

2018 2019 | Annual Report



**Children's
Commissioner
for Jersey**



January 2018

Deborah arrived in Jersey.



2018

We launched an Island-wide
'Rights Respecting Schools'
award scheme.



2018

2,142 children, young people
and adults took part in our
online survey.



End of 2019

37 schools are now taking part
in the 'Rights Respecting
Schools' award scheme.



Summer 2019

The 'Commissioner for Young
People and Children' Law came
into force.

2018

2019

2020

FOREWORD

I am writing this at a time of great disruption for us all. When we set up this office in January 2018, none of us could possibly have foreseen the spread of the pandemic that has now turned our lives upside down.

However, what we did know was that we would be laying solid foundations for Jersey's future in protecting and promoting children's rights. In recent weeks and months, those foundations have been tested and I have found it deeply reassuring to see how well they have stood up, and how much children's rights have figured in wider debates.

My office is the first National Human Rights Institution to be established in Jersey. What this means is that my team and I, just like other Children's Commissioners and their teams, are grouped together with other organisations around the world that are working to protect and promote human rights.

Why is this important? Well, for one thing, it allows us to get on with the work of improving children's and young people's lives in Jersey. But it also sends a message to the wider world: it tells them that we, as a community, care about all children's rights.

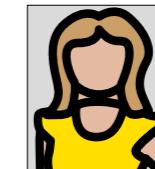
When you say something as simple and as fundamental as that, it creates an expectation. It creates the expectation that Jersey will live up to its promise to promote and protect children's rights. And of course, sometimes that can mean a good deal of extra work, but when we know that we have a promise to stick to, that extra work becomes so much easier to do.

I am very proud of what I and my team have managed to achieve in the past two years, but I can also see that there is a great deal for us still to do. We must now try to build on the fact that so many more people in the Island know and care about the United Nations Convention on the Rights of the Child.

The task ahead will, of course, depend on the ongoing fallout of Covid-19 but our fundamental goal will not change. This is to start trying to make some of these great new habits that we have formed into permanent parts of our Island law: into 'must-dos', in other words, instead of 'nice-to-haves'. But the purpose of this report is not to look ahead, it is to look at what has already been done. And with that in mind, I would like to extend my heartfelt thanks to all of the people who have helped us in our work.

I have three great panels of expert advisors, ranging in age from the young to the not-so-young, a dedicated staff and a whole host of professional colleagues who are always willing to help, even when the conversations are difficult. And above all, I have an Island full of children and young people who are never shy about getting in touch with us. Long may that continue.

Deborah McMillan,
The Children's Commissioner for Jersey



OUR STORY



WHY JERSEY HAS APPOINTED A CHILDREN'S COMMISSIONER

Deborah McMillan is Jersey's first Commissioner for Children and Young People. She arrived in Jersey in January 2018, after the Independent Jersey Care Inquiry recommended that the States of Jersey appoint a Children's Commissioner. It was the very first recommendation that the Care Inquiry made.

A Children's Commissioner is someone who promotes and protects the rights of children and young people. These rights were agreed 30 years ago by countries from all over the world and were set out in the United Nations Convention on the Rights of the Child, or the UNCRC.

Unlike adults, children and young people are sometimes not allowed or not able to speak and act for themselves, so they need help to make sure that no one is doing or saying anything that might be harmful to them.

Normally, an annual report would only cover the work that has been done in the previous year but with this first report we have chosen to cover two years instead.

The reason for this is that when Deborah arrived in the Island in January 2018, Jersey did not have a law that would make her role official and give her team the powers and protections that other Children's Commissioners have.

This law did not come into force until the second half of 2019. But even so, Deborah began work immediately.

We think it makes sense, then, for our first report to cover the period from January 2018 until December 2019, so we can take into account the work that was done before the law was passed, while Deborah was still operating in 'shadow form'. Deborah has been appointed as Commissioner for eight years. In 2027, she will hand over the office to a new Commissioner.



ENGLAND, SCOTLAND, WALES,
THE REPUBLIC OF IRELAND, NORTHERN IRELAND
and more than 30 other countries across Europe also
have commissioners or ombudspersons to represent
their children and young people.

We have visited all

42

primary and secondary schools in the island, often multiple times.

OUR WORK

In January 2018, Deborah set herself the task of meeting as many of the Island's children and young people as she possibly could.

She visited all 42 schools, often more than once, and outside the classroom she joined in with youth clubs, sports clubs, scout and guide troops, cub and brownie packs, and many, many more. At the same time, the Commissioner's office launched an online survey, asking 2,142 children, young people, and the adults who live and work with them, to try to pick out the main issues that affect the younger generations in Jersey. The questions and responses can be seen [here](#).

The results of this survey helped shape the work that we went on to do. Listening and responding to what the Island's children and young people say is the first of two pillars that support our work programme. The second pillar is what we refer to as 'international minimum standards', which may not be things that children and young people have directly asked us to work on but are things that the UN has agreed that we can expect as a very basic right.

Our work to support last year's law, which now makes it illegal for parents, carers or teachers to smack children in Jersey, would be a good example of an international minimum standard.

In early 2019, we also developed a 'participation strategy' based on our first year of experiences working with children and young people in the Island. This has become the blueprint for our work involving young people and will remain the template for our future projects. You can find it [here](#).



We have made formal submissions to more than **20** Government and Scrutiny reviews.



We surveyed **2,142** children, young people, and adults in Jersey, to assess the main issues that affect the younger generations.

WHAT YOU TOLD US IN 2018



Only **14%** of young people said that adults listen to their views.

Very few **16-year-olds** take part in elections.



58% of children are never asked for their views about what happens in their parish.

“ I feel that in certain areas children should be listened to if it involves a child, such as the closure of the skate park, having children's views instead of adults assuming what children feel and their view. ”

“ Give them [children] a voice because half the time you feel like you're not being listened to. Create a panel of children who can feedback from different schools the issues they find in their schools and that they deal with, and what they want to happen, then all feedback to find common issues. ”

“ I feel that children are not listened to due to people assuming that the stereotype of a child being immature is true, meaning that adults would not take our opinions seriously. ”

WHAT WE HAVE DONE



We have established in law a Youth Advisory Panel [\[click here\]](#) whose role is to provide advice and assistance to the Commissioner for Children and Young People, giving them a strong voice.



We undertook an Island-wide survey to give all children and young people on the Island an opportunity to share their views.



We have supported schools to establish panels of children and young people, and we have provided resources to support them to be able to share their views and be taken seriously.

OUR WORK

Last year, we published a 4-year plan, which is available [here](#).

Our plan set out our 3 main aims:

1. **DRIVING CHANGE** We will develop and embed a culture of children's and young people's rights.
2. **DOING IT THE RIGHT WAY** We will be strong, resilient and inspiring as we protect and promote children's and young people's rights.
3. **PROVING IT CAN BE DONE** We will make sure children's and young people's rights are at the centre of Jersey's laws, policies and practices.

In the summer of 2019, we completed another very important piece of work. The Commissioner for Young People and Children (Jersey) Law came into force, [click here](#). This law gives the Commissioner all of the powers and protections she needs to do her job in Jersey.

Writing the law and then seeing it through the various stages of political debate and Scrutiny was a task that took many months to complete, but the effort was worth it: the law we now have is recognised as one of the best in the world.

To get an idea of the standards that the law sets for us, and the different ways in which we have met those standards, check out our 'Law Mapping' exercise, [click here](#).

We are now working towards an even bigger legal goal: something that is officially known as 'incorporation', which means making children's rights a reality by writing them into law in Jersey, making them more accessible. We have been working with the Government of Jersey on incorporation - for both a simple summary and a more-in-depth paper on the subject, see our submission to the recent Government consultation, [click here](#).



We work with more than **60** different organisations, ranging from government departments and regulators through to charities and youth services.



The law we now have is recognised as one of the best in the world.

WHAT YOU TOLD US IN 2018



89% of children think it is important to understand their rights.



In 2018 just **9** schools had registered for the UNICEF Rights Respecting Schools Award.

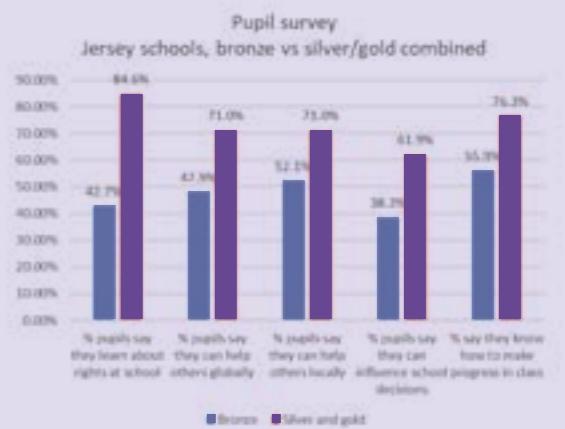
“ Make young people feel like their views are important and that we have our voices heard, not just in school but Jersey as a whole. We don't get enough information about our government and voting, and when we do its often not presented in a way that interests us. It means that we may not have our opinion heard when decisions which affect us and our future are being discussed in the States. ”

“ Children aren't taught about their rights. ”



Only **20%** of young people know what rights they have under the UNCRC.

“ It's [school] a more positive place – we work together more, and teachers tell us the reasons why and link it back to rights. ”



WHAT WE HAVE DONE

Data shows a change in pupils knowing about their rights and feeling empowered to create change for themselves and others.



We provided funding for all schools in Jersey to take part in the Rights Respecting Schools Award.



37 schools are now taking part in the scheme. Data shows a change in pupils knowing about their rights and feeling empowered to create change for themselves and others.



55 teachers have attended a total of seven separate training sessions.

OUR WORK

One of the things children and young people in the Island have told us many times, both in person and through our survey, our panel work and our various online dialogues, is that they would like to know more about children's rights and the UN convention that underpins them. It is also a duty of our office to ensure that this happens.

This is why, in 2018, we decided to launch a major Island-wide 'Rights Respecting Schools' (RRS) award scheme. For full details of that scheme, the reasons behind it and some of the success stories that have come out of it, [click here](#) and [here](#).

Put simply, though, the RRS scheme is a UNICEF award programme that allows schools to achieve bronze, silver and gold certificates, as they work to become ambassadors for the rights that are set out in the UNCRC.

When Deborah arrived in Jersey in 2018, only nine schools were taking part in the scheme. By the end of 2019, there were 37. Of those 37 schools, 18 had achieved the Bronze stage, 8 had attained Silver and 1 had completed all the way to Gold. The remaining ten schools were registered and had begun working towards Bronze.



Other areas of our work are: reviewing policy; undertaking and commissioning new research; and providing advice and challenge to the Government and other organisations that work with children and young people.

By carrying out our own reviews of policy, and by commissioning and participating in unique, independent research, we are able to ensure that the rights of children and young people are at the heart of laws, policies and practice in Jersey. To get a feel for how this work is done, see the 'Policy and Research' section of our website, [click here](#).

We have used our findings and conclusions to provide advice and make recommendations to the Government of Jersey and to States Scrutiny panels and affiliated bodies. You can find the advice and research that we have published, [click here](#).

We have also provided training to those who are designing Government policies that affect children and young people. Similarly, we give our views and submit evidence, where appropriate, to external reviews that are looking at how well Jersey's Government-run services for children and young people are functioning.

Joining up with the UK and Europe

During the past two years, we have managed to get membership to three very important organisations:

- British and Irish Network of Ombudsman and Children's Commissioners (BINOCC), [click here](#).
- European Network of Ombudspersons for Children (ENOC), [click here](#).
- European Network of Youth Advisors (ENYA), [click here](#).

This has allowed us to work with partners in more than 30 countries and ensure that Deborah and her team can keep up with the latest information and the best ways of working. It also strengthens the power of our office because it means that, when we are championing the voices of children and young people in Jersey, we are not alone: we have friends and supporters from all over Europe backing us up.



We initiated **28** schools to start the 'Rights Respecting Schools' award scheme.



1 school has achieved the Gold 'Rights Respecting School' award.

20+

We have represented Jersey at more than 20 international seminars, conferences and events.



We have worked with partners in more than **30** countries.

CASES AND ISSUES

We have already looked at how our Island-wide survey, and our focus on international minimum standards, help us to decide which issues to work on. Another factor that influences this decision is the casework that comes to us throughout the weeks and months.

When we talk about 'casework', we mean the times when children, young people and the adults who are responsible for them contact our advice and support team to discuss any problems and challenges that they may be facing. For more information on how this service works, see the Advice and Support section of our website, [click here](#).

Often, people contact us when they feel that they have tried every other avenue of enquiry but are still not receiving the help that they need or believe they are entitled to.

All kinds of issues have come to light in our casework – we have published anonymous data [here](#) – but for the most part, we have found that Government-funded services for children and issues involving education have been at the heart of most enquiries.



We have dealt with a new case every other day since opening our doors in January 2018.



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WHAT YOU TOLD US IN 2018



“ I think there should be equal opportunity for schools that you don't pay to attend. ”



In the academic year 2018/19 there were **1,033** instances of children being excluded from the classroom in Government schools.



“ The whole education needs to be updated with the input of students. ”

11% of these instances involved pupils with special educational needs.

WHAT WE HAVE DONE



Launched the UNICEF Rights Respecting Schools Award.



Advised the Education Minister on education reform.



Held a learning workshop on adverse childhood experiences.



Launched our 'Children out of the Classroom' project and Undertook research on school exclusion.

RECOMMENDATIONS

In future years, our annual report will be where we publish formal recommendations to Government that have resulted from any reports, research and investigations that we have carried out during the year. However, given that our powers under the law were only granted towards the end of 2019, we will not be making formal recommendations in this first report.

What we can present instead are a number of pieces of informal advice and recommendations that we have made along the way during the past two years. These can be found [here](#).

A recent example of this ad hoc work was the strong recommendations that we made to Government about the policy they are developing on migration. We want to make sure that any new rules about people's rights to live and work in Jersey are completely fair for children who might find themselves involved in these decisions.



Having listened to the environmental concerns of children and young people, we produce only the bare minimum of printed literature. Most of our work (like this report) is published online.

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WHAT YOU TOLD US IN 2018



263 young people said they had felt sad 'almost always' or 'often' during the previous month.

59% of adults and professionals felt that young carers should be a priority for the work of the Commissioner.

“ Make sure children know who they can talk to if they are upset or sad. ”

56% of young people don't know or aren't sure about which services can help them when they feel sad or worried.

“ If young people are feeling as if they have no one to speak to they should be reassured that there are people/counsellors available to talk. There is a huge stigma around going to see a counsellor, however having somebody to vent/confide in can be the best thing for them. ”



CAMHS report that 1 in 10 children in Jersey aged between 5 and 16 has a mental health problem.

“ Work to remove the stigma towards mental health that may be a driving factor as to why people that need help don't tend to reach out from the fear of being judged. ”

WHAT WE HAVE DONE



We gave evidence to the 'Redesign of the children and young people's emotional wellbeing & mental health review' to speak up for children and represent their views to Government.



We shared the views of children and young people at the Scrutiny public hearing for the Mental Health review, and children's views were reflected in the final report.



We have supported Youthful Minds to continue the campaign to change public attitudes and reduce stigma about mental health.



We have supported young carers to develop a Young Carers' Card and to have their voice heard.

2020 VISION: FUTURE WORK

2020 has not turned out to be the year that any of us had expected. The global effects of the Covid-19 pandemic have forced businesses, government agencies and charities to completely rethink what they are doing and how they are doing it. Our office is no exception to that. Most of our work in the past few months has been dropped so we can join the effort to make sure that children and young people's rights and general wellbeing are not suffering as a result of what's going on.

We're not sure yet what this is all going to mean, in terms of areas we'll need to do further work on, but our recent survey (concluded in May 2020) had responses from more than 2,100 children and young people. This will help us get a better idea of where to concentrate our efforts in the coming months.

Some of the international projects we had already begun, such as the UN Day of General Discussion and the ENYA participation project, have already been cancelled due to travel restrictions and various other Covid-related disruptions. However, we are hopeful that, over the coming year, we may still be able to see through some pieces of work that we are nearer to completing. A few examples are listed below:

Child-friendly justice:

The Government has commissioned a review of the way it treats children and young people who have committed crimes. We, in turn, will expand on the findings of that review and add certain recommendations of our own. We will also be looking at the minimum age of criminal responsibility, which is currently set at ten years old in Jersey.

'Life on the Rock':

A project undertaken in partnership with the internationally respected Centre for Child Rights at Queens University Belfast. 'Life on the Rock' will look at 18 case studies of children and young people in Jersey who have experienced life on the Island in a wide variety of ways. The project is being steered by three advisory groups of local children and young people.

Incorporation – legislative gap analysis:

Produced in collaboration with Swansea University's Observatory on Human Rights of Children, this piece of research will be an in-depth look at chunks of existing Jersey law, determining how compliant they are with the articles of the UNCRC.

ACCOUNTS

The money we use comes from you, the public of Jersey. As with any organisation that is funded by taxpayers' money, we have certain rules and regulations that we must stick to. These are things like agreeing a Framework Agreement with the Government of Jersey, to ensure that we are able to operate without fear or favour.

To see that in detail, [click here](#).

We must also publish an accountability statement, as well as our full accounts. However, since our accounts are currently approved through the Government of Jersey's external audit, these have been subject to delay due to the pandemic. We have published everything we are able to produce ourselves, and will continue to add detail as it is supplied to us. You can find these [here](#).

It is also important that people know where to make a request should they have a complaint about our office or if they wish to access personal data about themselves that is held by this office. Again, all the necessary information about this is publicly available on our website [here](#) and [here](#).

The money that we spend every year is mostly to cover the costs of employing people to help us tackle the large volume of work that a Children's Commissioner's Office needs to do. However, since we also spend what we can spare on helping partners in health, education and youth organisations achieve some of the goals they have set for themselves in improving young people's lives in Jersey.



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**For advice, resources and information on all aspects
of our work and on child rights more generally,
visit our website or follow us on @occjersey**

**To contact us,
email contact@childcomjersey.org.je**

