

20  
22

# Annual Report

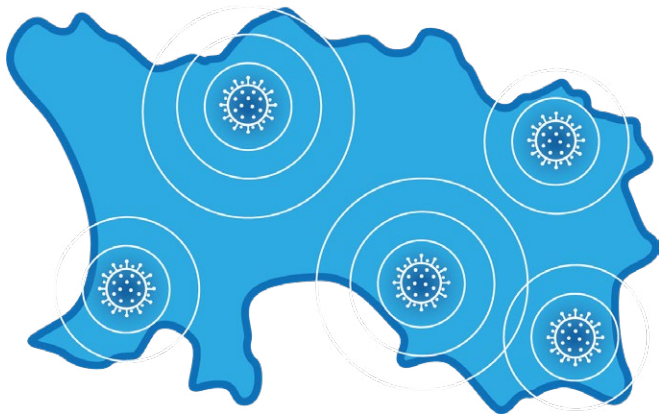


# ABOUT US

The **Children’s Commissioner for Jersey** is an independent role that was established in 2019 on the recommendation of the Independent Jersey Care Inquiry.

The Commissioner’s job is to promote and protect the rights of all children and young people in Jersey. The Commissioner has a range of functions, including monitoring and reporting on the wellbeing of children and young people, engaging with them to understand their views and experiences, and providing advice and guidance to government and other organisations on issues, policies and laws that might be adversely affecting children’s rights and welfare. The Commissioner also has powers to investigate individual cases and make formal recommendations to improve outcomes for children and young people. Overall, the role of the Jersey Children’s Commissioner is to champion the rights of our Island’s children and young people, and to ensure that their voices are heard.

The guiding principles of the Children’s Commissioner and her team are set out in the **United Nations Convention on the Rights of the Child**, which Jersey’s Government agreed to in 2014. The Convention is a list of rights that all children and young people have. Every child has these rights, whatever their ethnicity, gender, religion, language, abilities or any other status. More children have their voices heard and participate in society as a result of this Convention and those who work hard to implement it.



# CONTENTS

Commissioner’s Foreword	4
Our EcoSystem	6
Who We Are And What We Do	8
Our Work in 2022	13
Information and Advice	29
Duties and Functions	34
Governance	38
Financing and Accounts	42
Recommendations to Government	44
2023 Work Programme	45



## COMMISSIONER'S FOREWORD

I am pleased to publish the annual report of the Office of the Children's Commissioner, detailing all the work we have completed during 2022. It was quite a year for our team, and August saw my appointment as Acting Children's Commissioner. We have worked hard as a team to continue to build on our role in the community as human rights defenders for children in Jersey.

At the start of 2022 we could not have foreseen the change that was to come but it has enabled us as a team to reflect on where our strengths and skills lie, and to review the structure of our office so we can deliver efficiently and effectively for children and young people. I am pleased that, following this process of review, we will be welcoming a new Policy Lead to our team to help us drive our strategic priorities and continue to build on our engagement with the Government of Jersey, supporting their policy team with human rights policy advice.



During 2022, we also developed a strategic litigation toolkit which provides the office with a human rights framework and decision-making tool for how best to protect and promote children's rights when they have been breached. Strategic litigation is a tool that Commissioners worldwide draw on for the advancement of children's rights.

I am super pleased to share that we now have more schools than ever taking part in the UNICEF Rights Respecting Schools (RRS) programme and are looking forward to seeing them advance through their Bronze and Silver awards towards Gold, with school-aged children learning about their rights in school. I have had the pleasure of going into some of those schools to visit their RRS steering groups/councils and seeing their rights in action around the school. It is the nicest part of being a Commissioner for Children.

We have grown the membership of our Youth Advisory Group and are looking to develop this further so that children can be involved in all aspects of our work. We have also strengthened the membership of both our Adult and our Audit and Risk advisory panels to ensure good governance.

From the inception of this office, our team has always provided confidential advice to children and young people, adults and professionals in relation to children's human rights. Over time, we have been able to see patterns and themes in the issues that children and their families raised with us, and this helps us think about what project work we might undertake next. In the latter part of 2022, for example, we had concerns about the provision of secure accommodation in Jersey, so we commissioned some research into this area. This included hearing the voices of children who'd had direct experience of secure accommodation, which helped enormously in growing our understanding of what human rights compliant secure accommodation should look like.

However, in other ways, this project was fraught with difficulties, not least the challenges we faced in trying to reach that relatively small set of young people in the first place. It was (and remains) a concern that, despite the office having been in operation for five years now, we continue to face barriers when attempting to reach children and enable them to have their voices heard. We will be publishing the report that resulted from this work in 2023, and we will continue to reach out to all children to teach them their rights, especially their participatory rights in matters that affect them.

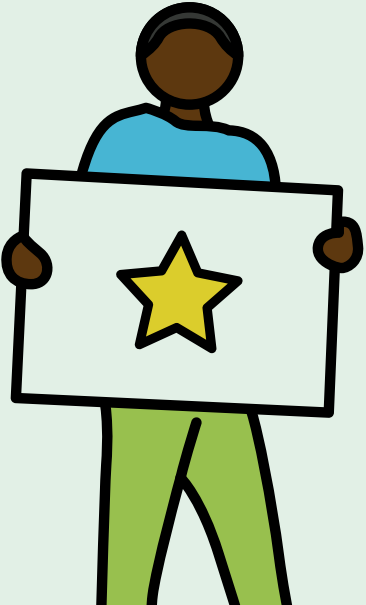
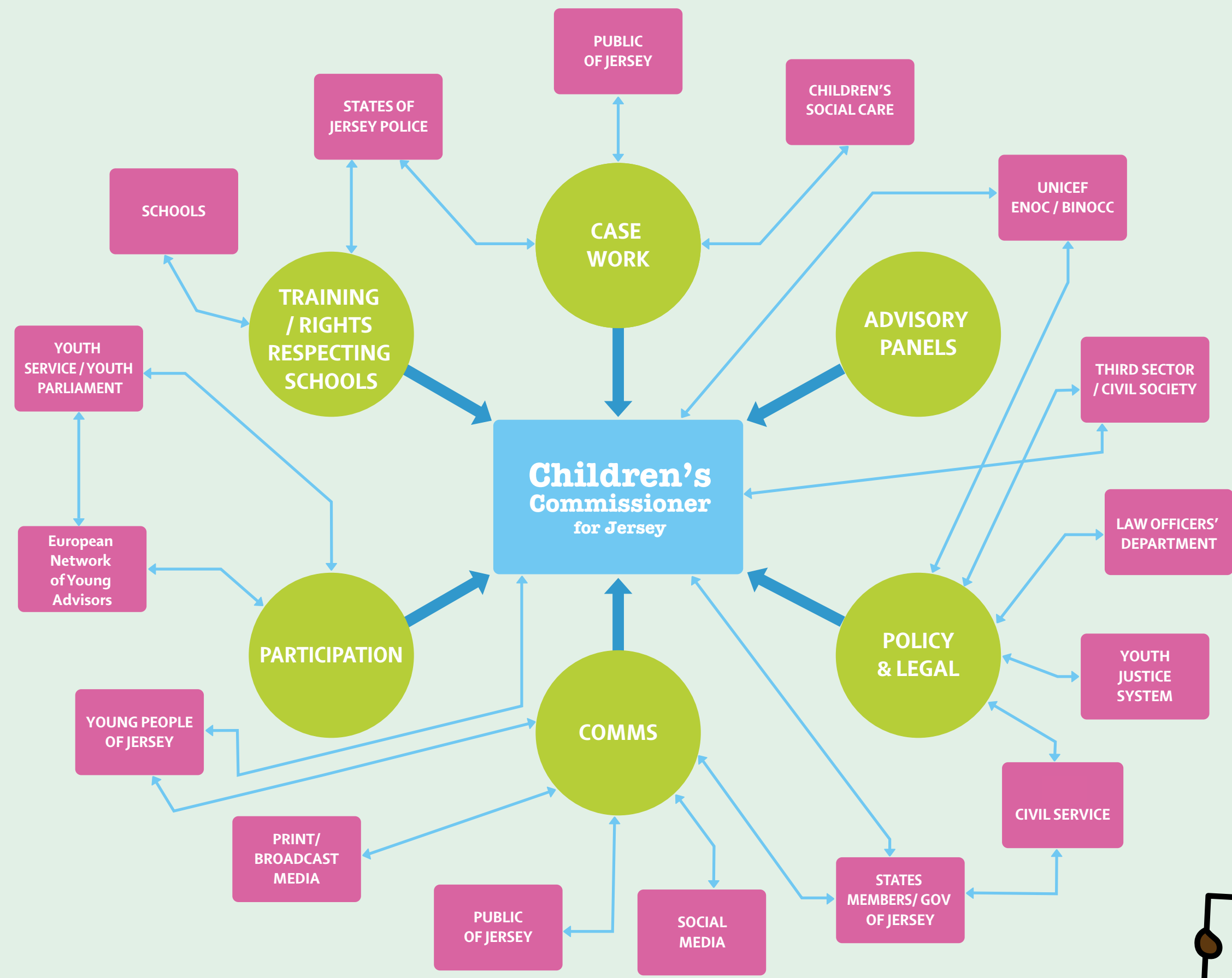
While 2022 felt a bit like a rollercoaster for me at times, it was also an exciting, challenging and rewarding year. We are a small team and yet, despite any limitations in size and resources, we continue to move forward in our work with enthusiasm and hope for the continued progressive realisation of children's rights in Jersey. I hope you enjoy reading our annual report.

A handwritten signature in black ink, which appears to read "Andrea Le Saint".

Andrea Le Saint,  
Acting Children's Commissioner  
for Jersey



# OUR ECOSYSTEM





## WHO WE ARE AND WHAT WE DO

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

At the head of the office is the **Commissioner**, who is appointed by the States Assembly and whose responsibilities and powers are set out in the law that came into force in 2019.

### In a nutshell, the commissioner promotes and protects children and young people's rights.

To do this, the Commissioner will tell people about children and young people's rights and why they are so important. She has a team of people who work with her to make this happen.

The Commissioner's team is divided into specialist areas but everyone takes a pragmatic, can-do attitude to the offices work programme – if we can help out a colleague, then we will, and whenever there is an opportunity to involve children and young people in their work, we jump at that too.



## We were all children once



Our **participation** work (meaning projects that directly involve children and young people) is carried out by three of our staff – these are the people you're most likely to come across in schools, at youth events (both here in Jersey and abroad), at training sessions and at our own Youth Advisory Group meetings. They have a wealth of experience between them, from teaching to working with children in care.



Our **policy principal** and our **senior practitioner** are the ones who take care of the technical tasks, looking at government policy, legal matters and complex cases. This is hard work, involving lots of cups of tea, and plenty of patience and determination. But their efforts travel far: it is because of these guys' expertise that the Commissioner is able to ensure that young people's voices are heard at the highest level.



Our **case worker** is the person who acts as the first and main point of contact for parents, carers and young people who contact us with questions, queries and problems relating to children's rights. This is a busy role and can, at times, be stressful – particularly since cases are always confidential, and cannot therefore be shared with other team members – but it can also be hugely rewarding.



Our **communications officer** is the person who oversees or produces all of the written content that comes out of our office (this could be a long report, like this one, or perhaps just a leaflet or bite-sized bit of text, such as the office's Youth Manifesto). He is also responsible for the office's social media accounts, as well as liaising with journalists, bloggers and activists in Jersey and elsewhere.



And to tie it all together, the **executive assistant** is the person whose job it is to keep everything running smoothly and, even when deadlines and schedules are at their most unforgiving, to ensure that the wheels still somehow stay on. She deserves a medal, or at the very least, a big slice of cake.



## WHAT WE ARE



## WHAT WE ARE NOT







## OUR WORK IN 2022

It is important to focus on your goals when you run a small, motivated team, but it is also important to be realistic about the kinds of things that can go wrong or get in the way of those goals. Some of these risks are predictable, while others (as we all learned during the Covid pandemic) are not.

We feel that it is important to be honest and transparent when talking about our work in an annual report. In other words, while it is crucial to celebrate and draw attention to the many successes that we had in 2022, we also want to talk about how we assessed the risks to that work programme, and whether or not the challenges we encountered along the way were ones that we had been able to see coming.

Without going into exhaustive detail about our risk register and how we manage it (something we could not do without the invaluable input of our Audit and Risk Advisory Panel), it might be helpful to list the five main categories of risk that we tend to apply to our work programme. These are:

- **Reputation and credibility** – risk arising from how the Commissioner and her office is perceived by its stakeholders.
- **Operational delivery** – risk arising from or threatening the efficiency and effectiveness with which the Commissioner delivers her key functions.
- **Resources** – risk arising from the robustness and effectiveness of the systems by which the Commissioner manages resources, including finance, human and physical resources.
- **Governance** – risk arising from the robustness and effectiveness of the systems by which the Commissioner governs her resources and performs her functions.
- **External impact** – risk arising from events, issues and impacts from and relating to the external environment.

In order to see how we deliver against the requirements that are set out for our office in law, skip forward to the Duties and Functions section of this report.

“...while it is crucial to celebrate and draw attention to the many successes that we had last year, we also want to talk about how we assessed the risks to that work programme, and whether or not the challenges we encountered along the way were ones that we had been able to see coming”



### Life on the Rock film

We collaborated with the rapper and poet Christian Foley to produce a film based on our 2021 Life on the Rock project. Life on the Rock tells the life stories of 21 children and young people in Jersey, and we used this core material to produce a three-minute film featuring Christian and a cast of local young people. The film was featured in local media and was shared around the world on social media, amassing many thousands of views. Perhaps most importantly of all, though, was the fact that two of the young people who participated in the project were then able to present the film to the UN Committee on the Rights of the Child in Geneva, as part of Jersey's formal country reporting cycle. This further extended the reach and scope of the project and ensured that the voices of the children who contributed to Life on the Rock were able to be heard at the highest international level. It also carried the added distinction of being the first time that a country had submitted a children's and young people's report in the form of a short film.

[Click here to view the Life on the Rock Film](#)



“ The film was featured in local media and was shared around the world on social media, amassing many thousands of views. ”

### Youth Manifesto 2022

In the run-up to the 2022 Jersey Election, we worked with UK-based organisation The Democracy Box to facilitate the creation by young Islanders of a Jersey Youth Manifesto.

Together we facilitated a group of young co-creators to produce a seven-point manifesto covering a wide range of issues, from education and mental health to housing and the environment.

[Click here](#) to view the Youth Manifesto 2022.



With expert advice from the Wales Observatory on Human Rights of Children and Young People, and with input from practitioners in Jersey, we developed a pragmatic, principled framework for anyone working with children. Grounded in the UNCRC, the framework helps public bodies integrate children's rights into every aspect of their decision-making, policy and practice.

The framework is primarily aimed at public services across the Island and at all other relevant bodies, such as charities, who are looking to reflect the Island's commitment to the UNCRC in the ways in which they plan and deliver their services.

[Click here](#) to view the Making Children's Rights a Reality in Jersey publication.



### Child Rights Approach training

This ongoing training programme (which was initiated in June 2022) delivers the core principles of our child rights framework to groups of professionals who work with children and their families in various settings across the Island.

By the end of 2022, the training had been delivered to 180 professionals.

Here is some of the feedback our participation team received following the sessions:

*Really well presented and very informative, insightful and have some good thoughts and ideas that I can take away and implement into my practice*

*Well thought out and informative session. I learnt much more about rights and principles. A enjoyable session, thank you*

*Really great training that needs to be rolled out to everyone involved with children.*

*Very impressed that you've been to Geneva and put Jersey on the map. This should be shared widely. School programme is impressive and this should also be shared widely.*

### ENYA

The European Network of young Advisors (ENYA) is a project that grew out of the work of ENOC (see 26) in 2010 and has been going strong ever since. It is, as its name suggests, a network of young people from countries across Europe whose aim is to involve children and young people in ENOC's annual work and give them the opportunity to have their voices heard at a European level. We are thrilled to be able to help delegations of young people from Jersey to take part in ENYA's work and attend its various meetings held in locations across Europe.

Between February and June 2022, our Jersey team of young people (consisting of a joint delegation of Youth Parliament representatives and youth advisors from our office) took part in several activities with experts and coordinators via online meetings and workshops. The activities revolved around various sub-topics related to climate justice and culminated with the young people drafting recommendations on the main area.

After learning and working on the topic of climate justice at the national level, the ENYA participants all had the chance to meet in June 2022 at the ENYA Forum in Bilbao. This allowed them to connect in person and share their ideas and experiences.

Specifically, our Jersey delegation was able to feed in their climate justice recommendations, along with their European counterparts, in order to produce a consolidated list of ENYA recommendations.

These recommendations were then presented at the 26th ENOC Annual Conference held in Iceland, in September 2022.

Joining our young people in Bilbao were delegations from Spain (Andalusia), Albania, Spain (Basque Country), Belgium (Flanders), Spain (Catalonia), Croatia, Estonia, France, Greece, Italy, Malta, Northern Ireland, Poland, Scotland, Slovakia and Wales.

“...our Jersey team of young people... took part in several activities with experts and coordinators via online meetings and workshops. The activities revolved around various sub-topics related to climate justice and culminated with the young people drafting recommendations on the main area.”

### Pause for Play

The Pause for Play programme was established in November 2021 by agreement between our office and the Governor of HMP La Moye, and with funding input from Andium Homes. The first session took place in January 2022. It is a structured family play programme based at HMP La Moye which was offered throughout the year to prisoners and their families. See case study opposite.



## *Pause for Play case study*

### *Why we created the programme and what it is*

When a prisoner is deprived of their liberty for an offence that they have committed, there is also a wider impact on that prisoner's immediate and extended family. This, of course, includes children under the age of 18, whose sense of identity, belonging and relationship can be seriously affected, particularly if the sentence is a long one.

In recognition of this fact, an initiative was launched in 2021 by the Governor of HMP La Moye, which introduced the new concept of 'family visits' to the prison calendar. These visits are more relaxed than standard visits and allow for family groups to meet. They take place in the evenings and allow for more tactile contact between a prisoner and their family, including children, grandchildren, nieces and nephews. This programme was the starting point for Pause for Play.

The Pause for Play programme takes place every Friday evening in a large family-friendly space at HMP La Moye. Two members of our office attend, and provide a wide variety of resources and ideas for structured play and interaction between prisoners and their families. The ages of children and young people who have taken part in these sessions has ranged from 6 months to 18 years.

Each visit has focused on a different craft activity. These have included:

- Easter craft and decorating
- Growing together – planting and growing sunflowers
- Happy moments – taking polaroid photos together, making and decorating a picture frame
- Memory sand art
- Beach scene plate decorating/collaging
- Printing art – thumb printing together
- Halloween art and craft
- Message/memory/worry box making
- 'All things Christmas' craft

Alongside this, a selection of books, toys and games is always available during every family visit. These resources can be taken by the individual families to aid meaningful age-related activities for families to engage in.



# Pause for Play case study

## How it relates to our work programme

Article 9 of the United Nations Convention on the Rights of the Child (UNCRC) says that 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). Furthermore, children whose parents have separated have the right to stay in contact with both parents, unless this could cause them harm.

Pause for Play offers the opportunity for children and their parent/family to engage in meaningful, nurturing play while visiting HMP La Moye. In doing so, our office and HMP La Moye are also promoting other children's rights, beyond those set out in Article 9 of the UNCRC. The programme also supports Article 2 (non-discrimination), Article 6 (life, survival and development), Article 8 (identity), Article 12 (to be heard and to participate), Article 19 (dignity) and, of course, Article 31 (play).

## How well has it worked?

To understand why and how the programme has worked, we have been constantly evaluating the sessions. Our period of evaluation extended from the first Pause for Play session in January 2022 to the final visit of the year on 30th December 2022.

The methods used to evaluate the programme were written, pictorial and verbal feedback from participants. These methods were made available at every session, to prisoners, visitors and prison officers, and were routinely made use of. In addition, a more detailed written feedback form was circulated to all families bi-annually and an alternative written feedback form was circulated among all prison officers who had been directly involved in the sessions, or who support prisoners who have attended the sessions.

The feedback forms available to children, young people and the adults in the families, at every session, were designed and created to suit specific individual needs. In total, we gathered feedback from 59 children over the evaluated period.

"Really loved doing the planting and pot decorating. Will take photos when the sunflower starts growing"

"Thank you for the things I can keep with me, I like to look at them in my cell".

"I like making things for my Daddy".

"These are memories that will last a lifetime and will certainly be seen as a fun day with Dad".

"She (age 3) doesn't understand the situation, so it's important to make it as normal as possible, to be able to do different activities, the photos are special".

"The children now leave the visit happy, and feeling loved by people they also love but can't see on a daily basis"

"Very little you can do to improve this. It is so nice".

"We don't even do stuff like this at home, we love it!"

**Form 1 (Left):**

- Have you enjoyed today's activities? (Smiling face, Neutral face, Sad face) - Smiling face is circled.
- What did you enjoy? (Book, Paint palette, Toy car, Cookies) - Paint palette and Cookies are circled.
- Will you use the activities we bring again? (YES, NO) - YES is circled.
- Is there anything you'd like to say or suggest? - Handwritten: "Photos are great"

**Form 2 (Right):**

- Have you enjoyed today's activities? (Smiling face, Neutral face, Sad face) - Smiling face is circled.
- What did you enjoy? (Book, Paint palette, Toy car, Cookies) - Paint palette and Cookies are circled.
- Will you use the activities we bring again? (YES, NO) - YES is circled.
- Is there anything you'd like to say or suggest? - Handwritten: "all good."

### Rights Respecting Schools

For the fourth consecutive year in 2022, we funded and facilitated UNICEF's Rights Respecting Schools programme in Jersey. This has been one of the most visible and successful projects that our office has undertaken over the years, bringing the participation rate in this important educational programme from just a few local schools in 2018 to all but one enrolled in 2022.

The Rights Respecting Schools Award is a UNICEF initiative that aims to put children's rights at the heart of schools. It embeds children's rights in daily school life and empowers children to grow into responsible, active global citizens.

The programme involves working with schools to create safe and inspiring places to learn, where children are respected, their talents are nurtured, and they are able to thrive. The Award recognises the achievement of a school in putting the United Nations Convention on the Rights of the Child into practice within the school and beyond.



There are three stages to the award:

**Bronze: Rights Committed** This is the first stage of the Rights Respecting Schools Award. It is a planning stage. When you are ready, you will supply documented evidence of your school's commitment and how you intend to become rights respecting. We estimate it takes a school between 3-6 months to achieve Bronze. There is no assessment visit for this stage.

**Silver: Rights Aware** This is the second stage. It is granted by UNICEF UK to schools that show good progress towards embedding children's rights in the school's policy, practice and ethos. Schools will be assessed by a UNICEF UK RRSA assessor who will look at the whole school's rights respecting work.

**Gold: Rights Respecting** This is the highest stage of the Rights Respecting Schools Award. It is granted by UNICEF UK to schools that have fully embedded children's rights throughout the school in its policies, practice and ethos. Schools will be assessed by a UNICEF UK RRSA assessor(s) who will look at the whole school's rights respecting work.

Given the positive impact the Award has been shown to have on schools, in July of 2018 the Children's Commissioner offered all schools in Jersey support to progress through the Award.

Since this support was made available there are now 42 schools, across primary and secondary, working towards either bronze, silver or gold.

At the end of 2022, 19 schools were at bronze, 18 at silver, and 3 had attained gold.

“ The Rights Respecting Schools Award... aims to put children's rights at the heart of schools. It embeds children's rights in daily school life and empowers children to grow into responsible, active global citizens. ”



### Submissions to the United Nations

In 2022, our office made two written submissions, and facilitated a third young people's submission, to the United Nations Committee on the Rights of the Child. This Committee is a body of 18 independent experts who monitor countries' implementation of the Convention on the Rights of the Child. The Committee receives reports from Children's Commissioners and Ombudspersons as part of the process of monitoring how effectively countries are implementing the Convention. Our 2022 reports were submitted ahead of the Committee's 94th pre-session in February 2023.

A pre-session is a one-week meeting period that takes place in Geneva, Switzerland, at the Office of the High Commissioner for Human Rights (OHCR). During the pre-session, the Committee meets with the Children's Commissioners and Ombudspersons, as well as children's rights defenders, based on the reports they have received.



The two written reports submitted by our office were:

1. The Commissioner's main report, which sets out the purpose and work of our office, as well as drawing attention to a range of issues that fall under Jersey's obligations as a signatory of the United Nations Convention on the Rights of the Child. Some of these issues highlight where the Government of Jersey is making good progress in promoting and protecting children's rights, while others are areas in which further work and improvement are necessary. [Click here](#) to view the main report.
2. The supplementary report focuses one issue in particular: the deprivation of liberty of children in Jersey. The reason for submitting this extra report is the Commissioner's very serious and ongoing concern that the principle of best interests of the child is not reflected in all law, policy and practice in Jersey. [Click here](#) to view the supplementary report.

The third submission was an unusual one, and on that we were particularly proud to have been involved in. Countries are allowed (but not required) to submit a children's report, to go alongside the Commissioner's report, and since our 2021 Life on the Rock Project had so effectively told the life stories of children in Jersey, we wanted to find a way to help Jersey's young people present its findings to the Committee. The result of that decision was the Life on the Rock film, produced in collaboration with Christian Foley ([see p14](#)).

It was the first time that a country had ever submitted a children's report to the Committee in the form of a film.

“ The third submission was an unusual one, and on that we were particularly proud to have been involved in... It was the first time that a country had ever submitted a children's report to the Committee in the form of a film. ”

### International links

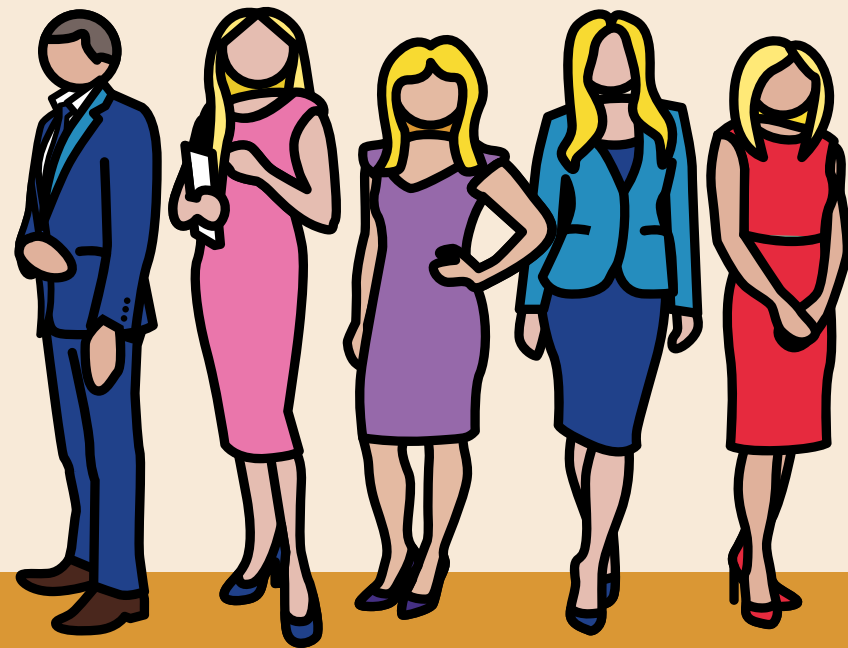
Our office continues to be a member of the three main bodies that bring together the work of Children's Commissioners in more than 30 different countries. These are:

British and Irish Network of Ombudsman and Children's Commissioners (BINOCC) [Click here](#) to view a copy of the publication.

European Network of Ombudspersons for Children (ENOC) [Click here](#)

European Network of Youth Advisors (ENYA) [see p17](#).

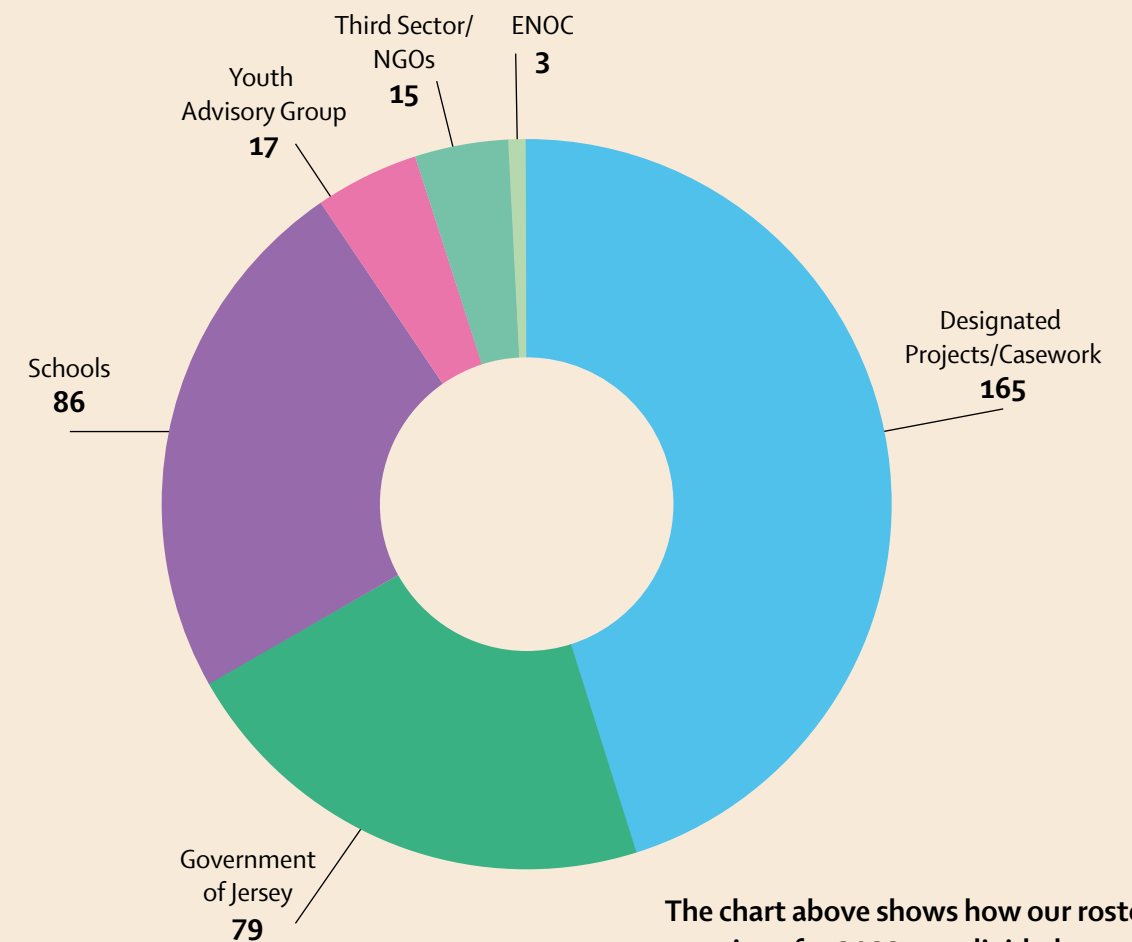
The Jersey Children's Commissioner continued in her role as Secretary of the ENOC Bureau until August 2022, which helped to raise Jersey's profile on the international stage. She also played an active role in the ENOC conference in Poland in June 2022, which focused on the theme of climate justice.



### Our day-to-day

Aside from the many meetings and collaborations that we get involved in for particular projects, we also have a big roster of meetings (both scheduled and unscheduled) with all kinds of people who are connected with our wider work. On any given day, this could be politicians or civil servants, representatives of charities or NGOs or one of the many groups of students and teachers we interact with through the Rights Respecting Schools programme. And even though we technically only have to meet up with our Youth Advisory Group four times a year, we usually end up doing it about once a month because, well, they're just that much fun...

The chart below is a rough representation of how we divided up our days in 2022, when we weren't working on designated projects, casework or international events.



The chart above shows how our roster of meetings for 2022 was divided up

“ even though we technically only have to meet up with our Youth Advisory Group four times a year, we usually end up doing it about once a month because, well, they're just that much fun... ”



### The unforeseen events

The most significant unforeseen event of 2022 was the **departure of the Children's Commissioner**, Deborah McMillan, in August 2022. For personal reasons, Deborah took the difficult decision to resign from her post midway through her term of office. This was obviously a sad moment for the team as a whole, some of whom had worked with Deborah since the very beginning of the office in 2019, and for the wider community in Jersey, where Deborah had forged many strong professional relationships. However, immediate and pragmatic steps were taken to ensure business as usual, and the appointment of an Acting Commissioner was made. This role was taken on by the OCC's Senior Practitioner, Andrea Le Saint.

The timeline set out by the Government of Jersey for this interim period was six months, due to the fact that, as well as the standard time allocation for a high-level recruitment process, two amendments also needed to be made to the Commissioner for Children and Young People (Jersey) 2019 Law. These amendments needed to be agreed and then formally proposed by the Chief Minister and the Chair of the Scrutiny Liaison Committee. The first of these amendments would be to the period of office of the Commissioner (bringing it down from eight years to a period of six, as is the case for most other Children's Commissioners); the second amendment would be to allow existing staff members of the OCC to apply for the post of Commissioner, should they want to (unamended, the law stated that no employee of the States – a term which technically applies to OCC employees, as they are contracted under the States Employment Board – would be able to apply for the Commissioner role).

The Acting Commissioner and her team ensured that the remainder of the 2022 work programme, as well as the ongoing duties and functions of the office, could still be discharged without interruption. This was successfully achieved, and the OCC's advisory panels, the Government of Jersey and the relevant Scrutiny Panel were all kept up to date with progress in this regard.

The other significant area in which unforeseen events can arise in an impactful way is within our team's **casework** function. This happened in 2022, with more than one case (details of which cannot, for obvious reasons, be set out here) in which complex, resource-hungry issues were raised with our office by children themselves or by their parents or carers. This resulted in caseloads that developed quickly into key priorities for the office, not only in terms of manpower resources but also (due to external legal services that had to be engaged) financial resources too.

“ The Acting Commissioner and her team ensured that the remainder of the 2022 work programme, as well as the ongoing duties and functions of the office, could still be discharged without interruption. This was successfully achieved... ”

## INFORMATION AND ADVICE

Information and Advice is the formal name that we give to our casework function, as many of the queries that we receive from members of the public (of all ages) simply require some further information on children's rights or perhaps some additional support in accessing an external service or resource, usually within Government or the third sector.

Sometimes, though, we do take on individual cases, and these are usually instances when there is still a fundamental child rights at stake, despite all the conventional avenues having already been explored. On occasion, these cases may represent breaches of a child's rights that are so fundamental that we have to use our statutory powers to formally request further information from a particular agency or service, launch an investigation or, on rare occasions, instigate legal proceedings.

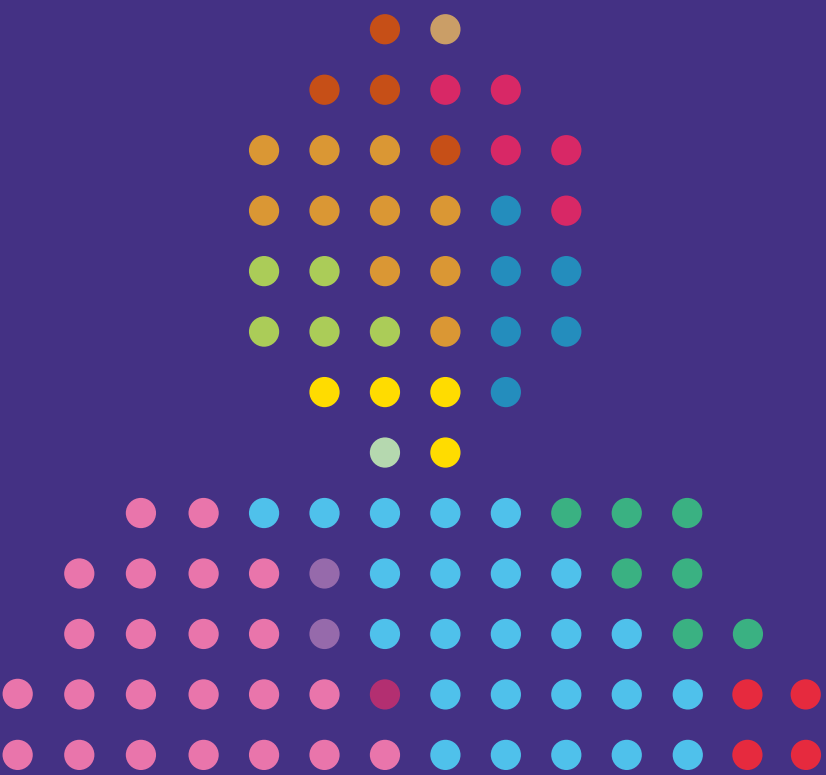
Over the past few years, a trend has developed in terms of the particular areas or subjects that we have been contacted about, and 2022 was no exception. As is obvious from the statistics that follow, Children's Social Care (and within that, the related issue of youth justice) and Education remained the most commonly raised question areas.

### Casework Annual Summary 2022

- **Total number of cases and enquiries opened = 97**
- **Total number of cases and enquiries closed = 64**
- **Repeat Contact to Office = 8 individuals**

Cases by categories:		TOTAL NUMBER OF CASES	
Children's Social Care	Client advised of formal complaint process	9	23
	Client signposted to services	5	
	Client supported to access services	2	
	Use of Secure Accommodation Order	3	
	Request for care planning documentation	3	
	Young person placed off-island re family contact	1	
Covid-19	No action: thematic data	2	2
Customs and Immigration	Client given legal advice/support	1	1
Education	Provision for children with Special Educational Needs	3	24
	Provision for children in secure accommodation	3	
	Client advised of formal complaint process	7	
	Client signposted to services	7	
	Client advised of human rights	1	
	No action: thematic data	3	

Health	Client signposted to services	1	4
	Client advised of human rights	1	
	Client supported to formalise complaint	1	
	No action: thematic data	1	
Housing and Work	Client advised of formal complaint process	3	7
	Client signposted to services	2	
	Client supported to access services	1	
	No action: thematic data	1	
Income Support	Supported with contact with services	1	1
Mental Health	Supported with contact with services	2	4
	Client advised of human rights	1	
	Signpost to Adult Mental Health Services	1	
Police and Youth Justice	Rights advice in justice proceedings	1	5
	Use of force during arrest	1	
	Deprivation of liberty/refusal of bail	1	
	Deprivation of liberty/HMP	1	
	Client signposted to services	1	
Private Law	Client advised of formal complaint process	2	10
	Client given children's rights advice	1	
	Client signposted to services	4	
	Child representation during proceedings	2	
	No action: thematic data	1	
Professional Consultation	Legislative Gap Analysis	1	4
	Provision for children with special educational needs	1	
	Advocacy support for children	1	
	Participation in Government dept changes	1	
Strategic Litigation	Policy development: thematic data	1	1
Safeguarding	Referral to Children and Families Hub	2	6
	Client advised of formal complaint process	3	
	No action: thematic data	1	
Number of Article 8 Requests sent	Article 8 of the Commissioner for Children and Young People (Jersey) Law 2019 concerns the formal provision of information to the Commissioner and her office.	5	5
2022 Total (New Cases)	97		



CATEGORIES OF CASES OPENED

- Children’s Social Care 23
Covid-19 2
Customs and Immigration 1
Education 24
Health 4
Housing and Work 7
Income Support 1
- Mental Health 4
Police and Youth Justice 5
Private Law 10
Professional Consultation 4
Strategic Litigation 1
Safeguarding 6
Number of Article 8 Requests sent 5



## Overview and outputs

### Overview of case data:

- Children's Social Care and Education continue with the highest number of enquiries.
- Private law enquiries have dropped. This may have been impacted following consultation with our office (changes have been made to the child-friendly literature available).
- Housing and work enquiries have dropped. Developments in the department may be the reason (customers are now more able to direct contact with a support team).
- Enquiry numbers in regarding police and youth justice issues are low but, with one exception, have all developed into full cases.



“ Enquiry numbers in regarding police and youth justice issues are low but, with one exception, have all developed into full cases. ”

## Wider outputs of 2022 casework:

### Children's Social Care:

- Review of the use of Secure Accommodation Orders.
- Review of care and transition plans for children at Greenfields and other residential homes.
- Review of transfer to the UK using the Mental Health (Jersey) Law.
- Review of care and transition plans for children placed off-Island.
- Family contact for children placed off-Island.

### Education:

- Review of education plans for children looked after at Greenfields and other residential homes.
- Review of education plans for children not attending mainstream education.

### Police and Youth Justice:

- Review states of Jersey Police's policy on the use of force and related training.
- Review of the process involved in transferring of a child from Greenfields to HMP La Moye.

### Significant challenges for 2022 casework:

- Use/extension of Secure Accommodation Orders.
- Delays in Article 8 responses.
- Delays in responses for documentation around care, transition and education plans.

### Successes for casework:

- Achieved goals of minimising repeat contacts by developing different rights-focused responses.
- Recent cases have prompted us to initiate a formal (legal) dialogue with the Government of Jersey regarding the use of Greenfields when a young person's application for bail is refused.

# DUTIES AND FUNCTIONS

The Commissioner for Children and Young People (Jersey) Law 2019 requires the Commissioner to report on the functions she and her team have discharged within a given year. To make life easier, we’ve mapped some of the things we did in 2022 against the relevant articles of the Law.

WHAT THE LAW SAYS	WHAT WE DID
The primary function of the Commissioner is to <b>promote and protect</b> the rights of children and young people	<ul style="list-style-type: none"><li>• Delivered all functions under Commissioner for Children and Young People Law;</li><li>• Delivery of an annual operational plan and publication of annual report.</li></ul>
To keep under review the adequacy and effectiveness of <b>law, policy and practice</b> 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"><li>• In keeping with Article 25 of the Commissioner for Children and Young People Law, provided advice and guidance on new laws and policy areas – incl. Draft Children (Convention Rights) Law, amendment legislation to the Children’s Law, the Government of Jersey’s Common Strategic Policy and Mini Budget (P.80/2022) – using the Legislative Gap Analysis as the benchmark for UNCRC and other human rights compatibility in law, policy and practice;</li><li>• Commissioned research concerning the rights of children with reference to Secure Accommodation Orders;</li><li>• Submitted reports to the UN Committee on the Rights of the Child;</li><li>• Provided advice on the overnight detention of children;</li><li>• MoU with Office of the Information Commissioner.</li></ul>

To keep under review the <b>adequacy and effectiveness of services</b> provided for children and young people by relevant authorities	<ul style="list-style-type: none"><li>• Began a review into the way Children’s Social Care approach the issue of Secure Accommodation Orders for children;</li><li>• Began research into the off-Island placement of children in private care and health settings in the UK;</li><li>• Ongoing and regular engagement with Children’s Social care, CAMHS, Education, Health;</li><li>• Operation of three Panels as established in Law – the Adult Panel, the Youth Panel and the Audit and Risk Advisory Panel</li><li>• Provision of written and oral evidence to Scrutiny panels;</li><li>• Regular meetings with States of Jersey Police, Ministers, Scrutiny;</li><li>• Working with SoJ officials as they developed their participation standards for children and young people;</li><li>• Reviewed the physical accessibility of our own premises and rearranged the office layout (as well as beginning the process of agreeing and commissioning structural changes) to allow for improved access for wheelchair users and others;</li><li>• Developed a strategic litigation protocol and toolkit.</li></ul>
To <b>promote awareness and understanding</b> of the rights of children and young people	<ul style="list-style-type: none"><li>• Rights Respecting Schools. All but one schools were registered, with 18 at silver and 3 at gold;</li><li>• Published <i>Making Children’s Rights A Reality in Jersey</i>, Jersey Youth Manifesto 2022, Youth Information Guides: Parish Hall Enquiries;</li><li>• Website Development;</li><li>• Social media development;</li><li>• School visits;</li><li>• Regular engagement with UK and European counterparts, among both adult colleagues and young advisors, through ENYA, ENOC and BINOCC;</li><li>• Regular engagement with third sector and Youth Parliament.</li></ul>

To <b>provide human rights education</b> for relevant authorities or other persons that work with, or on behalf of children and young people	<ul style="list-style-type: none"> <li>Delivered a comprehensive programme of Child Rights Approach training to 180 local professionals.</li> </ul>
To promote <b>harmonisation</b> of legislation and policy <b>with the United Nations Convention on the Rights of the Child</b> , 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"> <li>Written submissions to the United Nations Committee on the Rights of the Child;</li> <li>BINOCC meetings with other Commissioners and joint work;</li> <li>ENOC meetings with other Commissioners and joint work;</li> <li>ENYA and ENOC conferences.</li> </ul>
To provide <b>advice and recommendations</b> on the rights of children and young people	<ul style="list-style-type: none"> <li>Formal advice provided to the Government of Jersey and Scrutiny on the following subjects: <ul style="list-style-type: none"> <li>Review of GoJ's performance management;</li> <li>Scrutiny review of Common Population Policy;</li> <li>Draft Children (Convention Rights) Law;</li> <li>Amendment legislation to the Children's Law;</li> <li>Child rights perspective on assisted dying policy;</li> <li>Care Commission – contact centres;</li> <li>HMP La Moye;</li> <li>Mini Budget (P.80/2022);</li> <li>Common Strategic Policy.</li> </ul> </li> </ul>
To <b>bring any matter</b> 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"> <li>Shared complaints regarding housing with the newly elected Housing Minister;</li> <li>Met with Children's Minister on a variety of issues relating to ongoing child rights matters.</li> </ul>
To <b>look into, or formally investigate any matter</b> relating to the rights of children and young people	<ul style="list-style-type: none"> <li>Unannounced visits to Greenfields, followed by report and recommendations;</li> <li>Referral of a matter for serious case review to the Safeguarding Partnership Board.</li> </ul>

To <b>bring, intervene in, or assist in relation to, legal proceedings or complaints</b> against relevant authorities;	<ul style="list-style-type: none"> <li>Were granted leave in November 2022 to be party to legal proceedings for a child re secure accommodation;</li> <li>Met with the Attorney General on matters relating to specific legal proceedings, and also regarding systemic issues in court proceedings with relation to children and young people;</li> <li>Made the first official use of our newly-developed strategic litigation toolkit.</li> </ul>
To <b>monitor the implementation in Jersey of the United Nations Convention on the Rights of the Child</b> 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"> <li>Written submissions to the United Nations Committee on the Rights of the Child.</li> </ul>
To <b>encourage</b> 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"> <li>Continued monitoring of GoJ's progress in extending OPCAT to the Island;</li> <li>Calls for implementation proposals around LGA work and the Convention Law.</li> </ul>
To <b>report on the States' implementation</b> and monitoring of the rights of children and young people	<ul style="list-style-type: none"> <li>Engaged with the UN Committee on the Rights of the Child's formal reporting cycle, including the submission of two reports on the progress of Convention implementation in the Island;</li> <li>Regular meetings with our Adult Advisory Panel and our Audit and Risk Advisory Panel;</li> <li>Meetings with regulators and the Jersey Audit Office;</li> <li>Publication of our annual report.</li> </ul>
To publish a report on any matter looked into, or formally investigated by the Commissioner	<ul style="list-style-type: none"> <li>Various reports, all published on website.</li> </ul>



## GOVERNANCE

Because we operate independently of the Government of Jersey, we need to have certain measures in place to make sure that we have an accountability partner for 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 the Commissioner's powers are under that law [click here](#) or to see the law in full, follow this link [click 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 the Commissioner 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 the Commissioner'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 2022 Operational and Financial Capability Assessment on our website: [click here](#)

Our office is independent in all matters, from how we set our budget and work programme for the year through to the more granular details of how each case is handled, what action we chose to take and where the Commissioner exercises her legal powers. However, for the purposes of things like human resources or accessing our office's statutory funding, we are hosted by the Strategic Policy, Planning and Performance Department.

For this reason, and because it is taxpayers' money that funds our work, it is helpful to go into a bit more detail on how the Commissioner assures that all of our office's work is conducted to a high standard of principled accountability.

- The first major consideration is our compliance with international standards for National Human Rights Institutions ("NHRIs") (i.e. Paris Principles, UN Committee on the Rights of the Child General Comment No.2, and the European Network of Ombudspersons for Children Standards). Alongside this, there is a requirement to ensure effective governance and accountability to Government for responsible use of public funds.
- NHRIs established in accordance with international standards occupy what is recognised as a unique and awkward position within the state, as they are independent from government but also accountable to them for their governance. These accountability relationships are always challenging – the government has a legitimate concern in ensuring that NHRIs are accountable for spending public money, and yet those accountability measures should not interfere with the operational independence of the body, i.e. legitimate financial autonomy. We work hard to make sure this balance is maintained.
- The Commissioner is subject to several accountability and governance measures, under the Law and operationally.
- The presentation by NHRIs of annual reports to its Government is regarded as the first layer of accountability, or formal accountability, of these bodies. This should enable Government to engage in a discussion about the rights issues raised in these reports and review the work of the body in question. This layer of accountability is reflected in the Commissioner for Children and Young People (Jersey) Law 2019, in that the Children's Commissioner must present to the States an annual report on the discharge of the Commissioner's functions during the financial year (see Article 23).

“ Our office is independent in all matters, from how we set our budget and work programme for the year through to the more granular details of how each case is handled, what action we chose to take and where the Commissioner exercises her legal powers. ”

- Under the Law, the Children's Commissioner must, in respect of each four-year period of the eight-year term, prepare and publish a strategic plan proposing how the Children's Commissioner intends to perform his/her statutory functions during that period.
- Accountability to the general public, and in particular children and young people, is considered to be a further layer of accountability.
- The Children's Commissioner is required to appoint an advisory panel (Article 26) and a youth advisory panel (Article 27), whose role it is to provide advice to the Children's Commissioner on the discharge of their functions and assist in the preparation of the strategic plan and annual reports; the terms of reference and procedures of these panels must be published following consultation with the Chief Minister and the president of the Chairman's Committee.
- In addition, the Children's Commissioner is also required to appoint an audit and risk advisory panel ("ARAP") (see Article 27) whose function it is to ensure that arrangements have been put in place to ensure that the office of the Children's Commissioner is properly managed and governed. The panel will be appointed in a similar manner to the advisory and youth panels under the Law in accordance with terms of reference which are to be published by the Children's Commissioner having consulted with the Chief Minister and the president of the Chairman's Committee. In addition, the Chairman of the Public Accounts Committee will also be consulted: this is intended to reflect the specific accountability and governance remit of the ARAP and the need for input from PAC as to the sufficiency of the Commissioner's proposed procedures. It should be noted that the appointment of such a panel is not required under international standards nor is it a feature of other UK children's commissioner legislation. It is, however, acknowledged to be an important measure of reassurance as to the accountability of the Children's Commissioner in the present context.
- The Children's Commissioner is required to keep proper accounts and records in respect of each financial year. The Commissioner may appoint auditors to audit the accounts of the Office in accordance with generally accepted accounting principles.

- As a publicly funded independent body the Children's Commissioner will be required to comply with principles of financial directions as to the responsible use of public funds made under the Public Finances (Jersey) Law 2005.
- The Children's Commissioner will also align its governance conduct to the States of Jersey Code of Conduct, which implements core standards for the conduct of individuals in public life, otherwise known as the Nolan principles.
- Risk is managed through our risk register, identifying risks and setting out mitigating actions. Our management of risk will be subject to internal Government of Jersey audit.
- Financial management is based on the published framework agreement ([click here](#)) within a clear set of financial procedures. Regular budget monitoring and reporting takes place with our finance business partner. Comparison of spend against budget is assessed quarterly. Internal auditors also assess our budgetary control.
- Policies are in place for whistleblowing, antifraud, code of conduct and child-friendly complaints.
- The Office of the Children's Commissioner is in receipt of public funds, and therefore the Commissioner is committed to implementing rigorous and transparent accountability and decision-making systems. The governance framework comprises the systems, processes and values by which the organisation is directed and controlled. These arrangements are firmly rooted in 'The Good Governance for Public Services' and the 'International Framework: Good Governance in the Public Sector'. It also draws on elements from the 'UK Corporate Governance Code'. It builds on the Nolan Principles for the conduct of individuals in public life by setting out six core principles of good governance for public service organisations.



# FINANCING AND ACCOUNTS

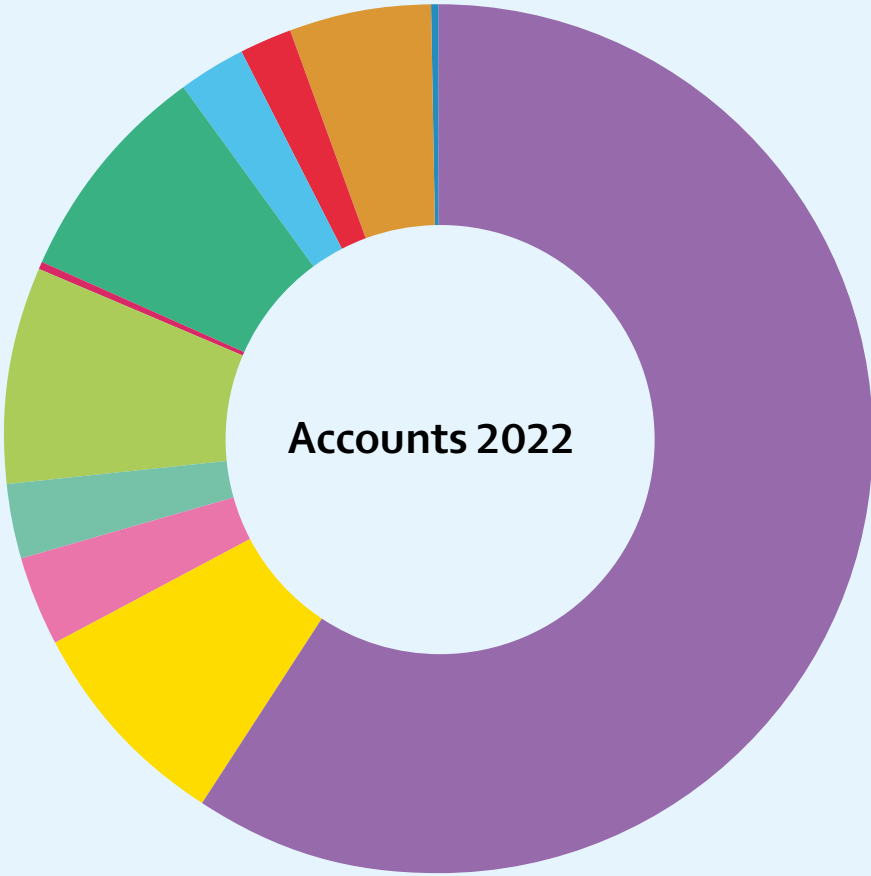
Our office is an independent body and is not a department of the Government of Jersey. However, because the post of Children’s Commissioner was set up as a direct result of the Independent Jersey Care Inquiry, our office is ‘hosted’ by the Strategic Policy, Planning and Performance (SPPP) Department 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 2022, you can access it in full here ([click here](#)). There is also something known as a ‘framework agreement’ between our office and the SPPP Department, which can be read in full here ([click here](#)).

## Audit

The Government’s internal auditors carry out the audit of the Office of the Children’s Commissioner as part of the SPPP Department audit, 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 and legal costs).



Salary & Wages	£566,974
Pension	£76,908
Social Security	£29,485
Non-States Staff Costs	£26,817
Supplies & Services	£77,901
Advertising and publicity	£3,837
Professional services (incl legal)	£77,640
Training, conferences and travel	£25,463
Administrative Expenses	£16,602
Premises and Maintenance	£52,676
Other Operating Expenses	£58
<b>TOTAL</b>	<b>£954,361</b>

“ ...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. ”

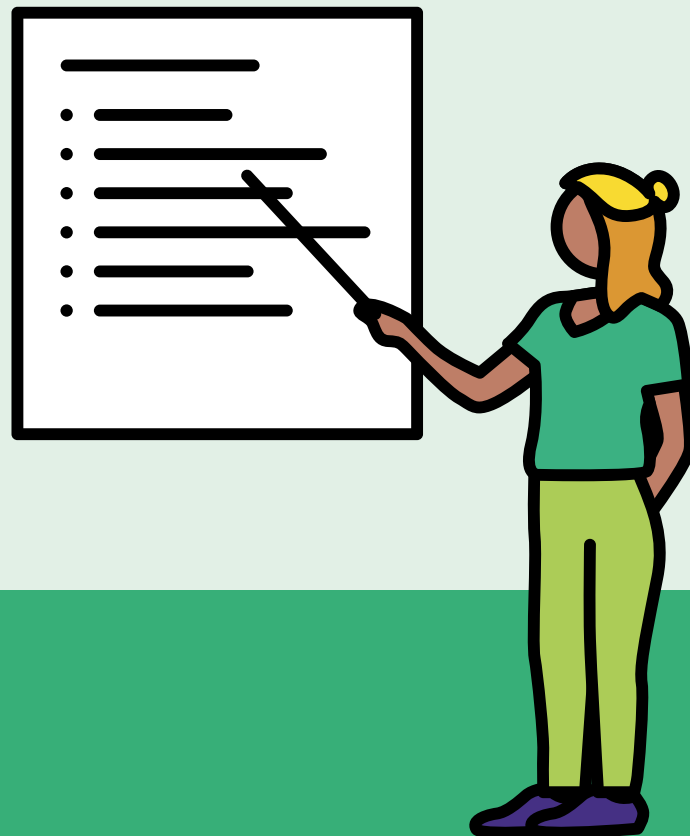


## RECOMMENDATIONS TO GOVERNMENT

The following are the Children's Commissioner's formal recommendations to Government, based on the OCC's 2022 work programme. These recommendations are made in accordance with Article 23(2)(c) of the Commissioner for Children and Young People (Jersey) Law 2019.

The Government of Jersey should:

1. Implement as quickly as possible the Children (Convention Rights) (Jersey) Law 2022, while reviewing the ECHR and UNCRC compatibility of the Children and Young People (Jersey) Law 2022, with particular respect to a child's inalienable right to privacy and the robustness of the Law's protective provisions around information and data sharing;
2. Put in place an education and training programme on Child Rights Impact Assessments (CRIAs) for Government Ministers and senior officials;
3. Publish and implement a child and youth justice strategy;
4. Review the current criteria for Government Departments' applications for Secure Accommodation Orders and their thresholds for the deprivation of a child's liberty;
5. Develop a legislative framework that ensures a child rights-based approach is taken when supporting children who are placed in alternative care off-Island, and that such placements take place only as a measure of last resort;
6. Ensure that all Government Ministers and senior officials receive Child Rights Approach training, in their capacity as human rights duty bearers and/or corporate parents.



## 2023 WORK PROGRAMME

Aside from our ongoing work in training, participation, information and advice, the Rights Respecting Schools programme, and our legal and communications workstreams, the following projects are all scheduled to either begin or be completed during 2023:

- Complete research and report on the use of Secure Accommodation Orders in Jersey;
- Participate in the 93rd session of the United Nations Committee on the Rights of the Child in Geneva (including the participation of young people from Jersey);
- Raise awareness of good practice and the best interests of children within the child justice arena in criminal, public and family proceedings;
- Begin a review of the progress made to date by the Government of Jersey in relation to the Legislative Gap Analysis completed by OCC in 2019;
- Begin a review of the progress made to date by the Govt of Jersey in relation to formal recommendations made by OCC to Government since 2019;
- Begin the scoping and initial research phases of a review of the Government of Jersey's corporate parenting;
- Assist and monitor the Government of Jersey in its work to address any relevant Concluding Observations following the United Nations Committee on the Rights of the Child's 93rd session;
- Facilitate the participation of two young people from Jersey in the European Network of Young Advisors conference in Malta in July 2023.



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](mailto:advice@childcomjersey.org.je)

