



Brighter Futures

18th March 2019

Dear Deputy Ward,

Patrons:

Lady Dalton

Sir William Bailhache

Lady Bailhache

Association of
Jersey Charities Membership
No. 320

Draft Commissioner for Children and Young People (Jersey) Law 201-

Thank you for the opportunity to provide a written submission in response to the Draft Commissioner for Children and Young People (Jersey) Law 201-

The current drafting of the Article seems to be broad ranging and comprehensive. It has taken account of the authority and powers from other relevant jurisdictions, whilst recognising and taking account of Jersey legislation and amending where appropriate. This alignment, whilst not seeking or granting extra-territorial powers will ensure that the Commissioner has the power to receive complaints regarding children and young people from Jersey who are placed in off-island arrangements through the arrangements made by the Government of Jersey. This is vital if we are going to ensure that we take care of some of our most vulnerable children and young people. A point highlighted by the Independent Jersey Care Inquiry.

With regard to Article 8 (provision of information to the Commissioner), this would appear to limit the Commissioner's power to request information to perform the duties as set out in articles 4 and 5. In order for the Commissioner to be able to investigate matters brought to her attention she must be able to do so robustly and thoroughly otherwise it does not pay due regard to the recommendations of the Independent Jersey Care Inquiry. This is also significantly different to the powers of the Children's Commissioner in England who has been granted such powers with appropriate safeguards hence a clear precedent has been established.

As a general observation, there appears to be sound governance and scrutiny arrangements in place sufficient to reassure the public and provide suitable accountability. The draft stipulates that the Commissioner is required to appoint an Advisory Panel (Article 26) and a Youth Advisory Panel (Article 27), the terms of reference and procedures of which must be published following consultation with the Chief Minister and the President of the Chairman's Committee. There does not, however, appear to be any right of independent appeal or recourse in the event that the parties are not be able to reach a consensus and there is a serious concern raised.

Yours sincerely,

Ruth Brunton
Chief Executive, Brighter Futures