

STATES OF JERSEY



Jersey

DRAFT CHILDREN AND YOUNG PEOPLE (JERSEY) COMMENCEMENT ACT 202-

Lodged au Greffe on 12th January 2024
by the Minister for Children and Education
Earliest date for debate: 27th February 2024

STATES GREFFE

REPORT

Background

The 2017 Independent Jersey Care Inquiry Report¹ (the Care Inquiry) found that the Government of Jersey had failed to keep step with legislative developments made elsewhere in respect of children, for example in the UK and elsewhere. In its response the Government of Jersey made a commitment to update its legislative framework.

The [Children and Young People \(Jersey\) Law 2022](#) was passed by the Assembly in February 2022 and represents a significant update to the existing legislative framework to support children and young people in Jersey. The new Law sets out a legal framework and series of new arrangements to promote wellbeing and safeguard the welfare of children.

Summary of the Children and Young People (Jersey) Law 2022

Overriding objective: The overriding objective of the new Law is to promote, safeguard and support the wellbeing of children and young people in Jersey. When carrying out functions under the new Law, a broad range of key roles and entities must have regard to the overriding objective and four principles founded in the United Nations Convention on the Rights of the Child (UNCRC). The term children and young people in the new Law applies to all children up to the age of 18. Where young people are referred to, this means young people who are aged 18 up to (but not including) the age of 25 and are care leavers or who have a disability.

The provisions of the new Law, with alongside published statutory guidance, safeguarding arrangements and training will support implementation and provide further interpretation as to the requirements of the new Law. The policy intent is that these arrangements will strengthen existing children's legislation and support good practice across the children's workforce by underpinning earlier assessment, support and intervention to promote and protect children and young people's wellbeing.

Supporting wellbeing: The provisions of the new Law are intended to work with the existing child protection provisions under Part 4 and Part 5 of the [Children \(Jersey\) Law 2002](#). This is about supporting children to thrive and develop their potential: most children will thrive with support from their family and family networks, but some children's needs will be supported from outside their family and for a very small number this will be very intensive support. The promotion and assessment of wellbeing will drive the provision of support to all children regardless of the setting that the child is in.

The new Law makes provision for the assessment of children's wellbeing and for wellbeing plans for individual children where they either have an assessed wellbeing need or an assessed health or development need.

A new general duty on the Minister to safeguard and promote the welfare of children with a health or development need² by providing a range and level of services appropriate to those children's needs will help ensure that the right services are available to them.

¹ <http://www.jerseycareinquiry.org/final-report>

² A child has a health or development need if it appears that they need additional services to maintain or achieve a reasonable level health and development. Specifically the new Law refers to children with a disability, children affected by the disability of someone in the family, children who have been in specialist inpatient mental health provision and children who have been assessed by a probation officer as needing further assessment to determine if they would benefit from additional services or support.

Working together: Firstly, to promote co-operation between service providers there is a new duty placed on the ‘responsible Ministers’ to make arrangements to promote co-operation between themselves and relevant providers³ to promote the wellbeing of children and young people.

Secondly, the draft Law will formalise and modernise child safeguarding arrangements and the joint agency working that has already been established in Jersey in respect of children through the Safeguarding Partnership Board. Under the draft Law safeguarding partners must make arrangements, of which there are a number of specified elements, for ensuring that they and relevant providers discharge their functions in relation to children or young people with regard to the need to safeguard and promote the welfare of children and young people and to work together in safeguarding and promoting the welfare of children and young people.

The draft Law also sets out a framework for strategic planning for children and young people’s services in Jersey over a recurring cyclical four-year period, which is intended to tie in with the Common Strategic Policy and Government Plan cycle.

Corporate Parenting: This part of the draft Law applies to looked after children and care leavers and makes explicit the previously implicit understanding that when a child or young person comes into care the Government becomes their corporate parent. This should continue as they leave care and transition to adulthood. The provisions define the corporate parenting duties and responsibilities and set out who the corporate parents are. The public authority corporate parents named in the Schedule along with early years and educational settings and a small number of arms-length or funded bodies together provide a well-rounded and broad perspective across the key domains of wellbeing. In addition, a framework for collaboration between the named corporate parents in respect of planning, reviewing and reporting is set up. Monitoring and review will be driven by the formation in law of a Corporate Parenting Board. The strategic consideration of the needs of this group of children and young people will be augmented by further provisions on the detail of support to be provided to children in care and care leavers through a published ‘local offer’.

New statutory measures and support for looked after children and care leavers: These will be introduced through duties imposed on the Minister for Children and Education. As with children with a health or development need, the Minister will have a general duty to provide children who are looked after and care leavers with a range and level of services appropriate to their needs. This will include a virtual school head and a personal advisor for each care leaver up to the age of 25, as well as new ‘staying put’ arrangements to ease the transition from care to independent living between the age of 18 and 21. The draft Law makes it clear that the services provided to the individual child or care leaver will be on the basis of their individual wellbeing assessment. The existing assessment, planning and review cycle for children in care and for care leavers becomes statutory, and the existing Independent Reviewing Officer function also becomes statutory to provide a robust oversight of looked after children’s care planning.

Independent advocacy and complaints: Lastly the new Law enables the States to make Regulations to require the Minister to make reasonable arrangements to make provision for independent advocacy. The appointment of independent advocates is to act in relation to, and on behalf of children with a health or development need, children in care and care leavers in respect of certain functions under the new Law and this may be extended to other groups of people if they are later identified in the Regulations. The Minister is committed to bringing independent

³ “relevant provider” means a provider of services for children or young people or a provider of related services.

advocacy regulations to the Assembly later this year and is currently [consulting the public](#) on draft arrangements.

Also under this Part, the Minister must also establish a procedure for considering representations and complaints made to the Minister about the discharge of functions under Parts 4, 5 and 7 of the new Law and also provides scope for including aspects of the [Children \(Jersey\) Law 2002](#) and the [Adoption \(Jersey\) Law 1961](#). In the first instance the Minister will be using the existing [Government Compliments, Complaints and Comments Policy](#) to meet the duties set out in this part of the new Law.

Financial and staffing implications:

A significant implication of the new law will require new and improved ways of working within the Children's Social Care Department. The Government Plan 2023-26 secured £6.54 million per annum for system wide reform. In summary the focus of the reform is to enable services to provide evidenced informed approaches to:

- Provide preventative support to help families stay together safely.
- Provide a range of high-quality loving homes for children in care.
- Develop a skilled, compassionate, and committed workforce.
- Work with young people to empower them to be thriving members of our community.

An additional investment of £4 million was included for the provision of a therapeutic children's home.

Children's rights impact assessment:

A Children's Rights Impact Assessment (CRIA) has not been prepared in relation to this proposition as a CRIA is not required in accordance with Schedule 2 to the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).

EXPLANATORY NOTE

This Act provides for the Children and Young People (Jersey) Law 2022 to come into force 7 days after the Act is made.



Jersey

DRAFT CHILDREN AND YOUNG PEOPLE (JERSEY) COMMENCEMENT ACT 202-

*Made**[date to be inserted]**Coming into force**[date to be inserted]*

THE STATES make this Act under Article 48 of the [Children and Young People \(Jersey\) Law 2022](#) –

1 Commencement of the [Children and Young People \(Jersey\) Law 2022](#)

The [Children and Young People \(Jersey\) Law 2022](#) comes into force 7 days after this Act is made.

2 Citation

This Act may be cited as the Children and Young People (Jersey) Commencement Act 202-.