

21.12.13

4 Senator S.W. Pallett of the Chief Minister regarding Housing Rights and Children in Jersey (OQ.250.2021):

Further to the publication of *Housing Rights and Children in Jersey* and the related policy position of the Children's Commissioner, will the Chief Minister advise what action he will take to implement the recommendations of the commissioner, particularly in respect of the conflict of interest identified by the commissioner in the role of the Deputy Chief Minister in hearing appeals under the Control of Housing and Work (Jersey) Law 2012?

Senator J.A.N. Le Fondré (The Chief Minister):

Sorry, Sir, I was reflecting on the points that have been raised previously. I thank the Children's Commissioner for her report, which was received last Monday and we are obviously considering the points raised in that report. As the Senator will be aware in his role as the chair of the Migration and Population Review Panel, a review of the current Control of Housing and Work (Jersey) Law 2012 is underway. As part of this review, proposed amendments to the appeal process are already in draft. The intention is to lodge in December and ahead of the population policy, however the draft Control of Housing Work (Jersey) Law 2012 has been reviewed by the Law Officers' Department and some further changes are required before it can be brought forward for lodging. Some of those changes relate directly to the appeal system and it is ensuring that it is Article 6 of the human rights compliant.

3.4.1 Senator S.W. Pallett:

I fully appreciate the answer given by the Chief Minister in which he very much talks about the Control of Housing and Work (Jersey) Law and potential amendments to it, but there are other recommendations within the Children's Commissioner's report and policy suggestions. When would he take the other recommendations into account and is that something that he is currently looking into and working on?

Senator J.A.N. Le Fondré:

I think the short answer is it came in last Monday. The Senator may appreciate we have been dealing with the 26 amendments brought by Members over the past week and, in fact, if I give a summary of my first 2 hours of my morning it has been fisheries, Brexit, COVID, international tax and preparing for the Government Plan. Oddly enough, I have not started the planning for it. The report is being looked at, and we will consider those points in due course.

3.4.2 Senator S.Y. Mézec:

The Chief Minister will hopefully be aware of the legislative gap analysis that was undertaken through the Children's Commissioner's office previously to investigate which areas of law need to be updated so that Jersey Law is compliant with the United Nations Convention on the Rights of the Child and what the Children's Commissioner has raised with housing rights here is a very clearcut issue. Will the Chief Minister commit here and now to updating or amending our Control of Housing and Work (Jersey) Law in some form or another pending a review to confirm the most appropriate way to do so, to ensure that in the future this law is fully compliant with the principles that are outlined in the U.N.C.R.C. (United Nations Convention on the Rights of the Child)?

Senator J.A.N. Le Fondré:

I think the important thing is that it is human rights compliant, and that is what we are ensuring. That will no doubt come across when those changes come through to Members which, as I said, I would be anticipating in the next few weeks.

3.4.3 Senator S.Y. Mézec:

The Chief Minister just mentioned this being human rights compliant, and I do not doubt that that is true, but the United Nations Convention on the Rights of the Child goes beyond what is simply in the E.C.H.R. (European Convention on Human Rights) or the Human Rights (Jersey) Law, to ensure that Jersey's children are genuinely being put first. I appreciate that may have been a slip of the tongue from the Chief Minister, but will he confirm that he will be seeking to update the Control of Housing and Work (Jersey) Law to ensure that it is compliant with the U.N.C.R.C., irrespective of whether it is already compliant with the E.C.H.R., because they are 2 different things?

Senator J.A.N. Le Fondré:

We will make sure that we adhere to our commitments under the various European Conventions that we have to do. What I am not going to do at this stage is commit to something when we are still analysing the report.

3.4.4 Senator K.L. Moore:

Could the Chief Minister inform the Assembly when he last met with the Children's Commissioner to discuss these matters?

Senator J.A.N. Le Fondré:

On the basis of these matters as captured by the report issued last Monday, I have certainly not met the commissioner since then, although I may have seen her at a distance at St. Peter's Garden Centre yesterday.

3.4.5 Senator K.L. Moore:

These matters are very serious. They have been raised by the Children's Commissioner on a number of occasions and, as Senator Mézec stated, it is particularly clear in her legislative gap analysis. Would the Chief Minister inform the Assembly how regularly he meets with the Children's Commissioner and when he last met with her, please?

Senator J.A.N. Le Fondré:

I do not have my diary immediately to hand, so I cannot tell the Senator when I last met with her. I have met her in Broad Street in the last few months and she also presented to the Council of Ministers, also in the last few months. Yes, I am fully aware of the legislative gap analysis because she presented it to the Council of Ministers when it was produced.

3.4.6 Deputy R.J. Ward:

Can the Chief Minister give us a timescale as to when this report will be dealt with and acted upon, given that the Government Plan debate should finish this week?

Senator J.A.N. Le Fondré:

No. I will say that Deputy Wickenden will be liaising with the Children's Commissioner on this, but I do not have a timescale to answer.

Deputy R.J. Ward:

I apologise, I could not hear that.

The Bailiff:

Deputy Wickenden will be meeting with the Children's Commissioner, but the Chief Minister cannot provide you with a timescale at this point. Is that correct, Chief Minister?

Senator J.A.N. Le Fondré:

Yes, Sir.

3.4.7 Senator S.W. Pallett:

In the meantime, before any amendments are made to the current Control of Housing and Work (Jersey) Law, we are dealing with the current system. Can the Chief Minister say whether he is going to take any action to ensure that appeals that are heard under the Control of Housing and Work (Jersey) Law do take fully into account the best interests of children and their families?

Senator J.A.N. Le Fondré:

In essence, as I understand matters, most of the appeals process is to the main body of H.A.W.A.G. (Housing and Working Advisory Group) as opposed to the D.C.M. (Deputy Chief Minister) and therefore it is on very few occasions that the issue that has been identified arises. I will be having a discussion with the appropriate officials and with the appropriate Ministers at some point to see what is needed to be resolved and if this is an issue it obviously will be.