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Annual Report



**Children's
Commissioner**
for Jersey

R.108/2024



INTRODUCTION

Following the resignation of the former Jersey Children’s Commissioner, Deborah McMillan, in July 2022, Andrea Le Saint assumed the role of Acting Children’s Commissioner throughout 2023, while the recruitment process for a permanent successor was underway. Andrea stepped down from the Acting Commissioner role following the appointment of a permanent Commissioner. She has now resumed her post as our Legal and Casework Manager. Dr Carmel Corrigan took up the post of Commissioner on 4th March 2024.

In 2014, the United Nations Convention on the Rights of the Child was extended to Jersey and the Government agreed to incorporate its provision through Jersey law over a number of years. The Office of the Children’s Commissioner for Jersey is an important part of this process. The Office is Jersey’s only National Human Rights Institution (NHRI), is independent of the Government and was established in 2019 on the recommendation of the Independent Jersey Care Inquiry. The Office’s status, role, functions and obligations are set out in the Children’s Commissioner for Children and Young People (Jersey) Law 2019.

This Law identifies the primary function of the Commissioner as promoting and protecting the rights of children and certain categories of young people. All other legal functions and duties support this. These include monitoring and reporting on the achievement of children and young people’s

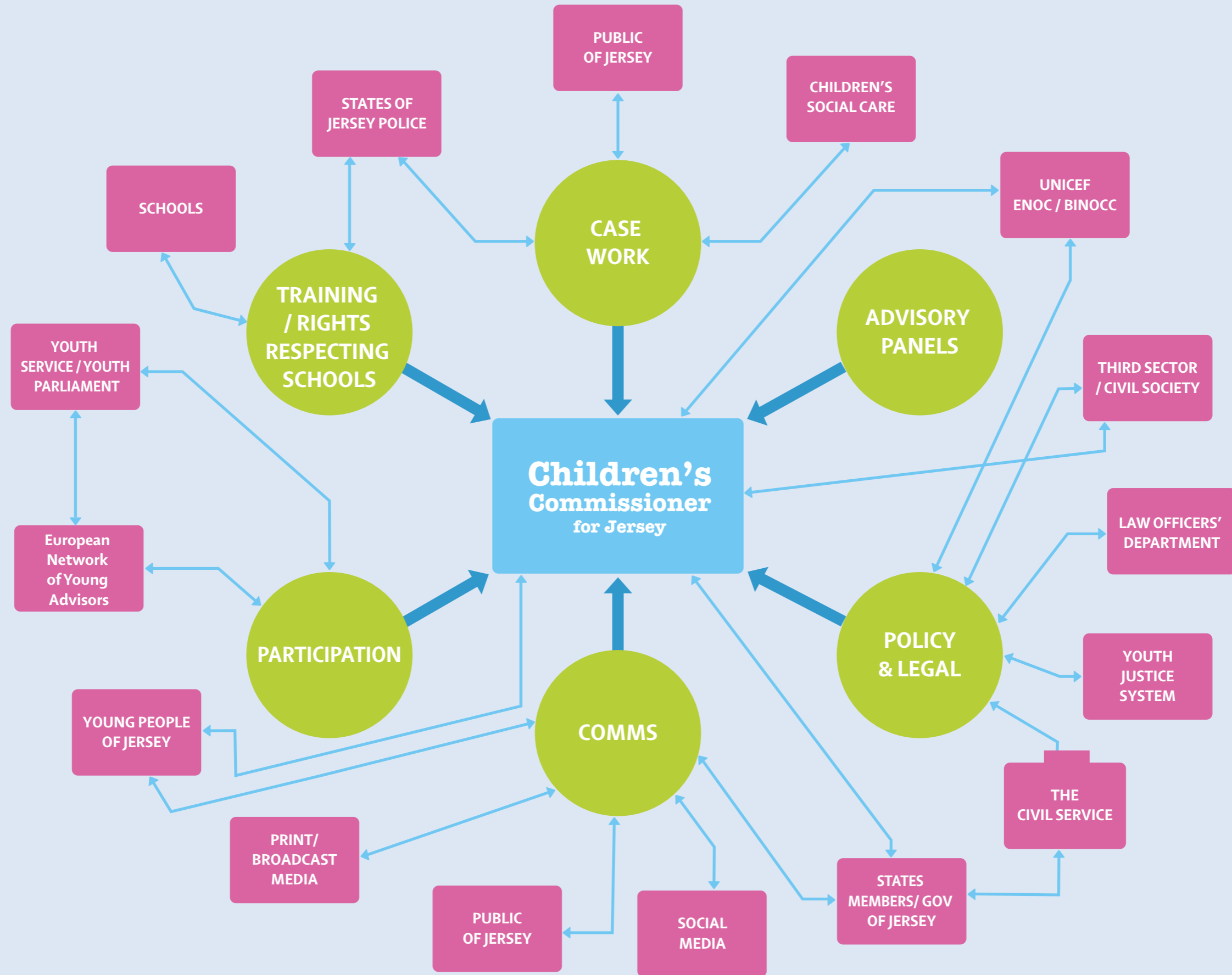
rights in Jersey, engaging with children and young people to inform them of their rights and understand their views and experiences, and providing advice and guidance to government and other organisations on issues, policies and laws that might be adversely affecting children’s rights. The Children’s Commissioner also has powers to investigate individual cases and make formal recommendations to improve rights-based 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 United Nations Convention on the Rights of the Child is the basis of much of the work of the Office of the Children’s Commissioner. This provides children with 42 rights that must be available to all children, whatever their ethnicity, gender, religion, language, abilities or any other status. However, many other international Conventions that have been signed up to by the Government also guide our work. These include the United Nations International Covenant on Civil and Political Rights, the United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the European Convention on Human Rights (ECHR). With the Commissioner for Children and Young People (Jersey) Law, these conventions provide a strong basis for the staff of the Office of the Children’s Commissioner and Jersey to work towards all of the Island’s children enjoying their rights.

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OUR ECOSYSTEM



WHO WE ARE AND WHAT WE DO

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

At the head of our office is the Children's Commissioner, who is appointed by the States Assembly and whose responsibilities and powers are set out in the Commissioner for Children and Young People (Jersey) Law that came into force in 2019.

The Commissioner's job is to promote and protect the rights of children and young people in Jersey. To do this, she tells 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, and together, they look at how the decisions made by certain organisations in Jersey, including the Government of Jersey, affect children and young people's rights. They also provide advice to those organisations on how they can better respect the rights of children and young people in their work.

The Children's Commissioner works for every child and young person in Jersey who is:

- Under the age of 18;
- Under the age of 25, if they have a disability, have been care experienced or have been involved with the youth justice system;
- Placed off-Island for their care, treatment or detention.

The Children's Commissioner's team is divided into specific areas but everyone takes a pragmatic, can-do attitude to our 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 our work, we jump at that too.

Our **participation** (meaning projects that directly involve children and young people) and awareness-raising work is carried out by a specialist team – these are the people you're most likely to come across in schools, at youth events (both in Jersey and abroad), at training sessions and at our own Youth Advisory Group meetings. They have a wealth of experience between them and are always interested to hear what young people have to say.

Our **policy** team take on the more technical work, looking at government policy, legal matters and liaising with our international partners. They are responsible for advising the Commissioner on a wide range of issues, as well as ensuring that the interests of children are reflected in policy and law in Jersey and, in a broader sense, in the decisions, recommendations and conclusions of various international bodies and committees.

Our **casework** team act as the first and main point of contact for parents, carers, professionals 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 challenging but it can also be hugely rewarding.

Our **communications** officer oversees or produces 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). He is also responsible for our 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 we stay on track and nothing gets missed.

WHAT WE ARE



WHAT WE ARE NOT



OUR WORK IN 2023

As with any organisation, our office's resources are often occupied by reactive pieces of work (meaning, the things that we haven't necessarily planned for). While important and often leading to bigger projects, many of these are small, ad hoc pieces of work relating to specific individuals or cases (and, on occasion, to legal action), making them inherently private. In the following pages, we have outlined some of the major planned projects that we completed during the year.

The United Nations Committee on the Rights of the Child

In February and May 2023, our office led two separate delegations (the first including young people from our Youth Advisory Group) to take part in the 93rd session of the United Nations Committee on the Rights of the Child in Geneva.

The Committee is a body of 18 independent experts which meets three times a year in Geneva to conduct its reviews and related activities. These include monitoring the implementation of the United Nations Convention on the Rights of the Child by governments that have signed up to it. The Committee is supported by the Office of the High Commissioner for Human Rights (OHCHR) and is tasked with monitoring State parties' implementation of children's rights worldwide.

So why were our office and members of our Youth Advisory Group representing Jersey children and young people at the 93rd session of the Committee on the Rights of the Child last year?

Firstly, because the Committee was considering the United Kingdom's country report, which included specific submissions made by the Office of the Children's Commissioner Jersey and our own Youth Advisory Group.

Secondly, because it is important that our office, as a National Human Rights Institute, is party to the discussions and proceedings that follow the kinds of written submissions mentioned above. It is especially important that the children and young people who helped us with our submissions are able to see that the process does not just end there, when the document is sent off. Instead, they were able to take part in the formal meetings in which the Committee considered the country submissions, and to have a platform to follow up on what had been said.

Key topics of discussion during the 93rd session included the impacts of climate change, digital technology and war and conflict on children's rights. The UN Committee emphasised child poverty and the Illegal Migration Bill as the most concerning issues. In the Concluding Observations, the Committee identified the following six priority areas: non-discrimination; abuse, neglect and sexual exploitation; children deprived of a family environment; mental health; asylum, refugee and migrant children; and children in the criminal justice system.

The session also reviewed country-specific reports, including the one to which Jersey was a party. For the first time ever, in their tailored recommendations to each country, the Committee made three specific mentions of Jersey. These related to issues around youth justice, children in alternative care and monitoring the impact of the ban on corporal punishment, which were among the key concerns raised by our office.

For us, this was one of the most impactful pieces of work that we undertook last year. It allowed us to explore the progress being made in protecting and promoting the rights of children in Jersey as part of an international conversation with child rights experts.

“ It is especially important that the children and young people who helped us with our submissions are able to see that the process does not just end there... ”

Rights Respecting Schools

For the fifth consecutive year, in 2023 we funded and facilitated UNICEF's Rights Respecting Schools programme in Jersey. This has been one of the most visible and successful projects that we have undertaken over the years, bringing the participation rate in this important educational programme from just a few local schools in 2018 to every school in Jersey in 2023. This is an achievement of which we are very proud, and one that puts Jersey among just a handful of other jurisdictions in the world with full participation in the programme.

So, what is the Rights Respecting Schools Award? In short, it's 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 a school is ready, they supply documented evidence of their commitment and how they intend to become rights respecting. On average, it takes a school between 3 and 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 or a qualified member of our team, 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 policy, 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 programme has been shown to have on schools elsewhere, in July of 2018 the Jersey Children's Commissioner offered all schools in Jersey support to progress through the programme.

Since this support was made available, all schools, both primary and secondary have been progressing their Rights Respecting journey, working towards either Bronze, Silver or Gold awards.

At the end of 2023, 3 schools were registered for the first time, 16 schools were at bronze, 22 at silver and 4 had attained gold.

"Our children are very aware of their rights, they have challenged me, they are educating me, and we are all more aware of children's rights." (Teaching staff)

"We are also learning from the children; it empowers them to share their knowledge with us." (Teaching staff)

"It makes you feel happy that you are doing something good for the school and the community." (Student)

"Being a Rights Respecting Ambassador makes a difference for people, so that they don't feel they are alone." (Student)

"It ties in nicely to a lot of the other things we do across the school, core values, the way we talk to children, respecting each other." (Teaching staff)

"It's in normal conversation, outside of school, they are quoting the rights they have been learning, my children are quite empowered by it." (Parent)

“ This is an achievement of which we are very proud, and one that puts Jersey among just a handful of other jurisdictions in the world with full participation in the programme. ”

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, with funding input from Andium Homes. The first session took place in January 2022, and it has been going strong ever since. It is a structured family play programme based at HMP La Moye which was offered throughout the year to prisoners and their families.

Many prisoners at HMP La Moye have family members under the age of 18. The Pause for Play programme provides opportunities for children to engage in meaningful, nurturing play with parents or other family members. This supports children's right to maintain a positive relationship with detained family members.

Some highlights of the 2023 programme were the fantastic Christmas party, as well as a year-round roster of inventive craft and creative activities, leading one child to comment that, in the calendar of regular visits to their relative at HMP La Moye, the Pause for Play sessions were known in their household as 'the party visits'.

We continued to monitor and evaluate the visits in 2023. The ultimate aim for the programme is to transfer its management to relevant members of the HMP La Moye staff and prisoner population.

"We enjoy the visit as it's a relaxed and fun environment. There's loads of fun activities for children including the family photos."

"I enjoy just spending time with my dad and talking to him in general."

"Being able to move freely with my little girl really helps us bond more, it is the one time I feel closer to my children. All the activities we do together seem to take their minds off the fact that they are visiting their daddy in prison."

"Loved having the instant photos, couldn't believe we could keep them and take them with us straight away."

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

“ The Pause for Play programme provides opportunities for children to engage in meaningful, nurturing play with parents or other family members. This supports children's right to maintain a positive relationship with detained family members. ”

Strategic litigation toolkit

The term 'strategic litigation' refers to legal cases that seek to bring about positive legal and/or social change so that children and young people can enjoy all of their rights. One way in which this can happen is when a court's decision establishes an important point of law or where it leads to a change in a policy or practice affecting children and young people's lives.

Throughout 2023, we worked to develop a 'strategic litigation toolkit' that we could use in our decision-making processes around certain types of issues and cases.

This was adapted from the Children's Rights Strategic Litigation Toolkit (2022) which was created by the Office of the Children and Young People's Commissioner in Scotland (CYPCS). They kindly gave us permission to use it to develop our own toolkit. We are also particularly grateful to Professor Aoife Nolan, who leads the Advancing Child Rights Strategic Litigation (ACRiSL) project, which is based at the Human Rights Law Centre (HRLC) at the University of Nottingham, for agreeing to provide our office with a copyright licence for this piece of work.

Review of Secure Accommodation Orders

In Jersey, a Secure Accommodation Order is a legal measure that restricts the liberty of a child or young person under a limited number of circumstances, such as because they are at risk of harming themselves or others. This Order is made by the Royal Court following an application by the Minister for Children and Education.

In 2023, our office conducted an in-depth review of how, when and why Secure Accommodation Orders were being used in the Island. We presented the findings of that review to a closed audience of senior professionals and practitioners working in and around children's social care and youth justice in Jersey. The session was also joined by some high-profile experts in the global field of children's human rights, including Benoit Van Keirsbilck (member of the Committee on the Rights of the Child), Wendy Sinclair-Gieben (HM Chief Inspector of Prisons for Scotland and Chair of the UK National Preventative Mechanism)¹ and Grace Agcaoili (Justice for Children lead, UNICEF New York).

Many follow-up meetings occurred as a result of this session, as well as a subsequent visit to the Island by Sam Gluckstein (Head of the UK National Preventative Mechanism) and Wendy Sinclair-Gieben, who met with relevant Government of Jersey Ministers, HMP La Moye staff and members of the Jersey Care Commission to discuss the benefits of ratifying the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and provide insight into how a National Preventative Mechanism works.

¹ NPMs are mechanisms established to regularly visit places of deprivation of liberty (places where persons are not permitted to leave at their own will) in their country, such as police stations, prisons and other detention facilities. NPMs can make recommendations to Government to prevent ill-treatment and improve living conditions in these settings.

Child Rights Approach training

This ongoing training programme was initiated in June 2022 and has continued at pace ever since. The training delivers the core principles of our child rights framework to parents, carers and groups of professionals who work with children and their families in various settings across the Island. These include healthcare professionals, teachers and educators, youth workers, employees of Child and Adolescent Mental Health Services, representatives of Children's Social Care and the third sector.

In 2023, the training was delivered to a further 145 professionals working across several sectors in the Island, bringing the overall total of attendees to 325.

In summary, the training package that we have developed provides a comprehensive framework for implementing children's rights in Jersey, grounded in the UN Convention on the Rights of the Child. Its underpinning framework is built on five core principles:

1. Embedding Children's Rights: Ensuring that children's rights are a fundamental part of the organisational culture and are reflected in all policies, practices and services.
2. Equality and Non-Discrimination: Guaranteeing all children have equal opportunities and are not discriminated against on any grounds.
3. Participation of Children: Providing children with meaningful opportunities to influence decisions that affect their lives.
4. Empowering Children: Enabling children to understand and exercise their rights and promoting their active involvement in their communities.
5. Accountability to Children: Holding authorities and individuals accountable for upholding children's rights and ensuring transparency in decision-making processes.

The training emphasises that these principles are interconnected and should be implemented holistically. It also stresses the importance of using the best interests of the child as a guiding principle in all decision-making processes, ensuring that children's wellbeing is prioritised in every action that affects them.

“Provocative and positive in encouraging robust dialogue amongst participants making the training more enjoyable and employable.”

“I found this course very interesting and valuable. Everyone who works with a child or children should do this course. Very informative. I walked away from the course feeling more confident in knowing about children's rights.”

“Really loved this course and really helped me in thinking how to put children at the centre of the project I am embarking on, and how I can get leverage to make changes using a Children's Rights Approach.”

“ The training delivers the core principles of our child rights framework to parents, carers and groups of professionals who work with children and their families in various settings across the Island. ”

International networks

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

British and Irish Network of Ombudsman and Children’s Commissioners (BINOCC) [\(Click here\)](#)

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

European Network of Youth Advisors (ENYA), see [p22](#).

During 2023, we attended various events and formal meetings organised by these principal child rights bodies. Chief among those were the annual conferences hosted by ENYA and ENOC.

The ENOC conference

In May, we attended the ENOC Spring Conference in Sweden on the role of Independent Human Rights Institutions.

In September, we attended the ENOC annual conference in Brussels, where discussions centred on ‘The Strength of Independent Children’s Rights Institutions: Upholding Children’s Rights in Europe’.

The September event brought together experts, ENOC members and young advisors from ENYA (including one of our own young advisors; see [p22](#)) to discuss the critical role of Independent Children’s Rights Institutions in safeguarding and promoting children’s rights across Europe.

Key topics at the conference included:

- **Accessibility:** Emphasising the need to create safer and more direct communication channels with children.
- **Visibility:** Highlighting the importance of incorporating human rights education in school curricula.
- **Engagement:** Understanding the diverse realities of children to propose effective solutions.
- **Independence:** Ensuring that Independent Children’s Rights Institutions remain impartial, apolitical and independent, to effectively advocate for children’s rights.

Participants expressed concerns about the increasing attacks on children’s rights in Europe, highlighting how anti-child movements have been undermining the work of child rights defenders. Recommendations were made to bolster the capabilities of Independent Children’s Rights Institutions to protect children’s rights more robustly.

The conference also included discussions on how the COVID-19 pandemic has impacted children’s rights, particularly in education, health and protection from violence. It was noted that the pandemic exacerbated economic hardships and increased poverty among families, prompting a call for more comprehensive support measures.

“ Participants expressed concerns about the increasing attacks on children’s rights in Europe, highlighting how anti-child movements have been undermining the work of child rights defenders. ”

The ENYA conference

The European Network of Young Advisors (ENYA) is a project that grew out of the work of the European Network of Ombudspersons for Children (ENOC) (see pXX) 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.

In July, we were able to take two young Jersey students to the ENYA conference in Malta. The focus of the conference was on the importance of Independent Children's Rights Institutions in ensuring the implementation of the United Nations Convention on the Rights of the Child and other human rights instruments.

Discussions highlighted the need for Independent Children's Rights Institutions to be efficient, accessible and visible, and to engage with children to effectively protect and promote children's rights. Particular emphasis was placed on listening to children and incorporating their recommendations into policy and practice.

Joining the Jersey team were 35 young advisors, aged 12-18, from 17 countries and regions, including Spain (Andalusia, Basque Country, Catalonia), Armenia, Belgium (Flanders), Croatia, Luxembourg, Malta, Northern Ireland (UK), Poland, Slovakia, Scotland (UK), Cyprus, Estonia, Greece, Iceland and Italy.

Activities included team building, national and regional presentations, workshops on active citizenship and the role of Independent Children's Rights Institutions, and a music workshop to promote children's rights.

The conference ended with recommendations from the young advisors on visibility, powers, accessibility and engagement with children. Chief among those recommendations were calls for improving ICRI's accessibility through digital and physical safe spaces, ensuring confidential contact for children, increasing the visibility of children's rights through education and media, and engaging children in the creation of promotional materials.

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 the Youth Advisory Group members bring so much to our work, helping to shape projects and ideas, representing the voices of the Island's children and young people and, of course, because they're just that much fun.

“ ...the Youth Advisory Group members bring so much to our work, helping to shape projects and ideas, representing the voices of the Island's children and young people... ”

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 take on individual cases, and these are usually instances when there are still fundamental child rights at stake, despite all the available 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 or, on rare occasions, instigate legal proceedings.

Throughout 2023, Children’s Social Care and Education continued to be the categories in which we experienced the highest number of enquiries. However, in total, the number of enquiries received from members of the public in 2023 fell in comparison to previous years, although the complexities of some of our cases increased.

Overview of the 56 cases dealt with in 2023

- Total number of cases and enquiries opened in 2023: 53
- Total number of cases and enquiries closed in 2023: 53
- Ongoing complex cases (still open from before 2023): 3

Cases by categories:	Percentage of cases
Children’s Social Care	32%
Education	27%
Safeguarding	11%
Professional consultation	7%
Housing and work	5%
Mental health	5%
Private law	5%
Other	8%

In more general terms, we were able to minimise repeat contacts with the team by continuing to develop rights-focused responses.

Our aim is to engage with key stakeholders through outreach work to promote their understanding and knowledge of our casework function more generally, including their statutory obligations under the law.

DUTIES AND FUNCTIONS

The Commissioner for Children and Young People (Jersey) Law 2019 requires the Children’s Commissioner to report on the functions that she and her team have discharged within a given year. Clearly (and in much the same way that children’s rights themselves are interdependent), our functions are rarely discharged in isolation. In other words, when we are (to quote from the Law itself) ‘keeping under review the adequacy and effectiveness of law, policy and practice relating to the rights of children and young people’, then we will also be ‘keeping under review the adequacy and effectiveness of services provided for children and young people by relevant authorities’ and, in all likelihood, ‘promoting awareness and understanding of the rights of children and young people’ at the same time.

For example, in 2023, we engaged with the Government of Jersey and other agencies concerning the rights of children who have been subject to Secure Accommodation Orders in the Island. This involved an in-depth review of individual cases (necessitating formal requests for information) and was, in turn, framed by a broader piece of more technical work that looked at the legal framework and possible limitations of Secure Accommodation Orders in

general. This project also connected with other strands of our office’s work concerning the transfer of children to the UK under both social care and mental health legislation, and the adequacy of any care and transition plans for Jersey children who are placed off-Island. The subsequent publication of this work to a closed professional audience (to safeguard children’s anonymity) also fulfilled various of our official functions, such as ‘bringing any matter relating to the rights of children and young people to the attention of the States or any relevant authority’ and ‘looking into, or formally investigate any matter relating to the rights of children and young people’.

Meanwhile, in our ongoing programme of Child Rights Awareness training, we fulfilled various functions in the areas of education, awareness-raising and the provision of advice on children’s human rights. Similarly, our participation in ENOC, ENYA and UN Committee events throughout the year allowed us to fulfil our functions of ‘promoting harmonisation of legislation and policy with the United Nations Convention on the Rights of the Child’ and ‘monitoring the implementation in Jersey of the United Nations Convention on the Rights of the Child’.

GOVERNANCE

Because we operate independently of the Government of Jersey, we need to have our own mechanisms in place to make sure that we have an accountability partner for what we are doing and how we are spending our money.

This is where our panels come in. We have three advisory panels that were set up under the Commissioner for Children and Young People (Jersey) Law 2019. This means that these panels are not just nice to have or good practice: they are a legal requirement. Our three advisory panels are as follows:

Youth Advisory Panel

This is a group of local children and young people from diverse backgrounds (aged 10-18) who give advice and support about the Jersey Children's 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.

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 Children's 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.

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 2023 Operational and Financial Capability Assessment on our website: [click here](#)

Our office is independent in all matters, from how we allocate our budget and work programme for the year through to the details of how each case is handled, what action we choose to take and where the Children's Commissioner exercises her legal powers. However, for the purposes of things like human resources or accessing our office's statutory funding, we have chosen Strategic Policy, Planning and Performance in the Cabinet Office as our link to the Government of Jersey. As a result, our staff are employed by the States Employment Board and are on civil service pay and conditions.

For this reason, and because it is taxpayers' money that funds our work, it is essential that 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 (i.e. Paris Principles, United Nations 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.

National Human Rights Institutions 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 Jersey Children's Commissioner is subject to several accountability and governance measures, under the Law and operationally.

The presentation by National Human Rights Institutions of annual reports to its Parliament is regarded as the first layer of accountability of these bodies. This should enable Parliaments 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 Assembly (Jersey's parliament) an annual report on the discharge of the Commissioner's functions during the financial year (see Article 23).

Under the Commissioner for Children and Young People (Jersey) Law 2019, the Children's Commissioner must prepare and publish a 4-year strategic plan proposing how the Children's Commissioner intends to perform their 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.

Under the terms of the Commissioner for Children and Young People (Jersey) Law 2019, the Children's Commissioner is required to appoint an Adult Advisory Panel (Article 26) and a Youth Advisory Panel (Article 27), whose role 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 is to provide advice and assistance in relation to the arrangements which ensure that the Office of the Children's Commissioner is properly managed and governed. The panel is appointed in a similar manner to the advisory and youth panels under the Commissioner for Children

and Young People (Jersey) Law 2019. In addition, the Chairman of the Public Accounts Committee (PAC) will also be consulted: this is intended to reflect the specific accountability and governance remit of the Audit and Risk Advisory Panel and the need for input from Public Accounts Committee as to the sufficiency of the Children's 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 Jersey Children's Commissioner.

The Children's Commissioner is required to keep proper accounts and records in respect of each financial year. The Children's Commissioner may appoint auditors to conduct audit procedures over their accounts.

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 aligns 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 Principles².

Risk is managed through our risk register, identifying risks and setting out mitigating actions. Our management of risk is 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 Treasury finance business partner. Comparison of spend against budget is assessed quarterly.

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 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.

Risk management

Managing risk for a Children's Commissioner involves an especially careful approach because of the complexity and sensitivity of certain issues that can be experienced by children and their families. Also, in a community the size of Jersey, where people are perhaps more likely to know one another or be more easily identifiable, a thoughtful approach to data protection and (where necessary) anonymity is also very important.

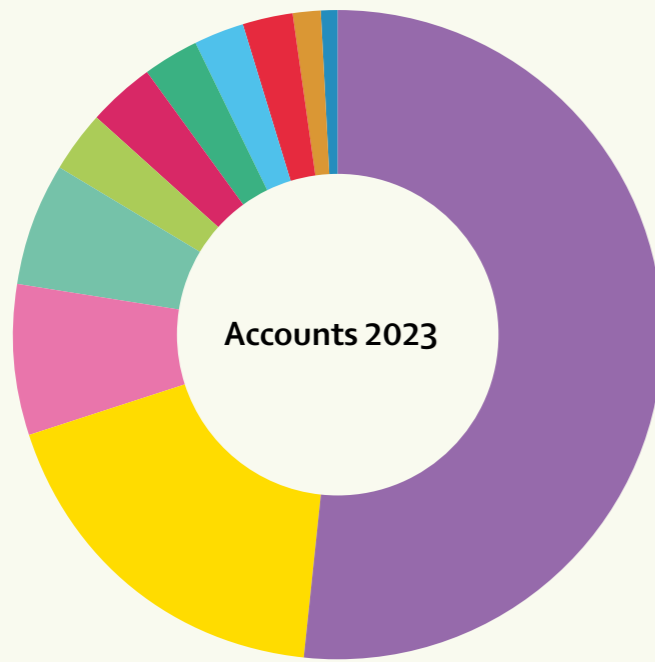
As always, we planned for and managed any risks in 2023 with the invaluable support of our Adult Advisory Panel (see p26) and of our Audit and Risk Advisory Panel (see p26).

² The seven principles of public life, aka the 'Nolan Principles', are listed [here](#).

FINANCING AND ACCOUNTS

As explained in the Governance section of this report, while our office is entirely independent in its allocation of budget, we choose to have a host department within the States of Jersey to provide services such as paying wages, human resources support, and so on.

Details of our 2023 expenditure is as follows:



Salary	£456,849
Professional and legal services	£162,091
Pension	£65,687
Premises and maintenance	£54,520
Social security	£26,038
IT technical support	£28,802
Advertising and publicity	£23,895
Training, conferences and travel	£22,602
Non-States staff costs	£22,156
Supplies and services	£11,727
Administrative expenses	£7,030
TOTAL	£881,397

Audit

The financial records of the OCCJ is within the scope of audit conducted by the Government of Jersey's external auditors. The Jersey Children's 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 because:

- the financial management services hosted by the Treasury for the OCCJ are already within the scope of the States of Jersey internal and external audit processes;
- the majority of the budget for the OCCJ is largely devoted to just a few major easily checked outgoings (such as salaries, accommodation and legal costs).

RECOMMENDATIONS TO GOVERNMENT

The following are the Jersey Children's Commissioner's formal recommendations to the Government of Jersey, based on the 2023 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. Extend the ratification of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT): OPCAT provides for additional protections for all people from torture, cruelty and inhuman or degrading treatment by providing for visits to places of detention by members of the UN Committee, establishing a sub-Committee on Prevention of such treatment and establishing National Preventative Mechanisms. The Office of the Commissioner for Children and Young People formally recommends that the Government of Jersey seeks extension of the ratification of OPCAT to the Island.
2. Keep the legislation, policy and services relating to the use and conditions of Secure Accommodation Orders under review.

2024 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 2024:

- Consult on, produce and formally lodge *au Greffe* our Strategic Plan 2024-2027;
- Commemorate the ten-year anniversary of the extension of the United Nations Convention on the Rights of the Child ratification in Jersey on World Children's Day 2024;
- Engage in the international reporting processes under the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;
- Review the internal policies and procedures of the Office of the Children's Commissioner;
- Ongoing work with the departments on reciprocal care arrangements for children placed off-Island; mental health law reform; and youth justice;
- Conclude the evaluation of the Pause for Play prison visits programme, with a view to transferring its management to HMP La Moye;
- Continue the Child Rights Approach training programme and explore the possibility of incorporating it into the Jersey Children and Young People Education and Skills training calendar;
- Publish the strategic litigation toolkit;
- Review the accessibility of our casework function for children, and develop the information we provide online for children in relation to their human rights, complaints and investigations;
- Initiate improvements to our website and overall branding of the Office of the Children's Commissioner.



**Children's
Commissioner**
for Jersey



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.



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