
STATES OF JERSEY



GOVERNMENT PLAN 2023-26 CHILDREN'S RIGHTS IMPACT ASSESSMENTS

Presented to the States on 12th December 2022
by the Council of Ministers

STATES GREFFE

REPORT

The Assembly adopted the [Children \(Convention Rights\) \(Jersey\) Law 2022](#) on 30th March 2022. The enactment of this law is scheduled later in 2023 following a consultation on guidance to support the duty bearers defined in the new law.

Ahead of enactment and in keeping with the spirit of the new law¹ the Minister for Children and Education, in discussion with the Chief Minister, identified a number of areas in the proposed [Government Plan 2023-26](#) which should have a Child Rights Impact Assessment completed.

1. Child Rights Impact Assessment

The following areas of the Government Plan have been subject to a Child Rights Impact Assessment.

- I. **Children Young People Education and Skills: Revenue Growth** (Page 98):
 - I-CYPES-GP23-001 Inclusion Review
 - I-CYPES-GP23-002 Children’s Social Care Reform
 - I-CYPES-GP23-003 Demographics and Needs Assessments
 - I-CYPES-GP23-004 Social Worker Recruitment and Retention
 - I-CYPES-GP23-005 Jersey Premium - Virtual School
 - I-CYPES-GP23-006 School Meals

- II. **Capital and Projects: New School and Educational Developments grouped Head of Expenditure** (Page 94):
 - New School and upgrade to Children and Young People Education Skills Estate

- III. **Infant Feeding Programme: Government Plan Annex** (P62)
 - I-HCS-GP23-00: Permanent funding will be provided to sustain this post, to continue to maintain and increase levels of breast-feeding support to mothers whilst maintaining Jersey’s attained international accreditation.

- IV. **Parental Leave: (P44):**
 - An increase to the General Reserve of £2.5 million per year in 2023, 2024, and 2025 to meet the incremental cost to front-line services of the parental leave policy introduced across the Government in 2022: namely, the introduction of the entitlement to 20 weeks of paid parental leave introduced for all new parents working in the public sector.

¹ The effect of the law in its current form exempts (Schedule 2 bullet 1) the CSP from the requirement for a CRIA (the policy position adopted was that the CSP expressed work to be developed and at this stage not enough content was able to support a meaningful CRIA). The Government plan is also exempt (Schedule 2 bullets F,G,H) from requiring a single CRIA (the policy position adopted was that any single CRIA would be meaningless given the Government Plans breadth) the law instead gives Ministers the discretion to complete a CRIA for particular elements of their part of the Government Plan as expressed in Article 6(1). This policy position was adopted to ensure CRIA’s related to the Government Plan would only be progressed where appropriate.

V. **Gas Place Primary School Site Twenty-First Amendment [\(P.97.2022\)](#):**

- To secure sites relating to the use of the Gas Place for a new primary school. The school would be set in an extension to the millennium town park and Islanders should enjoy the maximum possible community access to and use of its facilities. In addition, the current Springfield School and Les Bas Centre sites will be transformed into new community open spaces, helping to create green access corridors for moving to and around the new school, and improvements to public realm and local active travel access routes, including to St Saviour schools.

3. Conclusion

The Council of Ministers are committed to progressively realising their commitment to children's rights as described in the United Nations Convention on the Rights of the Child. The five areas of Government Plan (2023/6) policy assessed show that children's rights are highly likely to be enhanced.

Child Rights Impact Assessment (CRIA) - template

Children Young People Education and Skills: Revenue Growth

Introduction

The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that protects the rights of children and provides a child-centred framework for the development of services to children. The UK Government's ratification of the treaty was extended to Jersey in 2014.

This template has been developed for use by Ministers, States Members, Assembly Bodies and Public Authorities who are categorised as Duty Bearers under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#) (the 'Law'), and those who support them.

The Law establishes a due regard model, where duty bearers must show that they have considered the rights of children and young people in the development of all domestic legislative, policy or administrative matters, referred to collectively in this template as **decisions**.

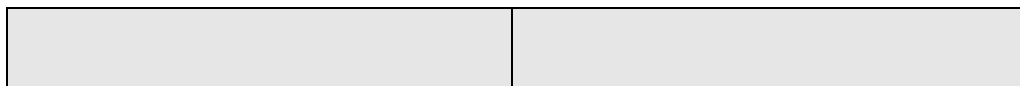
The completion of a Child Rights Impact Assessment (CRIA) is the means by which duty-bearers can demonstrate that they have exercised their due regard duty under the Law.

The template consists of two parts:

1. SCREENING	Stage 1: Initial Assessment to determine whether a full CRIA is required
2. FULL CRIA	Stage 2: Scoping Stage 3: Evidence Stage 4: Children's Involvement Stage 5: Assessing Impact Stage 6: Conclusions

In accordance with the Law most CRIAs will be published on gov.je.

Name/Title of Duty Bearer:	Minister for Children and Education
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STAGE 1: SCREENING

The first stage of the CRIA requires summary level information to assess whether a full CRIA (Stages 2-6) is required.

1.1: Name the proposed decision and briefly describe its aim

The decision to increase spending on Children, Young People, Education and Skills as outlined in page 98 of the [Proposed Government Plan 2023-2026](#):

- a) I-CYPES-GP23-001 Inclusion Review
- b) I-CYPES-GP23-002 Children's Social Care Reform
- c) I-CYPES-GP23-003 Demographics and Needs Assessments
- d) I-CYPES-GP23-004 Social Worker Recruitment and Retention
- e) I-CYPES-GP23-005 Jersey Premium - Virtual School
- f) I-CYPES-GP23-006 School Meals

As explained in page 40 of the Proposed Government Plan, 'This plan proposes additional funding for departments to meet the immediate priorities identified by the Council of Ministers. ... Additional funding is provided to address service pressures across all areas of government, including significant additional funding for health, education and children's services.

1.2: Which children's rights will be impacted?

A description of relevant children's rights can be found in the [UNCRC](#). This comprises 54 Articles, 2 adopted Optional Protocols (covering the involvement of children in armed conflict and the sale of children, child prostitution and child pornography) and a series of General comments.

Cluster 2 - General Principles

Cluster 4 – Civil Rights and Freedom

Cluster 5 – Family Environment and Alternative Care

Cluster 6 - Basic Health and Welfare

Cluster 7 - Education, leisure and cultural activities

Cluster 8 - Special protection measures

There are many relevant rights. Not every right listed below is relevant to each element of the decision but each is engaged in relation to the decision as a whole.

Article 2 - The Convention applies to all children. States parties must respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind.

Article 3 – Article 3(1) requires that the best interests of the child shall be a primary consideration in all things that affect children. Under Article 3(2), States Parties must ensure the child such protection and care as is necessary for their well-being, taking into account the rights and duties of their parents, legal guardians, or other individuals legally responsible for them, and, to this end, shall take all appropriate legislative and administrative measures. Article 3(3) requires that States Parties ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4 - Governments must do all they can to make sure every child can enjoy their rights.

Article 6 - Every child has the right to life. Governments must do all they can to make sure that children survive and develop to their full potential.

Article 12 – Article 12(1) requires that States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 18 – Article 18(1) requires that States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. In addition, Article 18(2) stipulates that, for the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities.

Article 19 – Article 19(1) requires that ‘States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.’ Article 19(2) makes it clear that ‘Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.’

Article 23 – Article 23(1) states requires that ‘States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.’

Article 24 - States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health.

Article 27 - States Parties must recognise the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development. This Article stipulates that States must recognise that the parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development. Further, it requires that States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes.

Article 28 – This requires States Parties to recognise the right of children to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall take certain specified steps, including making primary education compulsory and available free to all and encouraging the development of different forms of secondary education.

Article 29 – This requires that the education of the child shall be directed to certain specified matters, including the development of the child’s personality, talents and mental and physical abilities to their fullest potential.

Article 31 - States Parties shall recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

Article 33 – States Parties shall take all appropriate measures to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34 - States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

Article 36 - States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare.

Article 37 – Article 31(a) requires that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Article 39 - States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

There are various relevant General Comments issued by the UN Committee on the Rights of the Child, listed below in chronological order:

[General Comment No. 1 \(2005\): Article 29\(1\): The Aims of Education](#). Amongst other things, this general comment clarifies that the educational values imparted in the educational process must be consistent with the other rights of children. It notes: 'education must be provided in a way that respects the inherent dignity of the child and enables the child to express his or her views freely in accordance with article 12 (1) and to participate in school life. Education must also be provided in a way that respects the strict limits on discipline reflected in article 28 (2) and promotes non-violence in school.' It also states: 'Compliance with the values recognized in article 29 (1) clearly requires that schools be child-friendly in the fullest sense of the term and that they be consistent in all respects with the dignity of the child.'

[General comment No. 7 \(2005\): Implementing child rights in early childhood](#). In relation to Article 6, this general comment states: 'States parties are urged to take all possible measures to improve perinatal care for mothers and babies, reduce infant and child mortality, and create conditions that promote the well-being of all young children during this critical phase of their lives. ... Ensuring survival and physical health are priorities, but States parties are reminded that article 6 encompasses all aspects of development, and that a young child's health and psychosocial well-being are in many respects interdependent.' More generally, it reminds States Parties that 'the right to survival and development can only be implemented in a holistic manner, through the enforcement of all the other provisions of the Convention, including rights to health, adequate nutrition, social security, an adequate standard of living, a healthy and safe environment, education and play (arts. 24, 27, 28, 29 and 31), as well as through respect for the responsibilities of parents and the provision of assistance and quality services (arts. 5 and 18).' In relation Article 2, this general comment notes, amongst other things, that discrimination may take the form of 'inadequate care and attention' and that 'States parties have a responsibility to monitor and combat discrimination in whatever forms it takes and wherever it occurs'. In relation to Article 3, it observes: 'The principle of best interests applies to all actions concerning children and requires active measures to protect their rights and promote their survival, growth, and well-being, as well as measures to support and assist parents and others who have day-to-day responsibility for realizing children's rights'. In relation to Article 18, it states: 'States parties are required to render appropriate assistance to parents, legal guardians and extended families in the performance of their child-rearing responsibilities (arts. 18.2 and 18.3), including assisting parents in providing living conditions necessary for the child's development (art. 27.2) and ensuring that

children receive necessary protection and care (art. 3.2). The Committee is concerned that insufficient account is taken of the resources, skills and personal commitment required of parents and others responsible for young children ...'

[General Comment Nº 8 \(2006\):The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment \(arts. 19; 28, para. 2; and 37, inter alia\)](#). This general comment states: 'Corporal punishment and other degrading forms of punishment may inflict serious damage to the physical, psychological and social development of children, requiring appropriate health and other care and treatment. This must take place in an environment that fosters the integral health, self-respect and dignity of the child, and be extended as appropriate to the child's family group. There should be an interdisciplinary approach to planning and providing care and treatment, with specialized training of the professionals involved. The child's views should be given due weight concerning all aspects of their treatment and in reviewing it.' It also states: 'prosecution and other formal interventions (for example, to remove the child or remove the perpetrator) should only proceed when they are regarded both as necessary to protect the child from significant harm and as being in the best interests of the affected child. The affected child's views should be given due weight, according to his or her age and maturity.' It also observes: 'Corporal punishment and other cruel or degrading forms of punishment of children take place in many settings, including within the home and family, in all forms of alternative care, schools and other educational institutions and justice systems ... and in the community.'

[General Comment No. 9 \(2006\) : The rights of children with disabilities](#). This general comment, amongst other things, makes it clear that Care and assistance shall be designed to ensure that children with disabilities have effective access to and benefit from education, training, and health care services. It also states: 'it is the State Party's ultimate responsibility to oversee that adequate funds are allocated to children with disabilities along with strict guidelines for service delivery. Resources allocated to children with disabilities should be sufficient --and earmarked so that they are not used for other purposes-- to cover all their needs, including programmes established for training professionals working with children with disabilities such as teachers.'

[General comment No. 13 \(2011\) - The right of the child to freedom from all forms of violence](#). This general comment explains: 'In common parlance the term violence is often understood to mean only physical harm and/or intentional harm. However, the Committee emphasizes most strongly that the choice of the term violence in the present general comment must not be interpreted in any way to minimize the impact of, and need to address, non-physical and/or non-intentional forms of harm (such as, inter alia, neglect and psychological maltreatment).' It also notes, amongst other things, that 'neglect' includes 'the failure to meet children's physical and psychological needs' and to 'protect them from danger'.

[General comment No. 14 \(2013\) on the right of the child to have his or her best interests taken as a primary consideration \(art. 3, para. 1\)](#). Amongst other things,

this comment reminds States Parties that they are required to uphold ‘the child’s best interests in the allocation of national resources for programmes and measures aimed at implementing children’s rights’. On the allocation of priorities, it emphasises: ‘The expression “primary consideration” means that the child’s best interests may not be considered on the same level as all other considerations. This strong position is justified by the special situation of the child: dependency, maturity, legal status and, often, voicelessness. Children have less possibility than adults to make a strong case for their own interests and those involved in decisions affecting them must be explicitly aware of their interests. If the interests of children are not highlighted, they tend to be overlooked.’

[General comment No. 15 \(2013\) on the right of the child to the enjoyment of the highest attainable standard of health \(art. 24\)](#). This guidance includes the instruction: ‘The notion of “the highest attainable standard of health” takes into account both the child’s biological, social, cultural and economic preconditions and the State’s available resources, supplemented by resources made available by other sources, including non-governmental organizations, the international community and the private sector.’

[General comment No. 17 \(2013\) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts \(art. 31\)](#). This guidance notes that there is a link between the Article 31 right and other rights, such as the right to education: ‘Play and recreation are essential to the health and well-being of children and promote the development of creativity, imagination, self-confidence, self-efficacy, as well as physical, social, cognitive and emotional strength and skills. They contribute to all aspects of learning; they are a form of participation in everyday life and are of intrinsic value to the child, purely in terms of the enjoyment and pleasure they afford. Research evidence highlights that playing is also central to children’s spontaneous drive for development, and that it performs a significant role in the development of the brain, particularly in the early years.’ Amongst other things, it also the importance of children engaging in the activities concerned not only on their own but with peers and adults. For example, it states: ‘Through engagement with their peers, children create and transmit their own language, games, secret worlds, fantasies and other cultural knowledge.’

[General comment No. 19 \(2016\) on public budgeting for the realization of children’s rights \(art. 4\)](#). This makes it clear that, in order to fulfil Article 4, States Parties are, among things, required to budget and spend to realise children’s rights. This requires that ‘Sufficient public resources are mobilized, allocated and utilized effectively to fully implement approved legislation, policies, programmes and budgets.’

1.3: Which groups of children and young people are likely to be affected most?

Groups of children who share certain characteristics

a) I-CYPES-GP23-001 Inclusion Review

Children with additional learning needs; disabled children.

b) I-CYPES-GP23-002 Children's Social Care Reform

This will affect children who rely on the Jersey Children's Social Care Service; namely, children living in care, and care leavers, in Jersey.

c) I-CYPES-GP23-003 Demographics and Needs Assessments

Children transitioning to secondary education, children transitioning from private to public education, children requiring additional specialist support.

d) I-CYPES-GP23-004 Social Worker Recruitment and Retention

Children in need of protection from abuse or neglect; children who need extra services to reach a good standard of health and development.

e) I-CYPES-GP23-005 Jersey Premium - Virtual School

All Children Looked After (CLA), or children previously looked after, children who are subject to a Child Protection Plan (CPP) and Children in Need (CiN), including those that have been placed in schools in off-island Local Authority areas.

f) I-CYPES-GP23-006 School Meals

All children in Government-maintained primary schools.

1.4: What is the likely impact of the proposed decision on children in Jersey?

a) I-CYPES-GP23-001 Inclusion Review

This aspect of the decision should have a positive impact on children with additional learning needs and disabled children in the school context. The investment concerned focuses on providing additional support for those with learning difficulties, disabilities, social and economic disadvantage,

mental health and well-being challenges, multi-lingual learners, those marginalised because of their gender, sexual orientation, culture or beliefs or whose social, emotional and mental health needs present in conduct that makes providing the correct provision a challenge for those around them. Article 4 requires governments to take all possible steps to ensure that all children can access their rights in a meaningful sense.

b) I-CYPES-GP23-002 Children's Social Care Reform

This aspect of the decision should improve provisions for children living in care, and care leavers, in Jersey. The goal is to improve standards relating to children's social care and ensure that the Jersey Children's Social Care Service is exemplary as a result of appropriate policies, resources, practice guidance and workforce development.

c) I-CYPES-GP23-003 Demographics and Needs Assessments

This aspect of the decision should help to ensure that all children are treated in accordance with their needs, regardless of demographic pressures including a population bulge, increase in the number of children requiring specialist support, and an increase in the number of children assessed as having complex needs. Hence its impact should be positive.

d) I-CYPES-GP23-004 Social Worker Recruitment and Retention

This aspect of the decision should be positive. A stable and highly-skilled workforce of social workers is crucial to protect the most vulnerable children in Jersey.

e) I-CYPES-GP23-005 Jersey Premium - Virtual School

The funding concerned should secure improvements in the educational progress and attainment of all children concerned. The purpose of the Virtual School is to ensure that these children receive their full educational entitlement and are placed without delay in a school which best meets their needs with appropriate pastoral skills and support.

f) I-CYPES-GP23-006 School Meals

This aspect of the decision will have a positive impact on the children concerned. The funding concerned will ensure that children in

government-maintained primary schools can get a healthy lunch for £2.50, or free, depending on their financial circumstances.

1.5: Is a full child rights impact assessment required? Explain your rationale

A full child rights impact assessment is required: the decision will affect the majority of children in Jersey, the resource commitment is significant (for example, £18.112 million in 2023), and vulnerable groups will be affected by the decision.

If the screening stage determines that a full CRIA is required, complete Stage 2 - 6

FULL CHILD RIGHTS IMPACT ASSESSMENT

Stage 2: Scoping	
2.1: Thinking about the children's rights identified in Section 1.2, explain the expected effect of the proposed decision on those rights?	
Cluster/Article	Further analysis on the expected effect
Cluster 2 - General Principles	As explained below in the context of other clusters of rights, various aspects of the decision contribute to compliance with Article 2 by helping to ensure that Convention rights are enjoyed by each child in Jersey without discrimination of any kind. This is the case not only in relation to the Inclusion Review, which is entirely focused on ensuring that there is no discrimination, but also in relation to other aspects of the decision. For example, better ensuring that there is no discrimination against any children in care is part of Children's Social Care Reform, since the goal is to produce and maintain an excellent system of social care and a system of social care cannot be exemplary if it is discriminatory.

	<p>As is also explained below in the context of other clusters of rights, the decision promotes the best interests of the child as required by Article 3 of the UNCRC. It is part of a set of measures necessary for the implementation of the rights recognised in the UNCRC, as required by Article 4.</p> <p>Again, as explained below in relation to other clusters of rights, this decision will have a positive impact in terms of the Article 6 requirement that Governments do all they can to make sure that children survive and develop to their full potential.</p> <p>The decision should also contribute to Jersey satisfying the Article 12(1) requirement of allowing the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. There are multiple relevant aspects of the decision. The Inclusion Review will enhance support for the children concerned by taking their views into account in relation to their additional learning needs. Similarly, Children's Social Care Reform and Social Worker Recruitment and Retention will lead to improvements in terms of the views of children being taken into account, as will the spending allocated to the Virtual School. As for the School Meals aspect of the decision, there is credible evidence that it is popular with the children concerned; implementing it would therefore be giving weight to their views and thus acting in compliance with Article 12(1).</p>
<p>Cluster 4 – Civil Rights and Freedoms</p>	<p>The Children’s Social Care Reform and Social Worker Recruitment and Retention will contribute positively to fulfilling the Article 31(a) requirement that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. This is a positive obligation, which requires Jersey to take steps to prevent such treatment or punishment by having appropriate procedures in place to prevent it wherever it takes place within the jurisdiction.</p>
<p>Cluster 5 – Family Environment and Alternative Care</p>	<p>As made clear below in the context of other clusters of rights, various aspects of the decision contribute to providing appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and thus contribute to fulfilling Jersey’s requirement to do so under Article 18(2). Further, the decision also contributes to ensuring that Jersey complies with Article 19. Indeed, all</p>

	<p>aspects of the decision contribute to ensuring that children in Jersey are not neglected and The Children’s Social Care Reform and Social Worker Recruitment and Retention will also have a positive impact on the prevention of physical and mental violence.</p>
<p>Cluster 6 - Basic Health and Welfare</p>	<p>The decision will have a positive impact in terms of Article 6: indeed, all aspects of it are designed to ensure that children grow to their full potential and many aspects of it will also have a positive impact in terms of survival. The latter impact is obvious in relation to Children’s Social Care Reform and Social Worker Recruitment and Retention, which contribute to physically protecting children, but other aspects of the decision, such as the inclusion Review and the Virtual School should contribute to the emotional wellbeing of children and thus reduce the possibility of all forms of self-harm, including suicide. Multiple aspects of the decision concern the right of the child to the enjoyment of the highest attainable standard of health; the decision will improve Jersey’s provisions in this respect and thus in relation to Article 24.</p>
<p>Cluster 7 - Education, leisure and cultural activities</p>	<p>There are multiple aspects of the decision that will have a positive impact on this cluster of rights.</p> <p style="text-align: center;">a) <u>I-CYPES-GP23-001 Inclusion Review</u></p> <p>As noted in Stage 1.4, this aspect of the decision should have a positive impact on children with additional learning needs and disabled children in the school context. By better addressing their specific needs in an educational context, it will directly engage Articles 28, 29 and 31. The positive impact on Articles 28 and 29 is self-evident. In terms of Article 31, it is important to bear in mind that school is not just a place of education but a place where students also play in break time and engage in cultural life and arts and that it is an important place for children to meet their peers and make and develop friendships that are important in relation to Article 31. Enhancing school provisions for children with additional learning needs and disabled needs will therefore enhance Jersey’s commitment to Article 31. Indeed, Article 31(2) specifically states that equal opportunities are important here, requiring states to encourage ‘the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.’</p>

	<p>b) <u>I-CYPES-GP23-002 Children’s Social Care Reform</u></p> <p>By enabling better protection for the most vulnerable children in Jersey, this spending will better ensure that the conditions exist for children to learn, play, and engage in cultural life and arts. Children are more likely to succeed in this respect if they are safe and feel appropriately valued. Thus, this aspect of the decision will have a positive impact in terms of Articles 28, 29 and 31.</p> <p>c) <u>I-CYPES-GP23-003 Demographics and Needs Assessments</u></p> <p>As with the Inclusion Review heading above, this spending should have a positive impact in terms of articles 28, 29 and 31, for the reasons stated at a).</p> <p>d) <u>I-CYPES-GP23-004 Social Worker Recruitment and Retention</u></p> <p>The effect of this aspect of the decision mirrors the effect of provisions relating to Children’s Social Care Reform. As explained directly above, this aspect of the decision will have a positive impact in terms of Articles 28, 29 and 31.</p> <p>e) <u>I-CYPES-GP23-005 Jersey Premium - Virtual School</u></p> <p>By better ensuring that the children concerned receive their full educational entitlement and are placed without delay in a school which best meets their needs with appropriate pastoral skills and support, this aspect of the decision will have a positive impact in terms of Articles 28, 29 and 31.</p> <p>f) <u>I-CYPES-GP23-006 School Meals</u></p> <p>This aspect of the decision will have a positive impact in terms of Articles 29, 29, and 31. As Chief Minister Deputy Kristina Moore states, ‘The access that children have to healthy food has an impact on their development and their school performance’. A healthy diet enhances educational development and is also important in relation to engaging in play, recreational and cultural activities.</p>
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<p>Cluster 8 - Special protection measures</p>	<p>There are multiple aspects of the decision that will have a positive impact on this cluster of rights.</p> <p>a) <u>I-CYPES-GP23-001 Inclusion Review and c) I-CYPES-GP23-003 Demographics and Needs Assessments</u></p> <p>By improving provision for children with additional learning needs and disabled children in the school context, these aspects of the decision will have a positive impact in terms of this cluster of rights by taking steps to ensure that all children can enjoy their rights under Article 4; they will also render children less vulnerable to exploitation and better protect them from illicit use of narcotic drugs and psychotropic substances.</p> <p>b) <u>I-CYPES-GP23-002 Children’s Social Care Reform</u></p> <p>The spending concerned should improve social care provisions and thereby better protect children in care, and care leavers, from various forms of exploitation and from illicit use of narcotic drugs and psychotropic substances. Thus, it will have a positive impact on this cluster of rights.</p> <p>d) <u>I-CYPES-GP23-004 Social Worker Recruitment and Retention</u></p> <p>The spending concerned will have a positive impact on this cluster of rights. The effect of this aspect of the decision mirrors the effect of provisions relating to Children’s Social Care Reform; the only difference is that this aspect of the decision will extend the positive impact to children who are not in care.</p> <p>e) <u>I-CYPES-GP23-005 Jersey Premium - Virtual School</u></p> <p>The spending concerned will, amongst other things, improve pastoral support for the children concerned. This will have a positive impact on the cluster of rights concerned by rendering them less vulnerable to exploitation and better protecting them from illicit use of narcotic drugs and psychotropic substances.</p>
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Stage 3: Evidence		
3.1: What evidence has been used to inform your assessment? Include published results which have involved consultation with children and young people and any relevant research		
Evidence collected	Explanation of the importance	What are the data gaps, if any?
Independent School Funding Review	This report is the final written output of the Independent School Funding Review carried out in 2019 examining Jersey's education funding model. One of its recommendations is 'increase the funding available to schools and colleges to support students with the most significant Special Educational Needs (SEN)'.	Not applicable.
Independent Review of Inclusive Education and Early Years 2021	<p>This review identifies the need for improvement in terms of inclusivity in education in Jersey, including in all settings for children. It concludes, amongst other things: 'The evidence-base collated during the review process has led the review team to conclude that whilst there is some exemplary inclusive practice within specific areas of the education system, this is not yet happening consistently because it is not sufficiently reinforced at a strategic, systemic and systematic level.'</p> <p>This review also notes the potential benefit of the Virtual School, stating: 'The virtual school is an exciting development, with great potential ... It has implications for those who are vulnerable or</p>	Not applicable.

	experience barriers in accessing formal education’.	
Our Plan for Jersey Children’s Social Work Service 2021 to 2023	This plan is based on the admission that ‘Services to protect and care for children in Jersey have not been good enough in the past.’ It outlines certain respects in which this service has been inadequate and provides a credible strategy for improving services, which will need funding.	Not applicable.
Independent Children’s Homes Association (ICHA) Review of Children’s Homes in Jersey and Response	<p>This independent review reveals ways in which Jersey’s children’s homes could be significantly improved. In summarising this matter, it states:</p> <p>‘1. The purpose of children's homes, secure children’s homes and supported accommodation is not articulated clearly enough and understood in practice. 2. The available resources are not sufficient, incoherent, and inefficiently deployed 3. Roles and responsibilities and lines of accountability lack clarity 4. Staff do not always feel valued and need more learning and development opportunities 5. There are gaps in the services’</p>	Not applicable.
Discussion Paper Addressing Challenges and Risks in Adult Social Care	This report reveals that it is vital to take action to improve social worker recruitment and retention. The paper, published on 24 th November 2022, states: ‘The supply of care staff is failing to keep pace with demand and posing a potentially catastrophic risk to Jersey’s care services. If not addressed, the Commission will be unable to provide sufficient assurance of the future	Not applicable.

	stability of the social care sector.’	
What is the relationship between being in care and the educational outcomes of children? An international systematic review	The report concludes: ‘The finding that care does not appear to be damaging, on average, to children’s education should focus efforts on proactive strategies to provide services that enable children to thrive’. This is relevant to the Virtual School aspect of the decision, which is designed to enable children in Jersey’s care system to thrive. The report also notes: ‘Findings from the studies in the review are unequivocal: as a group, children in care lag behind their peers on a number of measures of educational attainment, including grades, literacy and numeracy test scores, attendance and exclusions.’ This is significant because it indicates that these children are particularly in need of support to achieve educational success.	The report cautions that it is based on studies undertaken in a limited number of Western countries (including the UK but not Jersey), and that ‘different contextual systems should be acknowledged which may limit transferability of some of the finding’.
Social Impact Report 2022	This report provides information on the pilot scheme on which the School Meals aspect of the decision builds. It notes: ‘Together with Government of Jersey, we set a number of KPIs, against which we measure success of the pilot. Needless to say it’s been a big thumbs up!’ It elaborates: ‘we ... achieved an average score of 90% of children who were delighted with their lunch ... achieved an average parent satisfaction score of 99% ... achieved an average uptake of paid for meals of 41% ...	Not applicable.

	achieved an average uptake of free school meals of 45%’.	
Discretion, Dignity, and Choice: Free School Meals	This article states: ‘For children in poverty, free or subsidised food in schools can be a critical source of sustenance, especially if they are growing up in homes in which household income is insufficient to purchase the full range of foods considered necessary for optimal health and development.’ However, it also observes: ‘there is some evidence that poverty-related stigma deters some children from claiming FSMs [free school meals].’ Further, it notes: ‘Children who rely on free food in schools can find themselves set apart from their peers...’	Not applicable.

Stage 4: Children’s Involvement		
4.1: What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?		
Groups consulted	How they were involved	What were the findings?
Children, young people and those who speak on their behalf.	The annex to the Independent Review of Inclusive Education and Early Years 2021 , discussed above, adopted what it calls a ‘mixed-methods’ mode of enquiry. ‘This enabled detailed evidence to be obtained from a range of stakeholders, ensuring that multiple viewpoints could be assembled.’	This is discussed above in Stage 3 in relation to the evidence identified there. The Big Education Conversation reports: ‘The main issue for primary schools is the inclusion in mainstream settings of children with special educational needs and disabilities (SEND) or complex behavioural needs. There is

	<p>The Independent Children's Homes Association (ICHA) Review of Children's Homes in Jersey and Response notes: 'The Terms of Reference were deliberately high-level and broad to give all stakeholders, including children and young people, an opportunity to speak freely about their experiences of care homes in Jersey and their aspirations for the future. At the core of the review, was the experiences and opinions of children and young people. The reviewer heard directly from children and young people and their advocates, including Children's Rights Officers and the Children's Commissioner.'</p> <p>The Social Impact Report 2022 reports on the views of parents and children about the pilot school meals project.</p> <p>The Big Education Conversation was a discussion about education in Jersey between policy officials from the Government of Jersey and children and young people, parents, teachers, and other interested individuals and organisations. It was a considerable reference point for children's perspectives on inclusion, fairness and equity in learning and education system.</p>	<p>concern that funding is inadequate to meet the needs of all children.' More generally, it states: 'By far the most consistent issue raised with the Big Education Conversation from parents and carers, and schools and teachers, was regarding the pressures faced by schools to adequately meet the needs of students with special educational needs and disabilities (SEND). This related specifically to the level of funding, resources and specialist support available for students, and the challenges of accessing that provision.' One conclusion of the Big Education Conversation is: 'There is an immediate need to provide adequate funding and resources for education targeted at areas of greatest need such as Special Educational Needs and Disabilities (SEND) provision. In the longer-term, funding levels will need to reflect the resources required to deliver the policy ambitions emerging from the Big Education Conversation.'</p> <p>The Big Education Conversation report also notes: 'The Big Education Conversation spoke with children and young people who are in care or have experience of care regarding the particular challenges associated with their education. We heard how this group of students often feel</p>
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	<p><u>A letter from more than 500 Victoria College students called for a formal commitment from the government that all students with parents on income support, regardless of the school they attend, will be provided with free school meals.</u></p>	<p>like they are missing out on their education and their life chances are being restricted, as they lack appropriate support and stability (at home and in school) to succeed in their education.'</p> <p>Further, the Big Conversation report states: 'Providing free healthy lunches (or less expensive options) ... were suggested by a sizeable number of young people.'</p> <p>The letter from Victoria College students states, amongst other things: 'by neglecting to ensure children are fed, the government are in direct violation of Article 24 of the UN charter. We believe that the States of Jersey should realise their pledge to put children first and fulfil Article 24, ensuring that all children have the nutritious food they need to enable them to reach their full potential. Children are going hungry and with 75% of people's jobs impacted by coronavirus and 27% of households forecasting their finances to deteriorate, the problem will only get worse. Now is the time to act. The provision of free school meals to pupils with parents on income support at Janvrin, St. Luke's and Samares Schools has been conducted successfully by Caring Cooks. This is a strong foundation to build upon, but we would like to see a formal commitment from the government that all</p>
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		students with parents on income support, regardless of the school they attend, will be provided with free school meals by September 2022 (in time for the start of the next academic year).'
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Stage 5: Assessing Impact		
5.1: What likely impact will the proposed decision have on children and young people’s rights?		
Type of impact <i>[please highlight]</i>	Justification for Argument.	Likely or actual short/medium/long-term outcomes. Include resource implications (financial, regulatory, workforce, structural) as necessary
Positive	As explained in Stages 2 and 3, the decision should enhance Jersey’s provisions in relation to the rights concerned. The various aspects of the decision are designed to address inequality and different needs in small communities in a way that is empowering: for instance, by better supporting inclusion of children with special educational needs in mainstream education.	The short/medium/long-term outcomes are likely to vary according to the different aspects of the decision. The long-term outcomes are likely to be positive in all respects. However, some aspects of the decision are likely to achieve significant improvement in the short-term as well as the medium and long-term, such as School Meals, whereas others, such as Children’s Social Care Reform, may by their very nature take longer to achieve significant improvement.
Negative	The School Meals aspect of the decision is likely to benefit the children concerned overall. However, evidence shows that stigma and social exclusion are potential	It is likely that some children who would receive free school meals will suffer stigma. There is also the possibility of social exclusion. Steps that can be taken to reduce the possibility and degree of stigma and social

	negative impacts for those who would receive free school meals.	exclusion are discussed in Section 5.3 below.
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5.2: What are the likely different impacts on different groups of children and young people?		
Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
The decision will have an impact on the groups of children identified in Section 1.3.	The decision targets various groups of children. Details of its likely effects are described in Section 2.1 above. However, one point that is not mentioned in Section 2.1 but which is worth mentioning here is that those children who are financially disadvantaged are likely to benefit most overall from the School Meals aspect of the decision.	There is a potential negative impact of the School Meals aspect of the decision, as outlined in Section 5.1. This issue is considered in more detail in Section 5.3.

5.3: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposed decision to mitigate the impact?	
Describe the negative impact	What options are there to modify the measure(s) or mitigate the impact?
As noted in Sections 5.1 and 5.2, stigma is one potential negative impact for those who would receive free school meals	There are various options to mitigate the potential stigma and social exclusion associated with free school meals. It is important to take appropriate measures here both to ensure that the uptake of free school meals is as high as possible and that the dignity of the children who do take them up is also as well protected as possible. As noted in General Comment No. 1 (2005): Article 29(1): The Aims of Education : 'Compliance with the values recognized in article 29 (1) clearly requires that schools be child-friendly in the fullest sense of the term and that they be consistent in all respects with the dignity of the child.' On this point, Discretion, Dignity, and Choice: Free School Meals notes: 'The introduction of cashless and biometric payment systems in many schools have undoubtedly

	<p>helped to disguise who is ultimately paying for the meal. This technological solution is not quite the panacea it first seems, however.’ This article elaborates: ‘Children who rely on free food in schools can find themselves set apart from their peers if they are unable to choose from the same menu; some schools will serve only a hot meal to [free school meal] FSM pupils, and these pupils cannot choose a grab-and-go option instead. Other FSM-eligible children report having to sit apart from their friends who bring in packed lunches from home.’ The article suggests various potential solutions to these problems, concluding: ‘When it comes to eating, dignity can be achieved by consuming the same food as their friends, paid for in the same way and eaten in the same space. By giving children and young people full access to their meal allowances, and full choice of when to spend it, schools can prevent students living in poverty from being isolated from their friends due to their financial circumstances.’</p>
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Stage 6: Conclusions

6.1: In summary what are your key findings on the impact of the decision on children and young people’s rights?

The decision will have a positive impact overall on the rights of children identified in the above analysis. Various groups of children, such as those from socio-economically deprived families, should particularly benefit from it. There are various measures that can, and should, be taken to reduce the potential stigma and social exclusion associated with free schools and the associated negative potential impact on the rights concerned in relation to this aspect of the decision.

Child Rights Impact Assessment (CRIA) - template

Capital and Projects: New School and Educational Developments grouped Head of Expenditure

Introduction

The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that protects the rights of children and provides a child-centred framework for the development of services to children. The UK Government's ratification of the treaty was extended to Jersey in 2014.

This template has been developed for use by Ministers, States Members, Assembly Bodies and Public Authorities who are categorised as Duty Bearers under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#) (the 'Law'), and those who support them.

The Law establishes a due regard model, where duty bearers must show that they have considered the rights of children and young people in the development of all domestic legislative, policy or administrative matters, referred to collectively in this template as **decisions**.

The completion of a Child Rights Impact Assessment (CRIA) is the means by which duty-bearers can demonstrate that they have exercised their due regard duty under the Law.

The template consists of two parts:

3. SCREENING	Stage 1: Initial Assessment to determine whether a full CRIA is required
4. FULL CRIA	Stage 2: Scoping Stage 3: Evidence Stage 4: Children's Involvement Stage 5: Assessing Impact Stage 6: Conclusions

In accordance with the Law most CRIAs will be published on gov.je.

Name/Title of Duty Bearer:	Minister for Children and Education
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STAGE 1: SCREENING

The first stage of the CRIA requires summary level information to assess whether a full CRIA (Stages 2-6) is required.

1.1: Name the proposed decision and briefly describe its aim

New School and Educational Developments and Upgrade to Children and Young Person, Education and Skills (CYPES) Estate.

As described in page 57 of the [Proposed Government Plan 2023-2026](#), the purpose of the New School and Educational Developments Grouped Head is 'to enable projects related to the construction of new schools or educational facilities. Projects to be prioritised within this Head of Expenditure include an expansion of Mont a L'Abbé School, a new Digital Centre of Excellence, development of primary schools in St Helier, a replacement of Victoria College Preparatory School and sports facilities at Le Rocquier.'

As described in pages 57 of the [Proposed Government Plan 2023-2026](#), the Upgrade to CYPES Estate is 'to support investment priorities across the CYPES estate. It is intended that this Head of Expenditure will be used to establish a therapeutic care home for children, refurbish existing residential homes, provide new premises for music development, deliver improvements to existing schools, and support delivery of school sports pitches and play spaces and enable an expansion of Youth Service facilities.'

1.2: Which children's rights will be impacted?

A description of relevant children's rights can be found in the [UNCRC](#). This comprises 54 Articles, 2 adopted Optional Protocols (covering the involvement of children in armed conflict and the sale of children, child prostitution and child pornography) and a series of General comments.

Cluster 1 - General Measures of Implementation

Cluster 3 - General Principles

Cluster 4 – Civil Rights and Freedom

Cluster 6 - Basic Health and Welfare

Cluster 7 - Education, leisure and cultural activities

Cluster 8 - Special protection measures

Article 2 - The Convention applies to all children. States parties must respect and ensure the rights set forth in the present Convention apply to each child within their jurisdiction without discrimination of any kind.

Article 3 – Article 3(1) requires that the best interests of the child shall be a primary consideration in all things that affect children. Under Article 3(2), States Parties must afford the child such protection and care as is necessary for their well-being, taking into account the rights and duties of their parents, legal guardians, or other individuals legally responsible for them, and, to this end, shall take all appropriate legislative and administrative measures. Article 3(3) requires that States Parties ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4 - Governments must do all they can to make sure every child can enjoy their rights.

Article 6 - Every child has the right to life. Governments must do all they can to make sure that children survive and develop to their full potential.

Article 12 – Article 12(1) requires that States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 23 – Article 23(1) states requires that ‘States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.’

Article 24 - States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health.

Article 28 – This requires States Parties to recognise the right of children to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall take certain specified steps, including making primary education compulsory and available free to all and encouraging the development of different forms of secondary education.

Article 29 – This requires that the education of the child shall be directed to certain specified matters, including the development of the child’s personality, talents and mental and physical abilities to their fullest potential.

Article 31 - States Parties shall recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

Article 33 – States Parties shall take all appropriate measures to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34 - States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

Article 42 – States Parties must actively work to make sure children and adults know about the Convention.

There are multiple relevant General Comments issued by the UN Committee on the Rights of the Child, listed below in chronological order:

[General Comment No. 1 \(2005\): Article 29\(1\): The Aims of Education](#). Amongst other things, this general comment clarifies that the educational values imparted in the educational process must be consistent with the other rights of children. It notes: ‘education must be provided in a way that respects the inherent dignity of the child and enables the child to express his or her views freely in accordance with article 12 (1) and to participate in school life. Education must also be provided in a way that respects the strict limits on discipline reflected in article 28 (2) and promotes non-violence in school.’ It also states: ‘Compliance with the values recognized in article 29 (1) clearly requires that schools be child-friendly in the fullest sense of the term and that they be consistent in all respects with the dignity of the child.’

[General comment No. 7 \(2005\): Implementing child rights in early childhood](#). In relation to Article 6, this general comment states: ‘States parties are urged to take all possible measures to improve perinatal care for mothers and babies, reduce infant and child mortality, and create conditions that promote the well-being of all young children during this critical phase of their lives. ... Ensuring survival and physical health are priorities, but States parties are reminded that article 6 encompasses all aspects of development, and that a young child’s health and psychosocial well-being are in many respects interdependent.’

[General Comment No. 9 \(2006\) : The rights of children with disabilities](#). This general comment, amongst other things, makes it clear that Care and assistance shall be designed to ensure that children with disabilities have effective access to and benefit from education, training, and health care services. It also states: ‘it is the State Party’s ultimate responsibility to oversee that adequate funds are allocated to

children with disabilities along with strict guidelines for service delivery. Resources allocated to children with disabilities should be sufficient --and earmarked so that they are not used for other purposes-- to cover all their needs, including programmes established for training professionals working with children with disabilities such as teachers.'

[General comment No. 13 \(2011\) - The right of the child to freedom from all forms of violence](#). This general comment explains: 'In common parlance the term violence is often understood to mean only physical harm and/or intentional harm. However, the Committee emphasizes most strongly that the choice of the term violence in the present general comment must not be interpreted in any way to minimize the impact of, and need to address, non-physical and/or non-intentional forms of harm (such as, inter alia, neglect and psychological maltreatment).' It also notes, amongst other things, that 'neglect' includes 'the failure to meet children's physical and psychological needs' and to 'protect them from danger'.

[General comment No. 14 \(2013\) on the right of the child to have his or her best interests taken as a primary consideration \(art. 3, para. 1\)](#). Amongst other things, this comment reminds States Parties that they are required to uphold 'the child's best interests in the allocation of national resources for programmes and measures aimed at implementing children's rights'. On the allocation of priorities, it emphasises: 'The expression "primary consideration" means that the child's best interests may not be considered on the same level as all other considerations. This strong position is justified by the special situation of the child: dependency, maturity, legal status and, often, voicelessness. Children have less possibility than adults to make a strong case for their own interests and those involved in decisions affecting them must be explicitly aware of their interests. If the interests of children are not highlighted, they tend to be overlooked.'

[General comment No. 15 \(2013\) on the right of the child to the enjoyment of the highest attainable standard of health \(art. 24\)](#). This guidance includes the instruction: 'The notion of "the highest attainable standard of health" takes into account both the child's biological, social, cultural and economic preconditions and the State's available resources, supplemented by resources made available by other sources, including non-governmental organizations, the international community and the private sector.'

[General comment No. 17 \(2013\) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts \(art. 31\)](#). This guidance notes that there is a link between the Article 31 right and other rights, such as the right to education: 'Play and recreation are essential to the health and well-being of children and promote the development of creativity, imagination, self-confidence, self-efficacy, as well as physical, social, cognitive and emotional strength and skills. They contribute to all aspects of learning; they are a form of participation in everyday life and are of intrinsic value to the child, purely in terms of the enjoyment and pleasure they afford. Research evidence highlights that playing is also central to children's spontaneous drive for development, and that it performs a significant role in the

development of the brain, particularly in the early years.’ Amongst other things, it also highlights the importance of children engaging in the activities concerned not only on their own but with peers and adults. For example, it states: ‘Through engagement with their peers, children create and transmit their own language, games, secret worlds, fantasies and other cultural knowledge.’

[General comment No. 19 \(2016\) on public budgeting for the realization of children’s rights \(art. 4\)](#). This makes it clear that, in order to fulfil Article 4, States Parties are, among things, required to budget and spend to realise children’s rights. This requires that ‘Sufficient public resources are mobilized, allocated and utilized effectively to fully implement approved legislation, policies, programmes and budgets.’

1.3: Which groups of children and young people are likely to be affected most?

All children will be potentially affected by the decision, particularly school children.

1.4: What is the likely impact of the proposed decision on children in Jersey?

The impact will be positive in terms of the rights concerned. Both aspects of the decision will meet urgent and emerging needs, tackling inequalities between schools so that there is an equitable system in place for school students. Various projects are identified within the school plan (as quoted above in Section 1.1). Further projects will be set as needs emerge and are identified by the new government. This kind of adaptability is required in order to ensure that the educational needs of all children can be met, and that there is appropriate resource available.

1.5: Is a full child rights impact assessment required? Explain your rationale

Yes, a full child rights impact assessment is required. The decision will potentially affect all children of compulsory school age in Jersey, the resource commitment is significant (for example, £17.125 million in 2023) and vulnerable groups will be among those affected.

If the screening stage determines that a full CRIA is required, complete Stage 2 - 6

FULL CHILD RIGHTS IMPACT ASSESSMENT

Stage 2: Scoping	
2.1: Thinking about the children’s rights identified in Section 1.2, explain the expected effect of the proposed decision on those rights?	
Cluster/Article	Further analysis on the expected effect
General Measures of Implementation	By providing support in the educational context, such as the construction of new schools or educational facilities, the decision contributes to ensuring that children are better educated in many respects, including in relation to their Convention rights.
General Principles.	<p>As explained below in the context of other clusters of rights, various aspects of the decision contribute to compliance with Article 2 by helping to ensure that Convention rights are enjoyed by each school child in Jersey without discrimination of any kind. By helping to promote the interests of children in an educational context in multiple ways, the decision promotes the best interests of the child, helps to provide for their care, and helps ensure that schools and other educational institutions responsible for the care or protection of children within their jurisdiction shall conform with the standards established by competent authorities as required by Article 3 of the UNCRC. It is part of a set of measures necessary for the implementation of the rights recognised in the UNCRC, as required by Article 4. Further, as explained below in the context of other clusters of rights it is designed to ensure that children develop to their full potential, as required by Article 6.</p> <p>The decision will support the following:</p> <p>All children in Jersey have the best start in life;</p> <p>All children in Jersey live healthy lives;</p>

	<p>All children in Jersey learn and achieve;</p> <p>All children in Jersey grow up safely;</p> <p>All children in Jersey are valued and involved.</p> <p>It will have a positive impact in terms of some of the Jersey Performance Framework indicators: for example, the % of children aged 4 to 5 years achieving or exceeding the expected level of development, the % of children aged 4 to 5 years with a healthy BMI, the % of children aged 10 to 11 years with a healthy BMI, the % of children meeting the recommended level of physical activity, and all of the indicators for learning and achievement.</p>
<p>Civil Rights and Freedoms</p>	<p>The decision will be implemented in collaboration with children, young people and their families so that they are Valued and Involved. This helps ensure compliance with Article 12(1), since this Article requires that States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.</p>
<p>Basic Health and Welfare</p>	<p>By enabling spending on improving the safety of CYPES estate, this decision will contribute to the right to survival and help ensure the physical health of children, as required by Article 6. Further, by improving provisions in relation to sports facilities, other recreational facilities, and play areas, this decision also contributes positively to the physical and emotional well-being of children and to their development, thus having a positive impact in terms of Articles 6 and 24. Moreover, some of the spending will improve facilities for disabled children: for example, by enabling disabled people to access the whole or specific areas of buildings. Thus, it will contribute to compliance with Article 23.</p>
<p>Education, Leisure and Cultural Activities</p>	<p>Much of the decision is concerned with improving educational facilities for children. In this respect, it will have a positive impact in terms of Articles 28 and 29. As noted above in relation to Basic Health and Welfare, the decision will improve provisions in relation to sports facilities, other recreational facilities, and play areas. Thus, will have a positive impact in terms of the Article 31 right</p>

	of children to rest and leisure, to engage in play and recreational activities, and to participate freely in cultural life and arts.
Special Protection Measures	The spending on Youth Services facilities should help to protect children from drug abuse and sexual exploitation, as required by Articles 33 and 34 respectively. Safeguarding and welfare will be high priorities.

Stage 3: Evidence		
3.1: What evidence has been used to inform your assessment? Include published results which have involved consultation with children and young people and any relevant research		
Evidence collected	Explanation of the importance	What are the data gaps, if any?
Big Education Conversation Response	<p>This consultation asked the community about educational needs and provisions in Jersey. Page 14 notes: 'There is also a level of dissatisfaction among young people about the quality of their learning environments; some students are learning in school buildings that are old and run-down, and although young people recognise that schools try their best, they feel that some schools receive more investment for 'nice to haves' as opposed to basic infrastructure. This impacts on students' engagement and whether they feel like their education is valued. Good-quality playgrounds are also important so that students have access to appropriate outdoor space.' This clearly indicates a desire for better equality buildings and play areas.</p> <p>Pages 15 notes that 'students and parents want Jersey's</p>	Not applicable.

	<p>education system to provide accessible, quality and equitable learning opportunities for all students'. Further, page 16 observes: 'We were told that a number of different groups may be at risk from having full access and participation in education ... [based on various factors such as disability]'. This indicates that more needs to be done to ensure equality, particularly in relation to disability.</p>	
<p>Life on The Rock</p>	<p>This report presents the views of children about life in Jersey. It states: 'There is not much for children and young people to do, particularly for those between 11 – 16+ years, which may explain why young people drink, take drugs, hang about and sometimes get in trouble.' This indicates a need for better recreational facilities for children and young people, which the spending on Youth Services facilities addresses.</p> <p>This report also states: 'Things like football and other team games, dancing, art and music lessons need to be freely available for all children and from a young age, to get them in the habit of viewing their pastimes as fun "before drinking becomes fun"'. This, again, indicates the need for better sports and other recreational facilities.</p> <p>In addition, this report observes: 'It is expensive to attend swimming, singing, music and sporting activities</p>	<p>Not applicable.</p>

	<p>and lessons on the island. This can cause a divide between those who can afford to do well in life and those who cannot.” This indicates that there is a need for recreational activities for children that are either free or more affordable for lower-income families.</p> <p>This report also notes that some disabled children experience trouble accessing school and concludes on this point: ‘Disabled students struggling to access school should be a thing of the past.’ This indicates that more needs to be done in terms of the inclusion of disabled children in education.</p>	
<p>Jersey Children and Young People's Survey 2021</p>	<p>As stated in page 1, ‘This biennial survey gives every child in education in Years 4, 6, 8, 10 and 12 the opportunity to describe their life and opinions across a wide range of topics’. As reported on page 38, 39% of those surveyed said that better facilities to do sport would encourage them to do more exercise. This is significant in relation to the aspects of the decision concerning sporting facilities, particularly since page 38 also reveals that ‘two-thirds (67%) of young people would like to do more exercise in the future’. It is evident that more exercise would be helpful for the health of those surveyed as a group since, as stated on page 37, less than ‘one in five (18%) young people reported being physically active at or above the</p>	<p>The findings in this survey as a whole are not applicable in relation to most aspects of the decision. This is not a fault of the survey; it simply reflects the fact that the survey deals with a wide range of issues rather than concentrates on those relating to the decision.</p>

	UK NHS recommended level (at least one hour, on each of the 7 days preceding the survey’.	
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Stage 4: Children’s Involvement		
4.1: What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?		
Groups consulted	How they were involved	What were the findings?
Various children, parents, families and carers, teachers and teaching support staff, head teachers, leadership teams and educational governing bodies.	These parties engaged with policy officers from the Government of Jersey. This engagement led to the findings in Big Education Conversation Response , which in turn informed the decision.	The findings are described above in Section 3.1.
Two Children’s Advisory Groups (CAGs)	Two CAGs were involved in the production of Life on The Rock , This report indirectly influenced the development of the decision.	The findings are described above in Section 3.1.
Children will be consulted and heard at each stage of implementation of the projects as the details develop.		

Stage 5: Assessing Impact		
5.1: What likely impact will the proposed decision have on children and young people’s rights?		
Type of impact	Justification for Argument.	Likely or actual short/medium/long-term outcomes. Include resource implications (financial,

		regulatory, workforce, structural) as necessary
Positive	<p>As explained above (particularly in Section 2.1), the additional spending concerned should enhance Jersey’s provisions in relation to the rights concerned by enabling projects relating to new schools, educational developments and priorities across the CYPES estate.</p> <p>The development will also enable a long lasting and effective response to inequities in existing provision.</p>	Most of the impact will inevitably be in the medium and long-term, since the projects concerned by their nature often cannot be implemented in the short-term. Some of the projects, such as those concerned with improving existing schools, should have a quicker impact.
Negative	Potential impact on Article 31 rights, if a new town primary school resulted in an overall reduction in available space for children to meet and play outdoors.	Dependant on the detail of CYPES estate upgrade project.

5.2: What are the likely different impacts on different groups of children and young people?		
Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
Children of compulsory school age in Jersey	Children in this group will benefit from improved and new educational and recreational facilities as a result of this decision.	There is no likely negative impact, since the purpose of the allocation of resource is to improve provision which directly supports children’s rights.
Children under compulsory school age	Children in this category are future beneficiaries of the new and improved facilities,	

	plus the commitment to enhancing equity in education.	
Children from economically deprived families, disabled children and looked after children	Some aspects of the decision will have particular positive impact for children in these categories, since they are targeted improvements to existing provision, or involve creation of new educational and recreational facilities designed to support children in these categories.	

5.3: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposed decision to mitigate the impact?	
Describe the negative impact	What options are there to modify the measure(s) or mitigate the impact?
Possible reduction in available space for children to meet and play outdoors.	The identification of alternative open spaces, both within St. Helier and elsewhere.

Stage 6: Conclusions
6.1: In summary what are your key findings on the impact of the decision on children and young people's rights?
As explained above, the decision will have a positive impact on the rights of children identified in the above analysis. Children who are disabled, looked after and/ or who are from economically deprived families should particularly benefit from it. There should be no negative impact on rights.

Child Rights Impact Assessment (CRIA) - template

Infant Feeding Programme

Introduction

The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that protects the rights of children and provides a child-centred framework for the development of services to children. The UK Government's ratification of the treaty was extended to Jersey in 2014.

This template has been developed for use by Ministers, States Members, Assembly Bodies and Public Authorities who are categorised as Duty Bearers under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#) (the 'Law'), and those who support them.

The Law establishes a due regard model, where duty bearers must show that they have considered the rights of children and young people in the development of all domestic legislative, policy or administrative matters, referred to collectively in this template as **decisions**.

The completion of a Child Rights Impact Assessment (CRIA) is the means by which duty-bearers can demonstrate that they have exercised their due regard duty under the Law.

The template consists of two parts:

5. SCREENING	Stage 1: Initial Assessment to determine whether a full CRIA is required
6. FULL CRIA	Stage 2: Scoping Stage 3: Evidence Stage 4: Children's Involvement Stage 5: Assessing Impact Stage 6: Conclusions

In accordance with the Law most CRIAs will be published on gov.je.

Name/Title of Duty Bearer:	Assistant Minister for Children and Education - Early Years
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STAGE 1: SCREENING

The first stage of the CRIA requires summary level information to assess whether a full CRIA (Stages 2-6) is required.

1.1: Name the proposed decision and briefly describe its aim

Recruitment of an infant feeding midwife specialist to lead the Government of Jersey's infant feeding agenda. Permanent funding will be provided to sustain this post, to continue to maintain and increase levels of breast-feeding support to mothers whilst maintaining Jersey's attained international accreditation. The postholders duties include:

- Driving forward infant feeding developments such as planning and implementation of the United Nations International Children's Emergency Fund (UNICEF) Baby Friendly Initiative Standards across maternity services.
- Ensuring that a coordinated approach to infant feeding support and management is adopted. The post holder will work autonomously and provide professional leadership and expert information about infant feeding advice.
- Developing feeding policy, guidelines and patient information and supporting staff to make changes needed to implement best practice for infant feeding.
- Participating in and delivering in-service training in the unit and community in relation to infant feeding.
- Carrying out audits related to infant feeding practices and actioning any areas for development.

1.2: Which children's rights will be impacted?

A description of relevant children's rights can be found in the [UNCRC](#). This comprises 54 Articles, 2 adopted Optional Protocols (covering the involvement of children in armed conflict and the sale of children, child prostitution and child pornography) and a series of General comments.

Cluster 5 - Basic health / welfare

<p>Article 2 - The Convention applies to all children. State parties must respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind.</p> <p>Article 3 - The best interests of the child shall be a primary consideration in all things that affect children.</p> <p>Article 4 - Governments must do all they can to make sure every child can enjoy their rights.</p> <p>Article 6 - Every child has the right to life. Governments must do all they can to make sure that children survive and develop to their full potential.</p> <p>Article 24 - Every child has the right to the best possible health. Governments must, amongst other things, work to provide necessary medical assistance and health care to all children. They must also strive to ensure that all children are provided with adequate nutritious foods and ensure appropriate healthcare for mothers. State parties must develop preventive health care and guidance for parents, ensuring that all segments of society are supported in the use of basic knowledge of child health and nutrition’ and ‘the advantages of breastfeeding’.</p> <p>Article 27 - Every child has the right to a standard of living that is good enough to meet their physical, social and mental needs. Governments must take appropriate measures to assist parents and others responsible for the child to implement this right and must in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.</p>
<p>1.3: Which groups of children and young people are likely to be affected most?</p>
<p>Groups of children who share certain characteristics</p>
<p>Children of breastfeeding age will be affected most. For children up to around one year of age, this is normally the primary source of nutrition. This is primarily children under two years of age, particularly those up to the age of six months, whom UNICEF and the World Health Organisation (WHO) recommend are exclusively breastfed.</p>
<p>1.4: What is the likely impact of the proposed decision on children in Jersey?</p>
<p>The decision will increase the support that the Government of Jersey provides to parents to build close and loving relationships with their babies, and to make feeding choices which support optimum health and development. It will directly</p>

strengthen Jersey’s provision in relation to the children's rights concerned. It will also provide support for families for whom breastfeeding is impossible or difficult.

1.5: Is a full child rights impact assessment required? Explain your rationale

A full child rights impact assessment is required. The decision will potentially affect all children of breastfeeding age in Jersey. Further, it affects vulnerable groups because research shows that some families are more in need of support in this respect; this research indicates that factors such as maternal age and socio-economic background are associated with breastfeeding rates.

If the screening stage determines that a full CRIA is required, complete Stage 2 - 6

FULL CHILD RIGHTS IMPACT ASSESSMENT

Stage 2: Scoping	
2.1: Thinking about the children’s rights identified in Section 1.2, explain the expected effect of the proposed decision on those rights?	
Cluster/Article	Further analysis on the expected effect
General Principles	The decision will help Jersey to implement the UNICEF Baby Friendly Initiative Standards . Leading a multidisciplinary team, the infant feeding midwife specialist will help staff to empower parents to build close and loving relationships with their babies and to make optimum feeding choices. This will have a positive impact on the rights affected. It should increase Jersey’s breastfeeding rates, which research indicates is significantly lower in younger mothers and mothers who are socio-economically deprived. It is well-established that breastfeeding has significant short and long-term health benefits for babies, as well for the health of the mother. However, it is for each mother to decide how to feed their baby; they may need support and guidance by healthcare professionals whatever they choose and the decision will help to ensure that mothers

	<p>are treated in a non-judgmental manner. The decision should also help those who cannot breastfeed or choose not to do so, by implementing best practice to ensure that all parents can make informed decisions and are given the best available evidenced-based support.</p> <p>By helping to implement appropriate standards and support for mothers, the decision promotes the best interests of the child, as required by Article 3 of the UNCRC. It is part of a set of measures necessary for the implementation of the rights recognised in the UNCRC, as required by Article 4. By improving support for infant feeding in general and breastfeeding in particular, it helps to ensure that all children in Jersey have the best start in life and develop to their full potential, as required by Articles 2 and 6. Jersey's breastfeeding rate is a measure of whether All children in Jersey have the best start in life. Further, it is essential that Islanders can access high quality, effective health services.</p>
Basic health and welfare	<p>The decision will have a positive impact in terms of Articles 24, which requires Governments to take appropriate measures to assist the health of children and mothers. It should help to ensure that all segments of society, particularly parents, are supported in the use of 'basic knowledge of child health and nutrition' and 'the advantages of breastfeeding', as required by Article 24. Further, it contributes to the provision of material assistance and support programmes with regard to nutrition and thus helps the Government to fulfil its responsibility under Article 27. Breastfeeding can help to reduce short and long-term health issues for children and sudden infant death syndrome, as well as provide health benefits for the mother and facilitate bonding. General feeding advice and support from healthcare professionals is also important for both the health of the child and the mental welfare of the mother. In relation to the latter point, it is important to bear in mind that Mental health and wellbeing are fundamental to quality of life in Jersey.</p>

Stage 3: Evidence

3.1: What evidence has been used to inform your assessment? Include published results which have involved consultation with children and young people and any relevant research		
Evidence collected	Explanation of the importance	What are the data gaps, if any?
UNICEF Baby Friendly Initiative Standards	As explained by UNICEF, there is 'extensive and resounding evidence that breastfeeding saves lives, improves health and cuts costs in every country worldwide.'	Not applicable.
Factors Associated With Breastfeeding: An Analysis By Primary Care Trust	This study shows that there is significant variation in UK breastfeeding rates according to sociodemographic profile. It also notes: 'previous studies have identified a variety of sociodemographic and behavioural factors, including area of residence, maternal age, socioeconomic background, maternal education, ethnicity, smoking behaviour and maternal obesity, as being associated with breastfeeding in both the UK and other high income countries.' Further, it observes: ' Non-white ethnicity has consistently been linked to increased breastfeeding in individual level studies.'	This study does not specifically focus on Jersey. However, Jersey statistical data relating to maternal age is available elsewhere (as discussed below).
Births, Fertility and Breastfeeding 2021	This shows that in Jersey 'at discharge, breastfeeding rates of mothers aged 15-24 years were significantly lower than those of mothers aged 30 years and over.' Similarly, it indicates that 'breastfeeding rates at 6 to 8 weeks were lower among mothers aged 24 years and under (32%) than mothers aged 30 years and over (67%).' This indicates that there is significant variation in breastfeeding rates	There are no statistics about other factors that may produce variation in breastfeeding rates in Jersey.

	<p>according to the age of mothers and that much more could be done to improve the rate in particular among younger mothers.</p> <p>This document also indicates that 'three quarters (73%) of babies were being breastfed at discharge from maternity in 2021, a similar proportion to that seen in each year since 2010.' In addition, it states that 'in 2021, the proportion of mothers who were breastfeeding at 6 to 8 weeks after birth was 59%, comprising 41% breastfeeding exclusively and a further 18% partially' and that 'the proportion of babies receiving mixed breastfeeding at 6 to 8 weeks old has been essentially unchanged since 2016.' The situation at 6 to 8 weeks old compares favourably to England. As the report puts it, 'Jersey's proportion of mothers who were breastfeeding at 6 to 8 weeks after birth (62%) was higher than in England (48%) in 2020-2021.' However, the report also shows that Jersey has made no progress in recent years in relation to breastfeeding rates among babies at discharge and at six to eight weeks old.</p>	
<p>New Evidence on Breastfeeding and Postpartum Depression: The Importance of Understanding Women's Intentions</p>	<p>This study illustrates the importance of providing expert infant feeding support. As the authors put it, 'Our results underline the importance of providing expert breastfeeding support to women who want to breastfeed; but also, of providing compassionate support for women who had</p>	<p>Not applicable.</p>

	intended to breastfeed, but who find themselves unable to.'	
General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)	<p>Observation from the United Nations Committee on the Rights of the Child that infant feeding practices are crucial to the health of the child. The Committee state at paragraph 18: 'Among the key determinants of children's health, nutrition and development are the realization of the mother's right to health and the role of parents and other caregivers. A significant number of infant deaths occur during the neonatal period, related to the poor health of the mother prior to, and during, the pregnancy and the immediate post-partum period, and to suboptimal breastfeeding practices.'</p> <p>Further, the Committee make it clear that adequate infant feeding support is crucial for a state to fulfil its obligation in relation to the provision of nutritious food. They state at paragraph 44: 'Exclusive breastfeeding for infants up to 6 months of age should be protected and promoted and breastfeeding should continue alongside appropriate complementary foods preferably until two years of age, where feasible.'</p>	Not applicable.

Stage 4: Children's Involvement

4.1: What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?

Groups consulted	How they were involved	What were the findings?
<p>Those most impacted (babies) would be unable to express their views. However, the views of parents and carers were a key part of the evidence base for this decision.</p>	<p>To better understand the views and experiences of parents and carers in Jersey, the Early Years Policy Development Board ran a series of focus groups with parents and carers from various socio-economic backgrounds, the findings of which are published in Early Years Policy Development Board: Headlines From Focus Groups.</p>	<p>The report states: ‘A key theme amongst all groups was breastfeeding’. One sub-theme here is summarised as ‘No support, consultants’.</p> <p>Comments from participants included ‘We could provide the best start for our children so much better if we had:</p> <ul style="list-style-type: none"> • breastfeeding support and groups to help you when you struggle • a breastfeeding consultant • breastfeeding support
	<p>UNICEF’s Baby Friendly Initiative (BFI) recognises the importance of raising breastfeeding initiation and continuation rates across the population. The steering group locally is comprised of States Members from within Government and non-executive, together with the BFI Lead and senior officials within Health and policy, and representatives from groups working with babies and families.</p>	<p>The members of this group identified the need for an Infant Feeding Lead to support the pathway to achieving BFI Gold.</p>
	<p>In August 2021, mothers in Jersey who breastfeed were invited to take part in their own version of The Big Latch – an event which is an integral part of World Breastfeeding Week. The annual event is attended by many mums and dads and is an opportunity for parents to meet up and</p>	<p>The parents and carers present at this gathering (mothers, father, grandparents) overwhelmingly felt that more specialist support was</p>

	<p>relax in a friendly setting with their babies. The campaign featured breast-feeding mums, and mums were also invited to show their support for breastfeeding by uploading a “selfie” of them breastfeeding their baby or child, on social media, using the hashtag #VirtualBigLatchJersey2021</p>	<p>needed. They requested a practitioner with high level qualifications, and they said that quick access was crucial, especially in the early days of breastfeeding. They wanted to see a practitioner who had time to spend with them and wasn’t having to rush off to see to other tasks. They also requested a peer support system to be set up and supported by this specialist.</p>
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Stage 5: Assessing Impact		
5.1: What likely impact will the proposed decision have on children and young people’s rights?		
Type of impact <i>[please highlight]</i>	Justification for Argument.	Likely or actual short/medium/long-term outcomes. Include resource implications (financial, regulatory, workforce, structural) as necessary
Positive	<p>As noted above, providing additional infant feeding support will have a positive impact in terms of the rights concerned: namely, Articles 2, 3, 4, 6, 24 and 27. As explained in Stages 2 and 3, providing expert infant support and guidance is necessary to fulfil all of these rights.</p>	<p>The decision should help Jersey maintain its Baby Friendly Initiative Level 3 Accreditation in the short term and build on this success in the medium and long-terms. Although Level 3 is the highest stage, more can be done in the medium and long term in terms of the infant feeding agenda: for instance, as noted above, Jersey has made no</p>

	The decision should enhance Jersey's level of support and thus its provisions in relation to the rights concerned.	overall progress in recent years in relation to increasing breastfeeding rates among babies at discharge and at six to eight weeks old.
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5.2: What are the likely different impacts on different groups of children and young people?		
Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
All infants	Providing better infant feeding support will have a positive impact for all infants.	Not applicable.
Infants of younger mothers, Infants from socio-economically deprived families, and Infants of mothers who are of white ethnicity.	Evidence indicates that breastfeeding rates vary according to various factors, including the age of the mother, the socio-economic status of the family, and the ethnicity of the mother. Support better tailored to these factors, as ought to occur as a result of this decision, should particularly benefit certain groups of infants who have hitherto been at a disadvantage in this respect.	Not applicable.

5.3: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposed decision to mitigate the impact?	
Describe the negative impact	What options are there to modify the measure(s) or mitigate the impact?
	No negative impact on the rights of children or young people were identified

Stage 6: Conclusions
6.1: In summary what are your key findings on the impact of the decision on children and young people's rights?
The decision will have a positive impact on the rights of children identified in the above analysis. Infants of younger mothers, Infants from socio-economically deprived families, and Infants of mothers who are of white ethnicity should particularly benefit from it. There should be no negative impact on rights.

Child Rights Impact Assessment (CRIA) - template

Parental Leave

Introduction

The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that protects the rights of children and provides a child-centred framework for the development of services to children. The UK Government's ratification of the treaty was extended to Jersey in 2014.

This template has been developed for use by Ministers, States Members, Assembly Bodies and Public Authorities who are categorised as Duty Bearers under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#) (the 'Law'), and those who support them.

The Law establishes a due regard model, where duty bearers must show that they have considered the rights of children and young people in the development of all domestic legislative, policy or administrative matters, referred to collectively in this template as **decisions**.

The completion of a Child Rights Impact Assessment (CRIA) is the means by which duty-bearers can demonstrate that they have exercised their due regard duty under the Law.

The template consists of two parts:

7. SCREENING	Stage 1: Initial Assessment to determine whether a full CRIA is required
8. FULL CRIA	Stage 2: Scoping Stage 3: Evidence Stage 4: Children's Involvement Stage 5: Assessing Impact Stage 6: Conclusions

In accordance with the Law most CRIAs will be published on gov.je.

Name/Title of Duty Bearer:	Chief Minister
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STAGE 1: SCREENING
The first stage of the CRIA requires summary level information to assess whether a full CRIA (Stages 2-6) is required.
1.1: Name the proposed decision and briefly describe its aim
An increase to the General Reserve of £2.5 million per year in 2023, 2024, and 2025 to meet the incremental cost to front-line services of the parental leave policy introduced across the Government in 2022: namely, the introduction of the entitlement to 20 weeks of paid parental leave introduced for all new parents working in the public sector.
1.2: Which children’s rights will be impacted?
A description of relevant children’s rights can be found in the UNCRC . This comprises 54 Articles, 2 adopted Optional Protocols (covering the involvement of children in armed conflict and the sale of children, child prostitution and child pornography) and a series of General comments.
<p>Cluster 2 - General Principles</p> <p>Cluster 5 – Family Environment and Alternative Care</p> <p>Cluster 6 - Basic Health and Welfare</p> <p>Article 2 - The Convention applies to all children. States parties must respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind.</p> <p>Article 3 – Article 3(1) requires that the best interests of the child shall be a primary consideration in all things that affect children. Under Article 3(2), States Parties must ensure the child such protection and care as is necessary for their well-being, taking into account the rights and duties of their parents, legal guardians, or other individuals legally responsible for them, and, to this end, shall take all appropriate legislative and administrative measures. Article 3(3) requires that States Parties ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.</p> <p>Article 4 - Governments must do all they can to make sure every child can enjoy their rights.</p>

Article 6 - Every child has the right to life. Governments must do all they can to make sure that children survive and develop to their full potential.

Article 18 – Article 18(1) requires that States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. In addition, Article 18(2) stipulates that, for the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities.

Article 24 - States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health.

Article 27 - States Parties must recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. This Article stipulates that States must recognise that the parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. Further, it requires that States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes.

There are various relevant General Comments issued by the UN Committee on the Rights of the Child:

[General comment No. 7 \(2005\): Implementing child rights in early childhood](#). In relation to Article 6, this general comment states: 'States parties are urged to take all possible measures to improve perinatal care for mothers and babies, reduce infant and child mortality, and create conditions that promote the well-being of all young children during this critical phase of their lives. ... Ensuring survival and physical health are priorities, but States parties are reminded that article 6 encompasses all aspects of development, and that a young child's health and psychosocial well-being are in many respects interdependent.' More generally, it reminds States Parties that 'the right to survival and development can only be implemented in a holistic manner, through the enforcement of all the other provisions of the Convention, including rights to health, adequate nutrition, social security, an adequate standard of living, a healthy and safe environment, education and play (arts. 24, 27, 28, 29 and 31), as well as through respect for the responsibilities of parents and the provision of assistance and quality services (arts. 5 and 18).' In relation to Article 2, this general comment notes, amongst other things, that discrimination may take the form of 'inadequate care and attention' and that 'States parties have a responsibility to monitor and combat discrimination in whatever forms it takes and wherever it occurs'. In relation to Article 3, it observes: 'The principle of best interests applies to all actions concerning children and requires active measures to protect their rights and promote their survival, growth, and well-being, as well as measures to support and assist parents and others who have day-

to-day responsibility for realizing children’s rights’. In relation to Article 18, it states: ‘States parties are required to render appropriate assistance to parents, legal guardians and extended families in the performance of their child-rearing responsibilities (arts. 18.2 and 18.3), including assisting parents in providing living conditions necessary for the child’s development (art. 27.2) and ensuring that children receive necessary protection and care (art. 3.2). The Committee is concerned that insufficient account is taken of the resources, skills and personal commitment required of parents and others responsible for young children ...’

[General comment No. 14 \(2013\) on the right of the child to have his or her best interests taken as a primary consideration \(art. 3, para. 1\)](#). Amongst other things, this comment reminds States Parties that they are required to uphold ‘the child’s best interests in the allocation of national resources for programmes and measures aimed at implementing children’s rights’. On the allocation of priorities, it emphasises: ‘The expression “primary consideration” means that the child’s best interests may not be considered on the same level as all other considerations. This strong position is justified by the special situation of the child: dependency, maturity, legal status and, often, voicelessness. Children have less possibility than adults to make a strong case for their own interests and those involved in decisions affecting them must be explicitly aware of their interests. If the interests of children are not highlighted, they tend to be overlooked.’

[General comment No. 15 \(2013\) on the right of the child to the enjoyment of the highest attainable standard of health \(art. 24\)](#). This guidance includes the instruction: ‘The notion of “the highest attainable standard of health” takes into account both the child’s biological, social, cultural and economic preconditions and the State’s available resources, supplemented by resources made available by other sources, including non-governmental organizations, the international community and the private sector.’

[General comment No. 19 \(2016\) on public budgeting for the realization of children’s rights \(art. 4\)](#). This makes it clear that, in order to fulfil Article 4, States Parties are, among things, required to budget and spend to realise children’s rights. This requires that ‘Sufficient public resources are mobilized, allocated and utilized effectively to fully implement approved legislation, policies, programmes and budgets.’

1.3: Which groups of children and young people are likely to be affected most?

Groups of children who share certain characteristics

Children under the age of 2 who are part of a family to which the 20 weeks of paid leave policy applies. It will also indirectly benefit other children in the same family; e.g. by the provision of financial support for their parents.
All children
By allowing for the recruitment and training of suitable temporary replacements for frontline staff who provide services relating to the care and/or protection of children, the decision will benefit all children, since they all to one extent or another rely on such public services.
1.4: What is the likely impact of the proposed decision on children in Jersey?
The decision is likely to have a positive impact on the children in Jersey to whom it applies. It should enable employees of the public sector (as the largest employer in the Island) to take leave without worrying about finances, since they will benefit from their normal rate of pay for up to 20 weeks. This in turn should help them to concentrate on looking after the young children concerned and thus strengthen Jersey's provision in relation to the rights identified above. As explained in section 1.3, the decision will also indirectly benefit other children in the same family and all children, since they all to one extent or another rely on public services relating to the care and/or protection of children.
1.5: Is a full child rights impact assessment required? Explain your rationale
A full child rights impact assessment is required. The decision will affect all children in Jersey. The public sector is a major employer (the Labour Market Report for June 2022 indicates that there 8,840 jobs in the public sector) and it provides multiple frontline services relating to the care and/or protection of children. The roles of government employees taking parental leave will be covered by suitably trained and senior people due to the funding provided. This will potentially affect all children in Jersey positively, since unskilled, temporary cover would have an adverse effect on children's rights. Further, research suggests that paid parental leave may benefit underprivileged families the most: for example, in relation to infant birth outcomes.

If the screening stage determines that a full CRIA is required, complete Stage 2 - 6

FULL CHILD RIGHTS IMPACT ASSESSMENT

Stage 2: Scoping	
2.1: Thinking about the children’s rights identified in Section 1.2, explain the expected effect of the proposed decision on those rights?	
Cluster/Article	Further analysis on the expected effect
General Principles	<p>The increase in the coverage of paid parental leave will help public sector parents to build close and loving relationships with their babies. There is extensive research demonstrating that paid parental leave is significantly beneficial for parents and that this benefit trickles down to children. This research demonstrates that paid leave does not just help parents focus on bonding with their children and adapting to the requirements of parenting but it also helps improve the mental and physical health of children, as well as their cognitive functioning and socio-emotional skills. As noted below, it appears that the extension of existing paid parental leave (as is the case here) has less effect than the introduction of the right to it. However, there is credible evidence that extending paid parental leave to 20 weeks will yield benefits to the child.</p> <p>By helping to support parents, the decision promotes the best interests of the child and contributes to the child receiving such care and protection as is necessary, as required by Article 3 of the UNCRC. It is part of a set of measures necessary for the implementation of the rights recognised in the UNCRC, as required by Article 4. By improving the mental and physical health of children, it will contribute to ensuring that all children in Jersey have the best start in life and develop to their full potential, as required by Articles 2 and 6 and Jersey’s policy that All children in Jersey have the best start in life.</p>
Family Environment and Alternative Care	<p>Since the decision is applicable to all relevant parents, it helps fulfil the requirement under Article 18(1) that ‘States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child’. In addition, it contributes to the Article 18(2) requirement that ‘States Parties shall render appropriate</p>

	assistance to parents and legal guardians in the performance of their child-rearing responsibilities’.
Basic Health and Welfare	The decision will have a positive impact in terms of Article 24, which requires Governments to take appropriate measures to ensure that children enjoy the highest attainable standard of health. Further, it provides material assistance towards a standard of living adequate for the children concerned and thus helps the Government to fulfil its responsibility under Article 27.

Stage 3: Evidence		
3.1: What evidence has been used to inform your assessment? Include published results which have involved consultation with children and young people and any relevant research		
Evidence collected	Explanation of the importance	What are the data gaps, if any?
The urgent necessity for paid parental leave	This research explains how ‘beneficial paid leave is for the physical health, mental well-being, and stability of the entire family’. This study notes: ‘research suggests that underprivileged families may benefit most from parental leave policies, starting with better birth outcomes, including fewer early term births, possibly owing to decreased stress during pregnancy.’ It cites supporting research published elsewhere.	The research cited in support of the author’s position does not focus on Jersey. Further, it focuses on the benefits of the introduction, rather than the extension, of paid parental leave.
The best start for life a vision for the 1,001 critical days	This UK Government research explains that the first 1001 days of life – from conception to a child’s second birthday - is a critical period. It is a time of tremendous potential and enormous vulnerability. Experiences during this time have a profound impact on a	

	child's ability to grow, learn and thrive.	
The effects of paid maternity leave: Evidence from Temporary Disability Insurance	This research demonstrates how paid parental leave can improve infant outcomes; for example, it states: 'The availability of paid time off may reduce physical and mental stress during pregnancy. Stress has been shown to have adverse effects on infant endowments of human capital, as measured by birth outcomes such as birth weight and gestational age.'	This research focuses on the effects of the introduction of maternity leave programmes on birth outcomes in the United States. It does not focus on parental leave policies more generally or on Jersey.
Paid Family Leave Policies And Population Health	This research suggests that 'paid family leave for up to one year may yield child and maternal health benefits in the short and long run.' Focusing on the US, it states: 'the available evidence suggests that the introduction of leave of up to six months to one year may yield child and maternal health benefits in the short and long run. Studies on leave expansions in other countries suggest decreasing marginal benefits to leave beyond this length.'	This research does not focus on Jersey or on the benefits of extending parental leave to 20 weeks in particular. This is significant because this paper suggests that 'the extension of existing leave has less effect' than the introduction of the right to parental leave.
Parental leave and child health	With reference to data from 16 European countries, this research concludes: 'More generous paid leave is found to reduce deaths of infants and young children. The magnitudes of the estimated effects are substantial, especially where a causal effect of leave is most plausible. ... The evidence further suggests that parental leave may be a cost-effective	The study does not draw on data from Jersey or specifically consider the potential benefits of extending paid parental leave to 20 weeks.

	method of bettering child health.’	
Paid parental leave and family wellbeing in the sustainable development era	With reference to supporting studies published elsewhere, this paper asserts that there is a link between more generous parental leave polices and lower infant mortality.	This study does not draw on data from Jersey or specifically consider the potential benefits of extending paid parental leave to 20 weeks.
Maternity leave and children's health outcomes in the long-term	Focusing on data related to an extension of maternity leave coverage from 2 to 6 months in in the Federal Republic of Germany in 1978, this research concludes that the legislative change generated positive long-term health effects for the children concerned. It states: ‘Children subject to the more generous leave scheme are on average 1.7 percent less likely to be hospitalized. The results are driven by fewer hospital admissions among men and are stronger for individuals in their late 20s and after. Additionally, using the diagnoses codes of hospitalizations, the results show that the largest driver for the decline in hospital admissions comes from a reduction in mental and behavioural disorders (MBDs).’	This study does not draw on data from Jersey or specifically consider the potential benefits of extending paid parental leave to 20 weeks.
Population Health and Paid Parental Leave: What the United States Can Learn from Two Decades of Research	Referring to research published elsewhere, this study notes: ‘Several credible examinations of paid parental leave in dozens of countries, from low and middle income to wealthy ones, have demonstrated a strong link between paid parental leave	This study does not draw on data from Jersey or specifically consider the potential benefits of extending paid

	<p>and child survival. Investigations by Ruhm [8] and Tanaka [6] have shown a non-linear effect on the health benefits of parental leave, with the greatest improvements seen after children are a month old. The more parental leave is extended, the greater these benefits appear to be (at least up to the 40-week mark). Ruhm estimates implementing 40 weeks of job-protected paid parental leave to accompany a 15% reduction in child mortality—a reduction that would correspond to more than 4000 fewer child deaths each year in the US [89].’</p>	<p>parental leave to 20 weeks.</p>
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Stage 4: Children’s Involvement		
4.1: What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?		
Groups consulted	How they were involved	What were the findings?
<p>Parents and carers.</p>	<p>To better understand the views and experiences of parents and carers in Jersey, the Early Years Policy Development Board ran a series of focus groups with parents and carers from various socio-economic backgrounds, the findings of which are published in Early Years Policy Development Board: Headlines From Focus Groups.</p>	<p>A key finding of the Early Years Policy Development Board report was: ‘All felt that maternity leave should be longer to be able to bond with the child and have less pressure to return to work, but also that it is paid so the financial stress is decreased.’ The report concluded: ‘Parental leave – many really struggling as cannot afford or do not have enough time off.’</p>

Parents and children.	The Best Start Partnership ran A Magical Event to better understand the views and experiences of parents and children in relation to early years in Jersey.	Many parents who participated thought that 'limited maternity leave' was a challenge facing children and families in Jersey. Some children involved identified the following as a top priority in relation to early years: 'Equitable statutory maternity and paternity rights. Increased availability of maternity / paternity leave – establish and extend to six months (supports breast feeding)'.

Stage 5: Assessing Impact		
5.1: What likely impact will the proposed decision have on children and young people's rights?		
Type of impact <i>[please highlight]</i>	Justification for Argument.	Likely or actual short/medium/long-term outcomes. Include resource implications (financial, regulatory, workforce, structural) as necessary
Positive	As noted above, there is credible evidence that extending paid parental leave to 20 weeks may yield health benefits to the child and thus have a positive impact in terms of Articles 2, 3, 4, 6, 24 and 27. By allowing for the recruitment and training of	There should be a short, medium and long-term reduction in infant mortality. Credible evidence (discussed in Stage 3) also suggests that it should reduce childhood hospitalisations and mental and behavioural disorders. The financial cost of the decision is

	<p>suitable temporary replacements for frontline staff who provide services relating to the care and/or protection of children, the decision also contributes to the fulfilment of Article 3(3) in particular.</p> <p>As noted above, the decision is applicable to all relevant parents (not just the mother) and thus contributes to Jersey fulfilling the requirement under Article 18(1) that 'States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child'. In addition, again as stated above, it contributes to the Article 18(2) requirement that 'States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities'.</p> <p>As explained in Stages 2 and 3, there is credible evidence that the extension of existing paid parental leave (as is the case here) has less effect than the introduction of the right to it. However, there is credible evidence that extending paid parental leave to 20 weeks yields benefits to the child. The decision will enhance Jersey's support to new parents working in the</p>	<p>£2.5 million per year in 2023, 2024, and 2025.</p>
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	public sector and thus its provisions in relation to the rights concerned.	
Negative	No negative impacts were identified	

5.2: What are the likely different impacts on different groups of children and young people?		
Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
Children under the age of 2 who are part of a family to which the decision applies.	Evidence suggests that extending paid parental leave for public sector employees will have a positive impact for the infants concerned.	Not applicable.
Children from economically underprivileged families to which the decision applies.	As noted above, 'research suggests that underprivileged families may benefit most from parental leave policies.' This suggests that economically deprived families will benefit most from the decision at hand.	Not applicable.
All children	As noted above, by allowing for the recruitment and training of suitable temporary replacements for frontline staff who provide services relating to the care and/or protection of children, the decision also contributes to the fulfilment of Article 3(3) in particular.	Not applicable.

5.3: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposed decision to mitigate the impact?	
Describe the negative impact	What options are there to modify the measure(s) or mitigate the impact?

	As mentioned above in Section 5.1, no negative impact on the rights of children or young people were identified.
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Stage 6: Conclusions

6.1: In summary what are your key findings on the impact of the decision on children and young people's rights?

The decision will have a positive impact on the rights of children identified in the above analysis. Infants from socio-economically deprived families should particularly benefit from the extension of paid parental leave. There should be no negative impact on rights. By allowing for the recruitment and training of suitable temporary replacements for frontline staff who provide services relating to the care and/or protection of children, the decision will benefit all children, since they all to some extent rely on such public services.

Child Rights Impact Assessment (CRIA) - template

Gas Place Primary School Site Twenty-First Amendment

Introduction

The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that protects the rights of children and provides a child-centred framework for the development of services to children. The UK Government's ratification of the treaty was extended to Jersey in 2014.

This template has been developed for use by Ministers, States Members, Assembly Bodies and Public Authorities who are categorised as Duty Bearers under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#) (the 'Law'), and those who support them.

The Law establishes a due regard model, where duty bearers must show that they have considered the rights of children and young people in the development of all domestic legislative, policy or administrative matters, referred to collectively in this template as **decisions**.

The completion of a Child Rights Impact Assessment (CRIA) is the means by which duty-bearers can demonstrate that they have exercised their due regard duty under the Law.

The template consists of two parts:

9. SCREENING	Stage 1: Initial Assessment to determine whether a full CRIA is required
10. FULL CRIA	Stage 2: Scoping Stage 3: Evidence Stage 4: Children's Involvement Stage 5: Assessing Impact Stage 6: Conclusions

In accordance with the Law most CRIAs will be published on gov.je.

Name/Title of Duty Bearer:	Chief Minister
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STAGE 1: SCREENING

The first stage of the CRIA requires summary level information to assess whether a full CRIA (Stages 2-6) is required.

1.1: Name the proposed decision and briefly describe its aim

The decision, as described in the Council of Ministers' amendment ([Proposed Government Plan 2023-26 \(P.97/2022\): twenty-first amendment](#)) to the Government plan 2023-26 seeks to secure sites relating to the use of the Gas Place for a new primary school. The school would be set in an extension to the Millennium Town Park and Islanders should enjoy the maximum possible community access to and use of its facilities. In addition, the current Springfield School and Le Bas Centre sites will be transformed into new community open spaces, helping to create green access corridors for moving to and around the new school, and improvements to public realm and local active travel access routes, including to St. Saviour schools.

1.2: Which children's rights will be impacted?

A description of relevant children's rights can be found in the [UNCRC](#). This comprises 54 Articles, 2 adopted Optional Protocols (covering the involvement of children in armed conflict and the sale of children, child prostitution and child pornography) and a series of General comments.

Cluster 1 - General Measures of Implementation

Cluster 3 - General Principles

Cluster 4 – Civil Rights and Freedom

Cluster 6 - Basic Health and Welfare

Cluster 7 - Education, leisure and cultural activities

Cluster 8 - Special protection measures

Article 2 - The Convention applies to all children. States parties must respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind.

Article 3 – Article 3(1) requires that the best interests of the child shall be a primary consideration in all things that affect children. Under Article 3(2), States Parties must ensure the child such protection and care as is necessary for their well-being, taking into account the rights and duties of their parents, legal guardians, or other individuals legally responsible for them, and, to this end, shall take all appropriate legislative and administrative measures. Article 3(3) requires that States Parties ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4 - Governments must do all they can to make sure every child can enjoy their rights.

Article 6 - Every child has the right to life. Governments must do all they can to make sure that children survive and develop to their full potential.

Article 12 – Article 12(1) requires that States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 23 – Article 23(1) states requires that ‘States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.’

Article 24 - States Parties recognise the right of the child to the enjoyment of the highest attainable standard of health.

Article 28 – This requires States Parties to recognise the right of children to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall take certain specified steps, including making primary education compulsory and available free to all and encouraging the development of different forms of secondary education.

Article 29 – This requires that the education of the child shall be directed to certain specified matters, including the development of the child’s personality, talents and mental and physical abilities to their fullest potential.

Article 31 - States Parties shall recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

Article 33 – States Parties shall take all appropriate measures to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34 - States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

Article 42 – States Parties must actively work to make sure children and adults know about the Convention.

There are multiple relevant General Comments issued by the UN Committee on the Rights of the Child, listed below in chronological order:

[General Comment No. 1 \(2005\): Article 29\(1\): The Aims of Education](#). Amongst other things, this general comment clarifies that the educational values imparted in the educational process must be consistent with the other rights of children. It notes: ‘education must be provided in a way that respects the inherent dignity of the child and enables the child to express his or her views freely in accordance with article 12 (1) and to participate in school life. Education must also be provided in a way that respects the strict limits on discipline reflected in article 28 (2) and promotes non-violence in school.’ It also states: ‘Compliance with the values recognized in article 29 (1) clearly requires that schools be child-friendly in the fullest sense of the term and that they be consistent in all respects with the dignity of the child.’

[General comment No. 7 \(2005\): Implementing child rights in early childhood](#). In relation to Article 6, this general comment states: ‘States parties are urged to take all possible measures to improve perinatal care for mothers and babies, reduce infant and child mortality, and create conditions that promote the well-being of all young children during this critical phase of their lives. ... Ensuring survival and physical health are priorities, but States parties are reminded that article 6 encompasses all aspects of development, and that a young child’s health and psychosocial well-being are in many respects interdependent.’

[General Comment No. 9 \(2006\) : The rights of children with disabilities](#). This general comment, amongst other things, makes it clear that Care and assistance shall be designed to ensure that children with disabilities have effective access to and benefit from education, training, and health care services. It also states: ‘it is the State Party’s ultimate responsibility to oversee that adequate funds are allocated to children with disabilities along with strict guidelines for service delivery. Resources allocated to children with disabilities should be sufficient --and earmarked so that they are not used for other purposes-- to cover all their needs, including

programmes established for training professionals working with children with disabilities such as teachers.'

[General comment No. 13 \(2011\) - The right of the child to freedom from all forms of violence](#). This general comment explains: 'In common parlance the term violence is often understood to mean only physical harm and/or intentional harm. However, the Committee emphasizes most strongly that the choice of the term violence in the present general comment must not be interpreted in any way to minimize the impact of, and need to address, non-physical and/or non-intentional forms of harm (such as, inter alia, neglect and psychological maltreatment).' It also notes, amongst other things, that 'neglect' includes 'the failure to meet children's physical and psychological needs' and to 'protect them from danger'.

[General comment No. 14 \(2013\) on the right of the child to have his or her best interests taken as a primary consideration \(art. 3, para. 1\)](#). Amongst other things, this comment reminds States Parties that they are required to uphold 'the child's best interests in the allocation of national resources for programmes and measures aimed at implementing children's rights'. On the allocation of priorities, it emphasises: 'The expression "primary consideration" means that the child's best interests may not be considered on the same level as all other considerations. This strong position is justified by the special situation of the child: dependency, maturity, legal status and, often, voicelessness. Children have less possibility than adults to make a strong case for their own interests and those involved in decisions affecting them must be explicitly aware of their interests. If the interests of children are not highlighted, they tend to be overlooked.'

[General comment No. 15 \(2013\) on the right of the child to the enjoyment of the highest attainable standard of health \(art. 24\)](#). This guidance includes the instruction: 'The notion of "the highest attainable standard of health" takes into account both the child's biological, social, cultural and economic preconditions and the State's available resources, supplemented by resources made available by other sources, including non-governmental organizations, the international community and the private sector.'

[General comment No. 17 \(2013\) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts \(art. 31\)](#). This guidance notes that there is a link between the Article 31 right and other rights, such as the right to education: 'Play and recreation are essential to the health and well-being of children and promote the development of creativity, imagination, self-confidence, self-efficacy, as well as physical, social, cognitive and emotional strength and skills. They contribute to all aspects of learning; they are a form of participation in everyday life and are of intrinsic value to the child, purely in terms of the enjoyment and pleasure they afford. Research evidence highlights that playing is also central to children's spontaneous drive for development, and that it performs a significant role in the development of the brain, particularly in the early years.' Amongst other things, it also the importance of children engaging in the activities concerned not only on their own but with peers and adults. For example, it states: 'Through engagement

with their peers, children create and transmit their own language, games, secret worlds, fantasies and other cultural knowledge.’

[General comment No. 19 \(2016\) on public budgeting for the realization of children’s rights \(art. 4\)](#). This makes it clear that, in order to fulfil Article 4, States Parties are, among things, required to budget and spend to realise children’s rights. This requires that ‘Sufficient public resources are mobilized, allocated and utilized effectively to fully implement approved legislation, policies, programmes and budgets.’

1.3: Which groups of children and young people are likely to be affected most?

For examples of different groups of children whose rights could be impacted by the decision, please refer to the guidance notes.

All children

1.4: What is the likely impact of the proposed decision on children in Jersey?

The impact will largely be positive in terms of the rights concerned. The decision aims to ensure that the educational needs of children in St Helier are met and their social rights upheld, while also providing green spaces and facilities accessible to all people in Jersey, including children and families.

1.5: Is a full child rights impact assessment required? Explain your rationale

Yes, a full child rights impact assessment is required. The decision potentially affects all children in Jersey, whether or not they are of compulsory school age, and the resource commitment will be significant.

If the screening stage determines that a full CRIA is required, complete Stage 2 - 6

FULL CHILD RIGHTS IMPACT ASSESSMENT

Stage 2: Scoping	
2.1: Thinking about the children’s rights identified in Section 1.2, explain the expected effect of the proposed decision on those rights?	
Cluster/Article	Further analysis on the expected effect
General Measures of Implementation	By providing support in the educational context, through the construction of a new school and provision of recreational facilities, the decision contributes to ensuring that children are better educated in many respects, including in relation to their Convention rights.
General Principles	<p>As explained below in the context of other clusters of rights, various aspects of the decision contribute to compliance with Article 2 by helping to ensure that Convention rights are enjoyed by each school child in Jersey without discrimination of any kind. By helping to promote the interests of children in an educational context in multiple ways, the decision promotes the best interests of the child, helps to provide for their care, and helps ensure that schools and other educational institutions responsible for the care or protection of children within their jurisdiction shall conform with the standards established by competent authorities as required by Article 3 of the UNCRC. It is part of a set of measures necessary for the implementation of the rights recognised in the UNCRC, as required by Article 4. Further, as explained below in the context of other clusters of rights, it is designed to ensure that children develop to their full potential, as required by Article 6.</p> <p>The decision will support the following:</p> <p>All children in Jersey have the best start in life;</p> <p>All children in Jersey live healthy lives;</p> <p>All children in Jersey learn and achieve;</p> <p>All children in Jersey grow up safely;</p> <p>All children in Jersey are valued and involved.</p> <p>It will have a positive impact in terms of some of the Jersey Performance Framework indicators: for example,</p>

	<p>the % of children aged 4 to 5 years achieving or exceeding the expected level of development, the % of children aged 4 to 5 years with a healthy BMI, the % of children aged 10 to 11 years with a healthy BMI, the % of children meeting the recommended level of physical activity, and all of the indicators for learning and achievement.</p>
Civil Rights and Freedoms	<p>The decision will be implemented in collaboration with children, young people and their families so that they are Valued and Involved. This helps ensure compliance with Article 12(1), since this Article requires that States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.</p>
Basic Health and Welfare	<p>By providing new educational and recreational facilities, this decision will contribute to the right to survival and help ensure the physical health of children, as required by Article 6. Further, by improving availability of green spaces, community spaces, sports facilities, other recreational facilities, and play areas, this decision also contributes positively to the physical and emotional well-being of children and to their development, thus having a positive impact in terms of Articles 6 and 24. Moreover, some of the spending will improve facilities for disabled children through making them inclusive by design and default. Thus, it will contribute to compliance with Article 23.</p>
Education, Leisure and Cultural Activities	<p>Much of the decision is concerned with providing improved educational facilities for children. In this respect, it will have a positive impact in terms of Articles 28 and 29. As noted above in relation to Basic Health and Welfare, the decision will improve availability of green spaces, community spaces, sports facilities, other recreational facilities, and play areas. This will have a positive impact in terms of the Article 31 right of children to rest and leisure, to engage in play and recreational activities, and to participate freely in cultural life and arts. The new community open spaces will provide many opportunities for children to exercise, play and engage in the community, either as part of their education or as a broader aspect of their lives. The decision as a whole is in line with the aspirations and requirements of General Comment No.1</p>

Special Protection Measures	Safeguarding and welfare will be high priorities in the design of educational and community spaces.
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Stage 3: Evidence		
3.1: What evidence has been used to inform your assessment? Include published results which have involved consultation with children and young people and any relevant research		
Evidence collected	Explanation of the importance	What are the data gaps, if any?
Big Education Conversation Response	<p>This consultation asked the community about educational needs and provisions in Jersey. Page 14 notes: 'There is also a level of dissatisfaction among young people about the quality of their learning environments; some students are learning in school buildings that are old and run-down, and although young people recognise that schools try their best, they feel that some schools receive more investment for "nice to haves" as opposed to basic infrastructure. This impacts on students' engagement and whether they feel like their education is valued. Good-quality playgrounds are also important so that students have access to appropriate outdoor space.' This clearly indicates a desire for better equality buildings and play areas.</p> <p>Page 15 notes that 'students and parents want Jersey's education system to provide accessible, quality and equitable learning opportunities for all students'. Further, page 16 observes: 'We were told that</p>	<p>Data is not disaggregated by location – ie does not specifically take into account the views of families living near each of the proposed sites</p>

	<p>a number of different groups may be at risk from having full access and participation in education ... [based on various factors such as disability]'. This indicates that more needs to be done to ensure equality, particularly in relation to disability.</p>	
<p>Life on The Rock</p>	<p>This report presents the views of children about life in Jersey. It states: 'There is not much for children and young people to do, particularly for those between 11 – 16+ years, which may explain why young people drink, take drugs, hang about and sometimes get in trouble.' This indicates a need for better recreational facilities for children and young people, which the green spaces address.</p> <p>This report also states: 'Things like football and other team games, dancing, art and music lessons need to be freely available for all children and from a young age, to get them in the habit of viewing their pastimes as fun "before drinking becomes fun." This, again, indicates the need for better sports and other recreational facilities.</p> <p>In addition, this report observes: 'It is expensive to attend swimming, singing, music and sporting activities and lessons on the island. This can cause a divide between those who can afford to do well in life and those who cannot.' This indicates that there is a</p>	<p>Not applicable</p>

	<p>need for recreational activities for children that are either free or more affordable for lower-income families.</p> <p>This report also notes that some disabled children experience trouble accessing school and concludes on this point: 'Disabled students struggling to access school should be a thing of the past.' This indicates that more needs to be done in terms of the inclusion of disabled children in education.</p>	
<p>Jersey Children and Young People's Survey 2021</p>	<p>As stated in page 1, 'This biennial survey gives every child in education in Years 4, 6, 8, 10 and 12 the opportunity to describe their life and opinions across a wide range of topics'. As reported on page 38, 39% of those surveyed said that better facilities to do sport would encourage them to do more exercise. This is significant in relation to the aspects of the decision concerning sporting facilities, particularly since page 38 also reveals that 'two-thirds (67%) of young people would like to do more exercise in the future'. It is evident that more exercise would be helpful for the health of those surveyed as a group since, as stated on page 37, less than 'one in five (18%) young people reported being physically active at or above the UK NHS recommended level (at least one hour, on each of the 7 days preceding the survey'. Children living in rural areas were much more likely to</p>	<p>The findings in this survey as a whole are not applicable in relation to most aspects of the decision. This is not a fault of the survey; it simply reflects the fact that the survey deals with a wide range of issues rather than concentrates on those relating to the decision.</p>

	report meeting the recommended level of physical activity.	
A Magical Event	'Increase facilities, including play areas', was the most frequent response suggested by parents in a survey question asking what the island could do to improve the experience for children and families.	Findings did not consider whether one large park would be of equal benefit to children and families as several smaller ones.

Stage 4: Children's Involvement		
4.1: What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?		
Groups consulted	How they were involved	What were the findings?
Various children, parents, families and carers, teachers and teaching support staff, head teachers, leadership teams and educational governing bodies.	These parties engaged with policy officers from the Government of Jersey. This engagement led to the findings in Big Education Conversation Response , which in turn informed the decision.	The findings are described above in Section 3.1.
Two Children's Advisory Groups (CAGs)	Two CAGs were involved in the production of Life on The Rock , This report indirectly influenced the development of the decision.	The findings are described above in Section 3.1.
Children will be consulted and heard at each stage of implementation of the projects as the details develop.		

Stage 5: Assessing Impact		
5.1: What likely impact will the proposed decision have on children and young people's rights?		
Type of impact <i>[please highlight]</i>	Justification for Argument.	Likely or actual short/medium/long-term outcomes. Include resource implications (financial, regulatory, workforce, structural) as necessary
Positive	<p>As explained above, the new school and additional green and community spaces should have positive impacts on the educational, recreational, and inclusion rights of children in Jersey. In particular, the decision will provide:</p> <ul style="list-style-type: none"> • A central school, easy to access from side roads and by making use of the new green corridors • Modern buildings and creative use of space for recreation • Better distribution of open spaces and play facilities within the community • A community hub which hosts multiple services for children and families, in line with the commitment in the Common Strategic Policy • Updated technology provided from the offset instead of being installed later and 	<p>Short term: improved educational and recreational facilities for children in St Helier.</p> <p>Medium and long term: building towards a community hub under the CSP and enhancing provision of services for children and families.</p>

	<p>potentially disrupting learning</p> <ul style="list-style-type: none"> • Space and education services for children with specific and additional learning needs 	
Negative	<p>There are some matters which will require careful consideration and management due to children’s rights being engaged:</p> <ul style="list-style-type: none"> • Proximity to a main road will require consideration of safety • Shared access with members of the public will require consideration of safeguarding issues for children and staff • The location of the car park is near the school entrance and close to the site of a fatal accident involving a child in 2016. The safety of young children on local roads must be a priority when the details of the building project are considered. 	<p>Resource will need to be allocated to these issues at an early stage of the project design, and actions formulated and assigned. For example, introducing safe and child-friendly routes between parks/green spaces would mitigate possible negative effects by ensuring safe movement between green spaces in different locations.</p>

5.2: What are the likely different impacts on different groups of children and young people?		
Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
Children of compulsory school age in Jersey	Children in this group will benefit from improved and new educational and recreational facilities as a result of this decision.	There are issues highlighted above at 5.1 which will require careful management and consideration as the project progresses, but none of them are insuperable.
Children under compulsory school age	Children in this category are future beneficiaries of the new and improved facilities, plus the commitment to enhancing equity in education.	
Children of compulsory school age who live in the area but do not attend the new school	Increased access of the facilities offered at the new community school outside of school hours.	Potential less park/green space in a single location in the centre of town if the Gas Place build goes ahead.
Children from economically deprived families, disabled children and looked after children	Some aspects of the decision will have particular positive impact for children in these categories, since they involve creation of new educational and recreational facilities designed to support children in these categories.	

5.3: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposed decision to mitigate the impact?	
Describe the negative impact	What options are there to modify the measure(s) or mitigate the impact?
Discussed above at 5.1 and 5.2	Additional mitigation by protecting large green spaces elsewhere and actively seeking opportunities to expand green spaces that children access, both in and out of town.

Stage 6: Conclusions

6.1: In summary what are your key findings on the impact of the decision on children and young people's rights?

As explained above, the decision will have a positive impact on the rights of children identified in the above analysis. Potential negative impacts can be prevented by careful attention to issues such as those highlighted at 5.1 and 5.2 from the outset of the project.