pandemic and the restrictions in place during 2021 had a significant impact on our work. The Children's Commissioner continued to work with officials and Ministers to ensure that the impact of the pandemic on children's lives was mitigated wherever possible. During 2021 there were significant changes in political leadership with three different Children's Ministers and the Minister for Education not being replaced. This made it difficult to communicate effectively with Government.

Under the Commissioner for Children and Young People (Jersey) Law 2019, Article 25, Ministers have a duty to consult with the Children's Commissioner where any proposed enactment directly concerns the rights of children or young people. The Children's Commissioner then has a corresponding duty to advise when consulted. During 2021 the Commissioner issued 15 reports in the form of formal advice, comment and briefings to Ministers and to Government Officials (Appendix 2).

Throughout the year, our responses to Government and our publications were reported to Government departments, Ministers and the States Assembly, and we received significant media coverage throughout the year as we campaigned for children's rights to be at the forefront of all new regulations, services and changes to the normal routines of education. Our communications plan supported our work, and the resulting media attention supported our calls for the rights of children to be protected during the continued pandemic.

The Children's Commissioner also provided written and oral evidence to Scrutiny Panels over the course of 2021. These included:

- **Migration and Population Review Panel** – formal advice on migration and population controls and the impact on children.

- Children, Education and Home Affairs Panel – Covid-19 Response: Impact on Children and Young People
- Children, Education and Home Affairs Panel – Response to the Draft Children and Young People (Jersey) Law 202-

Throughout the year, the Commissioner and her team continued to meet with UK Children's Commissioners and worked collectively on several areas. A significant example of this was the work carried out with the European Network of Ombudspersons for Children (ENOC) on "COVID-19-learning for the Future. Here is a link to the report <http://enoc.eu/wp-content/uploads/2021/10/Synthesis-Report-COVID-19-learning-for-the-future.pdf>

Programmes of work

Despite the restrictions and pressures caused by the pandemic, operational plan for 2021 was delivered successfully. The highlights included:

- **Annual Report 2019/2020** – Published March 2021
<https://www.childcomjersey.org.je/media/1486/cco-annual-report-2020.pdf>
- **'Life on the Rock'** – Published August 2021
<https://www.childcomjersey.org.je/media/1533/lifeontherock080721.pdf>
- **'Children's rights approach'** –Fieldwork and research completed. For publication March 2022 <https://www.childcomjersey.org.je/publications/research-papers-and-resources/child-rights-approach-guidance/>
- **List of Issues Prior to Reporting (LOIPR)** – published youth friendly version of the LOIPR
https://www.childcomjersey.org.je/media/1546/8491-cco-making-children-s-rights-a-reality-in-jersey-a-children-s-rights-approach_digital.pdf
- **'Review of Independent Advocacy for Children and Young People'** Published October 2021
<https://www.childcomjersey.org.je/media/1525/8445-cco-ipas-report-summary-aw.pdf>
- **'Our Life in Numbers'** – matrix and methodology paper completed October 2021
- **Jersey Social Care Practice Standards** – Published a child friendly version in November 2021
<https://www.childcomjersey.org.je/publications/research-and-papers/childrens-social-care-service-practice-standards/>
- **'Assessing the System of Parish Hall Enquiries'** Published November 2021
<https://www.childcomjersey.org.je/media/1572/8637-cco-yj-publication-digital.pdf>
- **Submission to the UN for Day of General Discussion 'Alternative Care'** Published November 2021
<https://www.childcomjersey.org.je/media/1548/occj-submission-for-dgd.pdf>
- **Policy Position statement on 'Housing'** Published December 2021
<https://www.childcomjersey.org.je/media/1573/housing-rights-and-children-in-jersey.pdf>

Rights Respecting Schools Award

2021 was a difficult time to progress the RRSA as our access to schools was restricted due to the pandemic. Despite that we have now registered all schools for the award apart from 3 private schools who do not wish to take part in the award, namely St Michaels, Helvetia House and St Christopher. Those registered schools are being encouraged to work toward the Bronze Award – Rights Committed.

Four state secondary schools have been registered and have not progressed in the Award. These will be our priority for 2022.

We have exceeded our target and 11 schools are now at the silver level of the award – Silver is Rights Aware. Three schools have reached the gold award – Rights Respecting. These are: Grouville Primary, Les Landes Primary and FCJ Primary.

UNICEF no longer collect data that we have previously used to determine the impact of the Award. We are in discussions with UNICEF to determine how we will measure the impact of the Award.

In 2021 the Government school survey reported that for Year 10 pupils, 42% knew what rights children have. That was an improvement from the 2019 data (39%).

In the same survey, it was reported that for Year 6 pupils, 71% knew what rights children have. That was an improvement from the 2019 data (62%).

For 2022 there will be a revised plan to further promote the award across the islands, including early years settings.

Children out of the classroom

This project was unable to be progressed during 2021. The Government of Jersey were unable to share with us data on school attendance and we were unable to access pupils in schools to gather their views. An early decision was made in 2021 not to progress this project but to continue to lobby the government to tackle the prevailing issues. The Commissioner monitored school absence and in August 2021 requested an audience with the Competent Authority Ministers. The Commissioner strongly lobbied against the proposed Covid restrictions on pupils in schools and as a result the restrictions were less stringent than originally planned. Schools did take part in our workshops on the Child Rights Approach, and they contributed case studies to the guidance due for publication in 2022.

Review of Advocacy

The team gathered and presented the views and experiences of children. This work included a survey as well as focus group and individual interviews. The review was published in October 2021. Following the publication of the review the Draft Children and Young People Law has been approved by the States Assembly. The Law enables regulations to be brought forward for the provision of an independent advocacy service for children with a health or development need, children who are looked after, care leavers and others who may be specified. The regulations will set out standards for that provision including the role and conduct of independent advocates. The Review of Advocacy has therefore been instrumental in bringing about these new Law and Regulations.

Voices of Children in Care

The UN Committee on the Rights of the Child oversees all worldwide activity with regard to the UNCRC. Every two years a discussion is held in the United Nations building in Geneva that seeks to further deepen the understanding of the implications of a specific Article or issue. For 2021 the topic was Alternative Care for children in care. We worked with children and young people with experience of care to understand the issues around growing up in care and we supported them to have their voice heard in Geneva at the Day of General Discussion (DGD).

We were unable to attend the event in person due to Covid travel restrictions. The event was held online instead. Details of the event were shared with children and young people in care and they were encouraged to participate should they wish to. The event was shown in the office of the Commissioner live streamed from Geneva, young people were invited to join this with the team and participate this

way but sadly they did not take up the opportunity. We had positive responses from feedback. The young people who created the submission expressed positive comments about the participation in this event. They enjoyed the freedom of expression through art and creative writing in order to share what they wanted to say. This has helped the building of relationships and trust with the young people, with some of them showing interest in getting involved in the wider work of OCCJ.

We were only able to reach a small number of young people in care. Despite our attempts were not able to obtain the reach that we had hoped for. We were able to support and facilitate the voices of the small group, but our research would have been enriched with wider participation and representation. A plan is in place to achieve this in 2022.

Children's Rights Awareness

The **training package** from Queens University Belfast was procured with unlimited licences and we are thankful for Laura Lundy in facilitating that. We worked to secure a digital solution to host the eLearning package but have been unsuccessful in securing a suitable solution. We will start issuing access to the eLearning package in 2022 with simple before and after questionnaires to measure impact.

The **website** continues to develop with a clear programme for additional content to be added during 2022. Life in the Rock now features in thematic content. We have promoted the website and we are pleased to see an increase in views and users:

Baseline for 2020 was 20,219 page views and 6,421 users. In 2021, this increased to 24,192 page views and 7,670 users. This equates to a 19.5% increase.

The **2020 Annual Report** was published in March 2021 and was well received.

The **Children's Rights Approach guidance** in Jersey has been completed. This is a principled framework for anyone working with children, grounded in the UNCRC to help public bodies integrate children's rights into every aspect of decision-making, policy and practice. Created with expert advice from the Wales Observatory on Human Rights of Children and Young People, and with input from practitioners in Jersey, the guidance encourages public services across the island and all relevant bodies such as charities to commit to the UNCRC and to improve how they plan and deliver their services. This has been printed and will be used during 2021 for face-to-face training sessions on the Children's Rights Approach. The focus will be to deliver training to the Children and Young Peoples, Education and Skills (CYPES) Department first, followed by other Government Departments and Civil Society.

UNCRC Simplified Reporting Process

This relates to the United Nations reporting process for the Committee on the Rights of the Child. The Commissioner and Government have now both produced and submitted reports on how Jersey is performing. The State Party report will be published in 2022 and further work will continue. During 2021 the Committee released the **List of Issues Prior to Reporting (LOIPR)** and in response the Commissioner published youth friendly version of the LOIPR. This is being used in schools and with civil society to engage them in the next part of the process. This project will roll over in 2022 however it is anticipated that the UN will adjust the timelines as they are facing delays.

https://www.childcomjersey.org.je/media/1546/8491-cco-making-children-s-rights-a-reality-in-jersey-a-children-s-rights-approach_digital.pdf

Incorporation and the Child Rights Impact Assessment.

Throughout 2021 we provided expert and specialist advice to Government to support the development of legislation relating to the legal integration and incorporation of the UNCRC. We encouraged the Government to adopt the ENOC CRIA guidance and templates and provided briefings

on the ENOC CRIA report. During 2021 the Commissioner wrote, and provided support to write, several CRIA's including vaccinations for 11–18-year-olds, free bus travel for pupils, free school meals, independent taxation, and the Island Plan. The Commissioner provided formal advice on the Draft Children's (Convention) Law which is lodged and due for debate in March 2022.

Child Friendly Justice – Diversion

The research was hindered due to the pandemic. Parish Hall Enquiries (PHEs) were suspended and therefore important observations could not take place. Despite this, the research went ahead, and data was obtained from the Police and Probation service regarding youth crime. Young people's views were sought via a survey and through 13 interviews. There were 271 responses to the survey. There were 20 PHEs observed across three parishes. The final report was published in November 2021. The Commissioner is yet to receive a formal response but has held meetings with key stakeholders to brief them on the recommendations. An action plan has been drawn up to progress the recommendations. It is pleasing to see that since publication the Honorary police, the States of Jersey Police and the Probation Service have all booked training sessions on childhood trauma as recommended in the report. The Commissioner made 5 safeguarding recommendations and is following up in those with the Safeguarding Partnership Board Chair. Data protection issues have been discussed with the Information Commissioner.

Key risks and issues during 2021

The Commissioner implements an accountability and governance framework which provides evidence and assurance on risk mitigation controls.

Here is a link to the accountability framework

<https://www.childcomjersey.org.je/media/1243/accountability-statement.pdf>

The risk register provides the Commissioner, the Audit and Risk Advisory Panel members, and internal auditors the opportunity to test the accuracy, completeness and reliability of assumptions made, together with the sources of assurances. All projects are project-managed with project initiation documents, action plans, status reports and closure reports. These are shared and discussed at monthly team meetings. A list of status reports is in appendix 1.

The Audit and Risk Advisory Panel reviews, scrutinises and challenges the risk register and provides advice and support to the Commissioner.

The Commissioner has consulted widely to produce qualitative and quantitative research data that both informs policy and shapes the direction of the operational plan. This is further informed through regular audit of casework. The Commissioner, together with the Panel, regularly reviews and strengthens internal controls to address strategic risks, incorporating safeguarding, communications, data protection, governance, finance and business operations.

Risks are recorded in the risk register. The key strategic risks during 2021 were:

- Pandemic
- Increase in demand and complexity of casework

Implications of these risks were as follows:

- Linked to the ongoing pandemic, demand for casework increased. There was continued pressure on the Commissioner to provide advice on emergency legislation such as vaccinations and the impact of the pandemic on schools.

Identified risks had mitigation controls including:

- The Operational Plan was revised during 2021 to reflect changes in demand.
- In February 2021 additional capacity in terms of 1 FTE was provided to the casework team.
- The seconded Child Rights Team Manager provided additional capacity to the participation function.

Risks related to the pandemic remain on the risk register for 2022 although the business continuity plan is no longer required.

Staff continue to work flexibly after lockdown restrictions were lifted. This has worked well, and the office has been able to continue to fulfil its operational responsibilities with minimal impact on efficiency. In terms of casework, demands on the organisation have steadied towards the end of 2021.

In January 2021 CYPES seconded two members of staff to the Office of the Children, a staff restructure process took place and resulted in a new permanent staffing structure for the Office of the Children's Commissioner. This provided additional capacity for participation and casework. It was anticipated that demands for casework would increase and that a further increase in capacity would be required during 2021.

In early 2021 a new combined role of Education and Children's Minister was appointed. The Minister was relieved of his duties in March and an Interim Minister appointed. The Commissioner recommended that the Chief Minister make a permanent appointment, and this was actioned. The Commissioner has been working with the new Minister closely with two weekly meetings.

The impact of the pandemic on children and young people's lives will continue to be the key priority for the Office of the Children's Commissioner. This has informed our operational plan for 2022.

The 2021 annual report will be published in April 2022.




















PERFORMANCE AGAINST OPERATIONAL PLAN 2021			
Measure	Target	Comment	RAG Rating
Rights Respecting Schools			
% of State Schools registered for RRSA	100%	100% of schools are registered	
number of schools at silver award	10 schools	11 schools are at silver	
number of schools at gold award	5 schools	3 schools are at gold	
Children and young people's understanding and knowledge of their rights is improved – they can articulate their rights	11-18 yr. olds 40% know what rights children have 7-11 yr. olds 50% know what rights children have	School Survey 2021 Yr 10 pupils 42% know what rights children have Yr 6 pupils 71% know what rights children have	
Improved self-esteem and wellbeing	% positive responses	UNICEF no longer collecting this data	
Improved relationships and behaviour	% positive responses	UNICEF no longer collecting this data	
CYP more involved in decision making in schools	% positive responses	UNICEF no longer collecting this data	
Teachers have positive relationships with students and enjoy their roles	UNICEF evaluation data	UNICEF no longer collecting this data	
Children's Rights Awareness			
Human Rights education is available and accessible	Training package from QUB procured and delivered	Procured but Delivery not achieved – platform was not sourced. This will carry forward for delivery 2022	
Staff who work with children and who work in relevant authorities can, and do, access information on children's rights and	The website is live with a clear programme for additional content to be added during 2021. This will be a key priority to promote	Number of visits to website increased. Baseline for 2020 was 20,219 page views and 6,421 users.	

understand the importance of them, as seen in their practice	children's rights among key stakeholders	In 2021, this data set increased to 24,192 page views and 7,670. This equates to a 19.5% increase.	
Children say that they feel listened to and that their rights are respected and realised and can point out where this has happened	11-18 yr. olds 50% report that adults listen to the views of children (2018 baseline 21%)	School Survey 2019 In school 50% report school listens to their ideas In the community 37% report that the community listens to their ideas	
Ministers consult the Commissioner upon any proposals for the preparation of any enactment concerning children, and their work indicates where they have acted as a result of the advice they have been given.	Number of occasions Commissioner is consulted with	During 2021- 14 formal advice notes and briefings were prepared and published	
Children out of the Classroom			
Consistent approach to behaviour in all schools across Jersey that respect Children's Rights and enable children to have their right to an education e.g. Restorative Practice	Increasing number of school behaviour policies reflect child rights approach	Project cancelled due to pandemic	
Behaviour in schools improves which supports all children and staff	Exclusion rates reduce incrementally as policies demonstrate a child rights approach	As above	
Voices of Children in Care			
Care experienced children attend the event with the Commissioner and feedback from them demonstrates a positive impact on their lives	2021 virtual Event attended	Event attended Details of the event were shared with Children and young people in care, they were encouraged to participate should they wish to. Event was shown in the office of OCCJ, young people	

		were invited to join this with the team and participate this way. We did not have any young people attend this.	
Jersey children feel well prepared and have something they want to say, and are given the opportunity to say it	Positive responses	As above	
Care experienced children attend the event with the Commissioner and feedback from them demonstrates a positive impact on their lives	Event attended	As above	
The voice of children in care is amplified	Positive responses from feedback	As above	
Jersey children are inspired by the opportunity of presenting their views	Positive responses from feedback	As above	
The rights of children are profiled and celebrated across Jersey by the children who went to the DGD	Profile raised in Jersey and beyond	As above	
UN Periodic Reporting			
The Commissioner's report is inclusive and represents the views of Children	LOIPR report published	Commissioner published child friendly version of CRC LOIPR	
Government understands the Reporting Framework and their obligations	Training is delivered	May 2021 Training sessions were prepared and delivered	
CRIA			
CRIA pilots underway and reviewed by OCCJ	All CRIAs reviewed as part of pilot	Commissioner supported the writing of 4 CRIAs during 2021	
Incorporation			
Commissioner provides advice on law drafting	Draft Childrens (Convention) Law lodged	Law delayed due to pandemic. Lodged in February 2022.	
Stakeholder group have a deeper understanding of children's rights	Support pilot of CRIA	4 CRIAs completed and engagement in the States Assembly is increasing	
Child Friendly Justice			

There is a Child's Rights approach to the development of the new Youth Justice Strategy, in line with the relevant articles of the UNCRC	Youth Justice Strategy informed by a Child rights approach	Formal advice provided to GOJ but strategy has been delayed by GOJ	
Findings from workstreams one and two are available to support the development of the Government's plan of action	Publish findings of both workstreams Youth Crime data published	PHR report (workstream 2) published in 2021. Findings are informing Government review of youth justice. Prevention workstream 1 cancelled.	
Youth Justice informed through Adverse Child Experiences/restorative practice approach	Trauma informed approach using an Adverse Childhood Experience lens is weaved through the report. Trauma informed training delivered to key stakeholders in justice arena	Trauma informed practice training delivered in autumn 2021 to Police and CYPES	
Review of advocacy			
There is a Child's Rights approach to the development of advocacy in line with the relevant articles of the UNCRC	Advocacy policy and legislation is informed by a Child rights approach	New Children and Young People (Jersey) Law is in draft and statutory advocacy included. Due for debate 2022.	
A comprehensive review on advocacy is available to support the GOJ improvement plan for outcomes for children in care	Review to be published	Published.	
Participation of children in the review	CAG to be established	Young people with experience of advocacy took part in the review. Focus groups took place and a survey was completed.	








Appendix 1 Status Reports 2021

	Q1	Q2	Q3	Q4
Child Rights Approach	 Status Report child rights approach Q1	 Status Report child rights approach Q2.	 Status Report child rights approach Q3	 Status Report child rights approach Q4
Children outside of the classroom	 Status Report Children outside of	N/A	N/A	N/A
Life on the Rock	 Status Report Life on the Rock Qtr 1 20	 Status Report Life on the Rock Qtr 2 cl	 Project Closure Report Life on the R	N/A
Rights Respecting schools	 Status Report RRS Q1 2021.docx	Q2 not completed	 Status Report RRS Q3.docx	 Status Report RRS Q4.docx
Voices of Children in Care	 Status Report Voices of CIC Quarter	 Status Report Voices of CIC Quarter	 Status Report Voices of CIC Quarter	 Project Closure Report CIC.docx
Youth Justice	 Status Report youth justice Q1 21.	 Status Report youth justice Q2 21.	 Status Report youth justice Q3 21.	 Project Closure Report diversion.do

Appendix 2

Advice to Government and publication record 2021

11/01/2021	Formal advice - Reopening of schools	https://www.childcomjersey.org.ie/media/1438/return-to-school-statement.pdf
26/01/2021	Formal advice - Migration and Population Review Panel	 20210126 Scrutiny re Migration Policy.pdf  Protecting migrants under the European C  Letter to MPDB.pdf
10/05/2021	Formal advice to Scrutiny CEHA Panel – Covid-19 Response: Impact on Children and Young People	 Scrutiny report.docx
12/05/2021	Formal advice - Covid Status Certification - Considerations for Children and Young People	 Covid Status Certification May 202
26/05/2021	Formal advice - Review of Children's Homes in Jersey	 ICHA Review (1).docx
09/06/2021	Formal advice Jersey Missing from Care Policy	 Comment on the Government of Jersey
09/07/2021	Formal advice - Independent Taxation	 20210907 independent taxation.

21/07/2021	Formal advice - Assisted Dying	 Assisted dying policy and children.pdf
16/09/2021	Formal advice – Vaccinations for children	 CRIA vaccinations.pdf
20/09/2021	Formal advice - Regulation of Care (Jersey) Law 2014: Draft Regulations for social work and mental health services for children	 Formal advice re draft regulations.do
19/10/2021	Formal advice – CEHA scrutiny Panel - Covid-19 Response: Impact on Children and Young People	 20211019 Scrutiny Covid Report.pdf
2/11/2021	Formal Advice - Commissioner's response to the draft Youth Justice Action Plan - Update and Sentencing Options	 20211101 ministerial steer paper YJ.docx
29/11/2021	Formal advice - Formal advice on the Draft Children and Young People (Jersey) Law 202-	 Formal advice - Draft Children's Law
20/12/2021	Formal advice – CEHA Scrutiny Panel - Draft Children and Young People (Jersey) Law 202-	 Formal advice - Draft Children's Law
20/12/21	Formal advice – Draft Civil Partnership (Amendment) (Jersey) Law	Verbal evidence given