

STATES OF JERSEY



YOUTH SERVICE STATUTORY PROVISION (P.28/2024) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

Presented to the States on 1st May 2024
by Deputy R.S. Kovacs of St. Saviour

STATES GREFFE

CHILDREN’S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

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| Name and title of Duty Bearer: | Deputy R Kovacs of St. Saviour |
| Type of Duty Bearer: (Minister, Elected Member or States Assembly Body) | Elected Member |
| Assessment completed by (if not completed by duty bearer): | |
| Date: | 1st May 2024 |

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| <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 ‘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>Youth Service Provision.</p> <p>This proposition asks the Minister to provide a provision within the Education (Jersey) Law 1999 in order to make the Jersey Youth Service a statutory requirement.</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>This proposition would affect all children and young people.</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? |
| <p>Ensuring the Youth Service is enshrined in law will protect both its budget and the provision of its services. This will have positive impacts on all children and young people across Jersey as it will keep the Youth Service as a well-functioning service across all parishes.</p> <p>The Youth Service can provide extra-curricular education for many children and ensuring the Service is a statutory requirement will ensure children have access to a full range of development and learning opportunities.</p> |
| <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</p> |
| <p>Yes</p> |

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? | | | |
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| 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 checked="" 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 checked="" type="checkbox"/> |
| | Respect for the child’s views (Art 12) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Civil Rights & Freedoms | Right to birth registration, name and nationality (Art 7) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Right to an identity (Art 8) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Freedom of expression (Art 13) | <input type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> |
| | Freedom of association (Art 15) Every child has the right to meet with other children and to join groups and organisations | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Right to Privacy (Art 16) including family and home life | <input type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> |
| | Protection against torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a)) | <input type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> |
| | Responsibilities of both parents in the upbringing and development of their child (Art 18) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Children must not be separated from their parents against their will unless it is in their best interests (Art 9) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| | Family reunification (Art 10) | <input type="checkbox"/> | X |
| | Abduction and non-return of children abroad (Art 11) | <input type="checkbox"/> | X |
| | 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"/> | X |
| | Special protection for children unable to live with their family (Art 20) | <input type="checkbox"/> | X |
| | Best interests of the child in the context of Adoption (Art 21) | <input type="checkbox"/> | X |
| | 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"/> | X |
| | Protection from violence, abuse or neglect (Art 19) | <input type="checkbox"/> | X |
| | 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"/> | X |
| Basic Health and Welfare | Rights of disabled children (Art 23) | <input type="checkbox"/> | X |
| | Right to health and health services (Art 24) | <input type="checkbox"/> | X |
| | Right to social security (Art 26) | <input type="checkbox"/> | X |
| | Right to adequate standard of living (Art 27) | <input type="checkbox"/> | X |
| Education, Leisure and Cultural Activities | Right to education (Art 28) | X | <input type="checkbox"/> |
| | Goals of education (Art 29) Education must develop every child's personality, talents and abilities to the full | X | <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 | X | <input type="checkbox"/> |
| Special Protection Measures | Special protection for refugee children (Art 22) | <input type="checkbox"/> | X |
| | 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"/> | X |

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| 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"/> | X |
| 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"/> | X |
| 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"/> | X |
| Child labour and right to be protected from economic exploitation (Art 32) | <input type="checkbox"/> | X |
| Drug abuse (Art 33) | <input type="checkbox"/> | X |
| Sexual exploitation (Art 34) | <input type="checkbox"/> | X |
| Abduction, sale and trafficking of children (Art 35) | <input type="checkbox"/> | X |
| Protection from other forms of exploitation including for political activities, by the media or for medical research (Art 36) | <input type="checkbox"/> | X |
| Children belonging to a minority or an indigenous group (Art 30) | <input type="checkbox"/> | X |
| Optional Protocol on the sale of children, child prostitution and child pornography | <input type="checkbox"/> | X |
| Optional protocol on the involvement of children in armed conflict | <input type="checkbox"/> | X |

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| 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? |
| The Children and Young People Plan 2019 to 2023 (gov.je) outlined four outcomes: Outcome 1: All children in Jersey Grow up Safely. Outcome 2: All children in Jersey Learn and Achieve Outcome 3: All children in Jersey Live Healthy Lives | Making the Youth Service a legal requirement would fulfil these four desired outcomes. It would also provide structure and safe spaces for children and young people. | |

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| Outcome 4: All children in Jersey are Valued and Involved | | |
| 20231030-DCMS-Information-session-for-local-authorities-Youth-services-statutory-duty-guidance.pdf (nya.org.uk) | Local authorities in England have a statutory duty to provide – “a) sufficient educational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities; and b) sufficient recreational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities” | |
| Jersey Youth Parliament Report 2023 | Shows the successes of the Youth Projects provided by the Youth Service across the parishes. Shows how important the Service is for providing Children a full range of activities to develop effectively. | |

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| 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? | | |
| Groups consulted | How they were involved | What were the findings? |
| None | N/A | N/A |

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| 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)? | | |
| 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? |
| Best interests of the Child (Art 3) to be a top priority | Making the Youth Service a legal requirement would protect a vital service for prioritising Children. | |

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| Freedom of association (Art 15) Every child has the right to meet with other children and to join groups and organisations | The youth service provides clubs and groups that children can join, this allows them to socialise and meet other children as well join organisations. Protecting this in law will ensure this right is not diminished. | |
| Right to education (Art 28) | The Youth Service provide educational opportunities outside the classroom, such as outdoor education | |
| Goals of education (Art 29) Education must develop every child's personality, talents and abilities to the full | The education the Youth Service provide ensures all elements of a child's personality can develop | |
| Leisure, play and culture (Art 31) Every child has the right to relax, play and take part in cultural and artistic activities | The Youth Service offer opportunities to partake in leisure, play, and culture. | |
| 9) Weighing positive and negative impacts | | |
| <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? | | |
| N/A | | |

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| 10) Conclusions In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children? |
| Ensuring that the Youth Service is protected via statutory means would allow it to continue the work it is already undertaking in Jersey. The Youth Service provide a large array of services for children and young people that uphold many of the items of the UNCRC. Protecting this in law would prevent any future erosion of this provision and, thus, allow it to continue to help children and uphold articles of the UNCRC. |