

By email



20th January 2022

Dear Deputy Ward,

Thank you for your invitation to make a submission to the review of draft legislation regarding Children and Young people.

We have not previously been consulted on the content of this new law and perhaps this is understandable given we are not a charity that deals exclusively with the categories of children that are covered by the terms of the proposed legislation, namely, Looked after children and those defined as having health and development needs. In general terms, this is a child protection law and affected children are not the focus of ECOF's activities. We, therefore, will leave comments on Corporate Parenting and duties related to children in care to those with an expertise in this area.

We, however, would like to comment on the key areas outlined in the report accompanying the draft law and what we see as some gaps in scope that in our opinion should be acknowledged and addressed, even if they are not part of a child protection law.

Where are literacy and numeracy?

There is no recognition in the report of the many children who struggle though school because of poor literacy and numeracy. The effects of failing to achieve the requisite age-related standards are well documented for children and for adults. Without mastering these skills at primary school, children find it hard to access the secondary school curriculum and this leads to non-engagement, poor behaviour and truancy, poor academic achievement and consequently to the high risk of failing to secure decent employment. Poor literacy and numeracy skills are currently considered as an additional need and so while they contribute towards health and development challenges, they do not form part of the range of needs covered by the law unless a child has other needs.

In respect to children's rights, there is a duty on government to ensure children receive schooling that enables them to acquire basic skills and core academic knowledge. The Committee on the Rights of the Child wrote: "Literacy and numeracy are vital to the realization of the right to education because they are foundational for the acquisition of other skills, without which the continuation of education is impossible. Further literacy and numeracy are necessary for finding gainful and decent

employment or navigating knowledge and information-intensive societies. **Without literacy, the right to education and other human rights are impossible to realize”**

The Minister’s proposed new statutory responsibility is to appoint a virtual school head and a personal advisor for each care leaver up to the age of 25. For the small number of looked after children this provision ensures that named professionals are accountable for individualised attention. No such provision exists for the children who fail to secure age-related standards in literacy and numeracy. At the moment, in the State sector, this is some 35% in reading, 46% in writing and 43% in maths. Additionally, some 13-18% of children are assessed as only having emerging skills in these areas with this group rising to over 40% of children in some schools in the town catchment area. We would argue that the Minister should formalise, either in law or in policy, a named official with the expertise and the accountability to ensure that Jersey’s children achieve these basic skill levels and that the attainment numbers are not only tracked and made public but also understood and owned by our politicians.

We would like to see this new law:

either place a responsibility on the Minister to make such an appointment

or specify that the Strategic Plan for children must address literacy and numeracy and provide for individualised plans where needed.

Through the new law, Jersey is making steps to enhance the oversight by the government of our neediest children but we must also ensure that the opportunity is not lost to strengthen the needs of wider numbers of children who should also be better served by the government.

Wellbeing

The new law introduces measures to promote the wellbeing of and safeguard children and young people, particularly the most vulnerable. We understand the difficulties of defining wellbeing but we noted an absence in the report of an estimate of how Jersey’s current standing on wellbeing is assessed. We know that in the UK, the OECD has reported declining levels of wellbeing and our assumption is that the Island’s experience is similar.

We also note:

- The inclusion of achieving as a key ingredient in future assessments of wellbeing.

The use of this term sets the bar at a lower level than that used in Jersey’s previous pledges for children which talked about a goal for each child to fulfil its potential. Potential is also the word used in Article 29 (1) of the Convention on the Rights of the Child which says that a State agrees to an education that provides:

“The development of the child’s personality, talents and mental and physical abilities to their fullest potential”.

Additionally, the Committee on the Rights of the Child writes that every child has the right to receive an education of good quality where there is a focus not only on processes but on “learning outputs”.

As far as we are aware, there is no legislation elsewhere in the world that stipulates standards. That said we would look to some form of scrutiny into exactly what achieving means in the context of the Minister’s responsibilities and that, whatever his responsibilities

to the specific categories of children in the draft law, plans and policies presented to the public include detailed descriptions of what achieving consists of. Whatever the process, we must also look at the outcome.

Additionally, Jersey cannot be complacent. We need not only compare our attainment levels in these basic skills to the UK results but also to the best in the world. The strategic Plan should cover this.

- The lack of any specific reference to literacy and numeracy as basic skills underpinning wellbeing

If the principal policy ambition is to improve the wellbeing of all children and young people in Jersey, consideration must be given to the contributory role of literacy and numeracy in wellbeing. These are foundation skills. Research by the Literacy Trust shows children who are the least engaged with literacy are twice as likely to have low levels of mental wellbeing than their peers who are the most engaged (37.4% vs 15%). Conversely children who are active readers are three times more likely to have high levels of mental wellbeing than those who are least engaged. And the ill effects of poor literacy continue into adulthood: the OECD reported that “adults in England with low literacy levels have ...three times the odds of reporting poor health”.

There are many factors that make up a child’s wellbeing. Literacy and numeracy, however, are well known to contribute to self-confidence and self-esteem. These are also skills that we know how to teach and for which there are recognised interventions for children for whom it is hard. In some 90% of cases, the issue is fixable, especially if addressed early enough.

We would like to thank the Scrutiny Panel for its invitation to present these views. Every Child welcomes the State’s efforts to better protect and provide for Jersey’s children, especially its most vulnerable. We have written before, however, that greater objective attention to the outcomes of our education system and the will and resources to deliver what is required are still work in progress.

Yours sincerely,

Gillian Arthur

Director.