

STATES OF JERSEY



COMMON STRATEGIC POLICY 2024- 2026 (P.21/2024): SECOND AMENDMENT (P.21/2024 AMD.(2)) - CHILDREN'S RIGHTS IMPACT ASSESSMENT

**Presented to the States on 7th May 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 I. Gardiner of St. Helier North
Type of Duty Bearer: (Minister, Elected Member or States Assembly Body)	Elected Member
Assessment completed by (if not completed by duty bearer):	Members Research Team
Date:	08/05/2024

<p>1) Name and brief description of the proposed decision</p> <p>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 'decision'</p> <ul style="list-style-type: none"> • What is the problem or issue the decision is trying to address? • Do children experience this problem differently from adults? <p>This Amendment to the Common Strategic Policy (P.21/2024) seeks to include a commitment to the continuation of children's social care reform and improvement based on the recommendations from the Independent Jersey Care Inquiry 2017 and to meet the Areas of Improvement identified in the 2024 Report of the Children's Social Care Service and Independent Reviewing Officer (IRO) Service.</p> <ul style="list-style-type: none"> • The amendment seeks to ensure that the recommendations and areas of improvement are prioritised by the Government going forward.
<p>2) Which groups of children and young people are likely to be affected?</p> <p>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>This will affect children who rely on the Jersey Children's Social Care Service; namely, children living in care, and care leavers, in Jersey.</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"> • Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC • Will different groups of children be affected differently by this decision? <ul style="list-style-type: none"> • Best interests of the Child (Art 3) to be a top priority • Children must not be separated from their parents against their will unless it is in their best interests (Art 9) • Protection from violence, abuse or neglect (Art 19) • Special protection for children unable to live with their family (Art 20) • Right to health and health services (Art 24) • Review of treatment whilst in care (Art 25) - 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. • Right to adequate standard of living (Art 27) • Right to education (Art 28)

<ul style="list-style-type: none"> • Goals of education (Art 29) - Education must develop every child's personality, talents and abilities to the full • Leisure, play and culture (Art 31) - Every child has the right to relax, play and take part in cultural and artistic activities • Drug abuse (Art 33) • Sexual exploitation (Art 34) • Recovery from trauma and reintegration (Art 39) - 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 • Right to a standard of living that is good enough to meet the child's physical and social needs and support their development (Art 27)
<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 <u>please explain your rationale and how you reached this conclusion</u></p>
<p>Yes. A full child rights impact assessment is required.</p>

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

Re-issue Note

This Addendum has been re-issued to include Part 2 of the assessment.

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 (Art 2)	<input type="checkbox"/>	<input type="checkbox"/>
	Best interests of the Child (Art 3) to be a top priority	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Right to Life survival and development (Art 6)	<input type="checkbox"/>	<input type="checkbox"/>
	Respect for the child’s views (Art 12)	<input type="checkbox"/>	<input type="checkbox"/>
Civil Rights & Freedoms	Right to birth registration, name and nationality (Art 7)	<input type="checkbox"/>	<input type="checkbox"/>
	Right to an identity (Art 8)	<input type="checkbox"/>	<input type="checkbox"/>
	Freedom of expression (Art 13)	<input type="checkbox"/>	<input type="checkbox"/>
	Freedom of thought, conscience, and religion (Art 14) Every child has the right to think and believe what they choose	<input type="checkbox"/>	<input type="checkbox"/>
	Freedom of association (Art 15) 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 (Art 16) including family and home life	<input type="checkbox"/>	<input type="checkbox"/>
	Access to information from the media (Art 17) 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 (Art 37(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 (Art 5)	<input type="checkbox"/>	<input type="checkbox"/>
	Responsibilities of both parents in the upbringing and development of their child (Art 18)	<input type="checkbox"/>	<input type="checkbox"/>
	Children must not be separated from their parents against their will unless it is in their best interests (Art 9)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Family reunification (Art 10)	<input type="checkbox"/>	<input type="checkbox"/>

	Abduction and non-return of children abroad (Art 11)	<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 (Art 27)	✓	<input type="checkbox"/>
	Special protection for children unable to live with their family (Art 20)	✓	<input type="checkbox"/>
	Best interests of the child in the context of Adoption (Art 21)	✓	<input type="checkbox"/>
	Review of treatment whilst in care (Art 25) 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"/>
	Protection from violence, abuse or neglect (Art 19)	✓	<input type="checkbox"/>
	Recovery from trauma and reintegration (Art 39) 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"/>
Basic Health and Welfare	Rights of disabled children (Art 23)	✓	<input type="checkbox"/>
	Right to health and health services (Art 24)	✓	<input type="checkbox"/>
	Right to social security (Art 26)	<input type="checkbox"/>	<input type="checkbox"/>
	Right to adequate standard of living (Art 27)	✓	<input type="checkbox"/>
Education, Leisure and Cultural Activities	Right to education (Art 28)	✓	<input type="checkbox"/>
	Goals of education (Art 29) Education must develop every child's personality, talents and abilities to the full	✓	<input type="checkbox"/>
	Leisure, play and culture (Art 31) Every child has the right to relax, play and take part in cultural and artistic activities	✓	<input type="checkbox"/>
Special Protection Measures	Special protection for refugee children (Art 22)	<input type="checkbox"/>	<input type="checkbox"/>
	Children and armed conflict (Art 38 and Optional Protocol #1) 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 (Art 40) Right to be treated with dignity and respect, right to legal assistance and a fair trial that takes account of age.	✓	<input type="checkbox"/>

Inhumane treatment and detention (Art 37 (b)-(d)) 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 (Art 39) 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"/>
Child labour and right to be protected from economic exploitation (Art 32)	<input type="checkbox"/>	<input type="checkbox"/>
Drug abuse (Art 33)	✓	<input type="checkbox"/>
Sexual exploitation (Art 34)	✓	<input type="checkbox"/>
Abduction, sale and trafficking of children (Art 35)	<input type="checkbox"/>	<input type="checkbox"/>
Protection from other forms of exploitation including for political activities, by the media or for medical research (Art 36)	<input type="checkbox"/>	<input type="checkbox"/>
Children belonging to a minority or an indigenous group (Art 30)	<input type="checkbox"/>	<input type="checkbox"/>
Optional Protocol on the sale of children, child prostitution and child pornography	<input type="checkbox"/>	<input type="checkbox"/>
Optional protocol 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?
Independent Children's Homes Association (ICHA) Review of Children's Homes in Jersey and Response	This review found that, whilst children and young people often spoke positively about their personal experiences of residential care, available resources were 'not sufficient, incoherent, and inefficiently deployed'. One of the greatest challenges identified was the lack of a stable workforce. The report made various recommendations for improving children's homes in Jersey in terms of service development,	

	service delivery and staffing.	
Inspection Reports Jersey Care Commission	The Jersey Care Commission carried out inspections of 3 unregistered children's care home services in early 2023. In each case, the home was operating as a children's care home service are carrying out regulated activity in contravention of the Regulation of Care (Jersey) Law 2014.	The homes in question are no longer operating, but these cases demonstrate that children have sometimes been placed in unregulated settings in answer to an unexpected and urgent need. These needs are generally for welfare or safeguarding reasons and the Minister is legally obliged to provide a care placement for the child in such circumstances. The need for additional capacity was over and above that envisaged in the Social Care Reform Programme Phase 1 (2023-26) which continues as planned.
Island Wide Consultation: The Findings - Children's Commissioner	The report identified that some children may be being placed in the UK not because it is in their best interests, but because there is no other option. This makes contact with birth parents and siblings difficult and risks children being brought up in another country that may not respect the child's culture. The report found that pressure on the system was caused by insufficient foster care places and a lack of specialist residential places.	
What is the relationship between being in care and the educational outcomes of children? An	The report concludes: 'The finding that care does not appear to be damaging, on average, to children's education should focus	The report cautions that it is based on studies undertaken in a limited number of Western countries (including the

international systematic review	<p>efforts on proactive strategies to provide services that enable children to thrive’. This is relevant to the Virtual School aspect of the decision, which is designed to enable children in Jersey’s care system to thrive. The report also notes: ‘Findings from the studies in the review are unequivocal: as a group, children in care lag behind their peers on a number of measures of educational attainment, including grades, literacy and numeracy test scores, attendance and exclusions.’ This is significant because it indicates that these children are particularly in need of support to achieve educational success.</p>	<p>UK but not Jersey), and that ‘different contextual systems should be acknowledged which may limit transferability of some of the finding’.</p>
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<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>Care-experienced children and young people and their advocates, including Children’s Rights Officers and the Children’s Commissioner.</p>	<p>The Independent Children’s Homes Association (ICHA) Review of Children’s Homes in Jersey and Response</p>	<p>Improvements are needed to children’s residential care in respect of service development, service delivery, staffing and secure accommodation and indicated above.</p>
<p>Children and young people, parents/carers and professionals working with or on behalf of children and young people.</p>	<p>Island Wide Consultation: The Findings - Children's Commissioner</p>	<p>Consultation findings included the following comments quoted in the report: <i>“Ensure there are more options for children going into care - enough foster families/ safe places for children to live.”</i> <i>"Ensure looked after children voices are heard</i></p>

		<p><i>at all times as it's their lives and they should be involved and listened to. Also look at the after-care services for looked after children when they are 16/18 as they need a lot of support when transitioning in to the adult world or adult services."</i></p> <p><i>"Every child in Jersey should have parents or someone who loves them."</i></p>
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<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>		
<p>Relevant UNCRC Articles (rights) identified in Q5</p>	<p>Describe the positive or negative impacts on these rights</p>	<p>Which group(s) of children are likely to be affected?</p>
<p>Article 3(1) requires that the best interests of the child shall be a primary consideration in all things that affect children.</p> <p>Article 9 requires that children shall not be separated from their parents against their will, except when it is in the child's best interests. Further, any child who is separated from one or both parents has the right to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.</p> <p>Article 19 requires governments to do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone</p>	<p>Providing a safe and appropriate care home environment for children placed in the care of the Minister at short notice will better protect some of the most vulnerable children in Jersey. This will have a positive impact in terms of the Articles quoted:</p> <ul style="list-style-type: none"> - ensuring family contact can be maintained (if appropriate) in accordance with Article 9; - protecting children who may be at risk of harm in accordance with Article 19; - ensuring children are provided with an alternative home environment if required, in accordance with Article 20; and - ensuring that the child's best interests remain 	<p>Children needing to be placed into the care of the Minister.</p>

<p>else who looks after them. This includes social programmes to provide necessary support for the child.</p> <p>Article 20 (children unable to live with their family) If a child cannot be looked after by their immediate family, the government must give them special protection and assistance. This includes making sure the child is provided with alternative care that is continuous and respects the child’s culture, language and religion.</p>	<p>paramount as required by Article 3.</p>	
<p>Review of treatment whilst in care (Art 25) 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.</p>	<p>Ensuring that when reviews are carried out as in the case of the 2024 Report of the Children’s Social Care Service and Independent Reviewing Officer (IRO) Service by the Care Commissioner the areas for improvement identified in these reviews are appropriately prioritised and acted upon which in turn highlights the value of those reviews.</p>	<p>Children in care.</p>
<p>Right to health and health services (Art 24) Right to adequate standard of living (Art 27)</p>	<p>The recommendations and areas of improvement that are the focus on this decision aim to ensure that children enjoy the highest attainable standard of health and standard of living while in care thus having a positive impact on children in terms of Articles 24 and 27.</p>	<p>Children in care.</p>
<p>Right to education (Art 28)</p>	<p>By committing to enabling better protection for the most vulnerable</p>	<p>Children in care.</p>

<p>Goals of education (Art 29) - Education must develop every child's personality, talents and abilities to the full</p> <p>Leisure, play and culture (Art 31) - Every child has the right to relax, play and take part in cultural and artistic activities</p>	<p>children in Jersey, ensuring that the conditions exist for children to learn, play, and engage in cultural life and arts. Children are more likely to succeed in this respect if they are safe and feel appropriately valued. Thus, this aspect of the decision will have a positive impact in terms of Articles 28, 29 and 31.</p>	
<p>Recovery from trauma and reintegration (Art 39) 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</p> <p>Drug abuse (Art 33)</p> <p>Sexual exploitation (Art 34)</p>	<p>This commitment should lead to the continued improvement of social care provisions and thereby better protect children in care, and care leavers, from various forms of exploitation and from illicit use of narcotic drugs and psychotropic substances. Furthermore, as care services for children often deal with the most vulnerable and often traumatised children any focus on improving those services will result in a positive impact for those children recovering from trauma.</p>	<p>Children in care.</p>
<p>9) Weighing positive and negative impacts</p> <ul style="list-style-type: none"> • 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? • Could any positive impacts be enhanced? 		
<p>No negative impacts have been identified as a result of the decision outlined above and the overall impacts on vulnerable children in Jersey are expected to be positive.</p>		

<p>10) Conclusions</p> <p>In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?</p>
<p>As explained above, the decision will have a positive impact on the rights of children identified in the above analysis. There should be no negative impact on rights.</p>