

I write this as the General Manager of the Bosdet Foundation that is focused in supporting children, as a panel member of the Children's Commission, and as a father of 3 children.

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

Our Island has moved forward slowly but at least we have moved forward and recognised that we have to do better in protecting and nurturing our children and young people. I fear that as the years have gone by we start to forget where we were and why we had to improve things not just to do the minimum but because surely we want to be an exemplar of how we should protect and support our young people. The draft law of November was right in ensuring we give the Children's Commissioner the appropriate power to carry out her mission (on our behalf) and is in line with good practise elsewhere. It should not be weakened.

Thankfully I feel States Members do recognise that this is not the time to water things down as shown with the excellent vote on banning spanking some weeks ago. But we still have much to do.

I would urge members to take on Board the Child Commissioners submission to revert the draft law to that previously drafted as per her comments below.

*"Article 8 of the draft Law stated: Provision of information to Commissioner (1) A relevant authority must supply the Commissioner with such information in that person's possession relating to those functions as the Commissioner may reasonably request for the purposes of the Commissioner's functions under Articles 4 and 5. (2) The information must be information which that person would, apart from paragraph (1), lawfully be able to disclose to the Commissioner. (3) This paragraph applies where the Commissioner has not made a request under paragraph (1). (4) Where paragraph (3) applies, the Commissioner is not prohibited from receiving information from a relevant authority which is for the purposes of the Commissioner's functions under Articles 4 and 5. The policy intention as set out in the Law Drafting Instructions are clearly seen in the Draft Law version 4. However, the Law as lodged has an entirely different version of Article 8. This Law as lodged in effect limits the extent of the obligation on relevant authorities to disclose information to the Children's Commissioner. Articles 8(3) and 8(4) of the draft Law has the effect of providing the Commissioner with no more power to seek and receive information from relevant authorities than any other person can access through the Freedom of Information Law. Version 4 of the draft Law 4 See section 2F of the English Act. recognises that some information subject to legal advice privilege should remain exempt and that is not disputed. Nevertheless, the Children's Commissioner should have access to information beyond that which would be made available to a member of the general public under an FOI."*

Yours sincerely

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