

3.1 Deputy T.A. Vallois of St. John of H.M. Attorney General regarding the legal context to the role of States Members as the corporate parent in relation to children in care: [1(648)]

Will Her Majesty's Attorney General explain the legal context to the role of States Members as the corporate parent in relation to children in care?

Mr. R.J. MacRae, H.M. Attorney General:

The concept of the corporate parent is not one currently recognised under Jersey law. Individual States Members, other than the Minister for Health and Social Services, do not have any specific responsibility towards children in care, rather for children generally. In England and Wales a care order is made in favour of the local authority. In Jersey a care order is made for the Minister who assumes parental responsibility for the child, as well as other duties set out under the Children Law 2002. The Independent Jersey Care Inquiry made the following recommendation, namely, to emphasise the importance of this responsibility, namely corporate parent: "We recommend that reference is made to the specific responsibility in the oath of office taken by Members of the States Assembly." That is recommendation 6. In that regard, the proposition lodged by the Council of Ministers for debate in January, P.108/2017, sets out the Council's response to the Independent Jersey Care Inquiry and states that: "It is proposed that further policy development is progressed to describe the role of the corporate parent in legislation and more widely, and the opportunities this presents to ensure better outcomes for children." A key area of change highlighted in the Inquiry report was the roles and responsibilities of elected Members. The Privileges and Procedures Committee is considering the Care Inquiry's recommendations in this area and is expected to bring forward a proposition in relation to the oath sworn by States Members and their induction.

3.1.1 The Deputy of St. John:

I appreciate the response from Her Majesty's Attorney General. Can I just delve a little bit deeper in terms of understanding the corporate parent, as I understand it, with the Minister for Health and Social Services in terms of children in care and then the specifics which the Attorney General has just mentioned in relation to the Care Inquiry for all States Members of this role or concept of corporate parent? Could the Attorney General advise whether there would be any conflict or affliction in that particular role considering what we have in a legal context for the corporate parent for the Minister for Health and Social Services and what we are seen as in terms of independent States Members?

The Attorney General:

I do not think there would be a conflict but of course the extent to which there might be will depend upon the definition of "corporate parent" adopted by due course by this Assembly.

[14:45]

There is no definition of course yet in Jersey law or indeed in England and Wales. There is in Scotland, under the Scotland Children and Young People Act 2014, which clearly defines the responsibilities of the corporate parent, which extends to all Scottish Ministers, and thereby the Government, and defines, for example, the duty of corporate parent, extending to be alert to matters which might or might adversely affect the well-being of children, to assess the needs of those children and young persons for services it provides, to promote the interest of children and young persons, to seek to provide them with opportunities to participate in activities designed to promote their well-being, and so on. I will not read out the whole list. So a wide scope of duties imposed on the corporate parent. In relation to the Minister, his duties are more closely circumscribed under the Children Law and they are principally the provision of accommodation for children and general duties in relation to looked after children, namely

safeguarding and promoting their welfare and to make such use of services available to children generally as appear to be reasonable in the case of the child concerned.

The Deputy of St. John:

I would like to thank the Attorney General for his answers.