

# STATES OF JERSEY



## UPDATE OF HIGHER EDUCATION FUNDING (P.12/2024) – CHILDREN'S RIGHTS IMPACT ASSESSMENT

---

Presented to the States on 27th February 2024  
by Deputy I. Gardiner of St. Helier North

---

STATES GREFFE

## CHILDREN'S RIGHTS IMPACT ASSESSMENT (CRIA)

### PART 1: SCREENING

Name and title of Duty Bearer:	Deputy Inna Gardiner
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Elected Member
Assessment completed by (if not completed by duty bearer):	Members' Resources
Date:	27/02/2024

<p>1) Name and brief description of the proposed decision The subject of your CRIA may be a proposed law, policy or proposition and in accordance with the Law is referred to in this template as the '<b>decision</b>'</p> <ul style="list-style-type: none"> <li>• What is the problem or issue the decision is trying to address?</li> <li>• Do children experience this problem differently from adults?</li> </ul>
<p><b>Update of Higher Education Funding</b></p> <p>Amendments to the Education (Grants and Allowances) (Jersey) Order 2018</p> <p>This proposition is aiming to bring forward the changes to the above-mentioned order to provide greater access to funding for students. The changes would involve greater funding for courses not taught in person, providing a wider scope for what a grant can be provided for. The proposition also aims to update the way in which funding is tested. Finally, this proposition aims to make student loans available to all Island students.</p> <p>As this proposition is aimed at helping students access funding, this would affect young people differently to adults.</p>
<p>2) Which groups of children and young people are likely to be affected? Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children</p>
<p>Young adults, guardians caring for young children, children living in poverty, young people with extra or special educational needs</p>
<p>3) What is the likely impact of the proposed decision on children and on their rights?</p> <ul style="list-style-type: none"> <li>• Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC</li> <li>• Will different groups of children be affected differently by this decision?</li> </ul>
<p>The biggest impact this proposition will have it improving access to education for the above-mentioned groups. It will also have the impact of making higher education seem like a more achievable goals for children in lower income households.</p>

4) Is a full Children’s Rights Impact Assessment required? If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion
Yes

If screening determines that a full CRIA is needed, complete Part 2

---

## Part 2: FULL CHILDREN’S RIGHTS IMPACT ASSESSMENT

5) What will be the impacts (positive or negative) of the proposed decision on children’s rights?			
For each of the UNCRC articles described below, click to identify any that may be relevant <input checked="" type="checkbox"/>			
Category	UNCRC Article	Impact? YES NO	
Guiding Principles	Non-discrimination ( <a href="#">Art 2</a> )	X	<input type="checkbox"/>
	Best interests of the Child ( <a href="#">Art 3</a> ) to be a top priority	X	<input type="checkbox"/>
	Right to Life survival and development ( <a href="#">Art 6</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Respect for the child’s views ( <a href="#">Art 12</a> )	<input type="checkbox"/>	<input type="checkbox"/>
Civil Rights & Freedoms	Right to birth registration, name and nationality ( <a href="#">Art 7</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Right to an identity ( <a href="#">Art 8</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Freedom of expression ( <a href="#">Art 13</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Freedom of thought, conscience, and religion ( <a href="#">Art 14</a> ) Every child has the right to think and believe what they choose	<input type="checkbox"/>	<input type="checkbox"/>
	Freedom of association ( <a href="#">Art 15</a> ) Every child has the right to meet with other children and to join groups and organisations	<input type="checkbox"/>	<input type="checkbox"/>
	Right to Privacy ( <a href="#">Art 16</a> ) including family and home life	<input type="checkbox"/>	<input type="checkbox"/>
	Access to information from the media ( <a href="#">Art 17</a> ) Right to access reliable information from a variety of sources, in a format that children can understand	<input type="checkbox"/>	<input type="checkbox"/>
	Protection against torture or other cruel, degrading or inhumane treatment or punishment ( <a href="#">Art 37(a)</a> )	<input type="checkbox"/>	<input type="checkbox"/>

Family Environment and Alternative Care	Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up ( <a href="#">Art 5</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Responsibilities of both parents in the upbringing and development of their child ( <a href="#">Art 18</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Children must not be separated from their parents against their will unless it is in their best interests ( <a href="#">Art 9</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Family reunification ( <a href="#">Art 10</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Abduction and non-return of children abroad ( <a href="#">Art 11</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Right to a standard of living that is good enough to meet the child's physical and social needs and support their development ( <a href="#">Art 27</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Special protection for children unable to live with their family ( <a href="#">Art 20</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Best interests of the child in the context of Adoption ( <a href="#">Art 21</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Review of treatment whilst in care ( <a href="#">Art 25</a> ) If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.	<input type="checkbox"/>	<input type="checkbox"/>
	Protection from violence, abuse or neglect ( <a href="#">Art 19</a> )	<input type="checkbox"/>	<input type="checkbox"/>
Recovery from trauma and reintegration ( <a href="#">Art 39</a> ) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.	<input type="checkbox"/>	<input type="checkbox"/>	
Basic Health and Welfare	Rights of disabled children ( <a href="#">Art 23</a> )	X	<input type="checkbox"/>
	Right to health and health services ( <a href="#">Art 24</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Right to social security ( <a href="#">Art 26</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Right to adequate standard of living ( <a href="#">Art 27</a> )	X	<input type="checkbox"/>
Education, Leisure and Cultural Activities	Right to education ( <a href="#">Art 28</a> )	X	<input type="checkbox"/>
	Goals of education ( <a href="#">Art 29</a> ) Education must develop every child's personality, talents and abilities to the full	X	<input type="checkbox"/>
	Leisure, play and culture ( <a href="#">Art 31</a> )	<input type="checkbox"/>	<input type="checkbox"/>

	Every child has the right to relax, play and take part in cultural and artistic activities		
Special Protection Measures	Special protection for refugee children ( <a href="#">Art 22</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Children and armed conflict ( <a href="#">Art 38</a> and <a href="#">Optional Protocol #1</a> ) Governments must do everything they can to protect and care for children affected by war and armed conflict.	<input type="checkbox"/>	<input type="checkbox"/>
	Children and juvenile justice ( <a href="#">Art 40</a> ) Right to be treated with dignity and respect, right to legal assistance and a fair trial that takes account of age.	<input type="checkbox"/>	<input type="checkbox"/>
	Inhumane treatment and detention ( <a href="#">Art 37 (b)-(d)</a> ) Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible.	<input type="checkbox"/>	<input type="checkbox"/>
	Recovery from trauma and reintegration ( <a href="#">Art 39</a> ) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life	<input type="checkbox"/>	<input type="checkbox"/>
	Child labour and right to be protected from economic exploitation ( <a href="#">Art 32</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Drug abuse ( <a href="#">Art 33</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Sexual exploitation ( <a href="#">Art 34</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Abduction, sale and trafficking of children ( <a href="#">Art 35</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Protection from other forms of exploitation including for political activities, by the media or for medical research ( <a href="#">Art 36</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	Children belonging to a minority or an indigenous group ( <a href="#">Art 30</a> )	<input type="checkbox"/>	<input type="checkbox"/>
	<a href="#">Optional Protocol</a> on the sale of children, child prostitution and child pornography	<input type="checkbox"/>	<input type="checkbox"/>
	<a href="#">Optional protocol</a> on the involvement of children in armed conflict	<input type="checkbox"/>	<input type="checkbox"/>

6) Information and research What evidence has been used to inform your assessment?		
Evidence collected (include links to relevant publications)	What did the evidence tell you?	What are the data gaps, if any?

<p><a href="#">R Average Earnings June 2023 20230825 SJ.pdf (gov.je)</a></p>	<p>Earnings have increased at a steady rate, however real terms earnings have almost flatlined. So, more and more parents will find themselves over the thresholds.</p> <p>The impact is corresponding greater on those with younger children to consider – other siblings are not considered in the calculation of grant funding etc.</p> <p>Therefore either younger siblings will find themselves disadvantaged during their childhood, or find their own opportunities for further education are limited.</p>	
<p><a href="#">Chapter 3 Opinions and Lifestyle Survey 2023 Report.pdf (gov.je)</a></p>	<p>Households that have a lower income are less likely to see higher or further education as a realistic possibility, therefore, more needs to be done to support the children of these families to see further education as something they can achieve.</p>	
<p>“Researchers found England was "significantly behind similar nations" in creating an equal chance of achieving high exam scores for pupils from the least well-educated homes compared with those from the most well-educated families.”</p> <p><a href="https://www.theguardian.com/education/2010/apr/26/university-school-grades-child-background">https://www.theguardian.com/education/2010/apr/26/university-school-grades-child-background</a></p>	<p>“A study of 16,000 14-year-olds, commissioned by the educational charity the Sutton Trust, found that in England, 56% of teenagers whose parents had degrees scored high enough grades to perform in the top quarter of their peer group. This was the case for just 9% of teenagers whose parents had left school without qualifications. The gap of 47 percentage points is more than twice Australia's (23 percentage points), and higher than Germany's and the US's (37 and 43 percentage points respectively).”</p> <p>There is a need to break the cycle and support all those who wish to undertake further study – this will have a direct benefit on forthcoming generations of children on the Island.</p>	<p>Additional comparative data from on island.</p> <p>More up to date figures.</p>

<p><a href="#">North East Autism Society</a> found that autistic students had a higher likelihood of dropping out of university, with 36% of undergraduate students who started their degree in 2019 not completing their studies. Similarly, <i>The Independent</i> reported that a third of students who dropped out of university in 2020 did so due to mental health issues.</p> <p>From Article – <a href="#">How can online degrees help neurodivergent people progress in their careers?</a></p>	<p>“A key benefit of studying online is the flexibility that it offers to students. For neurodivergent people, it gives them the opportunity to build a study routine that works for them and design their own study space to minimise any sensory distractions. This can increase focus and productivity levels and allow you to thrive in a learning environment that you find comfortable.”</p> <p>It is noted that for some neurodivergent students – for example, those with a record of need, this record of need extends to the age of 25, therefore covering the most common period of undergraduate study.</p>	<p>Further information about the impact on neurodivergent students of studying off island</p>
<p>Students with disabilities face unique challenges when entering higher education. Although universities in the UK now provide accessibility services for disabled students by law, problems still exist such as coping with the lecture hall environment, navigating large campuses (which may be located across different parts of a city), and finding the right support services for your needs.</p> <p><a href="#">Distance Learning for Students with Disabilities   Arden University</a></p>	<p>The quote on the left has been chosen from many similar, just to highlight the challenges that still remain for students with a disability.</p>	<p>Further information about the number of disabled students on island, and their experiences. Also those disabled students who may wish to study off island in the future.</p>

<p>7) Engagement with children What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?</p>		
<p>Groups consulted</p>	<p>How they were involved</p>	<p>What were the findings?</p>

<p>8) Assessing Impact on children’s rights Based on the information collected and analysed above, what likely impact will the proposed decision have on the specific children’s rights identified in question 5)?</p>		
Relevant UNCRC Articles (rights) identified in Q5	Describe the positive or negative impacts on these rights	Which group(s) of children are likely to be affected?
Right to education	Increasing, and improving access to, funding for education will improve access to education.	All children.
Non discrimination	Improving funding for distance courses will benefit children and young people who are neurodivergent, have caring responsibilities, or other additional needs	Those children from families on lower incomes, children with additional educational needs or disabilities.
Education must develop every child’s personality, talents and abilities to the full	Allow for children to aspire to further education – to help remove blocks and allow children and young people to achieve.	Those children from families on lower incomes, children with additional educational needs or disabilities.
<p>9) Weighing positive and negative impacts</p> <ul style="list-style-type: none"> <li>• If a negative impact is identified for any area of rights <u>or</u> any group of children and young people, what options are there to modify the proposed decision to mitigate the impact?</li> <li>• Could any positive impacts be enhanced?</li> </ul>		
<p>Further review of funding to allow for additional improvements for those children/young people affected – allow for increased aspiration and learning for those who are considering further education.</p>		



10) Conclusions

In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?

The proposed decision would have a positive impact on the rights of Jersey children through improving funding for education in a variety of ways. This would improve access to education, allow children with extra needs to obtain the same level of education more easily, and recognise independent learners.

Alongside this, improving the funding available would allow higher education to seem more achievable for children from lower income households, children with additional educational needs or disabilities, and children with caring responsibilities.