

# 2018-2022

## Legacy Report:

### Children, Education and Home Affairs

5<sup>th</sup> May 2022

S.R.13/2022



States of Jersey  
States Assembly



États de Jersey  
Assemblée des États



# Contents

---

<b>Chair’s Foreword</b> .....	4
<b>Introduction</b> .....	5
<b>Review output / work undertaken</b> .....	7
Reports.....	7
Comments papers .....	7
Amendments and Propositions .....	9
<b>Other methods of working</b> .....	11
Quarterly Hearings .....	11
Letters .....	11
Briefings .....	11
Advisers .....	11
Public engagement.....	12
Visits .....	12
<b>Suggestions for future work</b> .....	13
<b>Review topics</b> .....	13
Early Years Policy Development Board Recommendations Implementation.....	13
Post-16 Education .....	13
Teacher Recruitment and Retention .....	14
Implementation of Children and Young People (Jersey) Law 2022.....	14
Implementation of Children (Convention Rights) (Jersey) Law 2022.....	15
Implementation of the Domestic Abuse (Jersey) Law 2022 .....	15
Government Plan 2023-26.....	15
Education Reform Programme .....	15
Education Law Review .....	16
Protocol for information sharing between the Children’s Commissioner and the Law Officers’ Department.....	16
School Estates and New Highlands Campus.....	16
<b>Forthcoming legislation</b> .....	17
Same Sex Parental Responsibility Legislation .....	17
Draft Police (Complaints and Conduct) (Jersey) Regulations 202- .....	17
Draft Crime (Prejudice and Public Disorder) (Jersey) Law 202-.....	17
Draft Unlawful Public Entertainments (Jersey) Regulations 202- .....	18
<b>Appendix 1</b> .....	19
Panel Membership.....	19

## Chair's Foreword

---



This report provides both a summary of the scrutiny areas of the last 4 years and a context for future panels to continue and move forward the work of the panel.

The scrutiny process is vital for good governance and undertaking this task across three Ministerial portfolios provides a real challenge. The impact of covid on both work practices and workload has been significant. I recognise the flexibility demonstrated by scrutiny officers and panel members over this period.

We have also faced significant change in those taking the role of Minister during this time. I thank all members who have taken these roles and the officers that have engaged so thoroughly throughout.

This report makes suggestions for future scrutiny work that have developed from the workstream undertaken by this panel. I hope that this will be considered by future panels and provides a firm foundation for ongoing scrutiny.

A handwritten signature in black ink, appearing to read 'R Ward', written in a cursive style.

**Deputy Rob Ward**  
**Chair**  
**Children, Education and Home Affairs Scrutiny**

# Introduction

---

The [Children, Education and Home Affairs Scrutiny Panel \(the Panel\)](#) is one of five scrutiny panels working on behalf of the States Assembly to examine and investigate the work of the Government of Jersey. This is achieved through review of:

- Government policy
- New laws and changes to existing laws
- Work and expenditure of the Government
- Issues of public importance

This work is important in holding Ministers to account for their decisions and actions, helping to improve government policies, legislation and public services.

The Panel is tasked with policy and legislation arising from the work of the Minister for Children and Education (formerly the Minister for Education and the Minister for Children and Housing) and the Minister for Home Affairs. These remits include schools, early years, children's services, the Emergency Services, Customs and Immigration and the Prison Service.

***“There shall be a scrutiny panel which is assigned the topics of children, young people, education and home affairs”***  
Standing Order 135(1)(c)

The Panel has reviewed and collated the work it has undertaken since its establishment by the States in June 2018, in order to assist its successor Panel in the next session.

This report sets out:

- The work undertaken by the Panel during the session 2018 to 2022;
- Methods of working used by the Panel; and,
- Suggestions for issues that a successor Panel may wish to consider in developing its work programme.

## Panel Remit

The remit of the Panel covers the Minister for Children and Education and the Minister for Home Affairs. The Panel's remit has changed significantly during its terms of office. At the start of the States Assembly, the Panel's remit included the Minister for Education and the Minister for Home Affairs. Due to the introduction of the role of Minister for Children and Housing, the Care of Children in Jersey Review Panel took on scrutiny of this role, however, this was only envisaged as a short-term arrangement as the remit of the Review Panel focussed on the implementation of the Independent Jersey Care Inquiry recommendations rather than business as usual work of the Minister. As such, from June 2020, Standing Orders were amended to include the Minister for Children and Housing (Children's remit only) under the remit of the Panel. From February 2021, the Chief Minister merged the roles of Minister for Children and Minister for Education into the new role of Minister for Children and Education.

As detailed below the Panel has worked hard during this term to carry out sufficient scrutiny of items under its remit, we have:



Met over **211** times



Lodged **24** comment papers



Produced **7** reports, made **204** findings and **116** recommendations – **82** were accepted or partially accepted *(excluding S.R.4/2022 – responses not provided prior to publication of this report)*



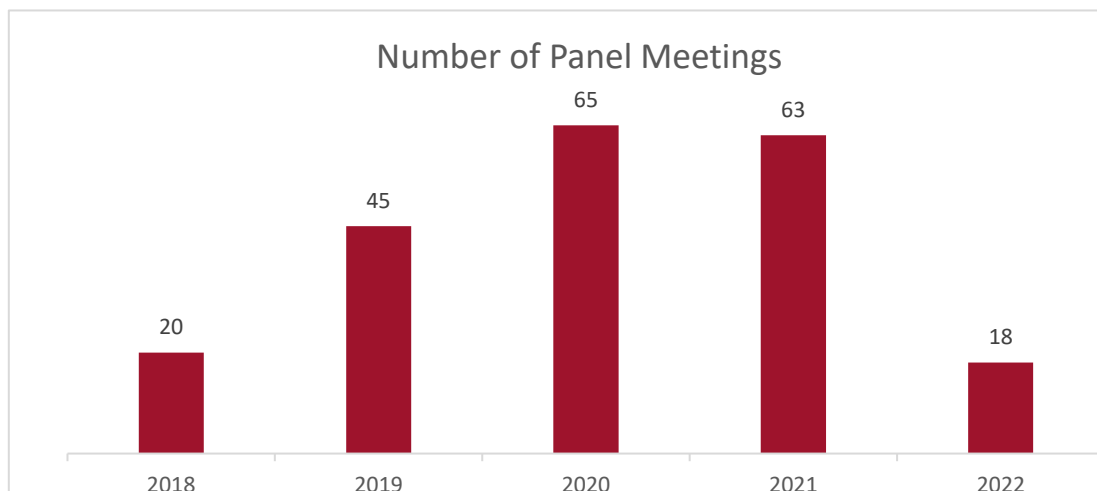
Lodged **19** amendments to propositions  
**12** adopted, **4** rejected and **3** withdrawn



Sent and received over **85** letters



Conducted **49** public hearings



Over the course of the term Panel membership has varied, a full list of members can be found in appendix 1

## Review output / work undertaken

---

### Reports

Review	Reference Number	Publication Date
<b>2019</b>		
Post-16 Education	<a href="#">S.R.7/2019</a>	26 <sup>th</sup> April 2019
Government Plan 2020-2023 Report	<a href="#">S.R.13/2019</a>	11th November 2019
<b>2020</b>		
Teacher Recruitment and Retention	<a href="#">S.R.3/2020</a>	25th August 2020
Change to the Deployment of Taser by the States of Jersey Police	<a href="#">S.R.6/2020</a>	29th October 2020
Government Plan 2021-2024 Report	<a href="#">S.R.11/2020</a>	1st December 2020
<b>2021</b>		
Government Plan 2022-2025 Review	<a href="#">S.R.16/2021</a>	8th December 2021
<b>2022</b>		
Covid-19 Response: Impact on Children and Young People	<a href="#">S.R.4/2022</a>	5th April 2022

### Comments papers

Review	Reference Number	Publication Date
<b>2018</b>		
Draft Motor Vehicles (Removal of Vehicles from Private Land) (Jersey) Law 202-: Comments	<a href="#">P.112/2018 Com.</a>	14 <sup>th</sup> November 2018
<b>2019</b>		
Draft Cybercrime (Jersey) Law 201-: Comments	<a href="#">P.134/2018 Com.</a>	28 <sup>th</sup> January 2019
Draft Explosives (Amendment) (Jersey) Law 201-: Comments	<a href="#">P.21/2019 Com.</a>	29th April 2019
Draft Motor Vehicles (Removal from Private Land) (Jersey) Regulations 201-: Comments	<a href="#">P.43/2019 Com.</a>	17th May 2019

Draft Rehabilitation of Offenders (Exceptions) (Amendment No.2) (Jersey) Regulations 201- Comments	<a href="#">P.104/2019 Com.</a>	17th December 2019
<b>2020</b>		
Draft Criminal Procedure (Jersey) Law 2018 (Appointed Day Act No.3) Act 202-: Comments	<a href="#">P.24/2020 Com.</a>	23 <sup>rd</sup> March 2020
Draft Marriage and Civil Status (Covid-19 Temporary Amendment of Law) Regulations 202-: Comments	<a href="#">P.23/2020 Com.</a>	23 <sup>rd</sup> March 2020
Draft Unlawful Public Entertainments (Amendment) (Jersey) Regulations 202-: Comments	<a href="#">P.22/2020 Com.</a>	23 <sup>rd</sup> March 2020
Draft Covid-19 (Schools and Day Care of Children) (Jersey) Regulations 202-: Comments	<a href="#">P.30/2020 Com.</a>	27 <sup>th</sup> March 2020
Draft Marriage and Civil Status (Amendment of Law No.2) (Covid-19 – Temporary Amendment) (Jersey) Regulations 202-: Comments	<a href="#">P.36/2020 Com.</a>	1 <sup>st</sup> April 2020
Draft Covid-19 (Civil Partnerships and Marriage) (Jersey) Regulations 202-: Comments	<a href="#">P.60/2020 Com.</a>	18th May 2020
Draft Covid-19 (Civil Partnerships and Marriage No.2) (Jersey) Regulations 202-: Comments	<a href="#">P.77/2020 Com.</a>	12th June 2020
Draft Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202-: Comments	<a href="#">P.103/2020 Com.</a>	7th September 2020
<b>2021</b>		
Draft States of Jersey Police Force (Amendment No.3) Law 202-: Comments	<a href="#">P.10/2021 Com.</a>	7 <sup>th</sup> May 2021
Immigration Acts Consolidation extension to Jersey by Order in Council: Comments	<a href="#">P.44/2021 Com.</a>	25 <sup>th</sup> June 2021
Draft Criminal Procedure (Consequential and Supplementary Amendments) (Jersey) Regulations 202-: Comments	<a href="#">P.59/2021 Com.</a>	16th July 2021
<b>2022</b>		



Draft Children and Young People (Jersey) Law 202-: Comments	<a href="#">P.107/2021 Com.</a>	3 <sup>rd</sup> February 2022
Draft Marriage and Civil Status (Amendment No.5) (Jersey) Law 202-: Comments	<a href="#">P.6/2022 Com.</a>	25 <sup>th</sup> February 2022
Draft Children (Arrangements to Assist Children to Live Outside Jersey) (Amendment) (Jersey) Law 202-: Comments	<a href="#">P.9/2022 Com.</a>	25 <sup>th</sup> February 2022
Draft Children (Convention Rights) (Jersey) Law 202-: Comments	<a href="#">P.19/2022 Com.</a>	25 <sup>th</sup> March 2022
Draft Police (Complaints and Conduct) (Jersey) Law 202-: Comments	<a href="#">P.22/2022 Com.</a>	25 <sup>th</sup> March 2022
Draft Domestic Abuse (Jersey) Law 202-: Comments	<a href="#">P.69/2022 Com.</a>	19 <sup>th</sup> April 2022
Draft Regulation of Care (Regulated Activities) (Amendment of Law) (Jersey) Regulations 202-: Comments	<a href="#">P.45/2022 Com.</a>	19 <sup>th</sup> April 2022
Draft Unlawful Public Entertainments (Jersey) Regulations 202-: Comments	<a href="#">P.55/2022 Com.</a>	19 <sup>th</sup> April 2022

## Amendments and Propositions

Review	Reference Number	Publication Date
<b>2020</b>		
Draft Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 202-: Amendment	<a href="#">P.103/2020 Amd.</a> ADOPTED	24 <sup>th</sup> August 2020
Deployment and Use of Energy Conductive Devices ('Tasers') by the States of Jersey Police Force: Amendment	<a href="#">P.97/2020 Amd.</a> ADOPTED	20 <sup>th</sup> October 2020
Deployment and Use of Energy Conductive Devices ('Tasers') by the States of Jersey Police Force: Second Amendment	<a href="#">P.97/2020 Amd.(2)</a> REJECTED	27 <sup>th</sup> October 2020
Government Plan 2021-2024: Amendment	<a href="#">P.130/2020 Amd.</a> ADOPTED	27 <sup>th</sup> November 2020
Government Plan 2021-2024: Second Amendment	<a href="#">P.130/2020 Amd.(2)</a> ADOPTED	27 <sup>th</sup> November 2020

Government Plan 2021-2024: Third Amendment	<a href="#">P.130/2020 Amd.(3)</a> ADOPTED	27th November 2020
<b>2021</b>		
Draft States of Jersey Police Force (Amendment No.3) Law 202-: Second Amendment	<a href="#">P.10/2021 Amd.(2)</a> REJECTED	27th April 2021
Draft States of Jersey Police Force (Amendment No.3) Law 202-: Third Amendment	<a href="#">P.10/2021 Amd.(3)</a> ADOPTED	27th April 2021
Proposed Government Plan 2022-25: Eighth Amendment	<a href="#">P.90/2021 Amd.(8)</a> ADOPTED	29th November 2021
Proposed Government Plan 2022-25: Sixteenth Amendment	<a href="#">P.90/2021 Amd.(16)</a> WITHDRAWN	30th November 2021
Proposed Government Plan 2022-25: Seventeenth Amendment	<a href="#">P.90/2021 Amd.(17)</a> WITHDRAWN	30th November 2021
Proposed Government Plan 2022-25: Eighteenth Amendment	<a href="#">P.90/2021 Amd.(18)</a> REJECTED	30th November 2021
Proposed Government Plan 2022-25: Nineteenth Amendment	<a href="#">P.90/2021 Amd.(19)</a> ADOPTED	30th November 2021
Proposed Government Plan 2022-25: Twentieth Amendment	<a href="#">P.90/2021 Amd.(20)</a> WITHDRAWN	30th November 2021
Proposed Government Plan 2022-25: Nineteenth Amendment, Amendment	<a href="#">P.90/2021 Amd.(19) Amd.</a> ADOPTED	6th December 2021
<b>2022</b>		
Authorisation and Deployment and Use of Energy Conductive Devices by the States of Jersey Police Force: Amendment	<a href="#">P.117/2021 Amd.</a> REJECTED	9th March 2022
Draft Children (Convention Rights) (Jersey) Law 202-: Amendment	<a href="#">P.19/2022 Amd.</a> ADOPTED	15th March 2022
Draft Children (Convention Rights) (Jersey) Law 202-: Second Amendment	<a href="#">P.19/2022 Amd.(2)</a> ADOPTED	15th March 2022
Draft Children (Convention Rights) (Jersey) Law 202-: Third Amendment	<a href="#">P.19/2022 Amd.(3)</a> ADOPTED	15th March 2022

## Other methods of working

---

### Quarterly Hearings

The Panel has conducted public hearings with the Minister for Children and Education (formerly the Minister for Education and Minister for Children and Housing) and Minister for Home Affairs on a quarterly basis, this has given the Panel opportunity to ask questions in a public forum. Topics discussed have covered all aspects of the Panel's remit, ranging from ongoing policy to new legislation of the Ministers and Government of Jersey.

The Panel has also conducted specific public hearings to gain evidence as part of its scrutiny reviews. These have focussed on the topic of the review as defined by its Terms of Reference.

In total the Panel has held 49 public hearings.

### Letters

The Panel has sent and received 85 letters over its term (excluding letters sent requesting targeted submissions for reviews). These included correspondence with Ministers, public bodies and stakeholders, allowing the Panel to pose questions and gain evidence during the course of its work.

### Briefings

During its term the Panel has received briefings from Ministers and Officers on matters relevant to our remit.

Briefings were often provided at the start of a review, to discuss ongoing policy and legislation development, or on one-off matters of importance.

Briefings received included: the Education Reform Programme, Independent School Funding Review, Early Years Policy Development Board Report, changes to the Target Operating Models for Emergency Services, children and young people's mental health strategy and siting of the new Ambulance and Fire Station. The Panel also conducted regular meetings with the Minister for Children and Education during 2020 to discuss the response within schools to the COVID-19 Pandemic.

### Advisers

The Panel has appointed expert advisers in order to assist it with three reviews during its term of office. Adviser's roles have included providing assistance in the facilitation of surveys and focus groups to providing analysis and scrutiny of Government policy. The following advisers have been commissioned by the Panel for the following reviews during this term of office:

- Dr. Ceri Brown and Dr. Michael Donnelly
  - Covid-19 Response: Impact on Children and Young People
- Island ARK
  - Post-16 Education (survey development and analysis)
- 4insight – Independent Research Company
  - Teacher Recruitment and Retention (focus groups)
  - Covid-19 Response: Impact on Children and Young People (focus groups)

## Public engagement

The Panel has increased its effort to allow Islanders to engage with scrutiny.

This has been carried out through wider publication of calls for evidence during reviews, social media posts, traditional media and news releases, as well as the commissioning of qualitative social research through focus groups and surveys. The Panel has also engaged with local groups face to face, although this has unfortunately been limited due to the COVID-19 pandemic. A couple of notable examples of public engagement undertaken by the Panel include the following:

- During its Post-16 Education review, the Panel commissioned Island ARK to assist in creating and distributing a survey to gather young people's views on the post-16 education offering in the Island. This was administered to all young people in Years 10 – 13 within the Island's public and private schools. A total of 1,945 surveys were completed which amounted to 73% of pupils in Year 10 and 11 and 51% of pupils in Year 12 and above in the Island. The findings of the survey directly impacted the Panel's recommendations and were fed back to young people through a digital summary report.
- During its review, COVID-19 Response: Impact on Children and Young People, the Panel conducted focus groups and a survey directly with children and young people of which 57 took part in the focus groups and 361 responded to the survey. In order to engage with younger children (nursery age and below), the Panel initiated a 'postcard' which allowed for younger children to explain how they felt about the pandemic through writing, choosing an emoji or drawing a picture. The Panel received 132 completed responses. In total, 550 children and young people took part in the review.

The Panel regrets that members of the public have not been able to attend its proceedings in person during the course of the Pandemic, however, wishes to thank all those who have tuned into sessions, such as public hearings, online and those who have taken the opportunity to forward the views, comments and questions.

## Visits

The Panel has undertaken a number of visits during its term of office, including the following:

- Ambulance Service Headquarters
- Fire and Rescue Service Headquarters
- States of Jersey Police Force Headquarters
- Customs and Immigration Service
- Jersey Prison Service
- Jersey Field Squadron
- NSPCC
- Jersey Cares
- Highlands College
- Jersey College for Girls
- St. Michaels School
- St. Martin's School
- La Moye School

# Suggestions for future work

---

## Review topics

### Early Years Policy Development Board Recommendations Implementation

The Early Years Policy Development Board ([EYPDB](#)) was established by the Chief Minister to examine the provision of Early Years services from conception to age 5 and to develop a shared strategic policy position across Early Years. The EYPDB was chaired by the Minister for Education and eventually presented its [report](#) in September 2021. The report set out six policy proposals in relation to Early Years provision.

The Panel held concern that no funding was attached to the implementation of these recommendations within the Government Plan 2022-25. Furthermore, no action plan existed in relation to the implementation of the policy areas. As such, the Panel brought forward three amendments to provide funding in respect of the following policy areas in 2022:

- Fund the training of degree-level practitioners within private nursery settings
- Allow for targeted support for nursery provision for 2–3-year-olds from the Nursery Education Fund from September 2022
- Fully fund the increased costs associated with the Nursery Education Fund for 3 to 4-year-olds following the hourly rate increase and the increase in provision from 20 to 30 hours.

During the debate the Panel noted that it was the intention of the Minister to report back to the Panel with an action plan on the implementation timeline by the end of Q1 2022. As a result of this commitment from the Minister, the Panel agreed to withdraw its amendments. A report was duly provided to the Panel at the end of March 2022 with a proposed action plan to implement the recommendations.

The Panel would suggest that its successor Panel continues to monitor the implementation of the EYPDB policy recommendations. As part of this review, the panel should also revisit the 2017 School Starting Age review and associated findings and recommendations.

### Post-16 Education

The Panel presented its review of Post-16 Education in the Island ([S.R.7/2019](#)) on 26<sup>th</sup> April 2022. The response from the Minister for Education at the time was generally positive and many aspects highlighted by the Panel were taken on board within the response. Of the 14 Recommendations made, eight were accepted and six were partially accepted. None were rejected by the Minister.

The Panel has followed up on the progress implementing these recommendations and a [Post-16 Education Strategy](#) was brought forward by Government in July 2019. However, the Panel is concerned that the work to implement this strategy has been slowed considerably (possibly as a result of the COVID-19 pandemic) and in some areas it appears that the work has stopped completely. The Panel has also seen limited evidence to suggest the recommendations it put forward have been integrated as expected.

As such, the Panel would recommend that the next Panel revisits the recommendations arising from its review and conducts a short follow up exercise to ascertain the progress made, or not as the case may be, in relation to the Post-16 Education Strategy.

## Teacher Recruitment and Retention

During late 2019 the Panel conducted a review of teacher recruitment and retention in the Island as a result of some concerning statistics that were raised in relation to teaching vacancies prior to the summer term 2019. The Panel's report was delayed by the COVID-19 pandemic, however, it was finally presented on 25<sup>th</sup> August 2020. The report ([S.R.3/2020](#)) made 16 recommendations of which seven were accepted, six partially accepted and three rejected.

The Panel has followed up on the progress made implementing the recommendations arising from the report and, as with the Post-16 Education recommendations, continues to hold concerns in relation to the progress made. One point to raise from the most recent [teachers survey](#) (2021 – 2022) is that 59% of those surveyed said they had considered leaving the job over the past 12 months. Whilst the impact of the COVID-19 pandemic may be a large factor in this figure, the Panel would suggest that the issues it raised within its report may still exist to a large extent. Concerns also exist in relation to how many teachers in secondary schools are teaching within their specialist subjects. It would, therefore, recommend that the next Panel revisits this subject matter and conducts a follow up. This follow-up review should also specifically look at the impact of the COVID-19 pandemic on teacher recruitment and retention in Jersey.

## Implementation of Children and Young People (Jersey) Law 2022

The Children and Young People (Jersey) Law 2022 was adopted by the States Assembly on 18<sup>th</sup> February 2022. The Panel [reviewed](#) the proposals and supported the introduction of the draft Law. Further work is being undertaken in relation to the Law and the Panel would suggest that the following key points are taken forward by its successor:

- It is important to note that the Law is the first stage in the legislative journey and further regulations (relating to independent advocacy and complaints procedures for children in care and care leavers) are due to be brought forward in the new Assembly. These will require review by the next Panel to ensure they are in keeping with overriding objective of the Law. The Panel has suggested that the next Minister for Children and Education engages with the next Panel early in their development.
- Statutory guidance in respect of the Law is also due to be developed by the Minister for Children and Education to be in place prior to the Law coming into force. The Panel would suggest that this requires review by the next Panel, and it has recommended that the Minister engages the next Panel from the outset of this development. Consideration should also be given to the funding implications surrounding this guidance, especially in relation to third sector organisations. The Children's Commissioner outlined concern about the impact of additional regulation on smaller third sector organisations and it has been suggested that Government must ensure funding is available to support them in this initiative. Furthermore, funding in relation to the Children and Young People's Plan that sits alongside the guidance will also need to be examined carefully.

## Implementation of Children (Convention Rights) (Jersey) Law 2022

As with the Children and Young People (Jersey) Law 2022, the States Assembly adopted the Children (Convention Rights) (Jersey) Law 2022 on 29<sup>th</sup> March 2022. The Panel brought forward three amendments to the legislation which it is pleased were adopted by the Assembly. The legislation places a duty on Ministers, Assembly Committees and Panels and all elected Members to give 'due regard' to the United Nations Convention on the Rights of the Child (UNCRC) by undertaking a Children's Rights Impact Assessment (CRIA) when bringing forward a proposition, amendment to a proposition, or an amendment to an amendment (the latter two parts are included as a result of the Panel's amendment).

As a result of the Panel's amendments, the schedule of exempted propositions from requiring a CRIA can only be amended by Regulations by the States Assembly. Furthermore, the Law can only be brought into force via an Appointed Day Act rather than by Order by the Minister for Children and Education. The Panel's rationale for the Appointed Day Act is twofold. Firstly, training and support will need to be provided to duty bearers in order to ascertain their readiness for the Law to come into effect. Secondly, as the duty bearers are predominately Members of the States Assembly it was deemed more appropriate for the Assembly to indicate its readiness to implement the Law rather than the Minister by Order. As such, the Panel would recommend that the next Panel maintains oversight of this training and support in order to ensure that, when the time comes to implement the legislation, all those affected by it are fully prepared

## Implementation of the Domestic Abuse (Jersey) Law 2022

The States Assembly adopted P.69/2022 on 25<sup>th</sup> April 2022. The legislation created a definition of domestic abuse and associated offence. This is an important step in relation to increasing the protection for victims of domestic abuse in the Island. It is noted that domestic abuse relates to nearly 15% of all recorded crime in Jersey. The Law will not come into effect until an Appointed Day Act is passed by the States Assembly, likely in late 2022. However, work is being undertaken by the Court Service in order to ensure it is able to effectively manage the provisions contained within the Law. As such, the Panel would suggest that this is closely monitored, and the Minister for Home Affairs held to account to ensure it is delivered in a timely manner.

## Government Plan 2023-26

The Government Plan was first introduced in 2020 to replace the previous Medium Term Financial Plan (MTFP). The Plan brings together the priorities of Government alongside the proposed funding of the initiatives contained within the priorities. There have been three iterations of the Government Plan during the current Assembly which the Panel has conducted detailed reviews of. These reviews have examined various projects falling under the remit of the Panel (and others which do not directly, however, were deemed appropriate by the Scrutiny Liaison Committee to be undertaken by the Panel) and in some cases have led to a number of amendments to the Plan. Whilst the new Council of Ministers will develop its own Common Strategic Priorities, it is important the ongoing projects within the Government Plan at present are followed up by the new Panel to ascertain whether or not the new Ministers intend to take these priorities forward or not.

## Education Reform Programme

This programme has been initiated as a result of a number of Government reviews within the education department, namely the [Big Education Conversation](#) and the [Independent School Funding Review](#) and the [Post-16 Education Strategy](#) (not the Panel's own review). The

Education Reform Programme (ERP) is being brought forward in a multistage approach with various policy initiatives being brought forward under different parts of the programme.

The Panel has endeavored to scrutinise aspects of the ERP since it was brought forward during 2021 and has identified one particular area of concern, that of the new funding formula for schools. The current funding formula (the Average Weighted Pupil Unit, or AWPU) has been in place since 1992 and it is intended to replace this with a new model to ensure adequate distribution of funding throughout Government of Jersey schools and private fee-paying schools that receive support from Government. The Panel would suggest that its successor continues to monitor this development and undertake a review of the proposals once they have been finalised. A review of the progress made in implementing the ERP should also be undertaken once the programme has had sufficient time to be embedded in respect of the various policy initiatives included in it.

## Education Law Review

Prior to the COVID-19 pandemic, it was the intention of the Minister for Education (as the role was at the time) to conduct a review of the Education (Jersey) Law 1999. This was meant to be undertaken in conjunction with numerous other reviews including the Big Education Conversation and the Independent School Funding Review. The Panel understands that such a review has not been undertaken due to the COVID-19 pandemic. As such, it would suggest that its successor Panel confirms whether the review will be taken forward and, if not, seek to undertake a review itself.

## Protocol for information sharing between the Children's Commissioner and the Law Officers' Department

The Commissioner for Children and Young People (Jersey) Law 2019 was adopted by the States Assembly in 2019 and created a statutory position of the Children's Commissioner for Jersey as per Recommendation One of the Independent Jersey Care Inquiry (IJCI). The Care of Children in Jersey Review Panel initially undertook scrutiny of the Law due to its work scrutinising the implementation of the IJCI recommendations. The Review Panel brought forward an amendment to the Law due to significant concerns in relation to the powers given to the Commissioner to request information relevant to the functions of the role, especially in relation to legal advice given by the Law Officers' Department (LOD). The amendment was subsequently amended by the Minister for Children and Housing (as the role was at the time) and adopted by the States Assembly. This increased the powers of the Commissioner to request information, however, a protocol was put in place between the Commissioner, Chief Minister, Minister for Children and Education and the Attorney General as to how information relating to the LOD would be shared.

As the role of the Care of Children in Jersey Review Panel lessened, scrutiny of 'business as usual matters' arising from the IJCI recommendations have fallen to this Panel to take forward. As such, the Panel would suggest that the next Panel revisits the protocol arrangement to ensure it is working as intended and that there have been no issues identified as a result.

## School Estates and New Highlands Campus

Significant capital expenditure was set out within the Government Plan 2020-23 in relation to the various buildings across the Schools Estate. Unfortunately, due to the COVID-19 pandemic, a lot of the work that was intended to take place has been delayed or indefinitely suspended. Furthermore, plans are being developed in relation to the St. Helier school



estates, albeit in very early stages of development. Likewise, the new Highlands Campus is being progressed (again in very early stages) which will be a particularly important project given the limitations that have been identified with the current campus. The Panel would recommend that its successor Panel continues to explore these areas in detail, especially within the upcoming iteration of the Government Plan 2023-26.

## Forthcoming legislation

There are a number of pieces of legislation that the Panel notes are due to be brought forward early in the next States Assembly. As such, it recommends that the next Panel examines the following proposals:

### Same Sex Parental Responsibility Legislation

Throughout the current States Assembly, the Panel has continued to hold the Minister for Children and Education to account for the delivery of this important legislation. During the States sitting on 1<sup>st</sup> March 2022, the Assembly adopted Deputy Louise Doublet's proposition that requested the Minister to ensure that the legislation was progressed prior to the election. However, the Minister has stated that this was not possible due to a number of mitigating factors, including the time to prepare the draft legislation and associated resources. The Panel would suggest that the next Panel immediately ascertains the status of the draft Legislation and continues to hold the new Minister to account for its delivery.

### Draft Police (Complaints and Conduct) (Jersey) Regulations 202-

The Police (Complaints and Conducts) (Jersey) Law 2022 was adopted by the States Assembly on 29<sup>th</sup> March 2022. The legislation provided a framework in order to update the manner in which complaints and conduct matters are managed by the States of Jersey and Honorary Police Forces. Whilst the Law has been adopted, this only provides a framework and secondary legislation in the form of Regulations will be required in order to set out the processes in order to give effect to the Primary Law. This legislation will require review, likely during Q3 2022, by the next Panel.

### Draft Crime (Prejudice and Public Disorder) (Jersey) Law 202-

It was initially intended for the Draft Crime (Prejudice and Public Disorder) (Jersey) Law 202- to be brought forward prior to the end of the current States Assembly. However, following advice from officers, the Minister for Home Affairs was required to make the unfortunate decision to defer the lodging of the Law which meant it was not possible to debate it during the current Assembly. The legislation began development in 2018 and was severely delayed by the COVID-19 pandemic. In a response from the Minister, it was confirmed that during this same period, the Scottish Parliament passed updated hate crime legislation, which was considered to provide a better, more up to date model. It was, therefore, the Ministers decision that Jersey's forthcoming legislation should be reviewed to see how it can incorporate the improvements found in the Scottish model to ensure, where possible, that the Island has the best possible legislative footing when introducing its own law.

The Panel would suggest that the next Panel continues to hold the Minister to account for delivery of this Law and undertakes a review of it once it has been lodged for debate.

## Draft Unlawful Public Entertainments (Jersey) Regulations 202-

During the final sitting of the current States Assembly, the Minister for Home Affairs brought forward the Draft Unlawful Public Entertainments (Jersey) Regulations 202- which were adopted by the Assembly. The Regulations are triennial Regulations (require renewal every three years) and have been in place in this form since 1992. To date they have been renewed a total of 11 times with numerous promises being made that they will be updated and brought up to date in terms of their use and effectiveness. The current version of the Regulations has been put in place for two years rather than three in order to commit to updating them within that timeframe. The Panel has previously suggested that any new updated Regulations will require a review, so would suggest that the next Panel continues to hold the Minister to account for their delivery and reviews the proposed legislation as and when it is brought forward to the States Assembly.

# Appendix 1

---

## Panel Membership

### Current Panel Membership



Deputy Rob Ward, Chair  
Elected Chair on 8<sup>th</sup> June 2018 - Present



Deputy Louise Doublet, Vice-Chair  
2<sup>nd</sup> March 2020 - Present



Senator Tracey Vallois  
25<sup>th</sup> January 2021 - Present



Deputy Mike Higgins  
10<sup>th</sup> February 2020 – Present

### Previous Panel Membership



Deputy Trevor Pointon  
12<sup>th</sup> June 2018 – 26<sup>th</sup> November 2020



Deputy Rowland Huelin  
8<sup>th</sup> June 2020 – 8<sup>th</sup> September 2020



Deputy Jess Perchard  
8<sup>th</sup> June 2018 – 23<sup>rd</sup> October 2018



Connétable Simon Crowcroft  
8<sup>th</sup> June 2018 – 8<sup>th</sup> October 2019

