

Family Nursing & Home Care response to the new Draft Commissioner for Children and Young people (Jersey) Law

Family nursing and Home Care welcome the role of the children's commissioner. The commissioner has already visited families and seen our services. FNHC embraces this role in informing and advising how we can improve services for children and young people but more importantly how they can have a voice and be represented across the health and social care system and beyond. This role will also provide oversight on the delivery of the children's plan and the children's Inquiry recommendations, having powers to hold people and organisations to account for the delivery of services and their effectiveness.

Although the role of children's commissioner will have far reaching powers in law, the independence of this role makes it fair equitable and appropriate for the island.

For FNHC this role offers the opportunity to engage with a position of influence regarding the health of children which currently is not clearly defined within the present restructure of CYPES and HCS.

The 8 year term of office supports both continuity and consistency by crossing timespans of government and political change, as well as financial planning cycles of 3 and 5 year periods.

In reference to the children's commissioner's powers to request information, FNHC is contracted to deliver significant Child & family services on behalf of the states of Jersey. It is already written into our contracts and service level agreement that the states can request any information in relation to public protection, safeguarding, and activity of services. The contract has a number of KPI's that FNHC reports on, and at the request of the commissioner (States) may be required to provide additional information relating to performance or service delivery. This would be done with consent and be compliant with the Data Protections laws. FNHC feels that is appropriate and is part of being both responsible and accountable provider. In our opinion in terms of access to information, this should be the same for the children's commissioner, and this is very similar to the level of access to that of the UK.

FNHC feels that the powers set out in Article 8 would allow the commissioner to discharge her duties effectively.

The following point of clarification was raised by FNHC on 2nd April 2019:

FNHC would like to raise a point of clarity to its submission to Scrutiny in relation to the Commissioner for Children and Young People (Jersey) Law 201- (the "**Law**"). In its submission, FNHC supported the Law on the basis that Articles 8 (1) and 8 (2) allowed the Commissioner access to information without having to access the same through a FOI Request or a third party. Articles 8 (3) and 8 (4) of the Law did raise concerns, however, on our interpretation of Article 8 (2), it was felt that the Law allowed the Commissioner sufficient powers to perform her role. To clarify, if FNHC's interpretation of the Law, in particular to the powers and the caveats provided for in Article 8 do not allow the Commissioner to perform her role as envisaged by Jersey's Child Inquiry and other relevant principles, then FNHC would not support the Law as it is currently drafted.