



Government Plan Review Panel

Witness: The Children's Commissioner

Wednesday, 2nd October 2019

Panel:

Senator K.L. Moore (Chair)
Deputy R.J. Ward of St. Helier
Deputy M.R. Le Hegarat of St. Helier
Deputy K.F. Morel of St. Lawrence
Constable M.K. Jackson of St. Brelade
Senator S.C. Ferguson

Witnesses:

Ms. D. McMillian, The Children's Commissioner
Mr. S. Le Quesne, Communications Officer, Office for the Children's Commissioner

[10:01]

Senator K.L. Moore (Chair):

Shall we get started? Thank you very much for joining us as part of Government Plan review. We will start with the introductions and you are familiar with our terms of engagement. I am Senator Kristina Moore and I am chairing this review panel.

Deputy K.F. Morel of St. Lawrence:

I am Deputy Kirsten Morel and I am a member of the panel.

Connétable M.K. Jackson of St. Brelade:

Mike Jackson, member of the panel.

Deputy M.R. Le Hegarat of St. Helier:

Deputy Mary Le Hegarat, member of the panel.

Deputy R.J. Ward:

Deputy Robert Ward, member of the panel.

The Children's Commissioner:

Thank you. I am Deborah McMillan, I am the Commissioner for Children and Young People on the Island.

Communications Officer, Office of the Children's Commissioner:

I am Sam Le Quesne, I am the Comms Officer in the Office of the Children's Commissioner.

Senator K.L. Moore:

Excellent. Could you just start, please, by giving us an overview of the Government Plan in relation to its focus on children and children's issues?

The Children's Commissioner:

Thank you. I think what I must do is talk about what I am not going to say because it is important to understand the whole point of the role of the Children's Commissioner. I am not here to critique the Government Plan, to say whether it is a good plan or a bad plan. My role is set out, as you know now, in the Commissioner for Children and Young People (Jersey) Law. A law that we have had for 7 weeks and therefore I hold the only statutory role on the Island for all children. The purpose of that role is to promote and protect children's rights. Therefore, my observations on the Government Plan, and indeed any documents coming out of the Government, are around children's rights. I will be looking at it through what I would call a children's rights lens. Does the Government Plan promote and protect children's rights. The law sets out a very key function and that is to constantly review and assess legislation, policy, practice and any services where they might affect the rights of children. Putting children first is a very substantial policy area so, of course, I have a responsibility to review that, but equally the other policy areas are just as important because there is not anything in the Government Plan that does not touch the lives of children. Now, I have got that out of the way, I think that is really important, my general observations: I welcome its publication, it is important for any government to set out its plans for how it is going to promote and protect children's rights. Particularly pleased on the focus of we will put children first. What I would be saying to the Government is what do you mean by that? We heard quite strongly last week from the Minister for Children and also from the Chief Minister that they felt that it meant that putting 20 million extra into children's services was one of the ways in which they could put children first. But I would argue that this is more than money. We would say that putting children first means putting children's rights first and that is a slightly different nuance. Let me explain what I mean by that. You are aware that the Government signed the U.N.C.R.C. (United Nations Convention on the Rights of the Child) in 2014

and by signing that became duty bearers. That puts responsibilities on the Government to abide by the principles of the U.N.C.R.C. There are 4 guiding principles. The first one is Article 3 and that is around acting in the best interests of all children. When I look at the Government Plan, when I look at the commitments in there I will be asking myself are they in the best interests of all children living on the Island, and those that do not live within the Island but are within the responsibility of the Government. The second article, which is a guiding principle, is that of non-discrimination, that is Article 2. Again, we will be looking at that and saying: "Is everything in the Government Plan compliant with non-discrimination of children and childhood?" Then we start to talk about families. It is clear that some of our legislation on the Island does discriminate against childhood and families. We will go into that a bit later, hopefully. The third key guiding principle is Article 6, which is the child's right to life and to survival and to development. That is huge. That is the responsibility that the Government have to ensure that children can thrive. Then the last key guiding principle of the U.N.C.R.C. is participation. This is about children having a voice, but more than that. It is not just a school survey that we might do every 4 years, it is about properly listening to children and making sure that we act on what it is the children say and that we give them opportunities to engage and participate. They are the 4 guiding principles and therefore my observations on the Government Plan and plans that go with it, such as the Children and Young People's Plan are based on those.

Deputy K.F. Morel:

Sorry, can I just ask - and it is not entirely to do with the Government Plan but you said it so I have to ask in order to understand it - you said that you understand putting children first to mean putting children's rights first, if I could ask you to explain that? Just the way my thinking is, is that rights are rights, they are all equal, no one part of society has their rights put above other people's rights so a human right is a human right regardless of whether you are child, an adult or not.

The Children's Commissioner:

Yes.

Deputy K.F. Morel:

You are saying this Government should be putting the rights of children ahead of all other rights, that is how I understood what you said. I find that fundamentally difficult to agree with because rights are equal. So I would like you to explain that, please.

The Children's Commissioner:

It is a good point to make. Let me explain myself, and I am sorry if I was not clear. I am not saying that children's rights are paramount or whether adult human rights are paramount. They are equal. All human beings have rights. Children have extra special rights by nature of their vulnerability because of their age. What I am saying is that Government have made a commitment to put children

first. It is the key priority in their plan. What they mean by that is they will put children's rights first. It is a slightly ... I am not saying that children's right trump adult rights.

Deputy K.F. Morel:

But if you do something first then you are prioritising it above something else.

The Children's Commissioner:

The Government have already said that, they said: "We are putting children first."

Deputy K.F. Morel:

No, they said children not children's rights, that was the distinction you made that it was to be children and children's rights.

The Children's Commissioner:

I think what I am trying to describe is when the Government are saying: "We are putting children first" what does that really mean. What does it mean? Does it mean that they will look at children's legislation before they look at anybody else? Does it mean they will give children more money than anybody else? Does it mean that they will listen to more children than they will adults? I am not sure. What I am saying is there is already a framework to putting children first and that is putting children's rights first. You have that obligation anyway. You are the duty bearer.

Senator K.L. Moore:

Shall we start with the voice and participation? Have you any experience or do you feel assured that children had participation in drawing up this Government Plan and prioritising the spending for the next year and beyond that would enable those rights to be put first genuinely?

The Children's Commissioner:

One of the issue that I am aware of is that there is no participation strategy in Jersey. There is no common understanding of what participation means. I know that I have heard from the Youth Service that they are constantly being asked, often at short notice, can we go and consult with children. Now, consulting with children on a theme is not participation. Let me talk about a piece of work that we are doing that will help to explain the concept and also explain the fact that we are trying to model what good looks like within our own organisation. The Government have made a commitment to indirectly incorporate the U.N.C.R.C. into domestic law and that is really important. We are leading that work for the Government in that we are reviewing all legislation, whether it is about children or about broader issues to see if it is compliant with the U.N.C.R.C. and we will then make recommendations to the Government about that compliance or non-compliance. Alongside that work we have just started a major participation project and we began the project last night with

a group of young people. We were asking the young people how to go about the project, how are we going to consult with young people, what the mechanism, what are we going to ask and what will their participation look like. That is good practice. Tokenistic practice would be where you have already written a plan and you give it to a group of children and say: "What do you think about that?" Will you get them to draw pictures and put it in a plan? Or you might get them up on a stage to sing a song and then walk away while the adults discuss the key issues. Participation is on different levels but at the moment what we are seeing is quite a broad tokenistic approach here. My advice to the Government is: "Let us start with a participation strategy with some key principles by which we can all live to, whether we are the Government, the third sector, a school, whoever." Children's voice is something that came up strongly in my Island wide survey. In fact it was the most strongest point. Children were saying: "We are not routinely being asked about our views and we feel that we do not have a say." Therefore we would be urging the Government to make sure children have a stronger voice throughout the Government Plan.

The Connétable of St. Brelade:

It is easy to refer to children but in this consultation, perhaps the one you are dealing with at the moment, what sort of age groups are you looking at?

The Children's Commissioner:

The group we are working with for this piece of work are 11 to 24.

The Connétable of St. Brelade:

How do you ... clearly that is age group who are going to be responsive and one would respect their comments, when you get to younger children, maybe it is me, and having had children, one feels that they are being over adultified, if that is the right word, in that are they going to give the sort of opinion that needs some sort of interpretation by those perhaps facilitating the meeting. Will that interpretation be what is correct? You might find, shall we say, that 5 or 6 year-olds can be more interested in the bag of sweets that comes at the end of the day rather than what the Government Plan is. I just wonder how interested children are. Clearly there must be a few but how do you identify the interested parties and get value from those sort of consultations?

The Children's Commissioner:

Just this week I hosted a workshop around how do we get the views of 0 to 5 year-olds. We talked with experts and looked at models used worldwide, models that are really respected and fantastic ways of helping children understand what it is that you are asking but also getting those responses. In fact, our own survey last year, we had a particular survey for 3 to 7 year-olds and their responses have been checked by statisticians at Queen's University Belfast, who say that their responses have

not been changed by adults, it is quite clear responses from them and it is their voice that we have heard. There are mechanism through play and through other ways of hearing their voice.

Deputy R.J. Ward:

It has just occurred to me in regards to something you said earlier in terms ... because I think this is a question that has been misconstrued in some areas, this idea of putting children's rights first is at the cost of somebody else's rights. Do you think that impression might be that because there has been a previous, if you like, deficit? I do not know what the word is. This is not me using the right words so forgive me, but sort of a deficit in the priority given to seeing the impacts right down to young children and beyond in the past, which is the reaction to us now saying, perhaps clumsily, that we are going to put children first in the Government Plan? Do you think it is because of a deficit that was there before and, if so, is this dealing with that deficit effectively or getting somewhere along that line? You might not agree with the deficit idea.

The Children's Commissioner:

What we heard from the independent Jersey Care Inquiry is that the Island does not value children and it talked about its rationale for making that decision, and some of that was around the legislation that for children, and particularly for the care and protection of children, legislation on the Island is quite old. It also talked about practice.

[10:15]

The fact that practice was out of touch with practice elsewhere in the world and that the Island had not looked to other countries to see what they were doing, and if we did look we only got as far as England and we did not look beyond. I think this is an opportunity, by saying that we are going to put children first, to make sure that our legislation is the very best that it can be to protect, support and care for all of our children and also that our practice will also keep up to international standards.

Deputy K.F. Morel:

Just very quickly, you mentioned that you were working last night with 11 to 24 year-olds, to me that is an extension of your remit beyond children because you are working with adults in that situation. Could you explain why you see working with adults as part of your remit as Children's Commissioner?

The Children's Commissioner:

Yes, because the Commissioner for Children and Young People (Jersey) Law is 0 to 24. The rationale for working with older children is because we feel, particularly for children in care ...

Deputy K.F. Morel:

You say older children and I understand that but a 23 year-old is not an older child, they are an adult.

The Children's Commissioner:

They are an adult. It is my use of language.

Deputy K.F. Morel:

I would not, as a 23 year-old want to be called an older child.

The Children's Commissioner:

I use the word "child" but we are working with children, young people and adults within the scope of the law.

Deputy K.F. Morel:

Very quickly, you also mentioned participation of 0 to 5 year-olds and again, at the extreme end of that, I understand how you can work with 3 to 7 year-olds and different strategies but no strategy on earth is going to get a 6 month-old to communicate with you in a meaningful manner on the issues of the Government Plan. Why did you include that 0 to 2 in your phrasing there?

The Children's Commissioner:

I will share with you one of the outcomes of the workshop that we had earlier on in the week, in that a day nursery wanted to improve how it delivered services for children. They wanted to improve the relationship with the care workers, those giving care to the children they were looking after, and they all wore black and some of the older children were saying they did not like them wearing black. They wanted to hear from all of the children, even in the babies' room. What they did is they left a range of fabrics lying around the room for the babies to play with and the babies all gravitated towards the shiny, sparkly fabrics and did not go towards the black, and that was replicated in the toddler room as well. Therefore when they went forward and designed new uniforms for the children they used the shiny stuff because even though the babies could not speak ... you know, babies in the womb can have an opinion.

Deputy K.F. Morel:

Absolutely, but a shiny Government Plan is not going to ... do you understand what I am saying on issues of politics, issues of law, these sorts of issues ...

The Children's Commissioner:

No, I understand that but ...

Deputy K.F. Morel:

... you mentioned 0 year-olds. I am just interested ...

The Children's Commissioner:

Children will be wanting to know about who can care for them, who can keep them safe and they will have opinions about the food that they eat. There are ways to elicit their opinions about a wide-range of things.

Deputy K.F. Morel:

On matters like that directly related to them, I understand.

Deputy R.J. Ward:

Is that not part of a wider cultural approach whereby even if you go down to the level of fabrics and so on, which I think is a clever idea, I understand what you mean about you are not going to get into the depths of politics but are you talking about a culture perhaps that we will, in some way, try to engage even if you are not going to discuss macro-economics with a 2 year-old but you might want to talk about something that ... if you are go along a long, long line eventually ... is that what you are saying? All of these things build up into the bigger jigsaw, so it is cultural.

The Children's Commissioner:

Yes, especially. We were asking children in our own survey ... when we were talking to the young children we were talking about what do you like about growing up, who do you talk to when you are feeling sad, what do you like about nursery, what you do not like, where do you like to go and play? Children will respond in that way. Those responses will help us through the Government Plan and, indeed, the Island Plan because it will help us make sure that we have an environment that is safe and nurturing for all of our children.

The Connétable of St. Brelade:

You look to the fact that we tend to glance north for experience, if you like, in these matters. Are there other exemplars in other parts of the world, perhaps non-English speaking, that we might like look to for good practice?

The Children's Commissioner:

Yes, absolutely. You will know that Senator Mézec and I last year went to Sweden and Norway and it was interesting in that we were speaking to their civil servants and their own Minister for Children and I was talking about their legislation for protection of children, which is literally on 2 sides of A4, and I said: "It is quite thin, is it not?" She just looked at me and said: "It does not need to be any more because it is in our D.N.A. (Deoxyribonucleic acid), we value children and we value childhood

and families.” So Scandinavian countries definitely are an area that we can look to. We know that Finland, particularly, has a response to education and early years that we might be interested in, but equally there is excellent work that we can see in Australia. We need to look further than just England for best practice.

Deputy K.F. Morel:

I would suggest that the U.K. (United Kingdom) is not best practice by any stretch of the imagination.

The Children’s Commissioner:

In many ways they are behind the times.

Deputy K.F. Morel:

I would expect you to look beyond more often than not.

The Children’s Commissioner:

Absolutely. The Minister for Education is keen on carrying out education reform and I have advised her that she looks to Wales because it is a country that has very recently and is still going through massive reform and have drawn upon international expertise.

The Connétable of St. Brelade:

Sorry, France, for instance, on our doorstep, do we look at their practices over there?

The Children’s Commissioner:

I have not but I do not think there is anywhere we should not look. That was the point that the Care Inquiry made is that we should be constantly looking and learning with each other. It is the reason why I was in Belfast last week with all of the European commissioners, 42 of us all talking about similar issues and how we are going to work better together, because these are global issues.

Senator K.L. Moore:

There are some specific lines here that do relate very clearly to children, particularly for example the youth voice, which is £120,000 annually as a growth bid. Are you aware of any engagement with children or indeed with yourself in order to build up those business cases and develop that work?

The Children’s Commissioner:

Yes, when I first arrived in the Island there were a number of workshops being led by a consultancy company that had come in. I took part, and some of my team took part, in all of those workshops and that was to set up a Jersey Youth Parliament, if you like. I believe it is going to be called Jersey

Youth Connect, so I was available to advise on the engagement of children and young people in that project.

Senator K.L. Moore:

You took part in that?

The Children's Commissioner:

I took part in the project and, in fact, I part funded one of the youth workers to continue the project after that phase had finished. I guess my concerns were that there has been a big gap from April last year when that project finished until now. There has been a little bit of a stalemate. Our advice to anybody who involve and engage children in a project is you have to follow it through. My fear is children are sometimes let down. Another example is the skateboard project. Quite rightly children were involved from an early stage, got very excited, made recommendations and then their involvement and engagement stopped while they waited for adults to make a decision.

Senator K.L. Moore:

In order to properly fulfil that children's voice there ought to be some decision-making ...

The Children's Commissioner:

It is the feedback loop. We work to the Laura Lundy model of participation. I will not give you a lecture on how that works but the important bit is not just having an audience, those that are going to listen to your voice, but it is about feedback. We need to make sure that we go back to children and young people and tell them why we made the decisions that we have and then continue to engage them.

Senator K.L. Moore:

As we are looking at the business cases, is this a good time to discuss your own business case and how that was worked up?

The Children's Commissioner:

Yes, sure.

Senator K.L. Moore:

Do you want to run us through that?

The Children's Commissioner:

It is important that the Children's Commissioner has a strategic plan, it is in law, and that sets out what it is that we are going to do over the next 4 years. The way that strategic plan came into play

was from listening to children. You will know from the very day I arrived I refused to have lots of meetings with adults, I said I would like to go into schools. We have gathered evidence from a wide range of sources. One of those is our Island-wide survey, which, as I said before, has been overseen by Queen's University Belfast and seem to be statistically very secure and a good basis for making our decisions. Secondly, we have gathered evidence from our case work. Over 150 children have come to me and asked for support in overcoming a situation that they are in and that has led us to the consideration of some key things, and that has led into our decision-making about where it is that I am going to shine a light over the next 4 years. Equally my informal relationships with children through visiting every single school on the Island, going to Brownies, Sea Cadets, church groups, listening to families that just wander in through my door, have also given me real depth and insight as to what is going on for children. Things that are good for them and things that are not so good for them. Then, fourthly, we have had our research arm where we have been looking at international research, what is good, what sorts of thing other Commissioners are working on and where I can draw some support. Also our own youth advisory panel, which is statutory. They too have been working quite closely with us. All of those sources of information have come together and led us to our 3 key aims. The first key aim is to develop and embed a culture of children's rights. That is fundamental. I could have said let us do a great big project on bullying or on play or on emotional mental health because these are the issues that children are telling me they are worrying about. If we do that now, it is going to land in a place where it will have very minimal impact because there is not yet on the Island these fundamental building blocks of respecting and helping children to realise their rights. That is the first piece of work and one of the key projects under that piece of work is rights respecting schools. We are supporting all schools so that all of our pupils can learn about their rights and respect. The second key aim is about us as an organisation. We are now set up as a national human rights institution. It is a huge privilege to hold that role. We have to continue to develop as an office to make sure that we have got our own policies and our own practice and that we are modelling what those good behaviours look like. The third thing that we are doing is we are proving it can be done. Our job is to say: "Yes, if you put children first" and by that I mean if you put children's rights first "then you will develop strong legislation, strong policies and strong practice that will enable all children to thrive on the Island." What sits below our strategic plan is an operational plan. We have been working on that again with a group of children and our own officers and we are going to shine a light on particular areas. I am quite happy to share some of those with you. As you would expect, we are continuing to focus on children in care. It is a strong theme in the Care Inquiry, it continues to be a strong theme and we will continue to advocate for change because the pace of change is not fast enough. For those of us that were listening to those children telling their stories just the other night, we know that for some children their lived experience on the Island just is not good enough and therefore I will continue to focus on that. Interestingly enough, the United Nations key theme for 2010 is children in care and I am committed to taking care experience of young people with me to Geneva. They will be on that international stage talking about what it is like growing up

in care in Jersey. The second key thing for us is that of incorporation. It is fundamental. Deputy Morel, you talked about human rights, your human rights are protected in law and you can have redress through law but children's human rights are not protected in law and incorporation will bring that. But more than that ...

Deputy K.F. Morel:

Excuse me a second, children by virtue of being humans, their human rights, the same ones that I possess, are protected in law. Those ones that I possess as a human are possessed by them as humans and they are protected in law as well. So in that sense you are incorrect.

The Children's Commissioner:

What I mean is that the European Convention on Human Rights, E.C.H.R., is incorporated into Jersey domestic law so therefore adults have their human rights protected in that way but the U.N.C.R.C. is not incorporated in domestic law so a child cannot take action against the Government ...

Deputy K.F. Morel:

Specific children's rights but their ...

The Children's Commissioner:

... under that treaty.

Deputy K.F. Morel:

... human rights are protected in law because they are exactly the same human rights as mine. Their extra rights specific to being children are not protected in law and those are the ones you mean.

The Children's Commissioner:

That is right.

Deputy K.F. Morel:

But it is incorrect to say that their human rights are not protected in law because they are, because mine are and theirs are.

The Children's Commissioner:

Okay. So incorporation is fundamentally important. The important strand of that is that children's rights impact assessment so we are working with Government at the moment to develop what that might look like, but essentially what we are saying is any new legislation or policies that might impact

on children, a children's rights impact assessment should be undertaken at the earliest opportunity so that we can understand how it might impact on children and then mitigate that through that policy development.

[10:30]

Senator K.L. Moore:

In order to do that one would imagine that you would need to be properly funded and have the right staff with the right capabilities and experience to do that. Are you content that the allocation to your office is adequate for that continue?

The Children's Commissioner:

The way that funding flows to us is protected in law. The law says the Government will defend my independence and provide the resources that I need to carry out my work. The way that it works in practice is that there is a signed agreement between myself and the Chief Minister that talks about how I draw down those funds direct from the Treasury. The way it works is that I present my operational plan, so I have talked through my operational plan with the Chief Minister and the Minister for Children and explained what it is that I need to do and therefore the amount of money I need to deliver that plan. That will continue year on year. So the flow of money will depend on the work that I am undertaking. Equally, there is an understanding that should I need to use the protection mandate in the law, for example bring legal proceedings against the Government, then the Government will fund that above and beyond the grant that is already there.

Deputy K.F. Morel:

You mentioned officers. How many officers do you have at the moment?

The Children's Commissioner:

At the moment I have 5.8 F.T.E. (Full-Time Equivalent), however 2 are about to go on one year's maternity leave, so I will be down to 3.8 F.T.E. Resourcing is an issue for me right now, but it is an issue that is not insurmountable.

Deputy K.F. Morel:

Aside from the 2 that you are losing for those reasons, if you are fully at 5.8 is that sufficient from your perspective?

The Children's Commissioner:

For the work that we have programmed for 2020, yes, it is.

Deputy K.F. Morel:

Do you see the number of officers rising over the course of 4 years?

The Children's Commissioner:

It depends what the projects are and what it is that we are going to do, and that is going to be led by the views and opinions of children and young people. I would expect that there will be times when we will need to draw in extra resource. Now, whether that is a salaried member of staff or whether that is expertise from elsewhere, for example we are using Queen's University Belfast at the moment to work with us on participation, because they are the world experts. There will be times when we will be bringing in more resource.

Deputy R.J. Ward:

Can I ask a question about advocacy? Your role is an advocacy role and it is becoming so clear, the more we talk and the more I talk and others talk that that role of advocacy for young people and particularly for those with care experience is so important. I do not know if you can comment or how you would comment, there is funding for participation and advocacy for looked after children, but that funding decreases over the next few years so if an organisation or a group becomes self-funding do you think there needs to be a similar protection for that sort of advocacy, given the importance and sensitivity of it as well and the Care Report, and our background on the Island?

The Children's Commissioner:

What I hear from children is that they want adults to be available for them to go to when they are struggling, so if they have fallen out with their social worker or if they are not allowed to go to visit their siblings who are in the U.K., then those children must have a range of adults that they can go to. Some of them will feel confident going to a social worker or a team manager to say: "Can you sort this out for me?" but some of them will not. Some of them will want to come to me as the Commissioner and will ask me to become involved, and my role is to act for them. That action can take many forms. It can be simply just listening to them and giving them advice. It can be informally resolving the situation by sitting with a social worker and them and helping to sort the situation out. It can be that we help them to make a formal complaint. It can be that we can go to court on their behalf, so it is a range of things that I can do. Equally, children feel that they would like a different type of advocate and therefore at the moment they can go to their Children's Rights Officer, if they are a child being looked after, but equally it is important that there is an external, independent, non-Government organisation. For example, in the past that has been provided by, I believe, Centrepont, N.S.P.C.C. (National Society for the Prevention of Cruelty to Children) and Barnardo's, who have all provided this service. I believe now that Jersey Cares is going to be appointed as an advocacy service for children, and that is quite right. What we have learned from Who Cares? Scotland is that if that advocacy service is funded by Government there is a perception by children

that they might not be independent, so by it being an independent charity, bringing in its own money, then it is completely independent and is perceived by children and young people in a whole different way. I think what we are saying is children should have a choice of where they get the support that they need.

Deputy K.F. Morel:

Can I ask quite an odd question and possibly quite a long question? It is going back to the people you employ, particularly those in contact with children, who are speaking with children. Do you have any men that you work with?

The Children's Commissioner:

Yes, Sam.

Deputy K.F. Morel:

Other than Sam as well?

The Children's Commissioner:

No, the rest are women.

Deputy K.F. Morel:

From a rights' perspective for children, this is something that came up in a conversation of how we have incredibly few male primary school teachers, for instance, I wonder if this is an issue, not just in Jersey, you see it in the U.K. where there is a divorce now happening between men and children, if you know what I mean, because men just are not playing those caring roles. Other reasons for being perceived as having criminal intent, things like this, men are scared to become involved and speak with children. Is this something that you think is a problem from a rights' perspective, because men are not interacting with children in this way and in fact institutions are shutting men out from working within them?

The Children's Commissioner:

It is not an area that children have raised with me and it is not a theme that any adults have raised with me, so I am not really able to comment, to be honest.

Senator K.L. Moore:

We are perhaps stepping a little far from the Government Plan, albeit a very interesting issue but perhaps something we can take offline and look into at a future date. Returning to the Government Plan, you kindly wrote to us on 24th September and in your letter you mentioned and referred to a

lack of detail in the Government Plan. Do you think that detail should have been provided and how could it have been provided?

The Children's Commissioner:

The Government Plan sets out a strategy. It is very high level. What sits beneath that is where the detail is. If there is a strong commitment to putting children first, indeed that is a priority, then you would expect that the Children's Plan picks up on the detail, so you have the Government Plan, the Children's Plan sits underneath it and therefore you would expect that a family member would be able to pick this up and see quite clearly what it is that the Government are going to do, but it does not. While this is a detailed plan it sets out ambitions, it says why it is an ambition and it does set some targets, so if I may refer to it, under the ambition that all children in Jersey will grow up safely it says: "We are going to reduce the number of children being bullied." What this plan does not do is say how the Government are going to deliver on that, so it is really hard for me to have a view. Are children having a voice in that? Are these decisions being made in their best interests? Are these decisions non-discriminatory and are these decisions helping children to grow up safely? I do not know, because it is not here, so I wonder what might come next below this, to put the detail so that we can have a proper look at it.

Senator K.L. Moore:

That is very helpful. In each theme of the Government Plan, the glossy version, there is a series of measures and so the bullying measure is indicated but does not point to whether they want to increase or decrease bullying. One can only assume that it would naturally want to decrease it, but do you see that overview from the Children's Plan there in these measures?

The Children's Commissioner:

They link quite clearly together. I can see a common thread between the Government Plan and the Children's Plan, but the point I need to make is that the Government Plan goes beyond the Children's Plan and there are lots of impacts on children that sit beyond this. For example, the Housing and Work legislation we know clearly discriminates against some children and we want to see a priority to make sure that that legislation is revised, so not just that it is compliant with the U.N.C.R.C. but that it supports children to live and grow and it is putting children first. That is the sort of detail that we would need to see, so there is that golden thread but what is missing is: "So what are you going to do and how can anybody hold you to account?" One of my key roles is to follow the development of the Government Plan and the Children's Plan and then to hold the Government to account against the commitments made in it.

Deputy R.J. Ward:

Do you think that because this is yearly that there is a space in the future to put in that detail? Do you think that detail will not all necessarily be lost because there is 4 years of whatever, that one of the things that we can learn from this year is that we need to find a space for that detail? Do you think that is possible and will that come as we develop our understanding of, to some extent, what it is we want to do? There is that cultural change again.

The Children's Commissioner:

I guess you would like to think that this is a Children's Plan 2019-2023, so you would imagine that the detail is there already for this year, because we are at the end of it nearly but equally for 2020 the detail must be somewhere and what I would be saying to the Government is there is an opportunity to share that detail so that you can be held properly to account, but I have not seen it, therefore I cannot do that.

Deputy M.R. Le Hegarat of St. Helier:

Can I ask a question? Would you have anticipated that you would have been asked about what that detail should entail and what sort of timescales you would anticipate that we would get to a good place?

The Children's Commissioner:

What I can answer to that is during the development of the Children and Young People's Plan I was asked to participate but only on one of the strands, so the strand that I took part in was the one that says: "All children in Jersey are valued and involved" so you will see there is quite a strong rights' focus on that because I went to workshops when that was being developed, and I do know that sitting behind that are some clear targets that have been set, that I made sure were in there.

Senator K.L. Moore:

That transfers, I would imagine, to this measure that says: "Percentage of children aged 7 to 11 who are aware of their rights under the U.N.C.R.C."?

The Children's Commissioner:

That is right, so that will be measured from my Island-wide survey, so we have got a baseline and when we repeat that we would like to see that that has changed.

Senator S.C. Ferguson:

You say that you are going to make children of 7 to 11 be aware of their rights, but how about their respect for other people and responsibilities? It is part of the plan but you cannot just tell everybody they have got their rights and not make sure that the obverse of that, the respect for other people

and their responsibilities, is not included. We have a doubling of assaults on parents, we are having troubling assaults on teachers. Is this in your plan?

Senator K.L. Moore:

Sorry, I am rather mindful of the time and we do need to stick to the Government Plan and its relevance and what it is going to achieve.

Senator S.C. Ferguson:

It is an underpinning thing.

Senator K.L. Moore:

I think I would like to move on to R.91.

Deputy K.F. Morel:

Can I ask a question about the Government Plan very quickly, which is with regard to the detail? A Government department, take Children's Services or whatever, you said that they should share the detail, so I assume that what they were thinking when they drafted this is: "Here is our overall plan and then different departments will have particular detail coming off it." Do you feel that you have the right to be able to go and ask those departments: "I really want to see the detail on this part of it" and, if so, have you done that and what has been the result of that?

The Children's Commissioner:

Article 8 in the Commissioner's Law gives me an entitlement to ask for information and there are certain bits of information that we have asked for. As I say we are only 7 weeks into receiving it into law so we have only had that opportunity just recently, but, yes, we have the right to look into that. I am not talking about the information being available for me. I am talking about the information being available to everybody out there on the street.

Deputy K.F. Morel:

I appreciate that. I just thought you were a good starting point.

The Children's Commissioner:

Yes, it is, but if I was a young person reading this I would be really interested and I would say: "Yes, I want to see the number of children being bullied less. What are they going to do?" and even if it says ... because what I do know is that the Department for Education are developing a joint anti-bullying policy that all schools will sign up to. Well, say that, so then children can follow the progress and children can ask at school and in their own way hold Government to account.

Senator K.L. Moore:

R.91 puts the detail of the growth bid, so the additional spending and sets that out by theme, so I would imagine you are familiar with that. Do you feel that you can see the crossover from the measures that are proposed in these items of investment and their relevance?

The Children's Commissioner:

I think so. As I said before there is a golden thread that slides between the 2 and the growth bids do in the main support the activity both in the Government Plan but also the Children and Young People's Plan.

[10:45]

Senator K.L. Moore:

Are there any items that are missing that you really wanted to see?

The Children's Commissioner:

There are some items missing and I think that is where there is an absolute focus on the sorts of issues that children have come to us for, so for example one of those is we heard quite strongly from children they wanted to be able to access health care and the barriers that were stopping them. Children spoke quite clearly and said: "I want to be able to go to the doctor" however I do not see, while there is a commitment in the Government Plan to explore and pilot different models of G.P. (General Practitioner) care it is not explicitly about making sure that the Government are helping children realise their right to access adequate health care, and it is not in here either, because the Children's Plan talks about going to the dentist, but children have told me and have spoken quite strongly that they want to go to the doctor and so that is one area where I think perhaps there is something missing, unless it is hidden somewhere that I have not seen it, or whether it is in the detail of those plans I have not yet seen.

Deputy K.F. Morel:

Does that mean going to the doctor without their parents? Is that what they are saying? Because in theory they can be taken. Can you explain what it means?

The Children's Commissioner:

Children have told me that there are times when they have not gone to the doctor because they are worried that Mum could not afford to pay for it, or they did not realise that some doctors allow to have that consultation for free, but then that is an act of charity anyway. The U.N.C.R.C. says that children can have the right to access adequate health care and we would say that surely means

going to the doctor without worrying about who is going to pay for it, so we must have a model that allows children to do that.

Senator K.L. Moore:

Did you have a question?

Deputy R.J. Ward:

I did have a question but you said something in there and it has gone. I think it is about the cultural change thing again. It is areas that are not so obvious in the Government Plan, so I know that there is a question coming up about the impact on children and for the life of me I now cannot think of one; I had one in my head, but there are areas that are not directly obvious. If you talk about education and you talk about other areas ...

The Children's Commissioner:

So like the environment, do you mean?

Deputy R.J. Ward:

That is a very good example.

The Children's Commissioner:

Or reducing income inequality?

Deputy R.J. Ward:

Yes, those sweeping statements. Oh, I know what it was. It was the cultural change that we need is openness and transparency. Part of that is that we have a Children's Plan 2019-2023. It would be very healthy if the people producing that plan were to say: "We have looked at the plan; you are absolutely right, we need to review this" but we tend to have a culture that says: "That is our plan. We have done a lot of work in it." Can you see that culture change happening where people can say not that they are wrong, but that we need to look at that again? A plan is a plan. You might plan to be an astronaut but end up a bus driver, nothing wrong with bus drivers, but a plan is a plan. Do you think that we are heading more towards that cultural change of openness in the area of what we do with our children as well?

The Children's Commissioner:

I think the reason why the fundamental aim in my own plan is to develop and then embed this culture of children's rights is because that is that culture. It is a culture of recognising that we sometimes need to test things and sometimes we will fail, but that is all right. We need to be flexible in our approach because children's lives are different and we need to be able to move with them and see

what is the next thing that is coming along. Certainly my advice to Government on the Children's Plan will be we need to see a little bit more of the detail; children need to see the detail and, yes, of course if it needs remodelling then that is what we would expect to see.

The Connétable of St. Brelade:

Can I just link that into housing? There is legislation going through at the moment with regard to tenancies, with regard to conditions of housing. Have you had any input in any of those pieces of legislation?

The Children's Commissioner:

No, I have not, but what I would like to remind yourselves and also the Government is that the Commissioner Act states, in Article 25, that Ministers must consult the Commissioner when undertaking any legislative change and therefore we would be interested in having those discussions at the earlier stage, rather than be presented with new draft legislation, but to be involved right at the policy stage.

Deputy K.F. Morel:

Carrying on from there is that all Ministers in all legislation? I am adjusting the financial services legislation that we, as an Economic Affairs panel, have to deal with, and it is a constant torrent of financial services legislation, so from your resourcing perspective how would you keep on top of that because that is just one string of all the Government which most people would probably think does not have a huge impact on children, but I can see how it can in some areas.

The Children's Commissioner:

Most does.

Deputy K.F. Morel:

Exactly, so do you have the resources to stay on top of that legislation? Do you have somebody who looks at that legislation as a dedicated person?

The Children's Commissioner:

Yes, so we are at the moment undertaking a piece of work, the Minister for Children and Housing has asked my team to review all legislation where it touches children and to report on compliance with U.N.C.R.C. and other international treaties. We will have that work completed by July next year and will make recommendations to the Government and we have adequate resources to do that.

Senator K.L. Moore:

This moves neatly on to what I was going to ask, and you touched on it already as well, about the impact on children in less direct ways, such as access to health care, but still has a huge impact on the lives of children. I think you have already said it but the culture that makes that connection between the change in legislation or additional services, or lack of services, and the impact on children, is that line fully understood and the connection being made adequately, particularly in this Government Plan?

The Children's Commissioner:

I think the culture change is something that is going to take a long time. The Care Inquiry referred to it quite clearly, whether you call it the Jersey Way or some other name the culture is here and it is something that we have to gradually start to influence, but I think what we have is we are at a time and a place where there is great ambition for children on the Island and we are putting in place some of those building blocks, those checks and balances that help us make sure that the system is safe for our children, but it is going to take some time.

Senator K.L. Moore:

Do you think that the children who contributed to your survey and its conclusions will see some of what they were asking for in the proposals for spending in the next 4 years?

The Children's Commissioner:

I think that they will. They would be particularly interested in the theme around play, particularly around emotional and mental health, they would be keen to see further investment so that they can access support at the earliest opportunity and equally they are interested in the environment, they are interested in affordability of housing. They are interested in where a road crossing goes and so they will see some of that in the plan.

Senator K.L. Moore:

I guess first and foremost they see and are very sensitive to the impact that it has upon their parents and then the quality of life as a family unit, or whichever environment they are growing up in. Taking it a step forward, such as the approach to settling public sector pay disputes and the impact that that then has on children, do you feel that any acknowledgement has been made of that connection as an example? You might wish to use another one.

The Children's Commissioner:

It is not an example that I am familiar with really. I think the sorts of connections that children would be interested in ... if I can draw upon our own casework, a lot of children have come to me directly where there is an issue around their parents' entitlement to housing and their entitlement to income support, and so we are talking directly about the Housing and Work legislation, and so I have seen

quite clearly where children are being discriminated against, decisions are not being made in their best interests, because of that particular piece of legislation. I think children would have a strong voice to be talking about how they feel they are being discriminated against and they would want to see in this Government Plan that there is going to be fairness, I think, is what they would want to see.

Deputy R.J. Ward:

I was going to ask briefly, if I may, on the Settlement Scheme. Have you had much feedback on children and the impact of the Settlement Scheme because I know there is only a year's funding in the Government Plan for it and then it will stop and it becomes incorporated because there may be a deadline, who knows what will happen. I think anything that isolates children in a particular group could be damaging, one might say, to relationships. Have you had much impact from that in your role?

The Children's Commissioner:

There has been no comment on that at all. The only comment I have had on that is from the Portuguese Consulate and the Polish Consulate who have talked about how the citizens have come to them and talked about it, but nobody has come to talk to me about it directly.

The Connétable of St. Brelade:

Picking up from that, what is your relationship with the ex-pat community, for want of a better word, the Romanians, perhaps, of which we have several over here? Do you have much interaction with them?

The Children's Commissioner:

We are working really hard to make sure that all children know that there is a Children's Commissioner and know what it is that I am here to do and equally that all children know that they have rights. We are working particularly hard with those vulnerable groups, whether they are children in care, or whether they are members of a particular community. One thing that we are doing, in fact in the next couple of weeks, is the Polish Children's Commissioner is coming to Jersey on our invitation and we would like him to give assurances to Polish children that they can come and talk to us when there is a matter of concern. Equally we will be doing the same with the Portuguese Children's Commissioner shortly. These are ways in which we can make sure that all children understand that I am here for everybody.

Deputy K.F. Morel:

I will give you both questions. Firstly, related to Mike's, was what linguistic capabilities do you have in your office, because Mike is absolutely right, 20 per cent of people in this Island, at least 20 per

cent, are not from Jersey, probably members of their family do not speak English and it strikes me that you should have linguistic capabilities in your office, but secondly, as an independent body but spending public funds so spending taxpayers' money, how can taxpayers be sure that you are spending that money not just effectively but efficiently as well and that there is no largesse or there is no incorrect spending? I am thinking this computer can cost £100 or it can cost £10,000. How do we know that you are making the right choices in those sorts of areas?

The Children's Commissioner:

Okay, so there are 2 questions there, one about accountability. You are right, nobody in my office as far as I know speaks Portuguese or Polish, I do not think so; however we do publish our materials in a range of different formats so you will see that our recent publication material has gone out in Portuguese and also in Polish.

Deputy K.F. Morel:

Unfortunately some of the community does not have high literacy rates as well.

The Children's Commissioner:

So they have gone out. There are other formats available on the website, so we do try to make sure that we can produce our publications in ways that people can access them.

Communications Officer, Office of the Children's Commissioner:

Also, we are interacting in some forums where there is a middle ground, like we are going to the Polish Saturday School, for example, where there are people there who can fill that staffing shortfall.

Deputy K.F. Morel:

The most vulnerable come from a different community and, like you say, the parents are often illiterate as well, so cannot read, no matter what language it is in.

The Children's Commissioner:

We also have some plans to further develop our website so that some of our communications or animations will be in different languages as well. We are working to make sure that all children and families can access the information that we want them to see, but not all people go to a website so we are also thinking about ways in which we can do this through social media and things like that. The other far more important bit that you mentioned was around accountability, so if you read the Commissioner for Children and Young People (Jersey) Law it is very strong on how I will be held to account. We have an accountability and governance framework. We have an audit and governance advisory panel. We have an adult advisory panel and we have a youth advisory panel whose job it is to hold me to account, and in quarter 1 next year I will be producing an annual report which is a

looking back report, which will detail everything that we have spent money on and children will be involved in writing that report but also asking me the questions on how we have spent the money and we will be saying: “You asked us this. This is what you told us. This is what we have done. This is how much money we have spent to achieve that.”

Senator K.L. Moore:

Final question, I think, as I note we are coming up to the hour. The Council of Ministers have a role and duty as corporate parents. Do you sense or hear the voice of the corporate parent coming through this document in an acknowledgement of those responsibilities?

[11:00]

The Children’s Commissioner:

I think there is more work that needs to be done to ensure that everybody understands the role of corporate parent. I think you might have been at the event this week where we heard in Scotland that the corporate parent is far broader than Ministers. It also includes teachers and it even includes the Children’s Commissioner. I think first of all we need to understand what the concept is and it is about taking collective responsibility for all children, but equally, whether that is in an oath or a pledge or in some commitment to put children first, primarily my advice to Government is it needs to be in legislation. So if the corporate parent sits in legislation everybody understands what that means and therefore can fulfil their functions under that role.

Senator S.C. Ferguson:

Do you have a definition of corporate parent? At the moment I think the thing that is bothering people is the fact that you may be expected to be a corporate parent, it is one thing to be told you have got a duty but where is the power and the authority to be able to exercise that duty?

The Children’s Commissioner:

Let me give you an example of how it may work from elsewhere. We heard strongly this week from children in care in Scotland and we were told that the police in Scotland are a corporate parent. What that means is that if they are called to a children’s home that they will not automatically arrest the child for damaging the front door. What they will do is be the corporate parent and they would ask themselves: “If I was the parent of this child how would I deal with this? Would I be calling in the police or would I just deal with it as a parent?” and therefore they are allowed to use their own judgment when dealing with looked after children. Similarly, teachers would say: “As the corporate parent what I do is when I am marking books I have the more vulnerable children’s books at the top to make sure that they get my uppermost attention so if I do not get to the bottom of the pile at least I have done those.” I think what we are talking about is quite subtle ways in which we can all act as

a parent to those most vulnerable children, who the state have indeed removed from their own parents.

Senator K.L. Moore:

Thank you very much to both of you for joining us today and sharing your views and if you have nothing more to add?

The Children's Commissioner:

No, I do not believe so. Thank you.

Senator K.L. Moore:

Thank you. I will close the meeting.

[11:02]