



Children, Education and Home Affairs Scrutiny Panel

Records of Meetings

Year: 2022

The following records of meetings have been approved by the Panel.

Signed

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Chair

Deputy Rob Ward

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 10th January 2022

Present	Deputy Robert Ward, Chair Senator Tracey Vallois
Apologies	Deputy Louise Doublet, Vice-Chair
Absent	Deputy Mike Higgins
In attendance	Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer Edward Le Gallais, Communications Officer

Agenda matter	Action
<p>1. Record of Meetings</p> <p>The Panel noted and approved the records of the meetings held on 19th, 29th and 30th November and 1st, 2nd, 3rd, 6th, 8th, 13th and 16th December 2021.</p>	
<p>2. Covid-19 Response: Impact on Children and Young People Review</p> <p>The Panel noted the public hearings scheduled for the 11th and 17th January 2022. Due to unforeseen circumstances, the Panel agreed to cancel the hearing scheduled for the following day. The Panel considered to reschedule the hearing, however, agreed to follow up with questions for a written response from Senator Mézec and Senator Vallois instead, given the time constraints on finalising the review. The Panel agreed to maintain the public hearing scheduled for the 17th January.</p> <p>The Panel requested for the Communications Officer to relay on social media the cancellation of the hearing scheduled for 11th January.</p> <p>The Panel discussed the progress of the review and agreed it would endeavour to finalise the review as soon as was possible.</p>	<p>AH</p> <p>EG</p>
<p>3. Draft Children and Young People (Jersey) Law 202-</p> <p>The Panel noted the letter received from the Minister for Children and Education in response to its request for the debate on the draft legislation to be deferred until 8th February 2022. The Panel noted that the Minister had agreed to defer the debate accordingly.</p> <p>The Panel noted that the letters to targeted stakeholders requesting comments on the draft legislation had been sent out and that the closing date for submissions to be received was 21st January 2022. The Panel noted the submissions it had received from the Children’s Commissioner for Jersey and Brightly, to date. The Panel noted and discussed the areas of concerns raised within the submission received from Brightly and agreed to send written questions to the Minister for Children and Education for a response in writing once all submissions had been received.</p>	<p>AH</p>
<p>4. Change in Authorisation of Tasers by the States of Jersey Police Review</p>	

<p>The Panel noted and discussed the draft proposition lodged for debate on 8th February 2022.</p> <p>The Panel noted that a one-year trial on the Taser deployment model within the States of Jersey Police Force had been agreed as well as the presentation of a report of the trial to the States Assembly on the impact of the changes after that trial period. It was noted that the report would include the specific data requested within the Panel's Amendments in relation to the trial period. Considering that the trial commenced in March 2021, the Panel noted that a 12-month trial period would only be concluded in March 2022, and as a result of the upcoming elections being undertaken in 2022, the Minister had brought the trial period review forward and only an eight-month trial had been undertaken. The Panel noted that the draft proposition had been lodged for debate for 8th February 2022 and that the report presented to the Assembly would reflect the eight-month trial period.</p> <p>The Panel raised concern that the full trial period had not been undertaken as agreed in November 2020. The Panel discussed whether the trial period could potentially be continued for four further months and the debate of the proposition potentially deferred to March or April to allow for the 12-month trial period to be undertaken, reviewed and reported on.</p> <p>The Panel noted and discussed question areas that had been drafted on the proposition and the report of the trial period that had previously been shared with it.</p> <p>The Panel agreed to write to the Minister for Home Affairs to highlight its concerns regarding the shortened trial period and to request the deferral of the debate so that the complete trial period of 12 months, as agreed, could be undertaken. It was also agreed to include in the letter that the report of the outstanding four months of the trial period be included as an addendum to the already lodged proposition for a later debate.</p> <p>The Panel also agreed to send the questions it had prepared regarding the report of the trial period to the Minister for Home Affairs for a response in writing. Depending on the response received, the Panel agreed it would follow up with any further questioning during its public hearing with the Minister for Home Affairs on 31st January 2022 prior to presenting Comments on the proposition ahead of the debate.</p>	<p>MM</p> <p>MM</p>
<p>5. Work Programme</p> <p>The Panel discussed its work programme for 2022 and its Scrutiny output.</p> <p>The Panel noted its upcoming briefing in relation to the Civil Partnership legislation that was scheduled for 13th January 2022.</p> <p>Regarding the Children (Convention Rights) (Jersey) Law 202-, the Panel noted that it was due to be presented to the Council of Ministers the following day. It was noted that it had been lodged for earliest debate on 1st March 2022.</p> <p>It was noted that no further updates had been received regarding the timeline for the lodging in respect of the Police Complaints Legislation, the Domestic Abuse Law, the Crime (Prejudice and Public Disorder) Law and the Regulations of Care.</p> <p>It was noted that the final date for the lodging of propositions for debate for this Government term was 14th March 2022. The Panel discussed, should the propositions be lodged for debate in this Government term, that it would likely present</p>	

<p>Comments for each. However, it was noted that the Domestic Abuse legislation may lend itself to either Comments or a Scrutiny Report.</p> <p>The Panel agreed it would include an area of questioning on substance misuse within its next Quarterly Hearing with the Minister for Home Affairs scheduled for 31st January 2022. Also, it would include an area of questioning on schools' policy in relation to bullying in its upcoming Quarterly Hearing with the Minister for Children and Education on 4th February 2022.</p> <p>The Panel agreed to write to the Minister for Home Affairs to request clarity in relation to the lodging timeline for the propositions awaiting lodging under his remit of responsibility. The Panel discussed that it would be important to convey to the Minister the likely risk of the legislation being called in should Scrutiny not be provided adequate time for scrutiny of the legislation. The Panel discussed whether it would benefit from meeting with the Minister to discuss the above.</p> <p>The Panel agreed to write to the Minister for Children and Education to request information on whether the new School Funding Formula had been implemented as of 1st January 2022 and, in that case, whether it could have sight of it. In addition, to request the progress in relation to the work of the Inclusion Review and to request the current Jersey Premium rates and whether the Jersey Premium was applicable to Highlands College.</p>	<p>AH/MM</p> <p>AH</p> <p>AH</p>
<p>6. Impact of Covid-19 on schools and exams</p> <p>The Panel discussed the current impact of the Covid -19 position on schools and the potential impact on the January exams being undertaken in schools. The Panel recalled the letter it had sent to the Minister for Children and Education the previous week requesting weekly updates on the absentee data regarding schools.</p> <p>The Panel agreed for an email to be drafted and sent to the Private Secretary of the Minister for Children and Education requesting clarity regarding the statistical data for schools which was published on the Government of Jersey website in relation to weekly absences in schools.</p>	<p>AH</p>
<p>7. Quarterly Hearing with the Minister for Home Affairs</p> <p>The panel noted the hearing scheduled for 31st January 2022 and discussed and agreed the question areas for the hearing.</p>	
<p>8. Quarterly Hearing with the Minister for Children and Education</p> <p>The panel noted the hearings scheduled for 4th February 2022 (Education Remit) and 14th February 2022 (Children's Remit) and discussed and agreed the question areas for the hearings.</p>	
<p>9. Future Meetings</p> <p>The Panel noted that its next scheduled meeting was due to take place at 10:00am on Monday 17th January 2022 via Microsoft Teams.</p>	

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 13th January 2022

Present	Deputy Robert Ward, Chair Senator Tracey Vallois
Apologies	Deputy Louise Doublet, Vice-Chair
Absent	Deputy Mike Higgins
In attendance	Deputy Guida, Minister for Home Affairs Ben Sandeman, Senior Policy Officer – Strategic Policy, Planning and Performance. Beth Flambard, Private Secretary to the Minister for Home Affairs Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer

Agenda matter	Action
<p>1. Briefing: Draft Civil Partnership Amendment (Jersey) Law 202- and the Draft Marriage and Civil Status (Amendment No.5) (Jersey) Law 202-</p> <p>The Panel met with the Minister for Home Affairs and Officers at 2:30pm for a meeting in relation to the Draft Civil Partnership Amendment (Jersey) Law 202- and the Draft Marriage and Civil Status (Amendment No.5) (Jersey) Law 202-. It was noted that the two laws were separate, however, would be lodged for debate simultaneously as they complemented one another.</p> <p>The Panel recalled the briefing that it had previously received in September 2021 in relation to the draft Laws. The Officer continued to outline to the Panel the provisions that would be addressed by both draft Laws as follows:</p> <p>Marriage and Civil Status (Amendment No.5) (Jersey) Law 202-</p> <ul style="list-style-type: none"> • Raising the age of marriage and civil partnership to the age of 18 years • Alternative location to an open-air location • Registration of name and confusing, embarrassing or offensive names • Transfer of relevant registration duties • Abolition of married woman’s domicile of dependence • Fees <p>Draft Civil Partnership Amendment (Jersey) Law 202-</p> <ul style="list-style-type: none"> • Raising the age of marriage and civil partnership to the age of 18 years • Providing for opposite sex civil partnerships • Alignment of civil partnership entry process to that of marriage including civil partnership by conversion • Transfer of relevant registration duties 	

- Fees

Raising the age of marriage and civil partnership to the age of 18 years

It was noted that raising the age to 18 years was addressed equivalently within both the draft Laws.

Regarding the Articles that would be deleted from the draft Laws and be null, it was explained that the change would allow a person of over 18 years of age to marry or enter a civil partnership without needing to acquire consent.

Considering the raise in age to 18 years, the Panel questioned why the legislation had referred to allowing one person to be 16 years and the other 18 years of age when entering marriage or a civil partnership. It was noted that aspect of the legislation was to ensure that marriages and civil partnerships which were formed under the current legislation, would remain valid, should the new legislation be passed.

The Panel asked whether the new legislation would come into immediate effect, should it be passed by the States Assembly. It was confirmed that it would not and that a period of eight to ten weeks would need to follow for the legislation to go through the Privy Council process and to receive Royal Assent after it was passed by the States Assembly.

The Panel questioned as a result of the legislation not being effective immediately, if that would result in many applications of marriage or civil partnerships where the parties were under the age of 18 years during that eight-to-ten-week window. It was explained that considering Jersey's size that would be unlikely.

The Minister for Home Affairs emphasised that marriages and civil partnerships that were obtained outside of Jersey would also be required to align with Jersey's legislation. It was explained that anyone marrying in Jersey irrespective of their domicile would need to be over the age of 18 years. It was noted that if a person chose to go abroad to marry within a jurisdiction where marriage of a child was legal, that marriage would not be recognised in Jersey.

Alternative location to an open-air location

It was noted that this provision was in the context of the Draft Marriage and Civil Status (Amendment No.5) (Jersey) Law 202-, however, it would also apply to civil partnerships. It was explained that the provision would allow a couple to provide an alternative location where their first location was an open-air location. As a result, the marriage or civil partnership arrangements could progress with two locations (one of which was an indoor venue) up until two days prior to the ceremony. It was emphasised that this provision would provide further protection to the public.

The Minister for Home Affairs explained that ultimately a marriage or civil partnership ceremony was a 'public hearing' and, therefore, the location was a legal requirement so that members of the public would be able to attend as witness. However, the provision would provide a couple with two options for that location up until two days prior to the ceremony.

Registration of name and confusing, embarrassing or offensive names

It was noted that currently it was permitted for a child to remain nameless indefinitely as no statutory provisions required a child to be given a name. It was explained that the changes to the legislation would require the parents of the child to give the child a name within three months of the birth. The Panel was informed that should the child not be provided with a name within that timescale, action would need to be taken within one month by the Office of the Superintendent Registrar and in instances where the child was still not given a name, the legislation would allow for the Minister for Home Affairs to give the child a name. It was noted that under such circumstances the parents would have up to one year to change the child's name which had been given by the Minister.

The Panel asked whether Jersey would have a list of suitable or non-suitable names from which parents could choose a name. It was noted that a list had proven unworkable within other jurisdictions and that Jersey would not utilise a list as it was not an ideal or serviceable practice. However, it was explained that the Office of the Superintendent Registrar would need to consider whether any name given could be confusing, embarrassing or offensive during the registration process. The Panel was informed that an appeals process would also be available, should the parents wish to appeal a decision.

It was noted that these provisions were commonplace across most jurisdictions, however, remained missing in Jersey legislation.

Transfer of relevant registration duties

The Panel was informed that currently the Office of the Superintendent Registrar was only able to act in the capacity of a Parish Registrar. However, the change would enable the transfer of relevant registration duties from a Parish to the Office of the Superintendent Registrar. It was noted that relevant registration duties included all responsibility, liability and costs associated with civil registration functions.

It was noted that the proposals had been developed with the Comité Des Connétables who had agreed that Parishes should be able to choose whether to allow the Office of the Superintendent Registrar to act in the capacity of the Parish or to retain the duties with the Parish. It was noted that of the 12 Parishes, only two (St Saviours and St Brelade) had chosen to retain the registration duties with the Parish. It was explained that the Regulations would allow for the registration duties to be transferred from the Office of the Superintendent Registrar back to the Parish with an agreed notice period if the Parish so wished. The Panel was informed that the notice period was not yet finalised and would be made through an Order in early June 2022.

Noting that only two Parishes had requested to continue to provision the duties instead of transferring the responsibility to the Office of the Superintendent Registrar, the Panel questioned why that was the case. It was explained that the registration duties traditionally would be dealt with by the Parish and that some Parishes had preferred to maintain that tradition. However, as the registration process involved additional administration and resources, many of the Parishes had chosen the pragmatic approach to transfer the duties to the Office of the Superintendent Registrar and would therefore no longer be required to provision the service or manage the potential associated liabilities. It was highlighted that under the 2021 legislation that volunteers provisioning the service for the Parish could commit offences and that was a risk.

The Panel asked whether there were any advantages of provisioning the registration duties at a Parish level. It was thought not. It was explained that the registration process had been transferred to the Office of the Superintendent Registrar during the Covid-19 pandemic and as a result the accuracy of the process had improved. It was noted that should a Parish wish to continue to provision the service that the Parish would be required to maintain the level of accuracy which was available as a result of the service being provisioned by the Office of the Superintendent Registrar.

The Panel raised concern that should provision of the service be undertaken at either the Parish or the Office of the Superintendent Registrar, that clarity would need to be provided in order for people to be aware of the process and of who would be responsible for administering it.

Abolition of married wife's domicile of dependence

It was noted that currently according to the customary law of Jersey that a wife's domicile was that of her husband. It was explained that the current position was discriminatory and did not comply with Article 15(4) of the Convention on Elimination of all forms of Discrimination Against Women (CEDAW). As such Jersey was required to enter a reservation on this article and an agreement with the UK was reached whereby Jersey would update its legislation. It was noted that the legislation would be amended to abolish the customary law concept so that a wife's domicile would not be required to change. Furthermore, that England and Wales had made this change in the 1970's.

The Minister for Home Affairs explained that the change would also impact divorce, whereby the wife once divorced would not be required to keep her ex-husband's domicile, which was the current process.

Additional fees

The Panel was informed that the Draft Marriage and Civil Status (Amendment No.5) (Jersey) Law 202- proposed the introduction of a £55 fee in respect of the re-registration of a birth where the parents of the child were not married at the time of the birth. It was noted that the fee of £55 was the same as all the other fees for registering a birth in different circumstances. It was explained that the introduction of the fee was a result of the requirement for the Office of the Superintendent Registrar to be cost neutral as decided by the States Assembly as part of the Medium-Term Financial Plan (P.68/2016).

The Panel raised a point of concern that it was its recollection that any new charges would need to be brought to the States Assembly by a separate proposition. The Officer noted that he had not been advised of that position, however, would seek further advice in that regard.

Providing for opposite sex civil partnerships

The Panel was informed that provisions had been introduced to allow an opposite-sex couple to enter into a civil partnership.

Alignment of civil partnership entry process to that of marriage including civil partnership by conversion

The Panel was informed that provisions had been made to align the process for entry into marriage or a civil partnership so that the robustness, safeguards and anti-sham

provisions for civil partnerships were improved and equivalent to that of a marriage process. It was explained that the provision would also allow for a couple to convert their marriage into a civil partnership.

It was explained that within Jersey, a marriage and a civil partnership were equivalent legal unions with the same rights and responsibilities. Therefore, the process to enter either a marriage or a civil partnership should be equal and that the changes would allow for that.

The Panel asked whether, like marriages, there was a requirement for 'a specific set of words' to be said when entering a civil partnership. It was explained that a civil partnership required a declaration which was different to that of marriage and that would remain unchanged.

It was explained that some couples would prefer to enter a civil partnership instead of a marriage as they did not agree with the connotations associated with marriage.

The Panel was informed that no fees would be implemented for a couple to convert their marriage to a civil partnership within two years of the legislation coming into effect. It was explained that as the option to enter a civil partnership instead of a marriage was not accessible to couples under the current legislation, charging a fee for the conversion was not deemed a fair approach to follow.

The Panel asked whether the conversion from a marriage to a civil partnership would require a ceremony or if it was just an administrative change. It was noted that the process was left to the couple to decide.

Regarding divorce, the Panel asked whether the process was different for a marriage and a civil partnership. It was explained that dissolution was used for a civil partnership and not divorce. However, it was noted that work on divorce reform had commenced and that the intention was to align the exit process in respect of marriage and civil partnership in the same way as the proposed changes were intending to align the entry into a marriage or a civil partnership. It was explained that the intention was to enable complete equality in respect of marriage and civil partnership processes for both the entry and exit processes.

New and amended fees

The Panel was informed of the fees that would be associated with the changes being proposed under the draft Laws. It was noted that the fees would be outlined within the accompanying reports of the draft Laws and that they would reflect equally across both unions (marriage and civil partnership) as both processes would be equal and would require the same level of administration.

The Panel asked whether a briefing on the draft Laws would be provided to States Members prior to the States' debate. It was confirmed that a briefing would be provided. The Panel was informed that the intention was to lodge the draft Laws by 17th January 2022 for debate in the States on 1st March 2022.

The Panel noted that some of the proposed changes would address legislative gaps as a result of the conventions that Jersey abided to and asked whether this would be demonstrated. It was explained that the Articles which Jersey would previously have been in breach of and would now be compliant with as a result of the changes being proposed were stated.

The Panel asked if a Children's Rights Impact Assessment (CRIA) would be produced to accompany the draft Laws. It was noted that would not be possible prior to the lodging of the draft Laws.	
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The Panel thanked the Minister and Officers for their time and the briefing ended.	
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Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 17th January 2022

Present	Deputy Robert Ward, Chair Deputy Louise Doublet, Vice-Chair Senator Tracey Vallois [Items 1, 3 and 4 only]
Apologies	
Absent	Deputy Mike Higgins
In attendance	Deborah McMillan, Commissioner for Children and Young People [item 2 only] Andrea Le Saint, Senior Practitioner, Human Rights Information and Advice [item 2 only] Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer [items 1, 3 and 4] Edward Le Gallais, Communications Officer

Agenda matter	Action
<p>1. Record of Meetings</p> <p>The Panel noted and approved the record of the meeting held on 10th January 2022.</p>	
<p>2. Covid-19 Response: Impact on Children and Young People Review</p> <p>The Panel received Deborah McMillan, Commissioner for Children and Young People and Andrea Le Saint, Senior Practitioner, Human Rights Information and Advice for a Public Hearing in relation to the review. The meeting was webcast live via Microsoft Teams and a recording was made so that a transcript could be produced.</p> <p>Subsequent to the hearing the Panel agreed to publish a news release which outlined some of the key points made during the hearing. The Communications Officer advised that this would be circulated in due course for Panel approval.</p> <p>The Panel agreed that it would follow up, in writing, additional questions with the Children's Commissioner and request any further information that she may be able to provide in relation to the impact on children within the early years group (aged conception to school age).</p>	<p>EG</p> <p>AH</p>
<p>3. Work Programme</p> <p>The Panel noted several updates in relation to its work programme until the election period.</p> <p>The Panel recalled that it had written to the Minister for Home Affairs in relation to P.117/2021 'Authorisation of Deployment and use of energy conductive devices ('Tasers') by the States of Jersey Police' requesting the debate be deferred until 29th March to allow for further information to be presented to the States Assembly in</p>	

respect of the one-year trial (noting the trial commenced on 1st March 2022). It was noted that the Minister had accepted this deferral and had informed the Greffier of the States of the decision. The Panel noted also that a response to written questions was due on Wednesday 26th January.

The Panel noted that submissions had been received in respect of the Draft Children and Young People (Jersey) Law 202- review and agreed that these would be considered further at its next scheduled meeting on Monday 24th January given the closing date for submissions was Friday 21st January.

In respect of the Draft Children (Convention Rights) (Jersey) Law 202-, the Panel noted that this had been discussed at a recent Council of Ministers meeting with further changes expected. It was noted, therefore, that this would likely fall towards the end of March for debate.

The Panel noted that, at present, any legislation not lodged by the 18th January 2022 would miss the deadline for debate on 1st March 2022 and, therefore, fall to the following sitting on 29th March 2022 (the penultimate sitting of the Assembly prior to the election period).

4. Future Meetings

The Panel noted that its next scheduled meeting was due to take place at 10:00am on Monday 24th January 2022 via Microsoft Teams.

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 24th January 2022

Present	Deputy Robert Ward, Chair Deputy Louise Doublet, Vice-Chair Senator Tracey Vallois <i>[items 1 and 3 -10 only]</i>
Apologies	
Absent	Deputy Mike Higgins
In attendance	Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer

Agenda matter	Action
1. Record of Meetings The Panel noted and approved the record of the meeting held on 17 th January 2022.	
2. Covid-19 Response: Impact on Children and Young People Review The Panel noted the response to its written questions received from Senator Mézec and noted a response from Senator Vallois was anticipated later that week. The Panel discussed the public hearing held with the Children's Commissioner for Jersey on 17 th January 2022 and noted and discussed the question plan for the upcoming public review hearing scheduled with the Chief Minister on 3 rd February 2022.	
3. Draft Children and Young People (Jersey) Law 202- Noting the closing date to receive submissions was 21 st January 2022, the Panel discussed the submissions it had received to date including from the Children's Commissioner for Jersey, Brightly, Every Child Our Future and Jersey Cares. The Panel noted and discussed the areas of concern raised within the submissions received. The Panel noted that the amendment deadline was 25 th January 2022. Considering the points raised within the submissions and the tight timeline should the Panel wish to bring amendments; the Panel discussed its scrutiny approach. The Panel agreed it would not wish to delay the debate of the draft Law, however, agreed that any key concerns that would come to light prior to the debate would need to be carefully considered and appropriately addressed. The Panel discussed the impact of any potential deferral of the debate of the draft Law on children and young people and agreed that the best way forward would be to allow the debate of the Principles of the draft Law to progress as scheduled. The Panel agreed that should further scrutiny be required; the approach could be adapted so that the Articles were debated at a later sitting if necessary. The Panel agreed that should any major concerns come to light, it would have the option of calling in the legislation.	

<p>To understand the timeline in relation to the legislation and the impact of any potential delays, the Panel agreed to seek clarification on the upcoming meeting dates of the Privy Council as the legislation would need to go through the Privy Council process prior to coming into effect, should it be passed by the States Assembly.</p>	<p>AH</p>
<p>The Panel agreed it would draft Comments to be presented ahead of the debate.</p>	<p>AH</p>
<p>The Chair agreed to speak with the Children’s Commissioner and Jersey Cares regarding their submissions and any potential concerns raised within their submissions.</p>	<p>RW</p>
<p>The Panel agreed to include an area of questioning on the draft Law for its upcoming Public Quarterly Hearing with the Minister for Children and Education.</p>	<p>AH</p>
<p>4. P.117/2021 - Change in Authorisation of Tasers by the States of Jersey Police Review</p>	
<p>The Panel noted a letter was sent to the Minister for Home Affairs requesting the debate to be deferred and the trial period to resume in order for the 12-month trial period to be completed. The Panel noted that the Minister had agreed to defer the debate of the proposition, P.117/2021, to 29th March States’ sitting.</p>	
<p>The Panel noted its questions for a response in writing from the Minister for Home Affairs had been sent on 11th January 2022 and that a response was due by 26th January 2022. The Panel agreed it would follow up with any further questions during its Public Quarterly Hearing with the Minister on 31st January 2022.</p>	<p>MM</p>
<p>The Panel discussed the potential implications of the trial period having been undertaken during the Covid-19 pandemic and the requirement for a larger data set under more ‘normal’ circumstances to be gathered as there was a likelihood that the data gathered over the trial period was not an accurate reflection. The Panel discussed whether the trial period should be extended as a result. The Panel also recalled the efficiency measures outlined within the Government Plan 2022-25 which would impact civilian staff numbers in the States of Jersey Police Force. It discussed the potential knock-on impact to frontline officers, should police officers be required to fulfil the tasks of civilian staff and consequently, the potential impact on Taser use as a result of reduced police officer numbers and officers having to attend incidents on their own.</p>	
<p>The Panel noted that the deadline for amendments would be 15th March 2022.</p>	
<p>5. Draft Civil Partnership (Amendment) Law 202 - and Marriage and Civil Status (Amendment no.5) Law 202-</p>	
<p>The Panel noted that the two draft Laws had been lodged on 17th January 2022 for earliest debate on 1st March 2022.</p>	
<p>The Panel recalled the two briefings it had received on the draft Laws and discussed the steps it would follow regarding scrutiny of the draft Laws.</p>	
<p>The Panel noted the amendment deadline would be 15th February 2022 and agreed to present Comments on the draft Laws ahead of the States’ debate.</p>	<p>MM</p>
<p>The Panel agreed to request additional information regarding the impact of the draft Laws on humanist ceremonies, whether the Office of the Superintendent Registrar would have discretion regarding the fees being proposed, whether the fees for a</p>	<p>MM</p>

<p>marriage and a civil partnership ceremony were equal and the rationale for using the term 'opposite sex' instead of 'mixed sex' within the draft Laws.</p>	
<p>6. Impact of Covid-19 on schools and exams</p> <p>The Panel discussed the statistical data that had been shared with it in relation to absences in schools to date, including for the week commencing 3rd January and 10th January 2022. The Panel noted that the absentee numbers were significant and discussed the potential impact on education and exams.</p> <p>The Panel discussed whether teaching assistants on zero-hour contracts and supply teachers were receiving payment when they were absent as a result of Covid-19. The Panel agreed to include this as a line of questioning during its upcoming Public Quarterly Hearing with the Minister for Children and Education.</p>	AH
<p>7. Work Programme</p> <p>The Panel discussed its work programme for 2022 and its Scrutiny output. The Panel noted that it had received confirmation that the Crime (Prejudice and Public Disorder) Law would not be lodged for debate during this government term. However, it was anticipated that the Police Complaints Legislation and the Domestic Abuse Law would be lodged within the next two weeks.</p> <p>The Panel recalled it had requested an update from the Minister for Children and Education on the School Funding Formula and noted a briefing had been offered in that regard. The Panel agreed to request to receive the update in writing instead.</p>	AH
<p>8. Quarterly Hearing with the Minister for Home Affairs</p> <p>The panel noted the hearing scheduled for 31st January 2022 and discussed the draft question plan for the hearing.</p>	
<p>9. Quarterly Hearing with the Minister for Children and Education</p> <p>The panel noted the hearings scheduled for 4th February 2022 and 14th February 2022 and discussed the draft question plans for the hearings.</p> <p>The Panel agreed to include an area of questioning on the school assessments being dictated by the department for Children, Education, Young People and Skills and the rationale for the assessments, the purpose of the data gathered and how that relates to children, teachers and schools.</p>	AH
<p>10. Future Meetings</p> <p>The Panel noted that its next scheduled meeting was due to take place at 10:00am on Monday 31st January 2022 via Microsoft Teams.</p>	

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 27th January 2022

Present	Deputy Robert Ward, Chair Senator Tracey Vallois
Apologies	Deputy Louise Doublet, Vice-Chair
Absent	Deputy Mike Higgins
In attendance	Andrew Heaven, Head of Children's Policy Kate Roberts, Senior Policy Officer Frank Le Gros, Senior Legal Adviser Tom Leveridge, Legal Adviser Andy Harris, Principal Committee and Panel Officer

Agenda matter	Action
<p>1. Briefing on P.9/2022 Children (Arrangements for Children Living Outside Jersey) (Amendment) (Jersey) Law 202-</p> <p>The Panel received Andrew Heaven, Head of Children's Policy, Kate Roberts, Senior Policy Officer, Frank Le Gros, Senior Legal Adviser and Tom Leveridge, Legal Adviser for a briefing in relation to P.9/2022 Children (Arrangements for Children Living Outside Jersey) (Amendment) (Jersey) Law 202- (the 'Amendment') which had been lodged by the Minister for Children and Education for debate on 1st March 2022.</p> <p>The Head of Children's Policy explained that the amendment sought to make a minor change to Schedule two of the Children (Jersey) Law 2002 (hereafter 'the primary Law') in order to address an issue which had been raised by the Royal Court in respect of applications for a child to be placed in care off Island. It was noted that, at present, the wording of Article 4 (2)(c)(ii) of the schedule made reference to the term 'suitable person' and that the Royal Court had recommended that greater clarity was provided as to the definition of this term. It was explained that, whilst a recent judgement of the Court had found that the term suitable person could be used to include corporate residential units off-island, a freshly constituted court could make a different interpretation of the definition which, for example, related only to an individual person.</p> <p>It was further explained that the Court would not approve of an off-island placement for a child unless it was satisfied of the following:</p> <ul style="list-style-type: none">• It was satisfied that it was in the child's best interests• Suitable arrangements had been made, or will be made, for the child's reception and welfare in the country where they were to live• The child had consented to living in that country (except where the court was satisfied that the child did not have sufficient understanding to give or withhold consent and the child was to live with a parent guardian or suitable person)	

- Every person with parental responsibility for the child had consented to the child living in that country except where the court was satisfied that the person could not be found, was incapable of consenting or was withholding their consent unreasonably.

In respect of the current arrangements and requirements, it was explained that the addition of the term 'suitable person' created uncertainty within the current drafting of the primary Law. It was noted that where a child did not have sufficient understanding to give or withhold consent, there was an anomaly that could restrict the options for where a child was to be placed if the term suitable person was not taken by the Court to include corporate residential units/homes. It was explained that the amendment, therefore, sought to address this issue by removing reference to the term suitable person which in turn would remove the requirement for the Court to interpret this and any potential risk associated with this. From a policy perspective it was outlined that all other safeguards in respect of the decision (as detailed above) would remain in the current primary Law.

The Panel questioned why this term was included in the primary Law in the first instance. It was explained that it was likely that, at the time of drafting the primary Law, the issue may not have been anticipated that the term suitable person would or would not have included a corporate entity. Furthermore, it was explained that the Minister had *viries* in respect of placements on-island and, therefore, no similar clause existed in relation to placing children in on-island residential settings.

It was noted by the Panel that the amendment could be interpreted as being simply for the convenience of the Courts and questioned what messaging would be put out by the Minister in respect of its need. It was explained that removal of the term would not affect the requirement on the Court to ensure that arrangements for the child were satisfactory, but inclusion of the term could create situations where options (which may be in the best interests of the child) were subsequently limited by the Courts interpretation, ultimately affecting the care received by the child.

The Panel questioned whether the Children's Commissioner and other stakeholders had been consulted on the proposed changes. It was explained that the amendment was currently with the Commissioner for comments. The Panel noted that, given the context of Jersey in the past, consideration needed to be given to how the changes, no matter how small, were communicated and presented.

It was questioned whether removal of the term would affect the need to have a 'named person' in the jurisdiction in which the child was placed. It was explained that, in practice, the designated Social Worker would be responsible for maintaining links and visiting the child regularly and that a 'named contact' would be within the setting in which the child was placed. The Panel questioned whether the retention of the term could be an additional safeguard to ensure a named contact was provided in all instances. It was again reiterated that the recommendation from the Royal Court was helpful as it gave a strong steer as to how the current drafting of the Law impeded options which may be in the best interest of children. Removal of the term within legislation would not affect the ongoing practice in this regard.

The Panel noted within the accompanying report to the amendment that a similar amendment had been made to the Children Act (1989) to provide for placement outside of England and Wales, in Scotland, for secure accommodation, but not for other types of residential care. It was asked if the proposed Amendment shadowed that which had been made in England and Wales. It was explained that this was not possible as the scope of the amendment in Children Act could be more limited due

to multiple local authorities, meaning a child could be placed in a neighbouring authority within the same jurisdictions. Ultimately in Jersey this would not be possible and whilst this had been referenced within the report, the Island was adopting a different approach.

The Head of Children's Policy explained that the intention was still to keep children on-Island unless absolutely necessary, and that the trend in relation to off-Island placements had been reducing post care inquiry. The Panel requested details of the number of off-Island placements that had been made every year since 2017.

The Panel thanked the Officers for the briefing, and they withdrew from the meeting. It was agreed that the Panel would discuss the changes further at its next meeting and submit questions should it require any further clarification.

AH

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 31st January 2022

Present	Deputy Robert Ward, Chair Deputy Louise Doublet, Vice-Chair Senator Tracey Vallois (<i>item 2 only</i>)
Apologies	
Absent	Deputy Mike Higgins
In attendance	Item 2 only Deputy Gregory Guida, Minister for Home Affairs Deputy Lindsay Ash, Assistant Minister for Home Affairs Kate Briden, Acting Director General, Justice and Home Affairs Robin Smith, Chief of Police Nathan Fox, Criminal Justice, Strategic Policy, Planning and Performance Department Beth Flambard, Private Secretary to the Minister for Home Affairs Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer Kaya Camara, Research and Project Officer (<i>item 2 only</i>) Edward Le Gallais, Communications Officer, Digital and Public Engagement

Agenda matter	Action
1. Record of Meetings	
The Panel agreed to move this agenda item to its following meeting on 7 th February 2022.	
2. Quarterly Hearing – Minister for Home Affairs	
The Panel noted and discussed the question plan for the hearing with the Minister for Home Affairs.	
The Panel agreed to send the residual questions from the hearing to the Minister for Home Affairs for a response in writing.	MM/AH
The Panel discussed and agreed the key aspects to include within the press notice and social media following the hearing. The Communications Officer agreed to compile the press notice and social media content and to share it with the Panel for approval later that day.	EG
The Panel received Deputy Gregory Guida, Minister for Home Affairs, and Officers for a Public Hearing at 10.30am. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.	

<p>3. Covid-19 Response: Impact on Children and Young People Review</p> <p>The Panel agreed that its hearing with the Chief Minister scheduled for 3rd February 2022 would be held virtually via Teams. The Panel noted the request received from the Chief Minister to move the hearing to an earlier time and agreed to commence the hearing at 9.45am. However, the Panel agreed that a one hour and half time slot, as previously agreed, should still be allowed for the hearing.</p>	<p>MM/AH</p>
<p>4. Draft Children and Young People (Jersey) Law 202-</p> <p>The Panel noted that a Comments paper had been drafted and was undergoing the internal quality assurance process. The Panel noted that the draft Comments would be shared with it in due course for its consideration.</p>	<p>MM/AH</p>
<p>5. Draft Civil Partnership (Amendment) Law 202 - and Marriage and Civil Status (Amendment no.5) Law 202-</p> <p>The Panel highlighted areas that should be considered for its draft Comments including in relation to humanist marriage, the reference within the original law on circumstances regarding acquired gender and marriage and the ability for the Parish to retain the registration process with the Parish instead of with the Office of the Superintendent Registrar, if it chose to do so.</p>	
<p>6. Quarterly Hearings with the Minister for Children and Education</p> <p>The Panel agreed to discuss this agenda item in due course.</p>	
<p>7. Future Meetings</p> <p>The Panel noted that its next scheduled meeting was due to take place at 10:00am on Monday 7th February 2022.</p>	

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 3rd February 2022

Present	Deputy Robert Ward, Chair Deputy Louise Doublet, Vice-Chair
Apologies	Senator Tracey Vallois
Absent	Deputy Mike Higgins
In attendance	<p>Senator John Le Fondré, Chief Minister Deputy Scott Wickenden, Minister for Children and Education Rob Sainsbury, Acting Director General, Children, Young People, Education and Skills (CYPES) Seán O'Regan, Group Director, Education, CYPES Keith Posner, Head of Office, CYPES Mark Owers, Director of Safeguarding and Care and Chief Social Worker Nicola Mulliner, Head of Early Years Anne Homer, Finance Director CYPES Elaine Walker, Head of Communications for CYPES Alex Khaldi, Interim Director, Public Health Policy, Strategic Policy, Planning and Performance Martin Knight, Head of Public Health David Berry, Professional Adviser and Professional Partner to Schools, CYPES</p> <p>Andy Harris, Principal Committee and Panel Officer Kaya Camara, Research and Project Officer Edward Le Gallais, Communications Officer, Digital and Public Engagement</p>

Agenda matter	Action
<p>1. Covid-19 Response: Impact on Children and Young People Review – Public Hearing with the Chief Minister.</p> <p>The Panel received the Chief Minister, Minister for Children and Education and Officers for a public hearing in relation to the Covid-19 Response: Impact on Children and Young People Review. The proceedings were webcast live and a recording was made so that a transcript could be produced.</p> <p>Further to the hearing, the Panel agreed to post the key points raised in the hearing on social media. The Communications Officer advised that a draft copy for the posts would be circulated in due course for approval.</p>	<p>EG/AH</p>

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 4th February 2022

Present	Deputy Robert Ward, Chair Senator Tracey Vallois
Apologies	Deputy Louise Doublet, Vice-Chair
Absent	Deputy Mike Higgins
In attendance	Deputy Scott Wickenden, Minister for Children and Education Deputy Trevor Pointon, Assistant Minister for Children and Education Constable Richard Vibert, Assistant Minister for Children and Education Kate Roberts, Senior Policy Officer, Strategic Policy, Planning and Performance Andrew Heaven, Director of Children's Policy Susan Devlin, Group Director, Integrated Services and Commissioning Mark Owers, Director of Safeguarding and Care Robert Sainsbury, Acting Director General for Children, Children, Young People, Education and Skills Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer Edward Le Gallais, Communications Officer, Digital and Public Engagement

Agenda matter	Action
<p>1. Quarterly Hearing – Minister for Children and Education</p> <p>The Panel noted and discussed the question plan for the hearing with the Minister for Children and Education.</p> <p>The Panel received Deputy Scott Wickenden, Minister for Children and Education, and Officers for a Public Hearing at 10.00am. The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p> <p>The Panel agreed to send the residual questions from the hearing to the Minister for Children and Education for a response in writing.</p> <p>The Panel discussed and agreed the key aspects to include within the press notice and social media following the hearing. The Communications Officer agreed to compile the press notice and social media content and to share it with the Panel for approval later that day.</p>	<p>AH</p> <p>EG</p>

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 7th February 2022

Present	Deputy Robert Ward, Chair Senator Tracey Vallois
Apologies	Deputy Louise Doublet, Vice-Chair
Absent	Deputy Mike Higgins
In attendance	Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer Edward Le Gallais, Communications Officer, Digital and Public Engagement <i>[Items 8-10 only]</i>

Agenda matter	Action
<p>1. Record of Meetings</p> <p>The Panel noted and agreed the records of the meetings held on 13th, 24th and 31st January 2022.</p>	
<p>2. Covid-19 Response: Impact on Children and Young People Review</p> <p>The Panel noted that work would commence on the report drafting process with a view to share a draft with the Panel by early March 2022.</p>	AH
<p>3. Draft Children and Young People (Jersey) Law 202-</p> <p>The Panel noted that its Comments were presented on Thursday 3rd February 2022. The Panel discussed the upcoming debate of the draft Law scheduled for that week and noted that a summary document of the key areas raised within the Panel's Comments would be drafted and shared with it ahead of the debate.</p> <p>The Panel noted that the Privileges and Procedures Committee had also presented Comments on the draft Law.</p>	AH
<p>4. P.117/2021 - Authorisation of Deployment and use of energy conductive devices ('Tasers') by the States of Jersey Police</p> <p>The Panel noted and discussed the Minister for Home Affairs's response to its written questions received on 26th January 2022. The Panel agreed to write to the Minister to request confirmation on how the further data gathered for the continuation of the trial for a further four months would be shared with the States Assembly prior to the debate of the proposition on 29th March 2022.</p> <p>The Panel agreed it would seek to amend the proposition to extend the trial period for a further one year which would enable the new States Assembly to make a more robust and informed decision on how to progress. Noting a previous concern raised by the Minister for Home Affairs regarding the potential impact to police operations should the debate of proposition be delayed, the Panel noted that a potential extension to the trial period would not impact the operational position of the States of Jersey Police (SoJP) as the current position would continue unchanged, should the</p>	MM

<p>proposition be passed by the States Assembly. However, an extension to the trial period would allow for further data to be gathered which would result in an accumulation of data spanning a two-year trial period and potentially under more normal circumstances (should the Covid-19 pandemic position continue to improve) which would be beneficial in informing the next States Assembly. The Panel agreed that it would consider additional data to be sought as part of its amendment including in relation to the impact on Taser use as a result of police officers patrolling alone and the freezing of civilian posts within the SoJP as agreed in the Government Plan 2022-25. In addition, on the impact of Taser on cultural change within the SoJP or the perception of policing in Jersey.</p> <p>The Panel agreed that an amendment should be drafted for its consideration.</p>	<p>MM</p>
<p>5. Draft Civil Partnership (Amendment) Law 202 - and Marriage and Civil Status (Amendment no.5) Law 202-</p> <p>The Panel noted and discussed further information it had received regarding the impact of the draft Laws on humanist marriage, the reference within the draft Laws on circumstances regarding same sex and acquired gender marriage and on the terminology used within the draft Laws in relation to opposite sex couples.</p> <p>The Panel noted that Comments would be drafted and shared with the Panel in due course for its consideration.</p>	<p>MM</p>
<p>6. P.9/2022 – Draft Children (Arrangements to Assist Children to Live Outside Jersey) (Amendment) (Jersey) Law 202-</p> <p>The Panel debriefed following its briefing on the draft Law held on 27th January 2022 and agreed that Comments should be drafted for its consideration.</p> <p>The Panel agreed in order to inform its comments that further clarity should be sought from Officers on several areas of the draft Law including in relation to the suitable arrangements for a child’s reception and welfare within another jurisdiction, the current arrangements for social workers to maintain contact with children off Island, clarity on the terms ‘named person’ and ‘suitable person’ as referenced within the legislation, the arrangements for looked after children in respect of the draft Law, the definition of ‘ordinary residence’ in the context of the draft Law and whether parental responsibility extended to the corporate entity when a child was placed in a residential home off Island.</p>	<p>AH</p> <p>AH</p>
<p>7. Work Programme</p> <p>The Panel received an update in relation to its ongoing work programme and on the lodging timeline of the legislative programme.</p> <p>The Panel noted that the intention was for only the Draft Police (Complaints and Conduct) (Jersey) Law 202 – to be lodged prior to the election, however, the associated draft Regulations would be included for information purposes only and not for debate. It was anticipated that the legislation would be lodged for 29th March States’ debate. The Panel noted that the intention was for the Domestic Abuse legislation to be lodged later that week.</p> <p>The Chair requested that a hard copy of the latest version of draft Police Complaints legislation be shared with him.</p>	<p>AH</p>

<p>The Panel discussed its potential scrutiny of the legislation and whether either would benefit from being deferred to a later debate in April 2022. The Panel agreed to request a briefing on the Police Complaints legislation to inform its decision.</p>	<p>AH</p>
<p>The Panel noted that the Student Finance Order had been made by the Minister for Children and Education and agreed it should be included within its legacy report so that its successor Panel could monitor this aspect going forward.</p>	<p>AH</p>
<p>8. Quarterly Hearing – Minister for Home Affairs</p>	
<p>The Panel noted that the residual questions from the Public Hearing held on Friday 31st January 2022 had been sent to the Minister for a response in writing by Tuesday 8th February 2022.</p>	
<p>9. Quarterly Hearings with the Minister for Children and Education</p>	
<p>The Panel noted that the question plan for its upcoming Public Hearing with the Minister for Children and Education scheduled for Monday 14th February 2022 would be updated that week and that the residual questions from its hearing held on 4th February 2022 had been sent to the Minister for a response in writing by Friday 11th February 2022.</p>	
<p>10. Future Meetings</p>	
<p>The Panel noted that its next scheduled meeting was due to take place at 10:00am on Monday 14th February 2022 and agreed it would decide whether it would be held in person or via Microsoft Teams in due course.</p>	

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Date: 14th February 2022

Present	Deputy Robert Ward, Chair Deputy Louise Doublet, Vice-Chair <i>[item 2 only]</i> Senator Tracey Vallois
Apologies	
Absent	Deputy Mike Higgins
In attendance	Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer Ella Nicholls – Communications Officer, Digital and Public Engagement

Agenda matter	Action
<p>1. Record of Meetings</p> <p>The Panel agreed to move this agenda item to its next scheduled meeting on 28th February 2022.</p>	
<p>2. Quarterly Hearing – Minister for Children and Education</p> <p>The Panel noted and discussed the question plan for the hearing with the Minister for Children and Education. The Panel received Deputy Scott Wickenden, Minister for Children and Education, and Officers for a Public Hearing at 10.30am.</p> <p>The proceedings were streamed live to the public and a recording was taken so that a written transcript could be produced.</p> <p>The Panel agreed to send the residual questions from the hearing to the Minister for Children and Education for a response in writing.</p> <p>The Panel discussed and agreed the key aspects to include within the press notice following the hearing. The Communications Officer agreed to compile the press notice and to share it with the Panel for approval later that day.</p>	<p>AH</p> <p>EN</p>
<p>3. Draft Civil Partnership (Amendment) Law 202 - and Marriage and Civil Status (Amendment no.5) Law 202-</p> <p>The Panel noted that the Comments had been drafted and were undergoing the internal quality assurance process and would be shared later that week for its consideration.</p>	AH/MM
<p>4. P.9/2022 – Draft Children (Arrangements to Assist Children to Live Outside Jersey) (Amendment) (Jersey) Law 202-</p> <p>The Panel noted that the Comments had been drafted and were undergoing the internal quality assurance process and would be shared later that week for its consideration</p>	AH/MM
<p>5. Work Programme</p> <p>The Panel agreed to move this agenda item to its next scheduled meeting on 28th February 2022.</p>	

6. Future Meetings	
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The Panel noted that its next scheduled meeting was due to take place at 10:00am on Monday 28th February 2022 in the Le Capelain Room of the States Building.	
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Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 17th February 2022

Present	Deputy Robert Ward, Chair Senator Tracey Vallois
Apologies	Deputy Louise Doublet, Vice-Chair
Absent	Deputy Mike Higgins
In attendance	Nathan Fox, Head of Justice Policy Sara Garwood, Senior Police Officer Andy Harris, Principal Committee and Panel Officer

Agenda matter	Action
<p>1. Briefing – P.22/2022 Draft Police (Complaints and Conduct) (Jersey) Law 202-</p> <p>The Panel received Nathan Fox, Head of Justice Policy and Sara Garwood, Senior Police Officer for a briefing in relation to P.22/2022 Draft Police (Complaints and Conduct) (Jersey) Law 202- (hereafter ‘the draft Law’).</p> <p>The Panel recalled that it had received a briefing in relation to the draft Law on 2nd December 2021 prior to it being lodged. It was noted that the Minister for Home Affairs had since lodged the draft Law on 14th February, for debate to take place during the States sitting on 29th March 2022. The Head of Justice Policy provided an overview of the purpose of the legislation which was to consolidate and update legislation relating to the handling of complaints and conduct matters within the States of Jersey Police Force and Honorary Police Force, in order to bring it in line with other jurisdictions in the British Isles.</p> <p>It was explained that the current system (based on legislation from 1999 and 2000 respectively) was based on the UK system as it was at that time and did not take into account changes to how police complaints were currently handled. It was noted that the draft Law would create the Jersey Police Complaints Commission (JPCC) which would replace the Jersey Police Complaints Authority (JPCA) and increase its oversight and make provisions for sharing information. It was noted that the reason for the change of name was twofold, firstly to align Jersey with the British Isles in terms of terminology and also to remove potential confusion with the Jersey Police Authority (JPA) which had a similar name, albeit different function entirely. The Panel questioned whether the Independent Police Complaints Commissioner in the UK had any jurisdiction in Jersey, to which it was replied that it did not. It was, however, noted that Her Majesties Inspectorate of Constabulary and Fire and Rescue Services (HMICFR) had no power in Jersey, but was invited in to undertake reviews as Jersey had no domestic capability to do so itself.</p> <p>It was explained that the draft Law was an ‘enabling’ Law which would set out the framework from which draft Regulations could be brought forward to provide detail as to how the complaints and conduct systems would work in practice. It was noted</p>	

by the Officers that these draft Regulations were appended to the draft Law for reference, however, they would need to be brought forward in the new States Assembly for approval should the Assembly adopt the draft Law. The Panel questioned whether this approach was appropriate and whether it could lead to confusion as to what the States Assembly was being asked to approve. It was explained that the reason for including the draft Regulations as they were currently drafted was in order to provide States Members with an idea as to the direction of travel that would be taken should the draft Law be adopted. The Head of Justice Policy explained that a reference copy without the draft Regulations appended would be put together for States Members' reference as well. It was also noted that the draft Law and supporting Regulations would only come into force after a date the States had specified in an Appointed Day Act.

AH

It was explained that, in the draft Regulations, the Deputy Chief Officer of the States of Jersey Police was the first point of call for a complaint being made. However, in the draft Law this was not stipulated. It was explained that this was an example of where the draft Regulations could provide further clarity for States Members. It was also noted that the JPCC would be required to set out the processes in which this would operate should the draft Law be adopted. Furthermore, in relation to the Honorary Police, it was explained that the Connétable of the respective Parish would be responsible for managing the recording and escalation of a complaint (again once suitable arrangements had been made and were overseen by the JPCC), however, their involvement would end at the investigation stage. The Panel stressed that complaints across the Parishes appeared to be dealt with differently depending on the Parish and it was important that a common approach within this framework.

The Panel questioned whether the draft Law placed a requirement on the Minister for Home Affairs to ensure that the JPCC was adequately resourced. It was confirmed that the Minister had a duty to provide resources where the JPCC could identify a need that assisted it to carry out its functions under the draft Law. It was noted that the Minister was also required to cover expenses of the JPCC where reasonably required, however, could refuse this if it did not meet that test.

Noting that Officers from the Government of Jersey could be used to resource the JPCC, the Panel raised concerns over how this could impact its perceived independence. It was noted that other independent entities (including the JPA) accessed Government Human Resources and Information Technology support due to their small size as it was not efficient to create these functions within them. The Panel noted and understood this point but questioned whether legal advice would be provided by the Law Officers' Department (LOD), noting, especially in the context of the Honorary Police, the role of Attorney General and how this could be perceived to not be 'above board'. The Head of Justice Policy explained that independent entities often relied on external legal advice and it was likely that, given the Minister was responsible for incurring expenses of the JPCC, this would also include legal advice. It was also noted that the LOD did not bill for their services, so it was likely that expenses could relate to legal advice from external council. It was agreed that the Head of Justice Policy would check what was meant by legal advice within the draft Law and whether expenses would cover this.

It was explained that the draft Law created a new pathway to investigate and manage matters where death or serious injury (DSI) had occurred when someone had died after direct or indirect involvement with the police. It was noted that, at present, there was no duty to commence an investigation as a matter of course in this instance, however, it was best practice to do so. It was explained, under the draft Law, that the Deputy Chief Officer (DCO) would be required to take a position as to whether

investigation was required or not and then report to the JPCC their decision. The JPCC could recommend whether to proceed with an investigation or not, at which point the DCO could accept or refuse the recommendation. The Panel questioned why the JPCC could not order an investigation to take place, and it was confirmed that it would be difficult to order to DCO to conduct an investigation where they had already confirmed it was not required. It was, however, explained that as part of its reporting function, the JPCC could publicly raise this refusal to investigate in its annual report. It was felt that it would be difficult to see why the Police would allow this to happen given the negative implications it could bring on the force. It was noted in practice that, were an investigation to take place, the DCO would usually bring in assistance from another police force and would be required to inform the Attorney General and JPCC upon its commencement.

The Panel noted that the draft Law specified that the period of appointment for a member of the JPCC was no more than four years, however, the Minister may reappoint a member upon the expiry of their appointment. It was also noted that no overall maximum term was set as to how long a member could be reappointed for. It was noted that, under the Jersey Appointments Commission guidelines, appointments of this manner should be no longer than nine years. The Panel agreed that clarification was required in the draft Law to reflect this guidance.

AH

The Panel questioned what public consultation had been undertaken in respect of the draft Law. It was explained that there had not been any public consultation undertaken in respect of the draft Law itself, as it was felt that the draft Regulations would be more appropriate to consult publicly on given the detail of the processes which would directly affect members of the public. It was noted that stakeholders in the criminal justice system had been consulted at various stages during the development of the draft Law. It was agreed that the Panel would write to the stakeholders that had been consulted in the development of the draft Law in order to further ascertain their views.

AH

The Panel requested that a side-by-side comparison of the draft Law and the current legislation be provided in order to detail to the Assembly the changes that were being made and why they improved on the current system. The Head of Justice Policy agreed to produce this for the Panel and States Members prior to the debate.

AH

Finally, the Panel expressed its concern as to why the draft Law was being brought forward so close to the election. It was noted that the COVID-19 pandemic had delayed the legislation and that it had been a priority area for the Minister to address for some time. It was also noted that the draft Law could not come into effect until the draft Regulations had been adopted. As a result, it was considered more expedient to seek approval of the Assembly prior to the election period so that, if it was adopted, the Privy Council process could be completed and allow for the draft Regulations to be debated for full implementation at the start of 2023 if approved. It was explained that one of the risks of delay would be that a new system could be delayed for a further 18 months.

The Panel thanked the Officers for their time and they exited the meeting.

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Date: 28th February 2022

Present	Deputy Robert Ward, Chair Deputy Louise Doublet, Vice-Chair <i>[Items 1-4, 6,7 and 9 only]</i> Senator Tracey Vallois
Apologies	
Absent	Deputy Mike Higgins
In attendance	Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer

Agenda matter	Action
<p>1. Record of Meetings</p> <p>The Panel noted and approved the records of the meetings held on 3rd, 4th, 7th, 14th and 17th February 2022.</p>	
<p>2. Draft Civil Partnership (Amendment) Law 202 - and Marriage and Civil Status (Amendment no.5) Law 202-</p> <p>The Panel noted that the Comments had been lodged on Friday 25th February ahead of the debate on Tuesday 1st March 2022.</p>	
<p>3. P.9/2022 – Draft Children (Arrangements to Assist Children to Live Outside Jersey) (Amendment) (Jersey) Law 202-</p> <p>The Panel noted that the Comments had been lodged on Friday 25th February ahead of the debate on Tuesday 1st March 2022.</p>	
<p>4. P.117/2021 – Authorisation of Deployment and Use of Energy Conductive Devices (Tasers) by the States of Jersey Police</p> <p>The Panel noted and discussed the draft amendment to the proposition and agreed for it to be lodged ahead of the debate scheduled for 29th March 2022.</p>	AH/MM
<p>5. P.22/2022 – Draft Police (Complaints and Conduct) (Jersey) Law 202-</p> <p>The Panel noted the briefing received on the draft Law on 17th February 2022 and discussed concerns that had come to light as a result. The Panel agreed to compile questions for a written response on the areas where further information was required prior to it determining its scrutiny approach of the draft Law. It noted it would likely present Comments on the draft Law.</p> <p>The Panel raised particular concern regarding the formation of a complaints commission with members who would only be able to provision recommendations rather than the creation of an independent complaints commissioner role as was existing in the United Kingdom. The Panel noted that a commissioner would have the ability to action any findings as a result of any investigative process. Moreover, the Panel discussed the role of the States Employment Board (SEB) and what involvement it should have with regard to the objectives of the draft Law. The Panel also discussed whether it would be appropriate for the Minister for Home Affairs to</p>	AH/MM

<p>appoint the Chair of the commission instead of the members of the commission themselves appointing their Chair. In addition, whether it was appropriate for the commission to report to the Minister for Home Affairs on matters that would ultimately be of a human resource nature and would therefore potentially be more appropriately addressed through being directed to the SEB.</p>	
<p>6. Draft Children (Convention Rights) (Jersey) Law 202-</p> <p>The Panel noted that the draft Law had been lodged and discussed questions arising in relation to the draft Law. The Panel noted that according to the draft Law that amendments would be exempt from Child Rights Impact Assessments (CRIAs). The Panel agreed that amendments should be subject to CRIAs as an amendment could cause a significant change to a proposition being amended, and therefore agreed for an amendment to be drafted to propose that change to the draft Law.</p> <p>The Panel discussed further concerns that had come to light regarding the draft Law and agreed to raise the questions with the department for Children, Young People, Education and Skills (CYPES) for a written response in that regard. In particular, the Panel raised concerns regarding the rationale for the Law Officers' Department (LOD) exempting themselves from the list of public authorities under the draft Law which would exempt the LOD from producing CRIAs. Moreover, concerns regarding the definition of a public authority in respect of the Law. The Panel recalled that the term public authority was referenced within other legislation, however, the definition varied and was not consistent across legislation. The Panel raised concern in relation to the public authority being reflected differently and wanted to determine the rationale in that regard. The Panel agreed it would seek further clarity on the rationale for how the legislation would be enacted, noting that it was proposed in the draft Law that certain parts of the Law would be brought by the Minister through an Order.</p>	<p>AH/MM</p> <p>AH/MM</p>
<p>7. Covid-19 Response: Impact on Children and Young People Review</p> <p>The Panel noted that the draft report was undergoing the internal quality assurance process and would be shared with it later that week for its consideration. The Panel anticipated presenting its report in the coming weeks.</p>	<p>AH/MM</p>
<p>8. Work Programme</p> <p>The Panel discussed its upcoming work programme and noted the lodging deadline for propositions to be debated in this Government term was 10th March 2022. The Panel noted that the intention was for the Domestic Abuse legislation to be lodged prior to the deadline.</p>	
<p>9. Future Meetings</p> <p>The Panel noted that its next scheduled meeting was due to take place at 9:00am on Tuesday 8th March 2022 via Microsoft Teams.</p>	

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Date: 8th March 2022

Present	Deputy Robert Ward, Chair Deputy Louise Doublet, Vice-Chair [Items 1 – 2 and Items 4 – 7] Senator Tracey Vallois
Apologies	
Absent	Deputy Mike Higgins
In attendance	Andy Harris, Principal Committee and Panel Officer

Agenda matter	Action
<p>1. Record of Meetings</p> <p>The Panel noted and approved the record of the meeting held on Monday 28th February 2022.</p>	
<p>2. P.117/2021 – Authorisation of Deployment and Use of Energy Conductive Devices (Tasers) by the States of Jersey Police</p> <p>The Panel recalled that the Minister for Home Affairs was due to present an addendum to the proposition in advance of the debate on 29th March which provided additional data in respect of the trial between the end of October 2021 and beginning of March 2022 (noting that the original proposition only provided data for eight months of the years trial between 1st March 2021 and 31st October 2021). It was noted that this was likely to be presented the week prior to the debate and would therefore be presented after the amendment deadline.</p> <p>The Panel discussed the impact of the addendum on its proposed amendment to the proposition and agreed to include a short paragraph in its amendment report explaining this point. It was agreed that the additional information would have no bearing on the Panel’s amendment as drafted. As a result of this information and discussion, the Panel agreed to proceed with lodging its amendment as soon as possible.</p>	AH/MM
<p>3. P.22/2022 – Draft Police (Complaints and Conduct) (Jersey) Law 202-</p> <p>The Panel recalled that it had agreed questions in respect of the draft Law at its previous meeting and that these had been sent to the Minister for a response by close of play on Wednesday 9th March. The Officer advised that the response would be shared with the Panel and a further discussion would be arranged as to whether the Panel wished to proceed with any amendments or simply publish comments ahead of the debate on 29th March 2022.</p>	AH
<p>4. Draft Children (Convention Rights) (Jersey) Law 202-</p> <p>The Panel recalled its previous discussion on 28th February in relation to whether to bring an amendment to the draft Law that would provide for children’s rights impact assessments (CRIA) to be carried out on amendments to propositions. The Officers advised that the legislative drafters had been consulted and had provided further information in relation to the proposed amendment.</p>	

<p>The Panel discussed the information received from the legislative drafters and agreed that it would proceed with the amendment that would in turn require a preliminary assessment CRIA to be undertaken on all amendments to propositions, amendments to amendments of propositions and amendments to amendments to amendments of propositions. It was agreed that a full CRIA would only need be completed at the discretion of the relevant duty bearer under the draft Law. The Officer advised that this would be progressed with the Legislative Drafter as a matter of priority.</p> <p>The Panel also identified two further amendments to proceed in respect of the draft Law. Firstly, it agreed that it would amend the manner in which the draft Law would be brought into force from an Order by the Minister to an Appointed Day Act. Secondly, it agreed to amend Article 6(6) of the draft Law so that the Minister could only amend Schedule Two of the draft Law (exempt decisions for which a CRIA need not be produced) by Regulations rather than by Order.</p>	<p>AH</p> <p>AH</p>
<p>5. Covid-19 Response: Impact on Children and Young People Review</p> <p>The Panel noted that the draft report had been shared with it for consideration. It was agreed that Deputy Doublet would meet with the Officer at 10:30am on Wednesday 9th March in order to finalise the main body prior to factual accuracy checking.</p>	<p>AH</p>
<p>6. Work Programme</p> <p>The Panel noted its work programme in respect of the final two months of the States Assembly. It noted that the Covid-19 Response: Impact on Children and Young People review was close to completion and was intended to be presented before the end of March 2022. Furthermore, it noted that its work in relation to the Draft Children (Convention Rights) (Jersey) Law 202- and Police (Complaints and Conduct) (Jersey) Law 202- would be completed prior to the debate on 29th March 2022. It was also noted that its amendment in relation to P.117/2021 – Authorisation of Deployment and Use of Energy Conductive Devices (Tasers) by the States of Jersey Police would also be completed for that debate.</p> <p>It was noted that the final deadline for lodging propositions ahead of the election was Thursday 10th March 2022. The Panel recalled that legislation in relation to Domestic Abuse was due to be brought forward by the Minister for Home Affairs, however, it had not been confirmed if this would be lodged in time or not. The Panel agreed to write a letter to the Minister as a matter of urgency to confirm when the legislation would be lodged.</p> <p>The Panel noted that it had received an update in relation to changes to the Regulation of Care Regulations in respect of regulating children’s social work and mental health services. It recalled a joint briefing it had received with the Environment, Housing and Infrastructure Panel on 21st September 2021 and that, whilst the legislation was due to be presented by the Minister for Environment, due to the nature of the changes in respect of children, it was agreed the Panel would be best placed to examine it. It was noted that the legislation was intended to be lodged for debate to take place on 25th April 2022, however, this was still awaiting approval of the Minister. Noting the final lodging deadline of 10th March, the Panel agreed to proceed with arranging a further briefing for Monday 4th April in the event that the legislation was lodged in time.</p>	<p>AH</p> <p>AH</p>
<p>6. Future Meetings</p> <p>The Panel noted that its next scheduled meeting was due to take place at 10:00am on Monday 28th March 2022 in the Le Capelain Room, States Building.</p>	

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 28th March 2022

Present	Deputy Robert Ward, Chair Senator Tracey Vallois
Apologies	Deputy Louise Doublet, Vice-Chair
Absent	Deputy Mike Higgins
In attendance	Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer

Agenda matter	Action
1. Record of Meetings The Panel noted and approved the record of the meeting held on Tuesday 8 th February 2022.	
2. P.117/2021 – Authorisation of Deployment and Use of Energy Conductive Devices (Tasers) by the States of Jersey Police The Panel noted that the Minister for Home Affairs had presented comments in respect of its amendment to P.117/2021 suggesting that the amendment be rejected by the States Assembly. The Panel requested the Officers to draft speaking notes ahead of the debate in order to ensure all points it had covered within its comments were readily accessible during the debate.	MM
3. Draft Children (Convention Rights) (Jersey) Law 202- The Panel recalled that it had presented three amendments in respect of the draft Law on 15 th March 2022. It was noted that the Minister for Children and Education had presented comments in relation to the Panel's amendments and had subsequently accepted the first amendment which changed the manner in which Schedule 2 of the draft Law (propositions exempt from Children's Rights Impact Assessments) could be amended from Ministerial Order to by the States through Regulations. The Minister had rejected the second and third amendments put forward by the Panel. The Panel requested that speaking notes be produced in relation to the second and third amendments to assist Members during the debate.	AH
4. Covid-19 Response: Impact on Children and Young People Review The Panel agreed that, as Deputy Doublet had given apologies for the meeting, and Senator Vallois was not participating in the review, it would discuss this item further at its next scheduled meeting. It was noted that the report was in a final draft form, however, due to the Bridging Island Plan debate it had not been possible for the Members conducting the review to meet and finalise it. The Officer advised that the Panel would be updated on any progress presenting the report in the meantime.	AH

<p>5. P.22/2022 – Draft Police (Complaints and Conduct) (Jersey) Law 202-</p> <p>The Panel recalled that it had lodged comments in respect of the draft Law on Friday 25th March. It was agreed that no further actions were required ahead of the debate on 29th March 2022.</p>	
<p>6. P.69/2022 – Draft Domestic Abuse (Jersey) Law 202-</p> <p>The Panel noted that the draft Law had been lodged by the Minister for Home Affairs on 10th March 2022 for debate on 25th April 2022. The Panel requested that a briefing be arranged on Monday 4th April in order to discuss the draft Law further, noting that there had been changes to the version it had been briefed on pre-lodging. The Officer advised that a meeting request would be sent out in due course.</p>	<p>AH</p>
<p>7. Regulation of Care Regulations – P.45/2022, P.46/2022 and P.47/2022</p> <p>It was noted that the draft Regulations had been lodged by the Minister for Environment for debate on Monday 25th April 2022. Noting that the draft Regulations related to the regulation of children’s social work and mental health services, it had been agreed that the Panel would examine them given its remit in respect of children. The Panel noted that it was due to receive a briefing on the proposed draft Regulations on Monday 4th April at 10:30am after which it would consider any further actions.</p>	
<p>8. P.55/2022 – Draft Unlawful Public Entertainments (Jersey) Law 202-</p> <p>The Panel noted that the draft Regulations had been lodged by the Minister for Home Affairs on 9th March 2022 for debate on 25th April 2022. The Panel noted and discussed a draft question plan in respect of the draft Regulations and agreed that it would send the questions to the Minister for a response in writing. Further to receiving the response the Panel agreed it would then consider any further actions.</p>	<p>MM</p>
<p>9. Higher Education Grant Scheme</p> <p>The Panel noted that the Minister for Children and Education had informed it of an Order that was intended to be made in relation to the Higher Education Grant Scheme. The Panel requested that the Officer ascertain the status of the Order and when, if not already, it was due to be published. It was agreed that the Panel would discuss the matter further at its next scheduled meeting.</p>	<p>AH</p>
<p>10. Work Programme</p> <p>The Panel noted its work programme up to the final sitting of the States Assembly. It was noted that the majority of the topic areas were now tied to legislation that was due to be debated during the last States sitting prior to the election (25th April). It was, therefore, intended that the Panel would aim to finalise all of its work, where practicable, prior to that sitting.</p> <p>The Panel noted that consideration of topics to be included within its legacy report would be added to the agenda for its next scheduled meeting on Monday 4th April 2022.</p>	<p>AH</p>
<p>6. Future Meetings</p> <p>The Panel noted that its next scheduled meeting was due to take place at 10:00am on Monday 4th April 2022 in the Le Capelain Room, States Building.</p>	

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Date: 4th April 2022

Present	Deputy Robert Ward, Chair Senator Tracey Vallois
Apologies	Deputy Louise Doublet, Vice-Chair
Absent	Deputy Mike Higgins
In attendance	Ruth Johnson, Head of Social Policy [item 2 only] Francis Walker, Senior Policy Officer [item 2 only] Nathan Fox, Head of Criminal Justice Policy [item 4 only] Sara Garwood, Senior Policy Officer [item 4 only] Andy Harris, Principal Committee and Panel Officer

Agenda matter	Action
<p>1. Record of Meetings</p> <p>The Panel noted and approved the record of the meeting held on 28th March 2022.</p>	
<p>2. Regulation of Care Regulations (P.45/2022, P.46/2022 and P.47/2022)</p> <p>The Panel received Ruth Johnson, Head of Social Policy and Francis Walker, Senior Policy Officer for a briefing in relation to the following pieces of legislation which were due for debate on 25th April 2022:</p> <ul style="list-style-type: none"> • P.45/2022 Draft Regulation of Care (Regulated Activities) (Amendment of Law) (Jersey) Regulations 202- • P.46/2022 Draft Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations 202- • P.47/2022 Draft Regulation of Care (Transitional Provisions) (Jersey) Regulations 202- <p>The Panel recalled that it had received a joint briefing with the Environment, Housing and Infrastructure Panel on 21st September 2021 whilst the draft Regulations were in development. It was noted that, whilst the draft Regulations had been lodged by the Minister for Environment, as they related to the proposed regulation of children's social work and mental health services it was deemed appropriate for the Panel to examine them. It was also noted that the Regulation of Care (Jersey) Law 2014 (hereafter the 'Primary Law) sat under the remit of the Chief Minister, however, he had delegated responsibility in this area to the Minister for Environment during the current term of Government.</p> <p>The Senior Policy Officer explained that, if adopted, the draft Regulations would allow for a number of services for children to be subject to regulation by the Jersey Care Commission (JCC). These included:</p> <ul style="list-style-type: none"> • Adoption services • Children's home services (noting that these were already regulated but as a care home service) 	

- Fostering services
- Social work services for children and young people
- Independent monitoring and review of children's safeguarding arrangements
- Child contact centres
- Residential family centres
- Children and young peoples' mental health services (CAMHS)
- Care services in special schools
- Children and family community nursing services

It was noted that whilst three separate propositions had been lodged in order to make these changes, all three propositions were inherently linked and, therefore, would all need to be adopted in order for the changes to come into effect. It was also noted that the manner in which the Primary Law was structured allowed for changes to be made via secondary legislation (draft Regulations). It was deemed more expedient to fit the proposed changes within the current legislative format through taking the existing standards and requirements and extending them where required to meet the new services.

It was noted that the purpose of P.45/2022 was to define the services which were going to be regulated by describing the nature of those services. Furthermore, every service listed under the regulations would be required to register as a service provider with the JCC and an individual who provided a service listed under the regulations and did not register with the JCC would be guilty of an offence (liable to imprisonment for a term of up to 12 months and to a fine). Once a service provider had registered with the JCC then they were required to adhere to the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 and would be inspected by the JCC every year.

As a result of the amendments arising in P.45/2022, P.46/2022 brought forward further amendments to the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 in order to define the standards that would be required in relation to the proposed services. It was noted that the 2018 Regulations were largely generic requirements and applied equally to all regulated services with the exception of Regulations 28, 29, 30 and 31 which applied only to children's homes and children's support services. It was noted that the JCC would develop and consult on new Care Standards based on the requirements under the 2018 Regulations. The Care Standards would be the guidance used by regulated services to understand what the JCC required from them and against which the JCC would inspect them. It was explained to the Panel that a number of additional Regulations had been brought forward in relation to adoption and fostering services due to deficiencies in the current legislation governing these areas. It was noted that in order to have specific standards and requirements in relation to adoption and fostering services, rather than amend the respective Laws, they could be included within the 2018 Regulations instead.

It was noted that P.47/2022 brought forward transitional provisions that provided that children's homes which were currently required to register as care comes under the Primary Law would automatically be registered as children's home services when the draft Regulations came in to force. Children and family nursing services which were currently required to register as home care services under the Primary Law would be able to re-register with the JCC without paying a registration fee. Finally, P.47/2022 required that those services which would become regulated activities for the first time (such as fostering and adoption services) would be required to register with the JCC within six months of the draft Regulated Activities Regulations coming into force.

The Senior Policy Officer finally explained that the fees in relation to registration that were determined by the 2014 Law would also be applied in respect of the new services, however, a consultation was currently being undertaken in respect of the proposed fees with the affected service providers and would close on 8th April. The consultation response would then be published. It was noted by the Senior Policy Officer that the propositions being debated by the States Assembly did not relate to the setting of fees and the Assembly was not being asked to approve this. The Panel was informed that the fees would be set by Ministerial Order and that this Order would have to be made in the next States Assembly should the draft Regulations being debated come into force. It was also noted that the provisional fee structure had been included within the draft Regulations in order to provide States Members with an idea as to the direction of travel prior to the debate.

The Panel questioned whether inclusion of the proposed fee structure in the draft Regulations would steer the debate in the States Assembly away from the proposed amendments to the Regulations and towards the level of fees being imposed on the services. It was explained that it was felt better to provide States Members with this information in order to be open and transparent about the proposed fee level, however, it would be important to note that the Regulations themselves did not set the fees. It was noted that the Minister retained the ability to set the fee at zero as per the Primary Law and it was intended for one service that fell under the draft Regulations to have a zero-fee set for registration as it was the only service of its kind in the Island. It was also noted that that when adopting the Primary Law in 2014, the States Assembly had agreed to a mixed funding approach for the JCC with 55% funding being found from registration and annual fees. The Head of Policy explained that it was important that the independence of the JCC was assured and ensuring its funding was not predominately from Government was important in that regard.

It was explained that, as P.45/2022 proposed the inclusion of predominately government services, funding towards the registration and annual fee under the Primary Law (set at 0.8% of the individual service's budget) had been included within the Government Plan 2020-23 and £450,000 had been set aside to cover these fees in 2023. The Panel requested a breakdown of each Government service that would fall under the regulations and how much the 0.8% fee amounted to for each service. It was also noted that, previously, the funding for inspections within children's care homes sat within the departmental budget for Children, Young People, Education and Skills (CYPES), however, it was intended to extract that funding from that budget so that it sat within the Department for Strategic Policy, Performance and Planning (SPPP) who would in turn pay the fees on their behalf.

Concern was raised by the Panel that the JCC should not be a profit-making body (especially noting the rules within the Public Finances Law in that regard) and questioned how the fees would be monitored to ensure that the JCC was not making a profit. The Head of Policy explained that, since the JCC had begun operating in 2019, it had overspent during every year to date, with SPPP having to offset the overspends from its own budget. Should the draft Regulations be adopted it was expected that a period of review would be undertaken by both the JCC and SPPP to determine whether the proposed fee levels were sufficient, and steps could be taken to address the issue of over or underspends if required as the Minister held discretion over setting the fees.

The Panel suggested that, as the Order to set the fees was not included within debate of the proposition, the Minister should determine the fees after a period of review should the draft Regulations be adopted. It was agreed that the Panel would reflect this point within comments ahead of the debate.

AH

The Panel questioned the manner in which the JCC determined how and when they inspected services, noting that other services such as the States of Jersey Police Force were inspected every three years. It was also questioned whether, as an annual fee was required, this meant an annual inspection was intended for all services proposed under the draft Regulations. The Senior Policy Officer explained that there would likely be different timescale for different services, however, the expectation was that yearly inspections would be carried out for the next two to three years whilst the JCC determined whether that timescale was appropriate or not. It was noted that it was uncommon to inspect whole services annually, however, a mix of planned and unplanned inspections could be undertaken annually on specific aspects within a service (an example was given of a particular children's care home rather than Children's Services as a whole). The Panel noted that care homes already established under the Primary Law were inspected on yearly basis and it was confirmed that this was due to the high-risk environments and the need to ensure effective regulation in line with the standards and requirements. It was explained by the Head of Policy that as registration for the services with the JCC under the Primary Law had commenced from 2019, inspections by the JCC had started in earnest from 2020, although prior to this there had been an inspection team within Health and Community Services which had been fulfilling this function. Given that initial work it was noted that the JCC was prepared for the level of inspection which it was intended to undertake. It was explained that this was a policy decision that had been made from the outset.

The Panel questioned why services such as the Youth Service, La Pasurelle School and ARK services based within schools had not been included under the proposed services to be regulated. It was explained that there had been much discussion over how to define the services that fell under the draft Regulations, and it had been agreed that services would be included where a Social Worker was either involved in the delivery or oversight of the service or where a service was provided by a registered medical professional. It was noted that counsellors did not fall under the umbrella of registered medical professionals (as a mental health practitioner) and private nurseries did not fall under children and family community services, however, it did not mean that they would not be subject to regulation in the future. The Senior Policy Officer also explained that a phased approach to services being subject to regulation by the JCC had been adopted to prevent the JCC from falling under the weight of the number of inspections it was undertaken. By adopting this approach, the JCC could, therefore, align its resources more effectively with the increasing workload over time. It was noted that the next phase of regulation would likely focus on the hospital and health related services which would require significant additional funding for fees paid by Government and resourcing for the JCC.

The Panel commented that there were considerable issues with mental health provision and wellbeing in local schools and that many schools had separate budgets for Special Educational Needs (SEN) and wellbeing offerings. It was questioned whether these services within schools would be covered by the proposal to regulate care services in special schools. The Senior Policy Officer explained that for the purposes of the draft Regulations, only Mont-a-L'Abbe school would fall under this particular tranche of regulation.

The Panel also noted that, in the draft Regulations, children's homes services related to children and young people up to the age of 22. It was questioned whether services for care leavers, who were defined up to the age of 25, would be captured by the proposed regulations. The Panel also noted within this question that care leavers were appointed Personal Advisers and whether these roles could be considered as social worker roles. It was explained by the Senior Policy Officer that this would

<p>depend on how the service was structured and whether social workers had oversight of the roles. It was noted that if a Social Worker was involved in the delivery of the scheme, then it would fall under the proposed draft Regulations. The Panel agreed that it would ascertain whether or not personal advisers were considered to be social workers in order to understand whether this service was likely to fall under the draft Regulations.</p> <p>It was noted that the draft Regulations had been lodged late in the political term of office and the Panel questioned why they had to be brought forward prior to the election. It was noted that inspection of children’s social work and mental health services had been a key recommendation of the Independent Jersey Care Inquiry and it was a priority for the current Government to bring this legislation forward. It was explained by the Head of Policy that delaying the legislation to the next States Assembly could risk it not being brought forward at all. The Panel noted this point, however, explained that limited time to scrutinise the legislation in detail was of particular concern.</p> <p>Overall, it was advised that the draft Regulations significantly increased the reach of inspection for children’s social work and mental health services in the Island. The Panel noted the intention of the draft Regulations and agreed it would look to present comments ahead of the debate on 25th April outlining the area it had discussed.</p> <p>The Panel thanked the officers for their time, and they withdrew from the meeting.</p>	<p>AH</p> <p>AH</p>
<p>3. Covid-19 Response: Impact on Children and Young People Review</p> <p>The Panel noted and approved the presentation of its report S.R.4/2022 Covid-19 Response: Impact on Children and Young People. The Officer advised that the report and accompanying news release would be sent out under embargo to States Members and the media before formal presentation on Tuesday 5th April 2022.</p>	
<p>4. P.69/2022 – Draft Domestic Abuse (Jersey) Law 202-</p> <p>The Panel received Nathan Fox, Head of Criminal Justice Policy and Sara Garwood, Senior Policy Officer for a briefing in relation to P.69/2022 Draft Domestic Abuse (Jersey) Law 202- (hereafter the ‘draft Law’).</p> <p>The Panel noted that it had been briefed on the draft Law on two previous occasions, with the last briefing having taken place on 7th December 2022. It was noted that the draft Law had been lodged on 10th March 2022 for debate on 25th April 2022. The Head of Criminal Justice Policy explained that, since the Panel had last been briefed on the proposed legislation, there had been two minor changes and a large material change within the lodged proposition.</p> <p>It was noted that the structure of the offence in relation to domestic abuse had been changed. Previously, there had been two offences created by the legislation, namely abusive behaviour and a separate offence of coercive or controlling behaviour. It was explained that this had been amended so that coercive or controlling behaviour was included under the definition of abuse within the legislation. It was also noted that, previously, abuse had meant a number of different things under the legislation and discussions had been undertaken in relation to what constituted financial abuse. Ultimately it was not felt possible to construct a separate offence in that regard without it falling under coercive and controlling behaviour. The Panel questioned why a separate offence</p> <p>The Head of Criminal Justice Policy explained that the second change related to defences in relation to the offence of domestic abuse. It was noted that, in previous</p>	

drafts, it had provided a number of defences in this regard which would need to be met for a defendant to be found not guilty. Further to consultation it was felt more appropriate to structure the offence so that the burden of proof remained with the prosecution. It had therefore structured the offence to require three separate tests to be met to determine whether an offence had occurred.

The Head of Policy explained that the significant material change to the legislation had been the complete removal of Domestic Abuse Protection Notices (DAPN's) and placing Domestic Abuse Protection Notices (DAPO's) post-conviction rather than pre-conviction as previously consulted upon. It was explained that the reason for this significant change in the legislation had come from consultation with the courts. It was explained that the courts held concern over the application of both the DAPN's and DAPO's in the previous version of the legislation. It was felt that placing the DAPO post-conviction modified them to a criminal matter rather than a civil matter which they would normally be if brought pre-conviction. As a result of this change, the DAPN's application had changed significantly, and questions were raised over their usefulness in that regard. Furthermore, taking the DAPO out of civil action ultimately rendered the DAPN with little procedural use for the Police as they would not have a means to be held to account for their application as an appeals process would not be possible through the courts. It was noted that, in place of the proposed pre-conviction arrangements of DAPN's and DAPO's, pre-charge bail conditions could be used instead. Furthermore, post-charge bail conditions could also be set.

The Head of Justice Policy explained that concern had also been raised around the DAPN's (noting that they were only in effect for 48 hours) and the potential for them to exacerbate instances of domestic abuse. It was noted that this was a particularly fraught area in relation to civil liberties and, given that the threshold for issuing a DAPN was less than the threshold for arrest, it was felt that, on balance, DAPN's would have marginal utility under the changes to the draft Law and were subsequently removed.

The Panel questioned the rationale for the removal of DAPN's and raised concern that this removed a protection for potential victims and ultimately gave the impression of making it harder for victims when seeking justice. It was explained that the court could apply one of many conditions to protect victims and the use of arrest and bail powers would ultimately provide a similar level of protection. Furthermore, it was explained that court timings were an issue in relation to the 48 hours, especially noting the fact that Sundays were discounted when considering the number of days between arrest and a court hearing and this could place difficulty on an individual being removed from their home for that period whilst the police conducted an investigation. The Panel maintained its concern that removal of the DAPN could lead to fewer prosecutions as the evidence trail may not be as clear without prior examples of behaviour that had been identified by DAPN's.

The Head of Criminal Justice Policy explained that it was the intention of the Minister to lodge an amendment to the proposition. It was noted that, as the timeline for lodging for the last sitting could not be missed, a small change was due to be included that had not been able to be progressed prior to the final lodging deadline. As such, it was the intention of the Minister for Home Affairs to lodge this amendment in order to provide clarity over whether an individual's circumstances had changed when issuing a DAPO for the purposes of the domestic abuse register.

The Panel noted that a significant change had been made to the legislation and that it had been left with incredibly limited time in which to conduct full scrutiny of the proposals given the recent Bridging Island Plan debate and penultimate States sitting

<p>that had followed it. The Panel agreed that the legislation was a step forward as it defined domestic abuse in Jersey legislation, however, it continued to hold concern over whether the law would be effective without the addition of DAPN's and the change to the application of DAPO's. It was agreed that the next Panel should take a position as to whether this was the case or not and that this would be put forward in the Panel's legacy report.</p> <p>The Panel thanked officers for their time, and they withdrew from the meeting.</p> <p>Further to the briefing, the Panel discussed whether to bring forward an amendment to reintroduce DAPN's under the legislation. It was agreed that the Panel would consider this matter further and revert to the officer with a decision the following day.</p>	AH
<p>5. P.55/2022 – Draft Unlawful Public Entertainments (Jersey) Law 202-</p> <p>The Panel noted that a response to its questions in relation to the draft Regulations was due on Monday 4th April but had yet to be provided. The Officer advised that this would be followed up. It was agreed that the Panel would consider the responses and agree any further steps at its next scheduled meeting.</p>	AH
<p>6. Higher Education Grant Scheme Order</p> <p>The Panel agreed to defer discussion on the proposed Higher Education Grant Scheme Order until its next scheduled meeting on 11th April 2022.</p>	AH
<p>7. Early Years Policy Development Board Recommendations Progress Report</p> <p>The Panel noted that the Minister for Children and Education had provided it with a report outlining the progress made in implementing the recommendations from the Early Years Policy Development Board (EYPDB) report. It was also noted that this had been provided as a result of the Panel withdrawing amendments it had brought forward during the Government Plan 2022-25 debate.</p> <p>The Panel agreed to consider the report further and discuss at its next scheduled meeting on 11th April 2022.</p>	AH
<p>8. Legacy Report</p> <p>The Panel agreed to defer discussion on areas for inclusion within its legacy report until its next scheduled meeting on 11th April 2022.</p>	AH
<p>9. Future Meetings</p> <p>The Panel noted that its next scheduled meeting was due to take place at 10:00am on Monday 11th April 2022 in the Le Capelain Room, States Building.</p>	

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Meeting held by video conference

Date: 8th April 2022

Present	Deputy Robert Ward, Chair Senator Tracey Vallois
Apologies	Deputy Louise Doublet, Vice-Chair
Absent	Deputy Mike Higgins
In attendance	Item 1 Kate Briden, Director General for Justice and Home Affairs Fiona McIntosh, Combined Control Room Manager, Justice and Home Affairs Item 2 Kate Briden, Director General for Justice and Home Affairs Susie Richardson, Governor for States of Jersey Prison Service, Justice and Home Affairs Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer

Agenda matter	Action
1. Briefing: Combined Control Room The Panel met with Officers from Justice and Home Affairs at 11am for a briefing in relation to the Combined Control Room. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.	
2. Briefing: Prison Target Operating Model The Panel met with Officers from Justice and Home Affairs at 11:30am for a briefing in relation to the Prison Target Operating Model. The record of this meeting was classified as exempt in accordance with the Freedom of Information (Jersey) Law 2011 (as amended) under Qualified Exemption Article 35.	

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Date: 19th April 2022

Present	Deputy Robert Ward, Chair Senator Tracey Vallois
Apologies	Deputy Louise Doublet, Vice-Chair
Absent	Deputy Mike Higgins
In attendance	Andy Harris, Principal Committee and Panel Officer

Agenda matter	Action
<p>1. Records of Meetings</p> <p>The Panel noted and approved the records of the meetings held on 4th and 11th April 2022.</p>	
<p>2. Domestic Abuse Legislation</p> <p>The Panel noted and discussed draft Comments in respect of P.69/2022 Draft Domestic Abuse (Jersey) Law 202- (the draft Law). The Panel approved the comments subject to minor changes and agreed that they could be lodged prior to the debate on 25th April 2022.</p> <p>It was noted that Senator Tracey Vallois had brought forward an amendment to the legislation in order to reinstate Domestic Abuse Protection Notices which had been taken out of the legislation before it was lodged, however, this was done so in her capacity as an Independent States Member.</p>	AH
<p>3. Regulation of Care Regulations</p> <p>The Panel noted and discussed draft Comments in respect of P.45/2022 Draft Regulation of Care (Regulated Activities) (Amendment of Law) (Jersey) Regulations 202-. It was agreed that the Panel would lodge the Comments ahead of the debate on 25th April 2022.</p>	AH
<p>4. Unlawful Public Entertainment Regulations – P.55/2022</p> <p>The Panel noted and discussed draft Comments in respect of P.55/2022 Draft Unlawful Public Entertainments (Jersey) Regulations 202-. The Panel approved the Comments and the Officer advised that they would be lodged prior to the debate on 25th April 2022.</p>	AH
<p>5. Legacy Report</p> <p>The Panel noted that its Legacy Report was being drafted and would be shared via Microsoft Teams in due course.</p>	AH
<p>8. Future Meetings</p> <p>The Panel noted that its next scheduled meeting was due to take place at 4:00pm on Wednesday 4th May 2022 in the Le Capelain Room, States Building.</p>	AH

Children, Education and Home Affairs Scrutiny Panel

Record of Meeting

Date: 4th May 2022

Present	Deputy Robert Ward, Chair Senator Tracey Vallois Deputy Louise Doublet, Vice-Chair
Apologies	
Absent	Deputy Mike Higgins
In attendance	Andy Harris, Principal Committee and Panel Officer Monique Magalhaes, Research and Project Officer Rosalyn Sharp, Research and Project Officer

Agenda matter	Action
1. Record of Meetings The Panel noted and approved the records of the meetings held on 8 th and 19 th April 2022.	
2. Legacy Report The Panel discussed and approved the draft Legacy Report and agreed for the report to be presented later that week.	AH
3. Covid-19 Response: Impact on Children and Young People Review The Panel noted that its Ministerial Response was due to be received on Friday 6 th May 2022 after which it would be published.	
4. Ministerial Order - Education (Grants and Allowances) (Amendment no. 3) (Jersey) Order 2022 The Panel noted and discussed the Order brought by the Minister for Children and Education in relation to increases to the higher education grants. The Panel discussed the potential actions it could take in respect of the Order, considering the timeline to the election period, and agreed the workstream may need to be reviewed during the next political term.	
5. Pre-election Period The Panel noted that the pre-election period would commence on 10 th May 2022. The Panel noted that the outstanding records of meetings would be shared with it for approval via Microsoft Teams.	