

# STATES OF JERSEY



## **DRAFT CHILDREN AND YOUNG PEOPLE (JERSEY) COMMENCEMENT ACT 202- (P.2/2024): COMMENTS**

---

**Presented to the States on 15th March 2024  
by the Children, Education and Home Affairs Scrutiny Panel**

---

**STATES GREFFE**

## COMMENTS

The Children, Education and Home Affairs Scrutiny Panel (the Panel) was grateful to receive briefings on 7th September 2022 and 21st September 2023 about the Law in advance of the lodging of the Commencement Act.

A previous iteration of the Panel published a [comments paper](#) in February 2021 when the primary legislation came to the States Assembly as the Draft Children and Young People (Jersey) Law 202- ([P.107/2021](#)). At that time, the Panel confirmed that it was supportive of the draft Law but highlighted the following points:

- the importance of the further regulations and statutory guidance as the next step of the legislative journey;
- the importance of training as part of the roll out of the legislative framework; and
- that Government should support the third sector so that services do not have a significant additional cost burden as a result of regulation.

P.107/2021 was approved by the States Assembly and is the Children and Young People (Jersey) Law 2022 (the CYP Law). The Panel noted the recent publication of the following reports in connection with the CYP Law:

- Children and Young People (Jersey) Law 202- Statutory Guidance ([R.7/2024](#))
- Children and Young People Safeguarding Arrangements ([R.8/2024](#))

The Panel wrote to the Minister of 12th February 2024 with a number of queries about the Commencement Act. The main themes of the Panel's questions and subsequent responses received, in a letter on 20th February 2024, are set out below.

### **Ministerial responsibility**

The Ministerial Offices (Jersey) Amendment Order 2024 was approved by the Chief Minister in a Ministerial Decision<sup>1</sup> on 27th February 2024 which renamed the Minister for Children and Education as the Minister for Children and Families and established the Minister for Education and Lifelong Learning. The CYP Law will be updated to reflect this change, with responsibilities under the CYP Law assigned to the Minister for Children and Families (hereafter the 'Minister'). It was confirmed that references to the Minister for Children and Education in the statutory guidance would be updated to the Minister for Children and Families at the next document review<sup>2</sup>.

With reference to the new Ministry for Education and Lifelong Learning, the Panel would ask that the Minister advise the Assembly of whether there are plans to amend the CYP Law to incorporate the Minister for Education and Lifelong Learning as a named 'Responsible Minister' and / or to include that Minister (and any Assistant Ministers) as part of the Corporate Parenting Board.

---

<sup>1</sup> [MD-CM-2024-43](#), 27th February 2024

<sup>2</sup> [Letter](#) – Minister for Children and Education – 20th February 2024

## **Statutory Guidance**

The purpose of the statutory guidance is to support people working with children in Jersey to understand their responsibilities under the CYP Law. It is a requirement for the Minister to publish statutory guidance and, as noted above, it was published as [R.7/2024](#) on 12th January 2024. The guidance is split into six sections and includes the following:

- Working together in Jersey, aimed at:
  - Responsible Ministers<sup>3</sup>;
  - Corporate parents<sup>4</sup>;
  - Safeguarding partners<sup>5</sup>; and
  - Relevant providers<sup>6</sup>.
- Information sharing, for:
  - Responsible Ministers;
  - Corporate parents;
  - Safeguarding partners; and
  - Relevant providers.
- Corporate parenting for corporate parents identified in the schedule of the CYP Law, broadly:
  - Public authorities;
  - Schools, nursery schools and day care accommodation; and
  - Arm's length bodies<sup>7</sup>.
- Looked after children and care leavers, aimed at:
  - Relevant providers;
  - Part of children and young people services;
  - Provide services for relevant providers or the Minister; and
  - Various professionals where the guidance relates to their function, for example Independent Reviewing Officers
- Delivery of Services for children and young people, aimed at:
  - Relevant providers, to include:
    - Provider of services for children and young people; and
    - A provider of related services.
- Review of child deaths, guidance in this section is aimed at:
  - Named safeguarding partners:
    - Chief Executive Officer of the Government of Jersey;
    - Chief Officers of the administrations of the States; and
    - Chief Officer of the States of Jersey Police Force.

Whilst the Minister is obliged to consult the Children's Commissioner about the statutory guidance, there is no timetable set in the CYP Law for its review, however, the

---

<sup>3</sup> 'Responsible Ministers' means the Minister for Children and Families, the Minister for Health and Social Services, Minister for Justice and Home Affairs and the Minister for Housing and Communities

<sup>4</sup> 'Corporate Parents' as listed in the Schedule of the CYP Law

<sup>5</sup> 'Safeguarding Partners' currently the CEO, Chief Officers for the Departments of: i) Children, Education, Young People and Skills; ii) Health and Community Services; and iii) Justice and Home Affairs and the Chief Officer of the States of Jersey Police

<sup>6</sup> 'Relevant providers' means a provider of services for children or young people or a provider of related services

<sup>7</sup> Arm's length bodies as listed in the Schedule of the CYP Law means, Andium Homes Limited, Family Nursing and Home Care, Jersey Sport Limited, The Jersey Arts Trust

Minister has advised that it would be reviewed approximately every 2 years<sup>8</sup>. The Panel notes that each section of the statutory guidance includes links to key documents and webpages. It highlights that there could be a risk that links are not kept up to date, which will result in possible distribution of outdated information. The Panel suggests that this should be considered as part of the regular review of the statutory guidance and more regularly as a factor for those managing Government authored information that is accessible through the statutory guidance, for example the Government webpage on the [Corporate Parenting Board](#).

The Panel asked about how the statutory guidance was developed and was advised that an external company, Crest Advisory, was commissioned to develop the guidelines and they did this in conjunction with a specifically formed Local Expert Advisory Group. The Panel was advised of the following phases of development:

- Phase 1: May – June 2022, to identify all relevant stakeholders;
- Phase 2: July – August 2022, a series of 31 workshops with a variety of 69 stakeholders; and
- Phase 3: August – October 2022, Crest Advisory worked to produce the draft statutory guidance with input from the advisory group and 8 members of a Project Board representing partners who would be affected by the CYP Law.

The Panel understands that the draft statutory guidance was open to public consultation between 1st November 2022 and 13th January 2023, 40 responses were received but only 34 of these were considered usable<sup>9</sup>. The Minister confirmed that the consultation feedback was incorporated into the statutory guidelines<sup>10</sup>.

Whilst the statutory guidance is a publicly available document, the Panel highlights that it will be important to ensure that the relevant parties are signposted to it and that the Government collects feedback about its usability to ensure that it remains accessible and relevant.

### **Safeguarding arrangements**

The Panel asked about how the Children and Young People Safeguarding Arrangements ([R.8/2024](#)) had been developed and was advised that it was developed by the previous Independent Safeguarding Partnership Chair and the Safeguarding Partners (also referred to as Safeguarding Accountable Officers).

The Minister advised the Panel that the members of the Safeguarding Partnership Board (made up of approximately 30 members of key agencies in Jersey<sup>11</sup>) also received a copy of the Safeguarding Arrangements document for review and comment.

The Panel was also advised that the Safeguarding Accountable Officers will provide Responsible Ministers with an annual review of the effectiveness of safeguarding arrangements<sup>12</sup>.

---

<sup>8</sup> [Letter](#) – Minister for Children and Education – 20th February 2024

<sup>9</sup> [Consultation Summary Report for the Children and Young People Law Statutory Guidance.pdf \(gov.je\)](#) (accessed 12th March 2024)

<sup>10</sup> [Letter](#) – Minister for Children and Education – 20th February 2024

<sup>11</sup> [About | Jersey Safeguarding Partnership Board](#) (accessed 12th March 2024)

<sup>12</sup> [Letter](#) – Minister for Children and Education – 20th February 2024

### **Youth-friendly information**

The Panel asked whether youth friendly information had been prepared for the commencement of the CYP Law and was advised by the Minister that community-friendly information had been prepared to coincide with the enactment of the law<sup>13</sup>. The Panel is advised that this includes a short, animated video and infographics on the areas of:

- accessing need and support;
- sharing information; and
- corporate parenting.

The Panel has not had the opportunity to review this but is reassured that there is the intention to release accessible and understandable information in relation to the CYP Law.

### **Training and qualifications**

The importance of meaningful training was previously identified by scrutiny<sup>14</sup> and therefore the Panel asked about the levels of training and qualifications required by various parties who will be impacted by the commencement of the CYP Law.

The CYP Law sets out specific duties and functions for the named Safeguarding Partners and Responsible Ministers (see footnotes on page 3 for list of applicable office holders). The Panel asked what the required level of training, qualifications or expertise on safeguarding children and young people was for those roles. The Minister advised that there was no specific level of qualification required for these roles by the CYP Law, but that the Safeguarding Partners and Responsible Ministers must have regard to the statutory guidance. It was noted that the Safeguarding Partners, as Chief Officers / Accountable Officers, would already be required to have a level of safeguarding expertise that is appropriate to their service area and included within their job description, but specific details about this were not provided to the Panel. It was also advised that, as part of the induction process, Responsible Ministers would be encouraged to complete the new introductory e-learning module providing an overview of the new Law as well as the specific module on Corporate Parenting.

The Panel would like to see specific best practice guidance in place regarding the training or level of qualifications required (or to be attained), by the Responsible Ministers and Safeguarding Partners to ensure that the postholders have a sufficient level of knowledge to fulfil their statutory duties.

Staff employed by the Government of Jersey are required to have relevant qualifications and experience for their role or be working towards a qualification. It was confirmed that resources had been put in place to prepare for the CYP Law including a summary briefing (linked [here](#)) and new online training on Connect Learning, with various modules for relevant staff. The existing Jersey Children First training remains in place and the Minister has confirmed that this has been updated to reflect the statutory guidance<sup>15</sup>.

---

<sup>13</sup> [Letter](#) – Minister for Children and Education – 20th February 2024

<sup>14</sup> [P.107/2021 Com.\(2\)](#), p.3

<sup>15</sup> [Letter](#) – Minister for Children and Education – 20th February 2024

## **Corporate Parenting**

The Panel asked the Minister what support was available for Corporate Parents in understanding their responsibilities under the CYP Law. The Minister highlighted the statutory guidance available and that there was an e-learning module available and an accompanying toolkit.

The Minister further advised that all Corporate Parents were invited to comment on the statutory guidance during the public consultation undertaken in November 2022 – January 2023. Representatives from the Comité des Connétables had also been engaged during the guidance drafting process<sup>16</sup>.

The importance of the [Corporate Parenting Board](#) (CPB) was highlighted to the Panel. The CPB is a statutory requirement of the CYP Law and its principal function is to monitor and review the discharge of corporate parenting responsibilities and other functions of corporate parents.

The composition of the CPB is fully detailed in Article 31 of the CYP Law, but it includes the membership of the Responsible Ministers. As mentioned above the Minister for Education and Lifelong Learning (MELL) is not currently listed as a Responsible Minister. Clarity is needed on whether the CYP Law will be amended to include this Minister in future and, until that time, what input will the MELL have to the CPB.

## **Independent Advocacy**

The Panel enquired about the status of the Regulations for independent advocacy. The Minister advised that the regulations had been drafted and had been subject to public consultation between 18th December 2023 and 18th February 2024. Following the review of the feedback provided, the Minister advised that it was anticipated that these would be lodged *au Greffe* in April 2024. The Panel was advised that current arrangements for non-statutory independent advocacy services (provided by Jersey Cares and Barnardo's) are in place until 2025.<sup>17</sup>

## **Complaints procedure for children in care**

Article 45 of the CYP Law requires the Minister to establish a written procedure for considering and resolving complaints made about the discharge of specified functions in respect of children and care leavers *et al.* The previous Scrutiny Panel had noted the expectation that a complaints procedure specific to children in care and care leavers would be brought forward.

The Panel was not provided with any update with regards to a separate procedure but was advised that the current Government of Jersey Complaints and Feedback Policy provided the written procedure required of the Minister under the CYP Law. The Panel question why this is considered to be the most suitable option for complaints of this nature and suggests that there should be a separate procedure agreed in future.

---

<sup>16</sup> Letter – Minister for Children and Education – 20th February 2024

<sup>17</sup> Ibid

## **Government funding**

In information provided to the Panel in response to queries about the assessment of funding implications, the Minister provided figures which indicate the level of support being provided by the Government of Jersey:

- 384 families were accessing early help in January 2024;
- 477 children had an allocated worker in Children’s Services, of these:
  - 109 children were recorded as Children in Need;
  - 68 children with a Child Protection Plan; and
  - 63 recorded as looked after children.

The Minister has also pointed to funding allocated to Children Social Care Reform and the Education Reform Programme as part of previous Government Plans.

The Panel asked about the financial and staffing implications that had been identified as part of the proposition and noted that £6.54 million of funding per year had been approved for ‘Children’s Social Care Reform’ by the 2023-2026 Government Plan. In the Panel’s review of that Government Plan ([S.R.21/2022](#)) it was found that “*whilst the high level priorities and workstreams have been identified, there is further clarity required on the underlying detail and measurable outcomes for the programme*”<sup>18</sup>. The Minister advised that there were 7 workstreams and over 25 projects within the Children’s Social Care Reform programme and the role of the CPB was specifically referenced. The Panel has been offered a private briefing in respect of the programme and will take the Minister up on this offer in due course.

## **Implications for the third sector**

In the comments on P.107/2021, the previous Scrutiny Panel highlighted concerns raised by the Children’s Commissioner about the requirement for suitable support to be provided to third sector organisations in relation to the duties under the CYP Law, so that the burden of regulation did not lead to a cessation of service.

It has been confirmed that there is no additional funding created specifically for corporate parenting activity, but the Minister advised that “*there is an emphasis of Corporate Parents working together to plan and deliver Corporate Parenting activity as required under the law. The CPB will be critical to enabling joint work in this area to progress*”<sup>19</sup>. The Minister should bring the matter of “costs resulting from the implementation of the CYP Law for the third sector” as an agenda item to the CPB, so that representatives from relevant providers and voluntary bodies are able to provide feedback as to whether cost implications of implementing the CYP Law requirements and following the statutory guidance are impacting their running costs, or not. Where possible (i.e. not to include commercially sensitive information) feedback should be recorded as part of the publicly available minute for the CPB and any concerns can be addressed by that body.

---

<sup>18</sup> [S.R.21/2022](#), p. 32

<sup>19</sup> [Letter](#) – Minister for Children and Education – 20th February 2024

## **Impact on Children's Rights**

A Child Rights Impact Assessment of how the CYP Law addressed the rights recognised by the United Nations Convention on the Rights of the Child (UNCRC) was circulated to States Members in 2021. The Panel has not had sight of this full document (and could not find it published online), but the Minister provided a summary of the positive impacts identified in respect of a number of UNCRC Articles in the letter to the Panel on 20th February 2024 (see response to question 13, [here](#)).

## **Future review**

The CYP Law was the culmination of work responding to the Independent Jersey Care Inquiry (IJCI) which included recommendations for the Island to significantly improve the standard of legislation relating to children. The previous CEHA Scrutiny Panel highlighted that the IJCI report had stated that Jersey's legislation relating to social issues (especially relating to children) had lagged that of other jurisdictions. The Panel therefore highlights that it will be important to ensure that the legislation and its supporting guidance is reviewed and kept relevant.

The CYP Law references that in each four-year period the Responsible Ministers must prepare and publish a strategic plan this is referred to in the statutory guidance as the Children and Young People's Plan (CYPP). The Panel notes that the previous CYPP published was for 2019-2023 and has been separately briefed (on 13th March 2024) about the draft successor plan. The strategic guidance references the importance of service delivery in line with the aims of the CYPP to ensure that there is alignment between relevant providers.

## **Conclusion**

The Panel is supportive of the Commencement Act and is pleased to see the work that has been undertaken by the Government to create training, produce statutory guidance, and publish the safeguarding arrangements report before the commencement of the CYP Law. The Panel has highlighted a number of areas where it believes that further clarity or focus will be required going forward and expects that these areas will be addressed by the Minister in his speech to the Assembly. The Panel will schedule a briefing from the Minister on the Children's Social Care Reform programme and intends to monitor this as an area of interest as part of its future work programme.