

20
21

Annual Report



FOREWORD

I am pleased to publish my 2021 annual report, detailing the work that I and my team have been involved in with the Island's children and young people. It has been both useful and encouraging to be able to turn my attention briefly from the challenges of the future and reflect instead on the benefits of the previous year's work.

I was especially encouraged to note that, despite ongoing concerns related to the pandemic, we were still able to work with, for and on behalf of Jersey's children to understand the issues that they continued to face as 2021 began to see a return to pre-Covid life. We spent a lot of time working with those who had encountered obstacles and difficulties in areas such as access to mental health services and general healthcare, allowing us to advise the Government more effectively on where future problems might lie as the impact of Covid-19 continues to work its way through the system.

In 2021, we were also able to lay foundations for our future work – most notably with projects like Life on the Rock – as well as focussing on the delivery of targeted projects that we know will have lasting impacts in Jersey, such as campaigning for a child-friendly justice system.

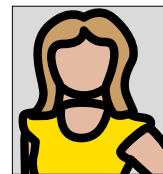
These priorities and projects were built on feedback that we received, whether through specific projects or in wider conversations, allowing us to shine a light into areas of public policy and to grow our bank of information on what it is really like to grow up in Jersey.

We have reviewed (and will continue to review) new and existing laws, policies and practices, to ensure that the Government promotes, fulfils and respects children's rights.

I am very proud of what we have managed to achieve so far, but I am prouder still of the resilient and spirited young people of this Island, who show us time and again that they are always ready to inspire and be inspired.



Deborah McMillan,
The Children's Commissioner for Jersey



THE TEAM

We are a team of nine full-time staff members (including Deborah, the Commissioner) and we work hard all year round to protect and promote children's rights in Jersey.

Our team is divided into two main areas: participation; and human rights information and advice.

Participation is the term we use for all the parts of our work that see us meeting children and young people directly, whether in person or online. This is a hugely varied area and encompasses everything from fun, creative projects all the way through to very serious work tackling issues like crime and youth detention.

To understand more about participation, and to see what projects we are working on (and how young people can help us in that work), [email us](#).

Human rights information and advice is another crucial part of our office's daily operations. Anyone in Jersey – whether they are a child or young person, or perhaps a parent, carer or guardian – can contact us directly for free advice. Our information and advice team provides expert guidance on the United Nations Convention on the Rights of the Child and how it relates to Jersey law and casework.

Check out the [Human Rights Info & Advice](#) part of our website for more information.

And for a more in-depth understanding of how the team fits together (and for a chance to see what we all looked like as children!), go to the [Meet the team](#) section of our website.

To learn more about the job of the Children's Commissioner, in particular, [click here](#).



OUR WORK: LIFE ON THE ROCK

Our flagship project for 2021 was Life on the Rock.

Life on the Rock tells the real-life stories of 21 children and young people in Jersey, using their own words. Aged between 9 and 18, the young people who took part all came from very different backgrounds, and all had their own very distinct views on subjects like education, housing, health and social media.

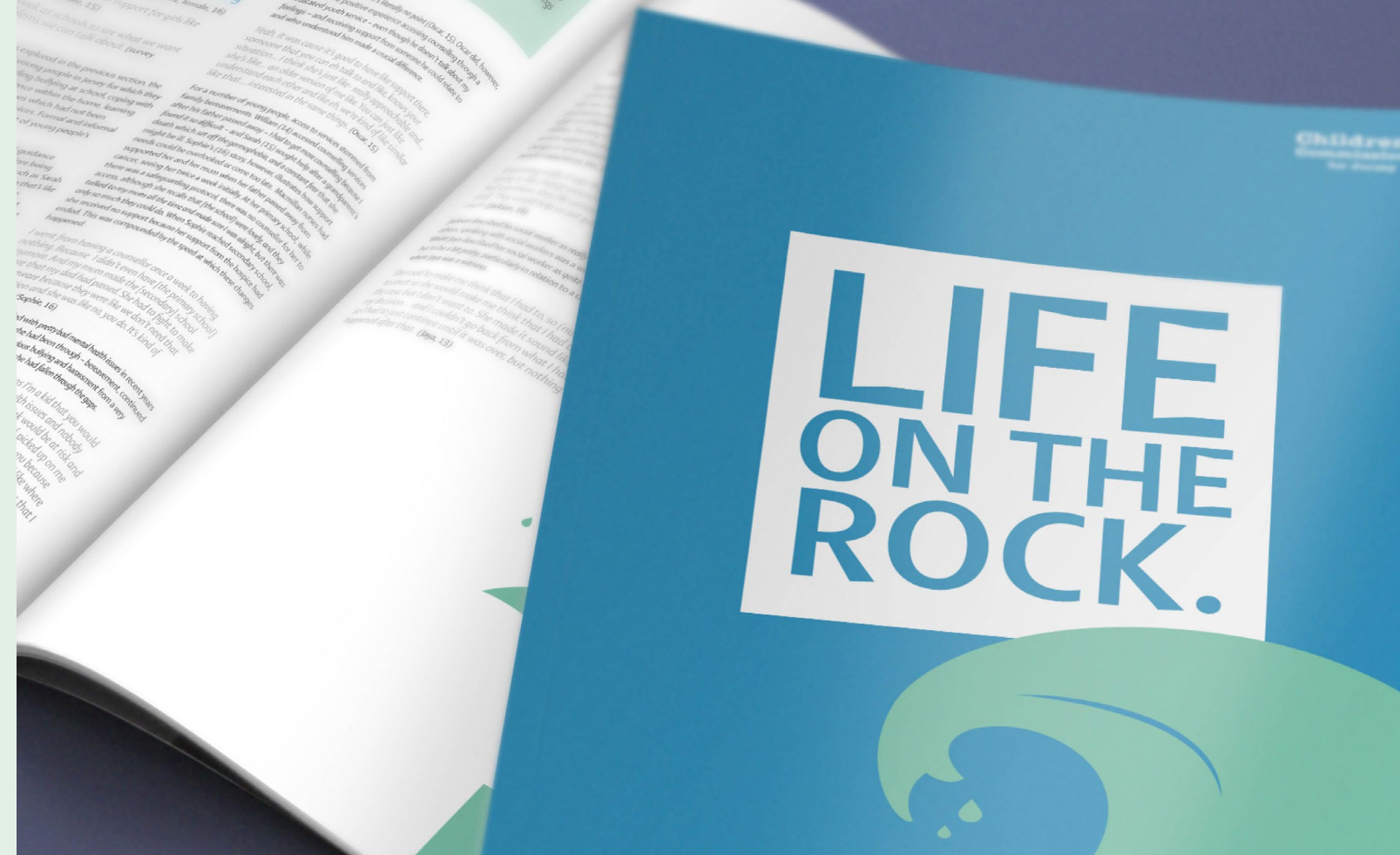
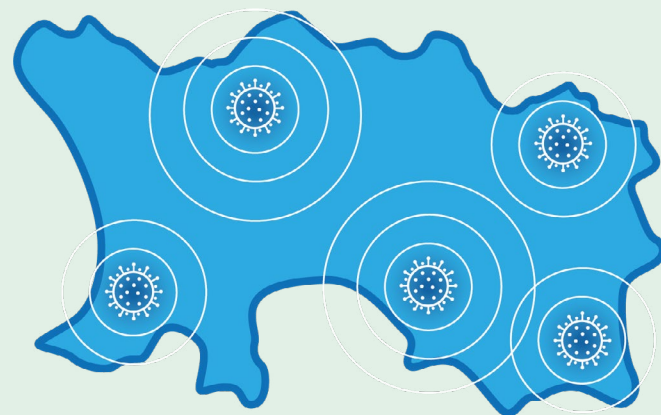
You can dip into the various chapters of the report by clicking on the link above.

Life on the Rock helped us gain some important insights into the experiences, thoughts and feelings of local young people. But what made it truly unique was the way in which the project was carried out.

We wanted children's views to be at the centre of the whole thing, so we decided to run the project using a special children's rights-based methodology that was developed at the Centre for Children's Rights at Queen's University in Belfast.

This allowed us to put children and young people in the driving seat for the whole process. We set up Children's Advisory Groups, composed of young people of different ages and backgrounds, and let them have their say at every step of the project.

We are all really proud of, and grateful to, all the young people who made this project possible – not only those who took part in the advisory groups but also the ones who were brave enough to step forward and let themselves be interviewed.



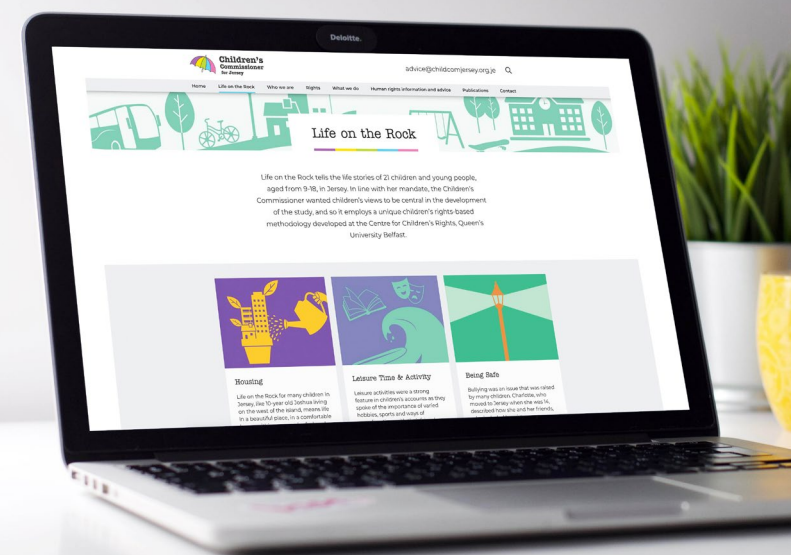
LEISURE TIME AND ACTIVITY



STAYING HEALTHY



SOCIAL MEDIA & ONLINE LIFE



OUR WORK: MAJOR PROJECTS

During 2021, our office continued to focus on the three aims identified in our **Four-Year Strategic Plan**.

These three aims – Driving Change; Doing it the Right Way; and Proving it Can be Done – shaped our work programme for the year. However, as was the case for most people in 2021, plenty of unplanned work also came our way as the ongoing impact of the Covid-19 pandemic played out.

In the pages that follow, we have picked out some of the year's major projects as examples of the breadth and depth of our work programme but if you'd like to see the whole of our performance report for 2021, together with a summary of key risks and RAG ratings, you can [click here](#).



Children's rights approach project

Throughout 2021, we completed the fieldwork and research that helped us create our Making Children's Rights a Reality in Jersey training package.

This is a series of guidelines and case studies, developed in partnership with the Wales Observatory on Human Rights of Children and Young People, that bring a 'child rights focus' to the everyday lives of people who work with or care for children and young people in the Island.

What do we mean by a 'child rights focus'? It's a way of saying that children's rights, as set down in the **UN Convention** that Jersey has signed up to, should be at the forefront of people's minds whenever they are making decisions that will impact on the lives of children and young people.

List of Issues Prior to Reporting

In 2021, we created a child-friendly document that explained what the 'List of Issues Prior to Reporting' is, and how young people could get involved in the preparation of this important document.

To see the full explanation, you can click on the link above, but for those who only want a quick summary...

There is a United Nations Committee that protects the rights of children, and they check up on governments from around the world to see if they are living up to their promises. The Committee is a group of 18 experts from all over the world. They listen to children to find out what it is really like living in their country.

In 2021, we offered children and young people in Jersey the chance to have their say in the report that was sent to the Committee: this process is formally known as the List of Issues Prior to Reporting.



“ What do we mean by a 'child rights focus'? It's a way of saying that children's rights... should be at the forefront of people's minds whenever they are making decisions that will impact on the lives of children and young people. ”

OUR WORK: MAJOR PROJECTS

Review of Independent Advocacy for Children and Young People

In October 2021, we published a review that looked at how independent advocacy is provided to children and young people in Jersey. When we started the review, the children and young people who took part came up with a way of explaining the word ‘advocacy’: they said it was ‘a person or people who can help you sort out difficult or upsetting things in your life’.

The review was carried out by the former Children’s Commissioner for England, and it came up with 12 key recommendations to make sure that children and young people always have access to a reliable and independent person in their life who can help them sort out any difficulties they might be having.

Assessing the System of Parish Hall Enquiries

The research and study that went into completing this important piece of work continued throughout the whole of 2021. The review was published in November and is still being discussed six months later, in mid-2022.

So what was it about and why was it so important?

A Parish Hall Enquiry is a kind of courtroom for people who have broken the law, usually by committing relatively minor crimes.

Through various different cases we have worked on, and as a result of things children and young people have told us directly, we became concerned that children’s rights were not always being upheld at Parish Hall Enquiries. We also found that a number of young people did not fully understand what Parish Hall Enquiries were or what they could lead to.

So we decided to look into it more closely and find out for ourselves if the current system was working in line with the United Nations Convention on the Rights of the Child.

We spoke to young people who have experienced Parish Hall Enquiries themselves, and to those who simply have views on how the police and parishes should behave towards young Islanders. We spoke to Honorary Police officers and parish officials, and we talked to the professionals whose job it is to support children and young people who come into conflict with the law. And, of course, we went along ourselves and watched what happened when young people turned up to Parish Hall Enquiries.

Submission to the UN for Day of General Discussion

The United Nations in Geneva hosted a big day of discussion in September 2021 on the subject of ‘alternative care’. Alternative care is when a child or young person is being looked after by someone outside of their family home – such as in a children’s home, for example.

Young people from all around the world took part in the discussion over a period of two days, and they submitted work projects that they had been preparing throughout the year. Our office worked with some young people from Jersey, so that they too could have their say in the Day of General Discussion.

Originally, the event was supposed to be held in person, and we were ready to go with our young contributors to Switzerland, but unfortunately Covid got in the way, so we attended online instead. But it didn’t dampen the enthusiasm, and a huge number of children and young people from all around the world were still able to connect and share their thoughts, stories and hopes for the future.

Policy position statement on housing

In total, since 2018, our office has received 42 enquiries, involving 84 children, that were specifically about housing. And while we have obviously addressed each of those cases individually, we thought it was also worth researching and writing this paper on the impact of Jersey’s housing laws on the human rights of children and young people in the Island.

Jersey social care practice standards

As you can see from the infographic in the Human Rights Information & Advice section of this report, children’s social care is the area that we receive the most amount of enquiries about.

We thought it would be useful for children and young people to have a guide to the social care system, written in a way that they can easily understand, and so we commissioned this child-friendly guide, which was published in November 2021.



“ When we started the review, the children and young people who took part came up with a way of explaining the word ‘advocacy’: they said it was ‘a person or people who can help you sort out difficult or upsetting things in your life’. ”

HUMAN RIGHTS INFORMATION AND ADVICE

We saw many of the same issues being raised with our office during 2021 as we'd seen in the previous year. Also, we had nearly the exact same number of young people or their adult parents or carers contacting us in 2021 (127 in 2021, compared to 128 in 2020).

The number of contacts relating to matters in health, income support, mental health and safeguarding remained consistently low. Also, as would be expected, there was a significant drop in contact around Covid-related issues.

The number of contacts relating to police and youth justice, however, doubled from 2020 to 2021.

Individual casework is only one aspect of the work carried out by the Human Rights Information & Advice team. Listed below is a snapshot of some of the other work that they completed during 2021:

An unannounced visit to Greenfields Secure Unit, in accordance with Article 9 of the Commissioner's Law, following anonymous feedback about conditions and treatment of young people.

Following feedback to our office about rights and inclusion issues at La Sente School, the team worked with pupils and staff at the school and ensured that those young people's voices were added to the Government's review of inclusion in the Island's education system.

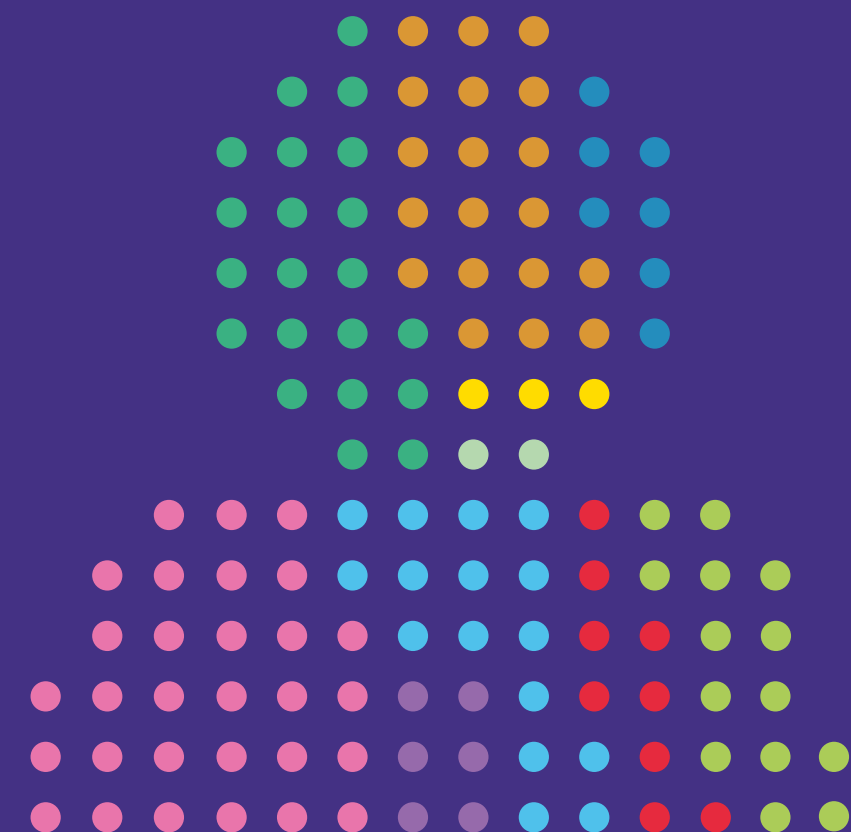
The team made a formal complaint to Government on behalf of 42 families who contacted us in relation to their children's rights to a basic, healthy standard of living.

The team supported a young person to formalise a complaint against the States of Jersey Police regarding the use of force during arrest, which prompted the States of Jersey Police to develop a formal policy on the use of force.

Total number of cases and enquiries opened = 127 (24 cases/103 enquiries)

Total number of cases and enquiries closed = 125 (26 cases/99 enquiries)

Cases by categories:	NUMBER OF CASES
Children's Social Care	30
Covid-19	6
Education	16
Health	9
Housing and Work	21
Income Support	2
Mental Health	3
Police and Youth Justice	14
Private Law	19
Safeguarding	7
2021 Total (New Cases)	127



CATEGORIES OF CASES OPENED

Children's Social Care 30

Covid-19 6

Education 16

Health 9

Housing and Work 21

Income Support 2

Mental Health 3

Police and Youth Justice 14

Private Law 19

Safeguarding 7

PARTICIPATION

Our participation team connect with Jersey's young people in a variety of ways and settings. They gather views, ideas and creative energy from all corners of the Island, and they feed this back in the form of specific projects or else into the day-to-day work of the office. And you can always be sure that those views and ideas will be made to count. The team is passionate about following up on, and giving a real voice to, the things that young people tell us.

Over the course of 2021, the team had a broad and varied engagement with young people on a number of projects and topics. Here are just a few of them but, as ever, if you'd like to know more about the projects we have carried out (and the ones we have coming up!), [drop us a line](#).

One of our office's most successful long-term projects has been the **Rights Respecting Schools programme**. This is a Unicef programme and award scheme that is designed to educate students and staff about children's rights and how they can be embedded into the cultures of individual schools.

When our office began funding this programme back in 2018, only a handful of local schools were aware of its existence. But by the end of 2021, we are pleased to report that 39 schools in the Island had registered for the programme, and an impressive number were already at the top levels of attainment.

For more comprehensive data on the programme and its success in Jersey, check out the stats at the web page listed above.

Another standout of the participation team's work in 2021 was coordinating Jersey's input into the **UN Day of General Discussion**. The team ran sessions with care-experienced young Islanders, where together they worked with a local artist to help bring to life in poetry and drawing some of their stories and thoughts for the future, all of which became part of this important UN world event.

The report on **Parish Hall Enquiries** was also the result of a lot of behind-the-scenes effort from the participation team. There were the Enquiries themselves to attend, surveys and engagement to run, interviews to carry out, and much, much more. The result has been an important piece of work with two pages of recommendations for Government on how the system of Parish Hall Enquiries must change to protect and promote children's human rights.

With all of this going on, it will be no surprise to learn that we are constantly on the lookout for more young people to tell us their views, ideas, aspirations and frustrations. Our **Youth Advisory Panel** already has a diverse and lively group of members – but we could always use more.

[Email us](#) to see if it might suit you or someone you know...



“ ...we are pleased to report that 39 schools in the Island had registered for the programme, and an impressive number were already at the top levels of attainment. ”

DUTIES AND FUNCTIONS

As well as the work programme that we set ourselves each year based on input from children and young people, our office also has to stick to certain duties and functions that are set out in the Children’s Commissioner’s Law.

To make it easy to see at a glance how we did this in 2021, we have created a little summary here. But the full versions of all the reports, advice and recommendations which are set out here can be accessed in the Publications section of our website. Some also appear as examples in the Our work pages of this report.

WHAT THE LAW SAYS	WHAT WE DID
“The primary function of the Commissioner is to promote and protect the rights of children and young people”	<ul style="list-style-type: none"> Delivered all functions under Commissioner for Children and Young People Law. Delivery of four-year strategic plan; produced 2020 Annual Report, along with an annual operational plan.
“To keep under review the adequacy and effectiveness of law, policy and practice relating to the rights of children and young people with a view to assessing the adequacy and effectiveness of such law, policy and practice”	<ul style="list-style-type: none"> Advised the Government of Jersey on development of Due Regard and child rights impact assessments; the Draft Children’s Convention Law was lodged following formal advice from our office. Established memoranda of understanding with the Jersey Care Commission and the Safeguarding Partnership Board. Provided advice and guidance on Draft Children and Young People’s Law, which was lodged, debated and adopted in 2021. Article 25 of Commissioner for Children and Young People Law: the Commissioner provided 14 pieces of formal advice to Ministers. Our Life in Numbers: updated matrix for 2021 and began joint work with Government of Jersey in order to progress publication of data relating to children’s issues. Commissioned research concerning the rights of children; published Life on the Rock in August 2021.
“To keep under review the adequacy and effectiveness of services provided for children and young people by relevant authorities”	<ul style="list-style-type: none"> Review of Independent Advocacy for Children and Young People published in October 2021. Assessing the System of Parish Hall Enquiries published in November 2021. Engagement with care-experienced children and young people during the advocacy review, the Day of General Discussion project and the Parish Hall Enquiry review. Operation of three advisory panels, as established by law: the Adult Advisory Panel; the Youth Advisory Panel; the Audit and Risk Advisory Panel. Provision of written and oral evidence to Scrutiny panels, including the Migration and Population Review Panel and the Children, Education and Home Affairs Panel.
“To promote awareness and understanding of the rights of children and young people”	<ul style="list-style-type: none"> Continued to promote and progress Unicef’s Rights Respecting Schools programme in Jersey. 39 Island schools are now registered, with 11 schools at silver and 3 at gold. Published child-friendly guidance Jersey Children’s Social Care Practice Standards. Continued development of our website and social media channels; collaboration with Government of Jersey communications on significant issues, such as Covid vaccinations. Continued rolling programme of school visits. Advised Jersey Youth Service on a participation strategy and toolkit. Continued child rights-based advice on Covid-related issues. Commissioner completed four child rights impact assessments.
“To provide human rights education for relevant authorities or other persons that work with, or on behalf of children and young people”	<ul style="list-style-type: none"> Children’s rights training: Child Rights Approach guidance commissioned. Queens University Belfast e-learning package commissioned. Supported development of Government of Jersey’s child rights e-learning package.

“To promote harmonisation of legislation and policy with the United Nations Convention on the Rights of the Child , and any other European or international treaties or conventions, protecting the rights of individuals, which extend or apply to Jersey”	<ul style="list-style-type: none"> Regular meetings and joint working with other Children’s Commissioners through the British and Irish Network of Ombudsmen and Children’s Commissioners. Regular meetings with European Network of Ombudspersons for Children, of which Jersey’s Commissioner performed formal Secretariat function; joint work included learning around Covid-19 for future report. Produced child-friendly information on UN List of Issues Prior to Reporting. Submission to UN Day of General Discussion on alternative care. Supported Government of Jersey’s ratification of the Convention on the Elimination of All Forms of Discrimination Against Women. Provided formal advice on assisted dying; recommended ratification of the Convention on the Rights of Persons with Disabilities.
“To provide advice and recommendations on the rights of children and young people”	<ul style="list-style-type: none"> Briefings with officers and Minister for Children. Policy Position Statement on Housing published in December 2021.
“To bring any matter relating to the rights of children and young people to the attention of the States or any relevant authority”	<ul style="list-style-type: none"> Attendance at Children’s Strategic Improvement Board. Attendance at Children and Young People Strategic Partnership. Attendance at Greenfields Management Board. Attendance at Corporate Parenting Board. Attended CAM regarding ongoing Covid restrictions for children. Attended Council of Ministers twice to raise concerns over care, support and protection of children in care. Shared formal advice with all States Assembly members, and published all advice on our website.
“to look into, or formally investigate any matter relating to the rights of children and young people”	<ul style="list-style-type: none"> Unannounced visit to Greenfields Secure Unit, followed by report and recommendations. Follow up visits to Greenfields Secure Unit. Youth justice: formal action via judicial review.
“to bring, intervene in, or assist in relation to, legal proceedings or complaints against relevant authorities”	<ul style="list-style-type: none"> Provided a casework and investigation service, including the funding of legal advice. Provided assistance to children to make complaints, as per the general function in the Law. Extensive Human Rights Information and Advice function, as set out elsewhere in this annual report.
“To monitor the implementation in Jersey of the United Nations Convention on the Rights of the Child and any other European or international treaties or conventions, protecting the rights of individuals, which extend or apply to Jersey”	<ul style="list-style-type: none"> UN Convention on the rights of the Child training for Government and civil society. Engagement in the Committee on the Rights of the Child reporting cycle.
“To encourage the ratification of, and implementation by Jersey of any European or international treaties or conventions, protecting the rights of individuals, which have not been extended, or do not apply to Jersey”	<ul style="list-style-type: none"> Supported ratification of the Convention on the Elimination of All Forms of Discrimination Against Women. Formal advice on assisted dying; recommended ratification of Convention on the Rights of Persons with Disabilities.
“To report on the States’ implementation and monitoring of the rights of children and young people”	<ul style="list-style-type: none"> Publication of the 2020 Annual Report. Submissions for the UN List of Issues Prior to Reporting.
“To publish a report on any matter looked into, or formally investigated by the Commissioner”	<ul style="list-style-type: none"> All reports published in full on our website.

GOVERNANCE

Because we operate independently of the Government, we need to have certain measures in place to make sure that someone is keeping an eye on what we’re doing and how we’re spending our money.

This is where our panels come in. We have three advisory panels that were set up under the Children’s Commissioner’s Law. This means that their advice and support is not just a ‘nice to have’: it is a legal requirement.

For a quick and easy view of what that law says [click here](#). But if you really want to look in-depth, you can find the whole thing [here](#).

And to see who sits on our panels, and to find out a bit more about them, [click here](#).

Meanwhile, here’s a quick summary:

Adult Advisory Panel

This is a group of leading figures and experts who are based in both Jersey and the UK. Their job is to advise Deborah on a wide range of issues to do with her work, and to give her the support that she needs to get that work done effectively.

Youth Advisory Panel

This is a group of local young people from diverse backgrounds (aged 10-24) who give advice and support about Deborah’s current work, suggest ideas for future work, and make sure that she and her team are always doing what they said they were going to do.

Audit and Risk Advisory Panel

This is a group of professionals who work in Jersey and give up their spare time to provide us with specialist advice and support on everything to do with audit and risk. This might mean giving us advice on data security, for example, or reviewing our financial information or helping us to manage risks.

Performance and accountability

You can see the full [2021 Performance Report](#) on our website.

The Commissioner’s [accountability framework](#) is also available for all to read.



ACCOUNTS

Financing and Accounts

Our office is an independent body and is not a department of the Government of Jersey. But because the post of Children’s Commissioner was set up as a direct result of the Independent Jersey Care Inquiry, our office is ‘hosted’ by the Strategic Policy, Planning and Performance (SPPP) Department of the States of Jersey. As a result, our staff are employed by the States Employment Board and are on civil service pay and conditions.

So what does this mean in practice?

The Government of Jersey is required by law to provide resources for the Commissioner and her team, and this includes financial resources and other services. The Commissioner provides her own IT and accommodation but has decided to ask the Government of Jersey to provide all other services, like paying wages, human resources support, and so on.

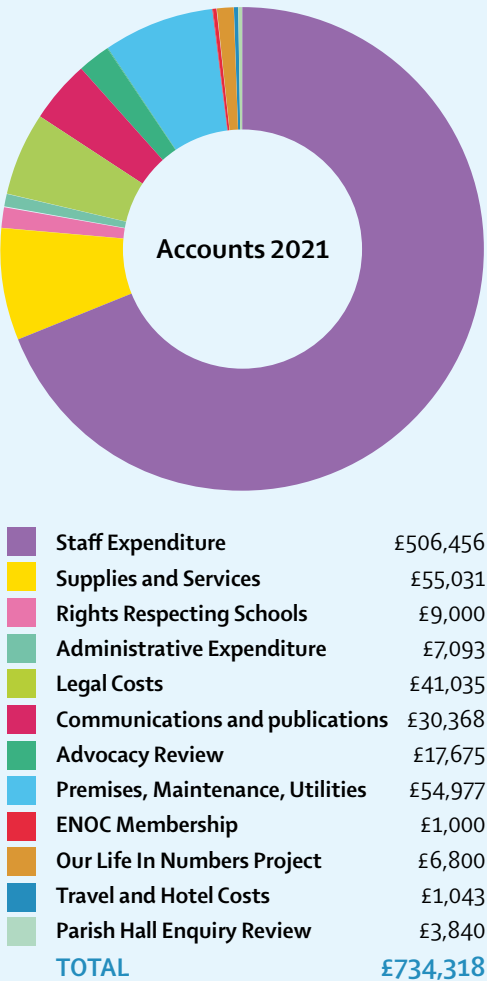
The Commissioner is in charge of the budget but it is the Director General of the SPPP Department who signs off all finances relating to our office and its work. If you would like to see the accounting officer’s assessment for 2021, you can access it in full [here](#).

There is also something known as a ‘framework agreement’ between our office and the SPPP Department, which can be read in full [here](#).

Audit

The Government’s internal auditors carry out the audit of the Office of the Children’s Commissioner as part of the SPPP Government Department, in order to achieve effective and efficient governance, risk and control processes.

The Commissioner for Children and Young People is within the scope of audit conducted by the Government of Jersey’s external auditors. The Commissioner has consulted with her [Audit and Risk Advisory Panel](#) and reached the conclusion that the value of a further external audit would be limited for the following two reasons: the office is already within the scope of the States’ internal and external audit; the budget for the office is largely devoted to just a few major outgoings (such as salaries, accommodation-related and legal costs).



RECOMMENDATIONS

Part of our work is to monitor Government policies and the services that they provide for children and young people, and to make recommendations when we come across areas where changes and improvements are needed.

Usually, these recommendations are made in the form of a written report, or shorter pieces of written advice to the Minister in question. Sometimes, though, if our advice is not followed and we still feel that children's rights are being adversely affected, we take more formal action through the courts.

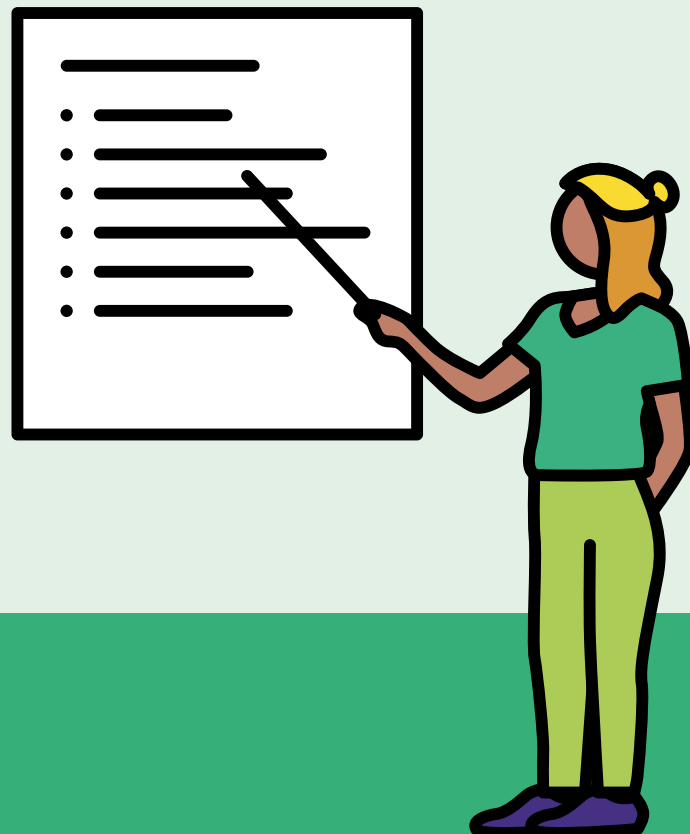
We began a formal action of this kind – known as a 'judicial review' – towards the end of 2021. It concerned 'deprivation of liberty', which is the official term for when a child or young person is locked up following an arrest made by the police, even if it is only for a minor crime.

Based on our work programme in 2021, we have made recommendations to Government which are outlined in the following pages.

Written advice to Government and Scrutiny

The Commissioner's formal written advice, which are de facto recommendations relating to specific issues, documents or events, are published whenever they are submitted. The only time that we do not publish written advice is when there is even the smallest chance that an individual child or young person could be identified.

The full range of advice issued in 2021 can be found [here](#). It covers everything from issues relating to children's capacity and consent through to Government laws, budgets and measures taken in response to Covid-19.



HOUSING RECOMMENDATIONS

- The Control of Housing and Work (Jersey) Law 2012 should be urgently reviewed so that the legislation complies with the United Nations Convention on the Rights of the Child.
- The best interests of children must be paramount on the face of legislation and any policy or guidance.
- The Housing and Work Advisory Group (HAWAG) should revise the criteria on which it determines applications to ensure that the best interests of children are paramount.
- The role of Deputy Chief Minister hearing appeals must be reviewed and any conflict of interest be dealt with.
- There should be a review on the availability of qualified housing suitable for families with children, and some independent young people particularly those leaving care.
- Housing Legislation should provide for housing, or access to housing to be determined by reference to need or vulnerability, including vulnerability by reason of age.
- The Affordable housing Gateway must base need on vulnerability rather than on residential status.

To read the whole summary report highlighting the recommendations of our Housing Rights and Children in Jersey Review [click here](#).



“ We began a... 'judicial review' – towards the end of 2021. It concerned 'deprivation of liberty', which is the official term for when a child or young person is locked up following an arrest made by the police, even if it is only for a minor crime. ”

YOUTH JUSTICE RECOMMENDATIONS

These recommendations must be considered with the spirit and law of the UNCRC as the primary guiding principles.

For immediate action

- **Safeguarding:**
 - An Island-wide safeguarding policy for Parish Hall Enquiries (PHEs), with associated written procedures, should be produced as a matter of urgency
 - Mandatory safeguarding training, to an appropriate level as defined by the Jersey Safeguarding Partnership Board, should be provided for all Honorary Police Officers and Centeniers
 - Clear instructions should be given to all Honorary Police Officers and Centeniers on how to raise a formal concern with the Multi Agency Safeguarding Hub (MASH)
 - Risk assessments focused on safeguarding should be carried out for every building in which PHEs are held
 - A review should be undertaken to establish an agreed definition of the term ‘appropriate adult’
- Current diversion measures do not include the deprivation of liberty of a child: this must not be changed.
- A Probation Officer should always be present when a child or young person attends a PHE.
- A good practice guide on managing conflicts of interest, which incorporates the views of a wide range of stakeholders, must be developed for Centeniers and other officials involved in PHEs. Centeniers should not preside over cases involving children or families who are known to them.
- PHEs should be conducted on an appointment-based system, with appropriate time allowed for sessions, and with sessions that involve children or young people not continuing after 8pm. Consideration must also be given to the possibility of holding weekend PHEs.
- Adequate measures should be taken to ensure the privacy of children and young people who attend PHEs.
- Minimum standards should be set stipulating appropriate and acceptable timescales from the commencement of a PHE process (namely, the first point of contact with law) to its conclusion (the Enquiry itself).
- Access to independent legal support should be provided whenever requested or deemed necessary.
- Access to independent interpreters should be provided whenever requested or deemed necessary.



For action

- There should be a statement of principle ensuring that the best interests of the child are a priority in Jersey's youth justice system, including PHEs.
- There should be a training and skills of audit of all staff involved with PHEs, including but not confined to Centeniers, Probation Officers and Honorary Police Officers. This must include safeguarding training, as well as training in other areas such as child development and attachment, and the UNCRC.
- A review should be undertaken to establish and define the role of the Probation and After-care Service in PHEs.
- All public information concerning PHEs should be available in formats that are child-friendly, age-appropriate and accessible. The information provided must include reference to the free admission of events, the PHE record retention rules, the right to choose to go to court, the right to a lawyer, and a description of the role of the Centenier and of the PHE system itself.
- There must be a procedure that sets out the right to appeal the outcome of a PHE, and this must be explained as part of the PHE system.
- A person defined as an ‘appropriate adult’ who accompanies a child or young person to a PHE must be subject to an identity check.
- Probation Officers must be given timely notification of PHEs.
- There should be a review of policies and procedures related to record-keeping and disclosures associated with PHEs.
- The record of a child or young person's attendance at a PHE should be destroyed at a set time after the offence or at the point when they turn 18, whichever comes first.
- A quality assurance review should be undertaken, and procedures put in place, to ensure that outcomes from PHEs in all parishes are consistent and would be deemed fair by an independent observer.
- A child or young person who attends a PHE should be given an adequate and timely opportunity to provide feedback on their experience. To this end, the complaints procedure should be reviewed, in order to ensure that children and young people are able to access it.
- Good practice guidance on official conduct during PHEs should be produced, to sit alongside the current Attorney General's Direction 4/2019 on The Conduct of Parish Hall Enquiries.
- If the outcome of a PHE involving a child or young person is a deferred decision, a referral should be made to the Children and Families Hub so that an assessment can be made of any additional support that may be required by the attendee or the attendee's family.
- A child or young person who was under 18 at the time of the alleged offence, but turns 18 during the PHE process, should still be considered a child for the remainder of the process.
- There should be a review of the opportunities for diversion at various points including, and subsequent to, a child's first point of contact with the law – for example, the point of arrest itself or as an outcome of court.
- Children and young people should be educated about the youth justice system.

To read the whole summary report highlighting the recommendations of our Assessing the System of Parish Hall Enquiries in Jersey review [click here](#).

ADVOCACY RECOMMENDATIONS

- 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 with English as a second language, those living in poverty, those excluded from school or in conflict with the law (see section 1.18 of full report for complete list).
- Advocacy (its accessibility, and equality- based, non-discriminatory nature) should 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.
- There are historical accounts of professionals in children's services 'gate keeping' and 'blocking', or of their own and other services' staff 'making bids for children to come to them alone'. The majority of participants in the review could evidence this as hindering previous attempts to offer advocacy to match Jersey's stated ambition to place children at the heart of policy. These practices must not be continued or repeated.
- Government and the Office of the Children's Commissioner for Jersey (OCCJ) should continue to make it clear that the OCCJ does not now and will not in future offer professional advocacy. As the law governing the OCCJ's role states, the OCCJ 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 children and young people in Jersey is established, logic indicates that the OCCJ's involvement in these matters will diminish because OCCJ support for should be needed by fewer individuals, as most will be obtaining support through established advocacy providers.
- Contracts awarded to organisations to provide independent advocacy should be awarded after open, transparent, competitive and 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.
- Contracts for all independent advocacy should be explicit that 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.

- 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.
- The independent advocacy provider would benefit from being 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. This provides another measure of independence. Civil society organisations play an important role in protecting and promoting children's rights, engaging in advocacy and offer alternative policies for government, acting as another check and balance in the system. However, this does mean that the trustees or members of the Board cannot be a Minister nor a member of the States Assembly under the Charities (Jersey) Law 2014.
- 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.
- 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 separate services, such as the OCCJ and Children's Social Care (for complete list, see p11 of full report).
- As per the provisions of the law that established and governs the OCCJ, the Commissioner and her/his staff, or those contracted to undertake particular pieces of work for the OCCJ, 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 section 1.18 of the full report.
- 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. It should operate 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.

To read the whole summary report highlighting the recommendations of our Professional Advocacy Services review [click here](#).



2022 WORK PROGRAMME

In addition to our ongoing work in the participation and advice functions, our office also has to set out certain commitments for projects, documents and training for the year ahead.

For 2022, these commitments are:

- To submit the Commissioner's written input, including contributions from young people, to the UK's state party report for the UN Committee on the Rights of the Child periodic reporting cycle; to raise awareness of this reporting cycle with children's charities and third sector organisations in Jersey.
- To review the use of secure accommodation orders in Jersey.
- To run a series of 'child rights approach' training sessions for more than 200 members of staff in the States' children's social care workforce.
- To launch a free online child rights training resource developed by Queens University Belfast.
- To help young Islanders develop and disseminate a 'youth manifesto' which will enable them to publicly express their priorities and aspirations in the run-up to the 2022 elections.
- To work with young Islanders to find new and creative ways to express the findings of Life on the Rock.
- To ensure that all schools in Jersey are registered with the Rights Respecting Schools programme; support a further three schools to attain Bronze status, three more to attain Silver, and one to go on to Gold.



For advice, resources and information on all aspects of our work and on child rights more generally, visit our [website](#) or follow us on social media.



To contact us,
email: advice@childcomjersey.org.je

