

2019.10.08

8 Deputy M. Tadier of the Minister for Children and Housing regarding the impact of residency rules on children in the Island: (OQ.246/2019)

Is it the Minister's assessment that the 5-year and 10-year residency rules for access to income support and housing mean that some children are disadvantaged compared to other children; has he undertaken any assessment in that regard of Jersey's compliance with Article 26 of the U.N. (United Nations) Convention on the Rights of the Child and, if so, what changes, if any, does he consider are required to ensure compliance?

Senator S.Y. Mézec (The Minister for Children and Housing):

This question is in 2 parts and I will answer each part separately. The first part asks if children are at a disadvantage compared to other children, depending on the qualification status of their parents. The answer to that has to be yes by very definition, because they will be children living in families that have a severely restricted choice of what properties they can rent. That is clearly a disadvantage. The second part of the question asks if I have undertaken any assessment of this compared to the U.N.C.R.C. (United Nations Convention on the Rights of the Child). The answer to that is no, I have not undertaken this assessment, but that is because we are doing one better and we have asked the Children's Commissioner to co-ordinate a legislative gap review to measure Jersey's compliance with the U.N.C.R.C. and these aspects of our legislation. I have my next briefing on the progress of that review on Friday this week.

4.8.1 Deputy M. Tadier:

I thank the Minister for that helpful answer. Article 26, in child-friendly language, specifically says: "You have the right to help from the Government if you are poor and in need" obviously talking to children. This is demonstrably not the case for certain children in our society, if their parents have not been here for 5 years. They cannot access social housing, even if they might be in need of that and they cannot necessarily access income support either, which might be an issue for the Minister for Social Security, but it nevertheless has an impact on the Minister's portfolio. Would he arrange to meet with other corporate parents in the States to look at whether the current residency requirements are best serving the wider population and see what changes can be brought forth in relatively short order?

Senator S.Y. Mézec:

I am glad that he has asked that question. I did have a very brief conversation with the Minister for Economic Development as I walked in this morning, who is interested in having that conversation. Obviously, there is an economic angle to this, as well. But there is ongoing work that is going to be helpful in addressing the important issues that the Deputy has raised with this question. When we have a report published, as a result of this legislative gap review, we will be in a position to have a clear discussion on what action we may need to take as a result of that review. But, also, the Deputy will be aware that the Government is looking at introducing a due regard model for incorporation of the U.N.C.R.C. and there will be lots of work that we will need to do in assisting Members of this Assembly understanding what that means and also knowing what we, as a Government, will have to do to react to various policies and legislations where it is clear that they need change.

4.8.2 Senator S.C. Ferguson:

It seems to me that there is an assumption that children come to Jersey on their own. Is the Minister not holding the parents responsible, in the first place, for bringing the children to Jersey

and putting them in a position where they are not getting their rights? There is a parental responsibility here, I think.

Senator S.Y. Mézec:

Of course there is a parental responsibility, but we are talking about the United Nations Convention on the Rights of the Child, not the United Nations Convention on the Rights of the Parent. It should not be the case that children have to live with a disadvantage, or lack of service provision, for something that is not their fault, which is ultimately down to decisions made by others. Yes, of course, we have to assist families to be in the best position possible to support their children and that will be sometimes difficult and sometimes different approaches will need to be taken, given whatever the parents' status happens to be. But the point of this is this is about the rights of the children, who often have no say in these matters and do not have the agency to change their own position.

4.8.3 Senator S.C. Ferguson:

Yes, but my point is that the children ... we are not holding the parents responsible for putting the children into a position where they need to start questioning their rights.

Senator S.Y. Mézec:

Of course and that is why we are conducting this legislative gap review, or why we have asked the Children's Commissioner to co-ordinate this review, which will put us in a better position of being able to measure whether the legislation we have is compliant with the Convention on the Rights of the Child. Where it is not compliant, or enables procedures, or these qualification systems, which are problematic, we will be in a position to change it, so that we can meet everybody's needs.

4.8.4 Deputy S.M. Wickenden:

Will the Minister let the Assembly know what his views are on having any type of residency rules for income support and housing?

Senator S.Y. Mézec:

Can I get away without answering that, given that I am not the Minister for Social Security?

The Bailiff:

You should only answer within the scope of your ministry. If it falls within the U.N. Convention on the Rights of the Child, it would seem to fall within your scope.

Senator S.Y. Mézec:

This will be a discussion that will need to be had. When you look at the U.N.C.R.C., it does have a *caveat* in it, which says that member states should attempt to meet their obligations to the best of their abilities, bearing in mind the financial constraints that all countries will have and bearing in mind that there are countries, that are substantially poorer than Jersey, that will still need to do their bit in meeting their U.N.C.R.C. obligations. The Deputy will not be surprised to know that I find these sorts of qualification periods philosophically problematic.

4.8.5 Deputy L.M.C. Doublet:

Could the Minister advise whether there is any ministerial discretion in terms of granting housing rights where children are in need? Can he describe the process by which this is undertaken in which Ministers are involved?

Senator S.Y. Mézec:

That is right; there is a process by which people can ask to have qualification status granted to them on the grounds of hardship and, obviously, the position of their children and their family will be a consideration. I believe, ultimately, the responsibility for granting those qualifications lies with the Chief Minister. That is currently delegated to the Assistant Chief Minister, the Constable of St. John, who, when dealing with appeals, consults with members of the Housing and Work Advisory Group, of which I am a member, the Minister for Social Security is a member and the Assistant Minister for Economic Development is also a member.

4.8.6 Deputy L.M.C. Doublet:

Are there any figures on how often these applications are made and how many are granted?

Senator S.Y. Mézec:

I suspect those figures will be easy to collate but, of course, I cannot do that off the top of my head, but if she would like me to I can ask officers to try to get her those figures; I am sure that will be possible.

4.8.7 Deputy M. Tadier:

Just to clarify some of the issues that Senator Ferguson touched on: would the Minister clarify that he has political responsibility for all children in Jersey and their welfare, irrespective of whether those children were born in Jersey of local parents who already live in the Island; or whether they are born in Jersey of non-local parents, who have lived in the Island less than 5 or 10 years; or if they are brought to the Island by people who were not born here and that he does not discriminate against the rights of those children, even if some of our laws do?

Senator S.Y. Mézec:

The Deputy is absolutely right. This is the United Nations Convention on the Rights of the Child, not the rights of qualified children, or locally-born children, it is about all children. It is a fact that, in many parts of our legislation, services are freely provided to children, irrespective of their status, education being the obvious one in that every child is entitled to a place in school from the moment they arrive in Jersey. It also makes reference to refugee children, for example, in the U.N.C.R.C., this is about all children, not distinguished between where they were born, or where their parents were born.